

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
 JACK VOGT (TUMALO IRRIGATION)
 DISTRICT) FOR APPROVAL OF A CHANGE)
 IN PLACE OF USE OF WATER)

ORDER APPROVING
 TRANSFER 4237

On June 8, 1979, an application was filed in the office of the Water Resources Director by Jack Vogt for approval of a change in place of use of water from Tumalo Creek, Deschutes River, Crater Creek, Little Crater Creek and three spring branches, and Crescent Lake Reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

By Decrees of the Circuit Court for Crook County, Oregon, entered May 1, 1911 and August 27, 1958, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Tumalo Creek, a tributary of Deschutes River, as now described by certificates issued in the name of Tumalo Irrigation District and recorded at page 31410, Volume 23 and page 26508, Volume 18, State Record of Water Right Certificates, and by certificate of water right issued to Tumalo Irrigation District and recorded at page 26050, Volume 18, State Record of Water Right Certificates, rights to the use of water from Tumalo Creek were allowed as described by SCHEDULE "A":

<u>Township</u>	<u>Range</u>	<u>Sec.</u>	<u>1/4-1/4</u>	<u>Acres</u>	<u>Cert.</u>	<u>Priority</u>	<u>Owner</u>	<u>Vol/Pg</u>
16S	11E	22	SW SE	3.54	26508	9-1900	D. L. McClean	2/257
16S	11E	22	SW SE	2.00	26508	9-1900	D. L. McClean	2/257
16S	11E	22	SW SE	0.80	31410	9-1900	W. P. George	2/292
16S	11E	22	SW SE	2.70	31410	9-1900	W. P. George	2/292
16S	11E	25	SW NW	3.40	26050	10-29-13	Tumalo Irrig. Dist.	2/245
16S	11E	25	NE SW	0.52	26050	10-29-13	Tumalo Irrig. Dist.	2/245
16S	11E	25	NW SW	4.70	26050	10-29-13	Tumalo Irrig. Dist.	2/245
16S	11E	27	NW SW	4.60	26508	8-5-1900	Charles Porter	2/258
16S	11E	27	NW SW	7.50	31410	8-5-1900	Ira. E. Wimer	2/292
16S	11E	27	NW SW	0.80	26050	10-29-13	Tumalo Irrig. Dist.	2/245

These lands also have supplemental rights evidenced by certificate recorded at page 31412, Volume 23, State Record of Water Right Certificates, to the use of water from Deschutes River, with a date of priority of 1905; Certificate 26050, Volume 18, to the use of water from Tumalo Creek, Crater Creek, Little Crater Creek and three spring branches, with a date of priority of October 29, 1913; Certificate 26051, Volume 18, to the use of waters of Crescent Lake Reservoir, with a date of priority of April 7, 1911; and Permit 27841 for the use of waters of Crescent Lake Reservoir, with a priority date of December 8, 1961.

The applicant herein proposes to transfer the water rights therefrom, without loss of priority, to those properties described in SCHEDULE "B", as follows:

<u>Township</u>	<u>Range</u>	<u>Sec.</u>	<u>1/4-1/4</u>	<u>Acres to be Irrigated</u>	<u>Certificate</u>	<u>Priority</u>	<u>Current Owner</u>
16S	11E	24	SW SE	1.50	31410	8-5-00	Stead
16S	11E	24	SW SE	3.50	31410	9-00	Stead
16S	11E	25	NW SE	0.36	26050	10-29-13	Lelco
16S	11E	27	NW NE	0.20	26508	9-00	Samuel
16S	12E	19	NE SW	1.94	26508	9-00	Mathewson
16S	12E	19	NE SW	0.06	26050	10-29-13	Mathewson
16S	12E	19	NE SW	1.00	31410	8-5-00	McBride
16S	12E	19	NE SW	1.00	31410	8-5-00	Ward
16S	12E	19	NE SW	1.00	26050	10-29-13	Lehman
16S	12E	19	NE SW	2.4	26508	9-00	Terrill
16S	12E	19	NE SW	4.6	26508	8-5-00	Terrill
16S	12E	19	NW SW	1.0	26508	9-00	Terrill
16S	12E	19	NW SW	1.0	26050	10-29-13	Gow & Hatcher
16S	12E	19	NW SW	1.0	26050	10-29-13	Zimmermann
16S	12E	19	NW SW	5.0	26050	10-29-13	Kruse
16S	12E	19	NW SW	1.0	31410	8-5-00	VanDeZande
16S	12E	19	NW SW	2.0	31410	8-5-00	Tucker
16S	12E	19	NW SW	1.0	31410	8-5-00	Hickman
16S	12E	19	SE SW	1.0	26050	10-29-13	Rash

The lands involved herein are within the boundaries of the Tumalo Irrigation District and the Board of Directors of said District approved the proposed change in place of use of water at a regular meeting.

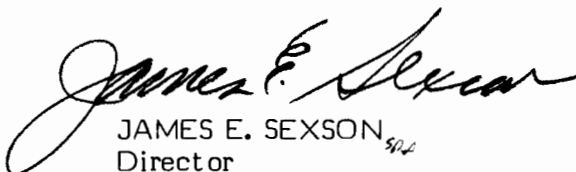
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1983.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of complete application of water to beneficial use on the lands to which the water is transferred hereby, a certificate of water right shall be issued to Tumalo Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon this 25th day of September, 1981.


 JAMES E. SEXSON
 Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.