

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
THE RIMROCK ASSOCIATION OF BEND, INC.)
(TUMALO IRRIGATION DISTRICT))
FOR APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER)

ORDER APPROVING
TRANSFER 5642

On May 22, 1985, an application was filed in the office of the Water Resources Director by The Rimrock Association of Bend, Inc., 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.

Certificate of water right issued to Tumalo Irrigation District and recorded at page 26050, Volume 18, State Record of Water Right Certificates, describes a right to the use of not to exceed 136.0 cubic feet per second of water from Tumalo Creek, supplemented by the use of not to exceed 40.0 cubic feet per second from Crater Creek; not to exceed 34.0 cubic feet per second from Little Crater Creek; and not to exceed 1.0 cubic foot per second from three spring branches for irrigation of, among other lands, a certain 7.8 acres within Tumalo Irrigation District with a date of priority of October 29, 1913.

On July 14, 1978, the Water Resources Director entered an order at page 56, Volume 31, Special Order Record, approving Water Right Transfer 3990, for a change in place of use of said 7.8 acres to irrigation of 2.8 acres in NE 1/4 NW 1/4 and 5.0 acres in NW 1/4 NW 1/4, Section 20, Township 17 South, Range 12 East, WM.

Said lands can only be irrigated through the Bend Feed Canal from Deschutes River, which is for supplemental irrigation only. Water from Tumalo Creek cannot be delivered to said lands.

By Transfer Application 5642, The Rimrock Association of Bend, Inc., requests that the portion of the order approving Transfer 3990 authorizing a change in place of use of aforesaid 7.8 acres be rescinded, and said water right be used for irrigation of 0.8 acre in SE 1/4 SE 1/4 (TL 2400), Section 19, Township 16 South, Range 12 East, WM (C-5); 6.0 acres in NE 1/4 NW 1/4 and 1.0 acre in NW 1/4 NW 1/4 (both TL 300), Section 11, Township 17 South, Range 11 East, WM, (Miller).

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.

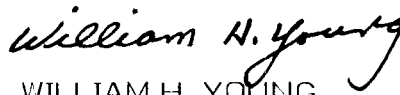
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that said portion of the order approving Transfer 3990 is rescinded, and the proposed change in place of use is approved, without loss of priority.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1986.

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, the change of water right is considered perfected, and at a later date a certificate of water right shall be issued to Tumalo Irrigation District confirming this and other changes within the District, and superseding Certificate 26050.

Dated at Salem, Oregon, this 1st day of July, 1985.


WILLIAM H. YOUNG, Dir.
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.

0056/h
9225C