

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
 OF K DEVEREAUX EMMRICH FOR THE)
 APPROVAL OF A CHANGE IN PLACE OF)
 USE OF WATER FROM TUMALO, CRATER,)
 LITTLE CRATER CREEKS AND THREE)
 SPRINGS AND CRESCENT LAKE RESER-)
 VOIR)
 - - - - -)

O R D E R
APPROVING APPLICATION

On August 28, 1963, K Devereaux Emmrich of Bend, Oregon, filed an application in the office of the State Engineer for the approval of a change in place of use of water from Tumalo, Crater, Little Crater Creeks, Three Springs and Deschutes River and Crescent Lake Reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

The applicant herein is the owner of 25 acres with certain water rights appurtenant thereto located within the boundaries of Tumalo Irrigation District. A description of said lands, the sources of supply from which said lands are irrigated, the number of acres irrigated from each of said sources and the number of acres of water right to be transferred follows:

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Sub-division	Section	Township and Range	Tumalo Creek	Tumalo, Crater, Little Crater & 3 Springs	Deschutes River	Crescent Lake Reservoir	No. of Acres to be Trans.
SW $\frac{1}{4}$ NW $\frac{1}{4}$	13	16S 11E	24.7(P)	24.7(S)	24.7(S)	24.7(S)	13.7
NE $\frac{1}{4}$ NE $\frac{1}{4}$	14	16S 11E		5.7(P)	5.7(S)	5.7(S)	5.7
SE $\frac{1}{4}$ NE $\frac{1}{4}$	14	16S 11E		5.6(P)	5.6(S)	5.6(S)	5.6

NOTE: The letter (P) indicates primary right and letter (S) indicates supplemental right.

The water rights as above set forth were established in the Tumalo Creek and Deschutes River adjudication proceedings and by permits to appropriate water. In the Tumalo Creek adjudication proceeding, a water right

was established for the irrigation of the lands described in Column (4) above from Tumalo Creek with a date of priority of September, 1900.

Certificate recorded at page 26050, Volume 18, State Record of Water Right Certificates, confirms a right to the use of the waters of Tumalo, Crater and Little Crater Creeks and Three Springs, with a date of priority of October 29, 1913, for the supplemental irrigation of, among other lands within the District, those lands described in Column (5) above.

In the Deschutes River adjudication proceeding, a right was established for the use of 9.5 cubic feet per second of the waters of Deschutes River, with a date of priority of 1905, appurtenant to all lands within the District having water rights, including those lands described in Column (6) above.

Certificate recorded at page 26051, Volume 18, State Record of Water Right Certificates, confirms a right to the use of the waters stored in Crescent Lake Reservoir, with a date of priority of April 7, 1911, for the supplemental irrigation of, among other lands within the District, those lands described in Column (7) above.

K Devereaux Emmrich, owner of the 25 acres to which the above described water rights are appurtenant, proposes to transfer the water rights therefrom, without loss of priority, to other lands within the District, as set forth in the following table:

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Sub-division	Section	Township and Range	Tumalo Creek	Tumalo, Crater, Little Crater & Three Springs	Deschutes River	Crescent Lake Reservoir
NE $\frac{1}{4}$ NW $\frac{1}{4}$	11	16S 11E	13.0(P)	13.0(S)	13.0(S)	13.0(S)
SW $\frac{1}{4}$ SE $\frac{1}{4}$	11	16S 11E	.7(P)	.7(S)	.7(S)	.7(S)
SW $\frac{1}{4}$ SE $\frac{1}{4}$	11	16S 11E		11.3(P)	11.3(S)	11.3(S)

NOTE: Date of Priority: Column 4 - September, 1900 Column 6 - 1905
 Column 5 - October 29, 1913 Column 7 - April 7, 1911

C. H. Carson and Emma Seeley, mortgagees of the lands from which it is proposed to transfer water, have submitted written approval to the change in place of use of water.

The lands involved herein are within the boundaries of the Tumalo Irrigation District and the President and Secretary of said District approved the proposed change in place of use of water.

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 only.

No objections having been filed, and it appearing such change in place of use of water will inure to the benefit of the District, and 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 of water be and the same hereby is approved and the water rights as hereinbefore described as appurtenant to 25 acres described in the tabulation on page 1 hereof be severed therefrom and simultaneously and without loss of priority transferred to the lands described in the tabulation on page 2.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1965, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use on the land 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 4th day of October, 1963.

Noted by
Vol. 16, p 194
Cert. # 26050, 26051, # 26508
App. # 1343 & 3263


CHRIS L. WHEELER
State Engineer