

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF)
THE CANCELLATION)
OF A WATER RIGHT)

O R D E R

On July 5, 1962, notice was given by certified mail pursuant to the provisions of ORS 540.631 to 540.650 to Ellis Hatch and Florence Hatch, Route 2, Box 64, Bend, Oregon, owners and occupants of the land to which a water right hereinafter described is appurtenant, of the State Engineer's intention to cancel said right.

The right in question is a part of the right established by decree of the Circuit Court for Crook County, now Deschutes County, entered May 1, 1911 in the Matter of the Determination of the Relative Rights to the Use of the Waters of Tumalo Creek, tributary of Deschutes River, and confirmed by certificate issued to the Tumalo Irrigation Company and recorded at page 96, Volume 1, State Record of Water Right Certificates.

Said right in question is for the use of the waters of Tumalo Creek through the Tumalo Canal for domestic use and the irrigation of 1.5 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 4.1 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.7 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 2.2 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 1.3 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, Township 17 South, Range 11 East, W.M. with a date of priority of April 28, 1905.

That part of the right confirmed by the above certificate for domestic use and the irrigation of 30.5 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 15.9 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 27.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 18.0 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 28.8 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 11.8 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 17.2 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 1.5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 10.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, Township 17 South, Range 11 East, W.M. and 10.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, Township 17 South, Range 12 East, W.M. is not in question.

No protest having been filed against the proposed cancellation of the water right within the sixty-day period immediately following the

notice, the water right should be canceled.

NOW, THEREFORE, it is ORDERED that the water right evidenced by certificate of water right heretofore issued to the Tumalo Irrigation Company and recorded at page 96, Volume 1, State Record of Water Right Certificates, be and the same hereby is canceled and that a new certificate of water right shall be issued to the Tumalo Irrigation District confirming the right to the use of the waters of Tumalo Creek for domestic use and the irrigation of 30.5 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 15.9 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 27.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 18.0 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 28.8 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 11.8 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 17.2 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 1.5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 10.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, Township 17 South, Range 11 East, W.M., and 10.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, Township 17 South, Range 12 East, W.M.

Dated at Salem, Oregon this 8th day of January, 1963.

Noted by Secy
7-11-63
Page 96

Chris L. Wheeler
CHRIS L. WHEELER
State Engineer