

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION
OF MARK L. COWDREY FOR THE
APPROVAL OF A CHANGE IN PLACE OF
USE OF WATER FROM TUMALO, CRATER,
AND LITTLE CRATER CREEKS, 3 SPRINGS,
CRESCENT LAKE, AND DESCHUTES RIVER.

ORDER APPROVING
TRANSFER NO. C-178

On June 16, 1967, Mark L. Cowdrey filed an application in the office of the State Engineer for the approval of a change in place of use of water from Tumalo, Crater, and Little Crater Creeks, 3 springs, Crescent Lake, and Deschutes River, pursuant to the provisions of ORS 540.510 to 540.530.

The applicant herein is the owner of 23.0 acres with certain water rights appurtenant thereto located within the boundaries of Tumalo Irrigation District. Certificate of water right issued to Tumalo Irrigation District and recorded at page 26050, Volume 18, State Record of Water Right Certificates, confirms a right to the use of the waters of Tumalo Creek, Crater Creek, Little Crater Creek and 3 springs for the irrigation of, among other lands, 23.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 16 South, Range 11 East, W.M., with a date of priority of October 29, 1913.

By Decree of the Circuit Court for Deschutes County, Oregon, entered September 30, 1958, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Deschutes River and its Tributaries, a water right was established for the use of 9.5 cubic feet per second of the waters of Deschutes River for the supplemental irrigation of all lands within the District having a water right, including those lands described above, with a date of priority of 1905.

Certificate of water right issued to Tumalo Irrigation District and recorded at page 26051, Volume 18, State Record of Water Right Certificates, confirms a right to the use of the waters stored in Crescent Lake Reservoir

for the supplemental irrigation of, among other lands, the lands described in the second paragraph of this order, with a date of priority of April 7, 1911.

These lands also have a supplemental right under Permit No. 27841 to the use of the water stored in Crescent Lake Reservoir, with a date of priority of December 8, 1961.

The applicant herein proposes to transfer the water right therefrom, without loss of priority, to 13.0 acres in the NE¹/₄ SE¹/₄, and 10.0 acres in the SE¹/₄ NE¹/₄, Section 34, Township 16 South, Range 11 East, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water only.

Mr. David Rutherford, mortgagee of the lands described, and Tumalo Irrigation District, have submitted statements that they have no objection to the change in place of use of water.

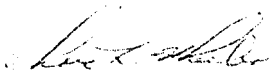
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 23.0 acres in the NW¹/₄ SW¹/₄ of Section 35, Township 16 South, Range 11 East, W.M., with dates of priority of October 29, 1913, for primary irrigation, and 1905 and April 7, 1911 and December 8, 1961 for supplemental irrigation, be severed therefrom and simultaneously and without loss of priority transferred to 13.0 acres in the NE¹/₄ SE¹/₄, and 10.0 acres in the SE¹/₄ NE¹/₄, Section 34, Township 16 South, Range 11 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1968.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of complete application of water to beneficial use on the lands to which the water is transferred hereby, certificates of water right shall be issued to Tumalo Irrigation District confirming the extent to which the water has been applied beneficially at the time certificates are issued confirming other transfers within the District.

Dated at Salem, Oregon, this 18th day of July, 1967.



CHRIS L. WHEELER
State Engineer