

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application            )    **F I N A L   O R D E R**  
T-10512, Deschutes County                    )    **APPROVING A DISTRICT**  
  )    **PERMANENT TRANSFER**

ORS 540.570 to 540.580 establishes the process in which a district may submit a request to transfer a water right within district boundaries. OAR Chapter 690, Division 385 implements the statutes and provides the Department’s procedures and criteria for evaluating district transfer applications.

**Applicant**

TUMALO IRRIGATION DISTRICT  
64697 COOK AVENUE  
BEND, OREGON 97701

**Findings of Fact**

1. On December 24, 2007, Tumalo Irrigation District filed a district transfer application to permanently change the place of use under Certificates 74146, 74147, 74148, 74149, 76106, and 76520. The Department assigned the application number T-10512.
2. Notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the first right to be transferred is as follows:  
**Certificate:** 74146, issued in the name of Tumalo Irrigation District  
**Use:** Irrigation  
**Priority Date:** August 5, 1900, September 1900, April 28, 1905, May 27, 1907, and June 1, 1907.  
**Rate & Duty:** Maximum of 1/70 cfs per acre & 1.8 acre-feet per acre per year.  
**Source:** Tumalo Creek, tributary to Deschutes River.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied

**Authorized Place of Use:**

PRIORITY	TWP	RNG	MER	SEC	1/4 - 1/4	TL	USER	AC	NOT#
9/1/1900	16 S	11 E	WM	15	SW NE	00500	MUELLER	8.65	N06-012
9/1/1900	16 S	11 E	WM	15	SW NE	00500	MUELLER	3.25	N06-015
9/1/1900	16 S	11 E	WM	25	SE NW	00406	HUGHES	1.17	N07-001
6/1/1907	16 S	12 E	WM	16	NW NW	00600	MORTON	0.60	N06-016
6/1/1907	16 S	12 E	WM	17	SW NE	00700	WOLF	0.43	N07-004
6/1/1907	16 S	12 E	WM	17	NE SE	02500	DRRG, LLC	0.60	N06-012
<b>TOTAL:</b>								14.70	

4. Application T-10270 proposes to change the place of use to:

PRIORITY	TWP	RNG	MER	SEC	1/4 - 1/4	TL	USER	AC	NOT#
9/1/1900	16S	11 E	WM	25	SE NW	00405	BONTRAGER FAM TRUST	1.17	N07-001
9/1/1900	16S	12 E	WM	16	SW NW	00700	DRRG, LLC	4.15	N06-012
6/1/1907	16 S	12 E	WM	16	SW NW	00700	DRRG, LLC	0.60	N06-016
9/1/1900	16 S	12 E	WM	16	SW NW	00800	DRRG, LLC	3.25	N06-015
9/1/1900	16 S	12 E	WM	17	NE SE	02500	DRRG, LLC	4.50	N06-012
6/1/1907	16S	12 E	WM	17	SW NE	00702	MUELLER	0.43	N07-004
6/1/1907	16 S	12 E	WM	17	NE SE	02500	DRRG, LLC	0.60	N06-012
<b>TOTAL</b>								14.70	

5. The portion of the second right to be transferred is as follows:

**Certificate:** 74147, issued in the name of Tumalo Irrigation District

**Use:** Irrigation

**Priority Date:** October 29, 1913

**Rate & Duty:** Apr 1 to May 1 and Oct 1 to Nov 1 --1/80 cfs per acre

May 1 to May 15 and Sep 15 to Oct 1 -1/60 cfs

May 15 to Sep 15 1/32.4 cfs, and 9.91 acre-feet per acre during the season.

**Source:** Tumalo Creek Crater Creek, Little Crater Creek and Three Springs Creek, tributaries of Deschutes River.

**Authorized Place of Use:**

PRIORITY	TWP	RNG	MER	SEC	1/4 - 1/4	TL	USER	AC	NOT#
10/29/1913	16 S	11 E	WM	35	SW NW	1100	SCHOCK	4.76	N07-003

6. Application T-10270 proposes to change the place of use to:

PRIORITY	TWP	RNG	MER	SEC	1/4 - 1/4	TL	USER	AC	NOT#
10/29/1913	16 S	11 E	WM	35	SW NW	1100	SCHOCK	4.76	N07-003

6. The portion of the sixth right to be transferred is as follows:

**Certificate:** 76106, issued in the name of Tumalo Irrigation District

**Use:** Irrigation

**Priority Date:** December 8, 1961

**Rate & Duty:** 1/70 cfs per acre, and 2.5 acre-feet per acre per year.

**Source:** Tumalo Creek and Upper Tumalo Reservoir, tributaries of Deschutes River.

**Authorized Place of Use:**

PRIORITY	TWP	RNG	MER	SEC	1/4 - 1/4	TL	USER	AC	NOT#
12/8/1961	16 S	12 E	WM	16	SW NW	00700	DRRG, LLC	0.50	N06-012

7. Application T-10052 proposes to change the place of use to:

PRIORITY	TWP	RNG	MER	SEC	1/4 - 1/4	TL	USER	AC	NOT#
12/8/1961	16 S	12 E	WM	16	SW NW	00700	DRRG, LLC	0.50	N06-012

8. The portion of the third right to be transferred is as follows:

**Certificate:** 74147, issued in the name of Tumalo Irrigation District

**Use:** Supplemental Irrigation

**Priority Date:** October 29, 1913

**Rate & Duty:** Apr 1 to May 1 and Oct 1 to Nov 1 --1/80 cfs per acre

May 1 to May 15 and Sep 15 to Oct 1 -1/60 cfs

May 15 to Sep 15 1/32.4 cfs, and 9.91 acre-feet per acre during the season.

**Source:** Tumalo Creek, Crater Creek, Little Crater Creek, and Three Spring branches, tributaries of the Deschutes River.

**Authorized Place of Use:**

PRIORITY	TWP	RNG	MER	SEC	1/4 - 1/4	TL	USER	AC	NOT#
10/29/1913	16 S	11E	WM	15	SW NE	00500	MUELLER	8.65	N06-012
10/29/1913	16 S	11E	WM	15	SW NE	00500	MUELLER	3.25	N06-015
10/29/1913	16 S	11E	WM	25	SE NW	00406	HUGHES	1.17	N07-001
10/29/1913	16 S	12E	WM	16	NW NW	00600	MORTON	0.60	N06-016
10/29/1913	16 S	12E	WM	17	SW NE	00700	WOLF	0.43	N07-004
10/29/1913	16 S	12E	WM	17	NE SE	02500	DRRG, LLC	0.60	N06-012
TOTAL								14.70	

9. Application T-10270 proposes to change the place of use to:

PRIORITY	TWP	RNG	MER	SEC	1/4 - 1/4	TL	USER	AC	NOT#
10/29/1913	16 S	11E	WM	25	SE NW	00405	BONTRAGER FAM TRUST	1.17	N07-001
10/29/1913	16 S	12E	WM	16	SW NW	00700	DRRG, LLC	4.15	N06-012
10/29/1913	16 S	12E	WM	16	SW NW	00700	DRRG, LLC	0.60	N06-016
10/29/1913	16 S	12E	WM	16	SW NW	00800	DRRG, LLC	3.25	N06-015
10/29/1913	16 S	12E	WM	17	SW NE	00702	MUELLER	0.43	N07-004
10/29/1913	16 S	12E	WM	17	NE SE	02500	DRRG, LLC	0.60	N06-012
10/29/1913	16 S	12E	WM	17	NE SE	02500	DRRG, LLC	4.50	N06-012
TOTAL								14.70	

10. The portion of the fourth right to be transferred is as follows:

**Certificate:** 74148, issued in the name of Tumalo Irrigation District.

**Use:** Supplemental Irrigation

**Priority Date:** April 7, 1911

**Rate & Duty:** Maximum of 7.4 acre-feet per year (May 15 – September 15 season)

**Source:** Crescent Lake Reservoir, a tributary of Crescent Creek.

**Authorized Place of Use:**

PRIORITY	TWP	RNG	MER	SEC	1/4 - 1/4	TL	USER	AC	NOT#
4/7/1911	16 S	11E	WM	15	SW NE	00500	MUELLER	8.65	N06-012
4/7/1911	16 S	11E	WM	15	SW NE	00500	MUELLER	3.25	N06-015
4/7/1911	16 S	11E	WM	25	SE NW	00406	HUGHES	1.17	N07-001
4/7/1911	16 S	11 E	WM	35	SW NW	1100	SCHOCK	4.76	N07-003
4/7/1911	16 S	12E	WM	16	NW NW	00600	MORTON	0.60	N06-016
4/7/1911	16 S	12E	WM	17	SW NE	00700	WOLF	0.43	N07-004
4/7/1911	16 S	12E	WM	17	NE SE	02500	DRRG, LLC	0.60	N06-012
<b>TOTAL</b>								19.46	

11. Application T-10270 proposes to change the place of use to:

PRIORITY	TWP	RNG	MER	SEC	1/4 - 1/4	TL	USER	AC	NOT#
4/7/1911	16 S	11E	WM	25	SE NW	00405	BONTRAGER FAM TRUST	1.17	N07-001
4/7/1911	16 S	11 E	WM	35	SW NW	1100	SCHOCK	4.76	N07-003
4/7/1911	16 S	12E	WM	16	SW NW	00700	DRRG, LLC	4.15	N06-012
4/7/1911	16 S	12E	WM	16	SW NW	00700	DRRG, LLC	0.60	N06-016
4/7/1911	16 S	12E	WM	16	SW NW	00800	DRRG, LLC	3.25	N06-015
4/7/1911	16 S	12E	WM	17	SW NE	00702	MUELLER	0.43	N07-004
4/7/1911	16 S	12E	WM	17	NE SE	02500	DRRG, LLC	0.60	N06-012
4/7/1911	16 S	12E	WM	17	NE SE	02500	DRRG, LLC	4.50	N06-012
<b>TOTAL</b>								19.46	

12. The portion of the fifth right to be transferred is as follows:

**Certificate:** 74149, issued in the name of Tumalo Irrigation District

**Use:** Supplemental Irrigation

**Priority Date:** 1905

**Rate & Duty:** Maximum of 9.5 acre-feet per acre per year.

**Source:** Deschutes River, a tributary of the Columbia River.

**Authorized Place of Use:**

PRIORITY	TWP	RNG	MER	SEC	1/4 - 1/4	TL	USER	AC	NOT#
1905	16 S	11E	WM	15	SW NE	00500	MUELLER	8.65	N06-012
1905	16 S	11E	WM	15	SW NE	00500	MUELLER	3.25	N06-015
1905	16 S	11E	WM	25	SE NW	00406	HUGHES	1.17	N07-001
1905	16 S	11 E	WM	35	SW NW	1100	SCHOCK	4.76	N07-003
1905	16 S	12E	WM	16	NW NW	00600	MORTON	0.60	N06-016
1905	16 S	12 E	WM	16	SW NW	00700	DRRG, LLC	0.50	N06-012
1905	16 S	12E	WM	17	SW NE	00700	WOLF	0.43	N07-004
1905	16 S	12E	WM	17	NE SE	02500	DRRG, LLC	0.60	N06-012
<b>TOTAL</b>								19.96	

13. Application T-10270 proposes to change the place of use to:

PRIORITY	TWP	RNG	MER	SEC	1/4 - 1/4	TL	USER	AC	NOT#
1905	16 S	11E	WM	25	SE NW	00405	BONTRAGER FAM TRUST	1.17	N07-001
1905	16 S	11 E	WM	35	SW NW	1100	SCHOCK	4.76	N07-003
1905	16 S	12E	WM	16	SW NW	00700	DRRG, LLC	4.15	N06-012

PRIORITY	TWP	RNG	MER	SEC	1/4 - 1/4	TL	USER	AC	NOT#
1905	16 S	12E	WM	16	SW NW	00700	DRRG, LLC	0.60	N06-012
1905	16 S	12E	WM	16	SW NW	00700	DRRG, LLC	0.60	N06-016
1905	16 S	12E	WM	16	SW NW	00800	DRRG, LLC	3.25	N06-015
1905	16 S	12E	WM	17	SW NE	00702	MUELLER	0.43	N07-004
1905	16 S	12E	WM	17	NE SE	02500	DRRG, LLC	4.50	N06-012
1905	16 S	12 E	WM	17	NE SE	02500	DRRG, LLC	0.50	N06-012
TOTAL								19.96	

14. The portion of the sixth right to be transferred is as follows:

**Certificate:** 76520, issued in the name of Tumalo Irrigation District

**Use:** Supplemental Irrigation

**Priority Date:** December 8, 1961

**Rate & Duty:** Maximum of 9.91 acre-feet per acre per year.

**Source:** Crescent Lake Reservoir, tributary of Crescent Creek and Little Deschutes River.

**Authorized Place of Use:**

PRIORITY	TWP	RNG	MER	SEC	1/4 - 1/4	TL	USER	AC	NOT#
12/8/1961	16 S	11E	WM	15	SW NE	00500	MUELLER	8.65	N06-012
12/8/1961	16 S	11E	WM	15	SW NE	00500	MUELLER	3.25	N06-015
12/8/1961	16 S	11E	WM	25	SE NW	00406	HUGHES	1.17	N07-001
12/8/1961	16 S	11 E	WM	35	SW NW	1100	SCHOCK	4.76	N07-003
12/8/1961	16 S	12E	WM	16	NW NW	00600	MORTON	0.60	N06-016
12/8/1961	16 S	12 E	WM	16	SW NW	00700	DRRG, LLC	0.50	N06-012
12/8/1961	16 S	12E	WM	17	SW NE	00700	WOLF	0.43	N07-004
12/8/1961	16 S	12E	WM	17	NE SE	02500	DRRG, LLC	0.60	N06-012
TOTAL								19.96	

15. Application T-10270 proposes to change the place of use to:

PRIORITY	TWP	RNG	MER	SEC	1/4 - 1/4	TL	USER	AC	NOT#
12/8/1961	16 S	11E	WM	25	SE NW	00405	BONTRAGER FAM TRUST	1.17	N07-001
12/8/1961	16 S	11 E	WM	35	SW NW	1100	SCHOCK	4.76	N07-003
12/8/1961	16 S	12E	WM	16	SW NW	00700	DRRG, LLC	4.15	N06-012
12/8/1961	16 S	12E	WM	16	SW NW	00700	DRRG, LLC	0.60	N06-012
12/8/1961	16 S	12E	WM	16	SW NW	00700	DRRG, LLC	0.60	N06-016
12/8/1961	16 S	12E	WM	16	SW NW	00800	DRRG, LLC	3.25	N06-015
12/8/1961	16 S	12E	WM	17	SW NE	00702	MUELLER	0.43	N07-004
12/8/1961	16 S	12E	WM	17	NE SE	02500	DRRG, LLC	4.50	N06-012
12/8/1961	16 S	12 E	WM	17	NE SE	02500	DRRG, LLC	0.50	N06-012
TOTAL								19.96	

**Transfer Review Criteria (OAR 690-385-5000)**

16. The district permanent transfer application satisfies the criteria of OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.

17. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
18. The proposed change in place of use would not result in enlargement of the rights.
19. The proposed change in place of use would not result in injury to other water rights

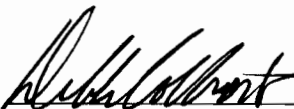
### **Conclusions of Law**

The proposed changes in place of use in Transfer Application T-10512 satisfy the requirements of ORS 540.574(3) and 540.580.

### **Now, therefore, it is ORDERED:**

1. The proposed changes to the water rights evidenced by Certificates 74146, 74147, 74148, 74149, 76106, and 76520 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 74146, 74147, 74148, 74149, 76106 and 76520 and any related decree.
3. The former places of use shall no longer be irrigated as part of these water rights.
4. The proposed change, as authorized by this final order, shall be completed within one full year from the approval date plus any additional time before or until October 1, 2009.
5. A Claim of Beneficial Use shall be submitted by the applicant to the Department by October 1, 2010.
6. Certificates 74146, 74147, 74148, 74149, 76106 and 76520 are hereby modified. The Department will issue superseding certificates describing the rights when it determines that it is necessary for record keeping.

Dated at Salem, Oregon this 25<sup>th</sup> day of June, 2008.

*PC*   
Phillip C. Ward, Director

*Mailing Date:* JUN 27 2008