

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
 OF RICHARD THOMSON (TUMALO IRRIG-)
 GATION DISTRICT) FOR THE APPROVAL)
 OF A CHANGE IN PLACE OF USE OF)
 WATER FROM TUMALO CREEK, DESCHUTES)
 RIVER, CRATER CREEK, LITTLE CRATER)
 CREEK AND THREE SPRINGS AND CRESCENT)
 LAKE RESERVOIR)

ORDER APPROVING
TRANSFER NO. 2559

On August 23, 1971, Richard Thomson filed an application in the office of the State Engineer for the approval of a change in place of use of water from Tumalo Creek, Deschutes River, Crater Creek, Little Crater Creek and Three Springs 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, confirms 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 of water from Crater Creek and not to exceed 34.0 cubic feet per second of water from Little Crater Creek and not to exceed 1.0 cubic foot per second from three spring branches for irrigation of, among other lands, 7.0 acres in the SE~~X~~ NE~~X~~, Section 33, 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 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, a water right was established in the name of Tumalo Irrigation District, tabulated in the name of W. D. Collins, for the irrigation of, among other lands, 14.0 acres in the NE~~X~~ SE~~X~~, Section 33, and 3.1 acres in the NW~~X~~ SW~~X~~, Section 34, Township 16 South, Range

11 East, W.M., with a date of priority of August 5, 1900, as evidenced by certificate recorded at page 26508, Volume 18, State Record of Water Right Certificates.

By Decree of the Circuit Court for Crook County, Oregon, entered May 1, 1900, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Tumalo Creek, a tributary of the Deschutes River, a water right was established in the name of Tumalo Irrigation District for the irrigation of, among other lands, 10.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 6.9 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 16 South, Range 11 East, W.M., with a date of priority of September, 1900, as evidenced by certificate recorded at page 31410, Volume 23, State Record of Water Right Certificates.

The 7.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, also have supplemental rights evidenced by certificate recorded at page 26051, Volume 18, State Record of Water Right Certificates, to the use of the waters of Crescent Lake Reservoir, with a date of priority of April 7, 1911; 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; and permit No. 27841 for the use of waters of Crescent Lake Reservoir, with a date of priority of December 8, 1961. The 14.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, also have supplemental rights evidenced by certificate recorded at page 26050, Volume 18, State Record of Water Right Certificates, to the use of water from Tumalo Creek, Crater Creek, Little Crater Creek and Three Springs, with a date of priority of October 29, 1913; certificate 26051; certificate 31412; and permit 27841. The 10.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, also have supplemental rights evidenced by certificate 26050; certificate 26051; certificate 31412; and permit 27841. The 6.9 acres and 3.1 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, also have supplemental rights evidenced by certificate 26050; certificate 26051; certificate 31412;

and permit 27841.

The applicant herein, owner of the lands above described, proposes to transfer the water rights therefrom, without loss of priority, to 10.0 acres in the SE¼ SW¼, Section 12, 10.0 acres in the SE¼ SW¼, Section 13, 4.0 acres in the NW¼ NE¼, Section 24, Township 17 South, Range 11 East, 10.0 acres in the SE¼ NE¼, Section 17, and 7.0 acres in the NW¼ SW¼, Section 30, Township 16 South, Range 12 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.

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.

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 is hereby ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 7.0 acres in the SE¼ NE¼, Section 33, Township 16 South, Range 11 East, W.M., as evidenced by certificate recorded at page 26050, with a date of priority of October 29, 1913, together with the supplemental rights evidenced by certificates recorded at pages 26051 and 31412, be severed therefrom and simultaneously and without loss of priority transferred to 7.0 acres in the NW¼ SW¼, Section 30, Township 16 South, Range 12 East, W.M.; 14.0 acres in the NE¼ SE¼, Section 33, Township 16 South, Range 11 East, W.M., as evidenced by certificate recorded at page 26508, with a date of priority of August 5, 1900, together with the supplemental rights evidenced by certificates

recorded at pages 26050, 26051, and 31412, be severed therefrom and simultaneously and without loss of priority transferred to 10.0 acres in the SE¼ NE¼, Section 17, Township 16 South, Range 12 East, W.M. and 4.0 acres in the NW¼ NE¼, Section 24, Township 17 South, Range 11 East, W.M.; 10.0 acres in the SW¼ NW¼, Section 34, Township 16 South, Range 11 East, W.M., as evidenced by certificate recorded at page 31410, with a date of priority of August 5, 1900, together with the supplemental rights evidenced by certificates recorded at pages 26050, 26051, and 31412, be severed therefrom and simultaneously and without loss of priority transferred to 10.0 acres in the SE¼ SW¼, Section 13, Township 17 South, Range 11 East, W.M.; 6.9 acres in the NW¼ SW¼, as evidenced by certificate recorded at page 31410, with a date of priority of August 5, 1900, and 3.1 acres in the NW¼ SW¼, as evidenced by certificate recorded at page 26508, with a date of priority of August 5, 1900, Section 34, Township 16 South, Range 11 East, W.M., together with the supplemental rights evidenced by certificates recorded at pages 26050, 26051, and 31412, be severed therefrom and simultaneously and without loss of priority transferred to 10.0 acres in the SE¼ SW¼, Section 12, Township 17 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, 1972.

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, certificate of water right shall be issued to Tumalo Irrigation District at the time certificate is issued to the District confirming other transfers within the District.

Dated at Salem, Oregon, this 18th day of November, 1971.


CHRIS L. WHEELER
State Engineer