

**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-10158, Deschutes County) **APPROVING A DISTRICT**
) **TEMPORARY TRANSFER**

ORS 540.570 establishes the process in which a district may submit a request to temporarily 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 Town District Improvement Company
#1 64672 Cook Avenue, Suite 2
Bend, OR 97701

Findings of Fact

1. On April 27, 2006, Tumalo Town District Improvement Company filed a district transfer application to temporarily change the place of use under Certificate 76465. The Department assigned the application number T-10158.
2. Notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-3400. No comments were filed in response to the notice.
3. The portion of the right to be transferred is as follows:

Certificate: 76465, issued in the name of Tumalo Town District Improvement Company
Use: Irrigation
Priority Date: August 3, 1950 and September 30, 1952
Rate & Duty: 1/40 cfs and 4.0 acre-feet per acre per irrigation season
Source: Deschutes River

Authorized Point of Diversion:

TWP	RNG	MER	SEC	1/4 -1/4	SURVEY COORDINATES
17 S	12 E	WM	6	NW SE	2230 FEET NORTH AND 1650 FEET WEST FROM SE CORNER OF SECTION 6.

Authorized Place of Use:

TWP	RNG	MER	SEC	1/4 -1/4	TL	ACRES	USER
16 S	12 E	W.M.	31	SW NE	5201	0.145	BURSS

4. Application T-10158 proposes to change the place of use of the right to:

This is a final order in other than 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 either 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.

Proposed Place of Use:

TWP	RNG	MER	SEC	1/4 -1/4	TL	ACRES	USER
16 S	12 E	W.M.	31	SW NE	5204	0.145	MARTIN

5. The proposed changes in place of use would not result in enlargement of the rights.
6. The proposed changes would not result in injury to other water rights.

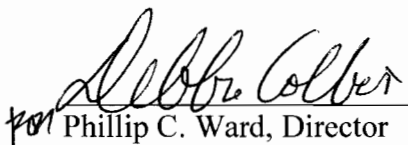
Conclusions of Law

The proposed changes in application T-10158 satisfy the requirements of ORS 540.574(3) and 540.570.

Now, therefore, it is ORDERED:

1. The proposed changes to the water rights evidenced by Certificate 76465 are approved.
2. The temporary transfer is effective for the 2006 irrigation season.
3. 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 Certificate 76465 and any related decree.
4. The use of water on the lands from which the water right is transferred and at the new temporary place of use during the same irrigation season or calendar year is prohibited and may subject the district and landowner to civil penalties.
5. The use of water under this temporary transfer may be conditioned or revoked at any time to the extent necessary to avoid injury if the Department finds the transfer causes injury to any existing water right.
6. At the end of the 2006 irrigation season all uses of water under this temporary transfer revert automatically to the terms and conditions of the original water right permit, certificate, or adjudication as evidenced by a court decree.

Dated at Salem, Oregon this 13th day of October, 2006.


Phillip C. Ward, Director

Mailing Date: OCT 16 2006