

STATE OF OREGON

COUNTY OF DESCHUTES

**ORDER APPROVING A CHANGE IN PLACE OF USE
IN AN IRRIGATION DISTRICT**

Pursuant to ORS 540.580 (District Transfer place of use of water within a district), after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8607 submitted by

TUMALO IRRIGATION DISTRICT
64697 COOK AVENUE
BEND, OREGON 97701

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County as evidenced by portions of Certificate 74146. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 135. The dates of priority are August 5, 1900, and June 1, 1907.

The right allows the use of Tumalo Creek, a tributary of The Deschutes River for irrigation of 5.77 acres.

This right has supplemental rights under Certificates 74147, 74148, 74149 and 76520. The authorized places of use are located as follows:

TWP	RNG	SEC	QTRQTR	TL	AC	APPLICANT	DIST #	PRIORITY
16S	11E	34	SE¼ NW¼	401	0.62	McKINNEY, TODD A. & HOLLY A.	N00.001	8/5/1900
16S	12E	8	NE¼ SE¼	1300	2.11	LINDNER, BENJAMIN & COLE, LESLIE D.	N00.004	6/1/1907
17S	11E	2	NW¼ NW¼	300	0.99	HERMELING, TERRY A.	N00.004	6/1/1907

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.



State of Oregon
Water Resources Department
 158 12th Street NE
 Salem, OR 97310
 (503)378-8455

Memorandum

April 25, 2001

To: File T-8607
From: *Greg*
 Greg Nelson, Field Services Division
 378-8455, extension 285
Subject: Scrivener's Error and Order Correction

Page 2 of the order approving T-8607, recorded at Sp. Or. Vol. 55, page 338, contains a scrivener's error. The error incorrectly identifies the authorized place of use for District Notice #N00.003, in the name of RELIANCE FUNDING CORP. The correct location of place of use authorized by Certificate 74147 should read **NE**¼ SE¼, not the NW¼ SE¼.

Please make the necessary hand correction to the order approving T-8607. This memo will attach to the file and order to document the change.

The correction to the order on Page 2, for Certificate 74147, is highlighted in **bold** and is as follows:

The second right to be modified, as evidenced by a portion of Certificate 74147, was perfected under Permit 19628 with a priority date of October 29, 1913.

The right allows the use of Tumalo Creek, Crater Creek, Little Crater Creek and three spring branches, tributaries of The Deschutes River, for irrigation of 14.57 acres.

This right has supplemental rights under Certificates 74148, 74149 and 76520.

The authorized place of use is located as follows:

TWP	RNG	SEC	QTRQTR	TL	AC	APPLICANT	DIST #	PRIORITY
16S	11E	35	NW¼ SW¼	1601	5.69	BLOYER, DANIEL E. & LISA M.	N00.002	10/29/1913
16S	11E	26	NW¼ SE¼	202	4.66	MILEM, JOHN W. & KATHLEEN	N00.003	10/29/1913
16S	11E	26	NW¼ SE¼	203	0.83	MILEM, JOHN W. & KATHLEEN	N00.003	10/29/1913
16S	11E	26	NE¼ SE¼	600	3.39	RELIANCE FUNDING CORP.	N00.003	10/29/1913

TWP	RNG	SEC	QTRQTR	TL	AC	APPLICANT	DIST #	PRIORITY
16S	12E	8	SE¼ NE¼	801	2.05	O'BANION, FRED & KARIN	N00.005	6/1/1907

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TWP	RNG	SEC	QTRQTR	TL	AC	APPLICANT	DIST #	PRIORITY
16S	11E	35	NW¼ SW¼	1601	5.69	BLOYER, DANIEL E. & LISA M.	N00.002	10/29/1913
16S	11E	26	NW¼ SE¼	202	4.66	MILEM, JOHN W. & KATHLEEN	N00.003	10/29/1913
16S	11E	26	NW¼ SE¼	203	0.83	MILEM, JOHN W. & KATHLEEN	N00.003	10/29/1913
16S	11E	26	NW¼ SE¼	600	3.39	RELIANCE FUNDING CORP.	N00.003	10/29/1913

The third right to be modified, as evidenced by a portion of Certificate 76106, was perfected under Permit 27840 with a priority date of December 8, 1961.

The right allows the use of Tumalo Creek and Upper Tumalo Reservoir, constructed under Permit R-2743, tributaries of The Deschutes River for irrigation of 6.2 acres.

This right has supplemental rights under Certificates 74149 and 76520.

The authorized place of use is located as follows:

TWP	RNG	SEC	QTRQTR	TL	AC	APPLICANT	DIST #	PRIORITY
16S	11E	1	SE¼ SE¼	800	6.2	KAUFELDT, SONDRALAVON	N00.002	12/8/1961

The applicant proposes to change the places of use to:

TWP	RNG	SEC	QTRQTR	TL	AC	RECIPIENT	DIST #	PRIORITY
16S	11E	26	NE¼ SE¼	600	7.50	RELIANCE FUNDING CORP.	N00.003	10/29/1913
16S	11E	26	NW¼ SE¼	202	0.70	MILEM, JOHN W. & KATHLEEN	N00.003	10/29/1913
16S	11E	26	NW¼ SE¼	203	0.68	MILEM, JOHN W. & KATHLEEN	N00.003	10/29/1913
16S	11E	35	NW¼ SW¼	1601	5.69	BLOYER, DANIEL E. & LISA M.	N00.002	10/29/1913
16S	11E	35	NW¼ SW¼	1601	6.20	BLOYER, DANIEL E. & LISA M.	N00.002	12/8/1961
16S	12E	8	SE¼ NE¼	801	2.05	O'BANION, FRED & KARIN	N00.005	6/1/1907
16S	12E	8	NE¼ SE¼	1300	0.11	LINDNER, BENJAMIN & COLE, LESLIE D.	N00.004	6/1/1907
16S	12E	30	NW¼ NE¼	1101	0.62	CARDWELL, KENNETH E. & JANICE W.	N00.001	8/5/1900
17S	11E	2	NW¼ NW¼	300	2.99	HERMELING, TERRY A.	N00.004	6/1/1907

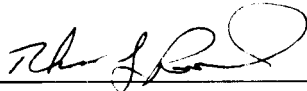
THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2002.
2. The former places of use shall no longer be irrigated as a part of these water rights.
3. Proof to the satisfaction of the Director, that the changes approved by this order have been completed must be submitted by TUMALO IRRIGATION DISTRICT, on or before October 1, 2003

Except as modified herein, all conditions and restrictions of Certificates 74146, 74147, 74148, 74149, 76106 and 76520 remain in effect.

When the Director determines that it is necessary , or to facilitate records keeping, new certificates will be issued to confirm all completed changes for which satisfactory proof has been made and to confirm those portions not modified by this or any other order.

WITNESS the signature of the Water Resources Director, affixed APR 17 2001 .



For Paul R. Cleary, Director
Oregon Water Resources Department