

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
RONALD AND BETTY BERGHOFER) ORDER APPROVING
(TUMALO IRRIGATION DISTRICT)) TRANSFER 5645
FOR APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER)

On May 24, 1985, an application was filed in the office of the Water Resources Director by Ronald and Betty Berghofer 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.

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 allowed in the name of Deschutes County Municipal Improvement District (now Tumalo Irrigation District), tabulated in the name of W.A. Howe at page 197, Volume 16, for irrigation of, among other lands, a certain 2.0 acres in SE 1/4 SE 1/4, Section 28, Township 16 South, Range 11 East, WM, with a date of priority of August 5, 1900, as evidenced by the certificate issued in the name of Tumalo Irrigation District and recorded at page 26508, Volume 18, State Record of Water Right Certificates.

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 2.0 acres. Transfer 4967 authorized a change in place of use for said 2.0 acres to the SE 1/4 SE 1/4, Section 28, Township 16 South, Range 11 East, WM, with a date of priority of October 29, 1913.

These lands also have supplemental rights evidenced by Certificate 31412, Volume 23, State Record of Water Right Certificates, to the use of water from Deschutes River, with a date of priority of 1905; Certificate 26050, Volume 18, to the use of water from Tumalo Creek, Crater Creek, Little Crater Creek and three spring branches, with a date of priority of October 29, 1913; Certificate 26051, Volume 18, to the use of waters of Crescent Lake Reservoir, with a date of priority of April 7, 1911; and Permit 27841 for the use of waters of Crescent Lake Reservoir, with a priority date of December 8, 1961.

The applicant herein, owner of the lands described above, proposes to transfer the water rights therefrom to a certain 2.0 acres (Certificate 26508) and 2.0 acres (Certificate 26050) in SW 1/4 SE 1/4, Section 28, Township 16 South, Range 11 East, WM.

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.

Robert F. Main, Jr., Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

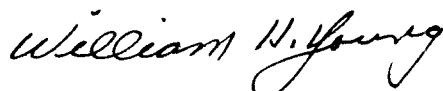
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that 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, 1987.

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 shall be considered perfected, and at a later date certificates of water right shall be issued to Tumalo Irrigation District confirming this and other changes within the District, and superseding Certificates 26508 and 26050.

Dated at Salem, Oregon, this 18th day of October, 1985.



WILLIAM H. YOUNG
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.

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