

Authorized Place of Use:

PRIORITY	TWP	RNG	MER	SEC	1/4	1/4	TL	USER	AC	NOT#		
09/01/00	16	S	11	E	WM	13	NW	NE	100	TRACY	0.15	04-007
09/01/00	16	S	11	E	WM	14	SW	NW	503	MUELLER & ASSOC	10.10	03-012
09/01/00	16	S	11	E	WM	15	SE	NE	600	MUELLER & ASSOC	1.80	03-012
09/01/00	16	S	11	E	WM	15	SW	SW	1600	WALKER TRUST	7.07	04-003
09/01/00	16	S	11	E	WM	15	SE	SW	1600	WALKER TRUST	7.11	04-003
08/05/00	16	S	11	E	WM	34	NE	NW	403	BOOHER	0.16	04-005
09/01/00	16	S	12	E	WM	8	NE	SW	1501	AMADIO	4.00	04-001
09/01/00	16	S	12	E	WM	31	SW	SW	400	BODWIN	0.90	04-004
09/01/00	16	S	12	E	WM	31	SE	SW	400	BODWIN	4.50	04-004
									TOTAL:	35.79		

4. Application T-9826 proposes to change the place of use to:

PRIORITY	TWP	RNG	MER	SEC	1/4	1/4	TL	USER	AC	NOT#		
09/01/00	16	S	11	E	WM	13	NW	NE	100	TRACY	0.15	04-007
09/01/00	16	S	11	E	WM	15	SW	NE	500	MUELLER	11.90	03-012
09/01/00	16	S	11	E	WM	15	NE	NW	1500	WALKER TRUST	1.60	04-003
09/01/00	16	S	11	E	WM	15	NW	NW	1600	WALKER TRUST	9.72	04-003
09/01/00	16	S	11	E	WM	15	NE	SW	1600	WALKER TRUST	1.16	04-003
09/01/00	16	S	11	E	WM	15	SW	SW	1600	WALKER TRUST	0.50	04-003
09/01/00	16	S	11	E	WM	15	SE	SW	1600	WALKER TRUST	1.20	04-003
09/01/00	16	S	11	E	WM	26	SE	NE	603	AMADIO	4.00	04-001
08/05/00	16	S	11	E	WM	34	NE	NW	403	BOOHER	0.16	04-005
09/01/00	16	S	12	E	WM	31	NE	SW	418	SCIENCE LLC	3.63	04-004
09/01/00	16	S	12	E	WM	31	NW	SW	407	SCIENCE LLC	0.80	04-004
09/01/00	16	S	12	E	WM	31	NW	SW	418	SCIENCE LLC	0.57	04-004
09/01/00	16	S	12	E	WM	31	SE	SW	400	BODWIN	0.40	04-004
									TOTAL:	35.79		

5. The portion of the second right to be transferred is as follows:

Certificate: 74147, issued in the name of Tumalo Irrigation District

Use: Irrigation

Priority Date: October 29, 1913

Rate & Duty: Maximum of 1/80 cfs per acre, and 9.91 acre-feet per acre per year.

Source: Tumalo Creek, Crater Creek, Little Crater Creek and three spring branches, tributary of the Deschutes River.

Authorized Place of Use:

TWP	RNG	MER	SEC	1/4	1/4	TL	USER	AC	NOT#		
16	S	11	E	WM	15	NW	NW	1600	WALKER TRUST	1.74	04-003
16	S	11	E	WM	15	SW	NW	1600	WALKER TRUST	2.54	04-003
16	S	11	E	WM	15	SE	NW	1400	WALKER TRUST	0.61	04-003
16	S	11	E	WM	15	SE	NW	1600	WALKER TRUST	2.49	04-003
16	S	12	E	WM	8	SW	NW	400	PENTZ & MILLS	0.70	04-006
									TOTAL:	8.08	

6. Application T-9826 proposes to change the place of use to:

TWP	RNG	MER	SEC	1/4	1/4	TL	USER	AC	NOT#		
16	S	11	E	WM	15	NE	NW	1500	WALKER TRUST	7.38	04-003
16	S	11	E	WM	15	SW	SW	904	PENTZ & MILLS	0.30	04-006
16	S	12	E	WM	8	SW	NW	400	PENTZ & MILLS	0.20	04-006
16	S	12	E	WM	8	SW	NW	402	PENTZ & MILLS	0.20	04-006
TOTAL:									8.08		

7. The portion of the third right to be transferred is as follows:

Certificate: 74147, issued in the name of Tumalo Irrigation District

Use: Supplemental Irrigation

Priority Date: October 29, 1913

Rate & Duty: Maximum of 1/80 cfs per acre during irrigation season, and 9.91 acre-feet per acre per year.

Source: Tumalo Creek, Crater Creek, Little Crater Creek and three spring branches, tributary of the Deschutes River.

Authorized Place of Use:

TWP	RNG	MER	SEC	1/4	1/4	TL	USER	AC	NOT#		
16	S	11	E	WM	13	NW	NE	100	TRACY	0.15	04-007
16	S	11	E	WM	14	SW	NW	503	MUELLER & ASSOC	10.10	03-012
16	S	11	E	WM	15	SE	NE	600	MUELLER & ASSOC	1.80	03-012
16	S	11	E	WM	15	SW	SW	1600	WALKER TRUST	7.07	04-003
16	S	11	E	WM	15	SE	SW	1600	WALKER TRUST	7.11	04-003
16	S	11	E	WM	34	NE	NW	403	BOOHER	0.16	04-005
16	S	12	E	WM	8	NE	SW	1501	AMADIO	4.00	04-001
16	S	12	E	WM	31	SW	SW	400	BODWIN	0.90	04-004
16	S	12	E	WM	31	SE	SW	400	BODWIN	4.50	04-004
TOTAL:									35.79		

8. Application T-9826 proposes to change the place of use to:

TWP	RNG	MER	SEC	1/4	1/4	TL	USER	AC	NOT#		
16	S	11	E	WM	13	NW	NE	100	TRACY	0.15	04-007
16	S	11	E	WM	15	SW	NE	500	MUELLER	11.90	03-012
16	S	11	E	WM	15	NE	NW	1500	WALKER TRUST	1.60	04-003
16	S	11	E	WM	15	NW	NW	1600	WALKER TRUST	9.72	04-003
16	S	11	E	WM	15	NE	SW	1600	WALKER TRUST	1.16	04-003
16	S	11	E	WM	15	SW	SW	1600	WALKER TRUST	0.50	04-003
16	S	11	E	WM	15	SE	SW	1600	WALKER TRUST	1.20	04-003
16	S	11	E	WM	26	SE	NE	603	AMADIO	4.00	04-001
16	S	11	E	WM	34	NE	NW	403	BOOHER	0.16	04-005
16	S	12	E	WM	31	NE	SW	418	SCIENCE LLC	3.63	04-004
16	S	12	E	WM	31	NW	SW	407	SCIENCE LLC	0.80	04-004
16	S	12	E	WM	31	NW	SW	418	SCIENCE LLC	0.57	04-004
16	S	12	E	WM	31	SE	SW	400	BODWIN	0.40	04-004
TOTAL:									35.79		

9. The portion of the fourth right to be transferred is as follows:
Certificate: 74148, issued in the name of Tumalo Irrigation District
Use: Supplemental Irrigation
Priority Date: April 7, 1911
Rate & Duty: Maximum of 7.4 acre-feet per year (May 15 – September 15 season)
Source: Crescent Lake Reservoir, a tributary of Crescent Creek.

Authorized Place of Use:

TWP	RNG	MER	SEC	1/4	1/4	TL	USER	AC	NOT#		
16	S	11	E	WM	13	NW	NE	100	TRACY	0.15	04-007
16	S	11	E	WM	14	SW	NW	503	MUELLER & ASSOC	10.10	03-012
16	S	11	E	WM	15	SE	NE	600	MUELLER & ASSOC	1.80	03-012
16	S	11	E	WM	15	NW	NW	1600	WALKER TRUST	1.74	04-003
16	S	11	E	WM	15	SW	NW	1600	WALKER TRUST	2.54	04-003
16	S	11	E	WM	15	SE	NW	1400	WALKER TRUST	0.61	04-003
16	S	11	E	WM	15	SE	NW	1600	WALKER TRUST	2.49	04-003
16	S	11	E	WM	15	SW	SW	1600	WALKER TRUST	7.07	04-003
16	S	11	E	WM	15	SE	SW	1600	WALKER TRUST	7.11	04-003
16	S	11	E	WM	31	SW	SW	400	BODWIN	0.90	04-004
16	S	11	E	WM	31	SE	SW	400	BODWIN	4.50	04-004
16	S	11	E	WM	34	NE	NW	403	BOOHER	0.16	04-005
16	S	12	E	WM	8	SW	NW	400	PENTZ & MILLS	0.70	04-006
16	S	12	E	WM	8	NE	SW	1501	AMADIO	4.00	04-001
TOTAL:										43.87	

10. Application T-9826 proposes to change the place of use to:

TWP	RNG	MER	SEC	1/4	1/4	TL	USER	AC	NOT#		
16	S	11	E	WM	13	NW	NE	100	TRACY	0.15	04-007
16	S	11	E	WM	15	SW	NE	500	MUELLER	11.90	03-012
16	S	11	E	WM	15	NE	NW	1500	WALKER TRUST	8.98	04-003
16	S	11	E	WM	15	NW	NW	1600	WALKER TRUST	9.72	04-003
16	S	11	E	WM	15	NE	SW	1600	WALKER TRUST	1.16	04-003
16	S	11	E	WM	15	SW	SW	904	PENTZ & MILLS	0.30	04-006
16	S	11	E	WM	15	SW	SW	1600	WALKER TRUST	0.50	04-003
16	S	11	E	WM	15	SE	SW	1600	WALKER TRUST	1.20	04-003
16	S	11	E	WM	26	SE	NE	603	AMADIO	4.00	04-001
16	S	11	E	WM	34	NE	NW	403	BOOHER	0.16	04-005
16	S	12	E	WM	8	SW	NW	400	PENTZ & MILLS	0.20	04-006
16	S	12	E	WM	8	SW	NW	402	PENTZ & MILLS	0.20	04-006
16	S	12	E	WM	31	NE	SW	418	SCIENCE LLC	3.63	04-004
16	S	12	E	WM	31	NW	SW	407	SCIENCE LLC	0.80	04-004
16	S	12	E	WM	31	NW	SW	418	SCIENCE LLC	0.57	04-004
16	S	12	E	WM	31	SE	SW	400	BODWIN	0.40	04-004
TOTAL:										43.87	

11. The portion of the fifth right to be transferred is as follows:
Certificate: 74149, issued in the name of Tumalo Irrigation District
Use: Supplemental Irrigation
Priority Date: 1905
Rate & Duty: Maximum of 9.5 acre-feet per acre per year.
Source: Deschutes River, a tributary of the Columbia River

Authorized Place of Use:

TWP	RNG	MER	SEC	1/4	1/4	TL	USER	AC	NOT#		
16	S	11	E	WM	13	NW	NE	100	TRACY	0.15	04-007
16	S	11	E	WM	14	SW	NW	503	MUELLER & ASSOC	10.10	03-012
16	S	11	E	WM	15	SE	NE	600	MUELLER & ASSOC	1.80	03-012
16	S	11	E	WM	15	NW	NW	1600	WALKER TRUST	1.74	04-003
16	S	11	E	WM	15	SW	NW	1600	WALKER TRUST	2.54	04-003
16	S	11	E	WM	15	SE	NW	1400	WALKER TRUST	0.61	04-003
16	S	11	E	WM	15	SE	NW	1600	WALKER TRUST	2.49	04-003
16	S	11	E	WM	15	SW	SW	1600	WALKER TRUST	7.07	04-003
16	S	11	E	WM	15	SE	SW	1600	WALKER TRUST	7.11	04-003
16	S	11	E	WM	34	NE	NW	403	BOOHER	0.16	04-005
16	S	12	E	WM	8	NE	SW	1501	AMADIO	4.00	04-001
16	S	12	E	WM	8	SW	NW	400	PENTZ MILLS	0.70	04-006
16	S	12	E	WM	31	SW	SW	400	BODWIN	0.90	04-004
16	S	12	E	WM	31	SE	SW	400	BODWIN	4.50	04-004
TOTAL:										43.87	

12. Application T-9826 proposes to change the place of use to:

TWP	RNG	MER	SEC	1/4	1/4	TL	USER	AC	NOT#		
16	S	11	E	WM	13	NW	NE	100	TRACY	0.15	04-007
16	S	11	E	WM	15	SW	NE	500	MUELLER	11.90	03-012
16	S	11	E	WM	15	NE	NW	1500	WALKER TRUST	8.98	04-003
16	S	11	E	WM	15	NW	NW	1600	WALKER TRUST	9.72	04-003
16	S	11	E	WM	15	NE	SW	1600	WALKER TRUST	1.16	04-003
16	S	11	E	WM	15	SW	SW	904	PENTZ & MILLS	0.30	04-006
16	S	11	E	WM	15	SW	SW	1600	WALKER TRUST	0.50	04-003
16	S	11	E	WM	15	SE	SW	1600	WALKER TRUST	1.20	04-003
16	S	11	E	WM	26	SE	NE	603	AMADIO	4.00	04-001
16	S	11	E	WM	34	NE	NW	403	BOOHER	0.16	04-005
16	S	12	E	WM	8	SW	NW	400	PENTZ & MILLS	0.20	04-006
16	S	12	E	WM	8	SW	NW	402	PENTZ & MILLS	0.20	04-006
16	S	12	E	WM	31	NE	SW	418	SCIENCE LLC	3.63	04-004
16	S	12	E	WM	31	NW	SW	407	SCIENCE LLC	0.80	04-004
16	S	12	E	WM	31	NW	SW	418	SCIENCE LLC	0.57	04-004
16	S	12	E	WM	31	SE	SW	400	BODWIN	0.40	04-004
TOTAL:										43.87	

13. The portion of the sixth right to be transferred is as follows:

Certificate: 76520, issued in the name of Tumalo Irrigation District

Use: Supplemental Irrigation

Priority Date: December 8, 1961

Rate & Duty: Maximum of 9.91 acre-feet per acre per year.

Source: Crescent Lake Reservoir, tributary of Crescent Creek and Little Deschutes River.

Authorized Place of Use:

TWP	RNG	MER	SEC	1/4	1/4	TL	USER	AC	NOT#		
16	S	11	E	WM	13	NW	NE	100	TRACY	0.15	04-007
16	S	11	E	WM	14	SW	NW	503	MUELLER & ASSOC	10.10	03-012
16	S	11	E	WM	15	SE	NE	600	MUELLER & ASSOC	1.80	03-012
16	S	11	E	WM	15	NW	NW	1600	WALKER TRUST	1.74	04-003
16	S	11	E	WM	15	SW	NW	1600	WALKER TRUST	2.54	04-003
16	S	11	E	WM	15	SE	NW	1400	WALKER TRUST	0.61	04-003
16	S	11	E	WM	15	SE	NW	1600	WALKER TRUST	2.49	04-003
16	S	11	E	WM	15	SW	SW	1600	WALKER TRUST	7.07	04-003
16	S	11	E	WM	15	SE	SW	1600	WALKER TRUST	7.11	04-003
16	S	11	E	WM	31	SW	SW	400	BODWIN	0.90	04-004
16	S	11	E	WM	31	SE	SW	400	BODWIN	4.50	04-004
16	S	11	E	WM	34	NE	NW	403	BOOHER	0.16	04-005
16	S	12	E	WM	8	SW	NW	400	PENTZ & MILLS	0.70	04-006
16	S	12	E	WM	8	NE	SW	1501	AMADIO	4.00	04-001
TOTAL:										43.87	

14. Application T-9826 proposes to change the place of use to:

TWP	RNG	MER	SEC	1/4	1/4	TL	USER	AC	NOT#		
16	S	11	E	WM	13	NW	NE	100	TRACY	0.15	04-007
16	S	11	E	WM	15	SW	NE	500	MUELLER	11.90	03-012
16	S	11	E	WM	15	NE	NW	1500	WALKER TRUST	8.98	04-003
16	S	11	E	WM	15	NW	NW	1600	WALKER TRUST	9.72	04-003
16	S	11	E	WM	15	NE	SW	1600	WALKER TRUST	1.16	04-003
16	S	11	E	WM	15	SW	SW	904	PENTZ & MILLS	0.30	04-006
16	S	11	E	WM	15	SW	SW	1600	WALKER TRUST	0.50	04-003
16	S	11	E	WM	15	SE	SW	1600	WALKER TRUST	1.20	04-003
16	S	11	E	WM	26	SE	NE	603	AMADIO	4.00	04-001
16	S	11	E	WM	34	NE	NW	403	BOOHER	0.16	04-005
16	S	12	E	WM	8	SW	NW	400	PENTZ & MILLS	0.20	04-006
16	S	12	E	WM	8	SW	NW	402	PENTZ & MILLS	0.20	04-006
16	S	12	E	WM	31	NE	SW	418	SCIENCE LLC	3.63	04-004
16	S	12	E	WM	31	NW	SW	407	SCIENCE LLC	0.80	04-004
16	S	12	E	WM	31	NW	SW	418	SCIENCE LLC	0.57	04-004
16	S	12	E	WM	31	SE	SW	400	BODWIN	0.40	04-004
TOTAL:										43.87	

15. The district permanent transfer application satisfies the criteria of OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
16. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
17. The proposed change in place of use would not result in enlargement of the rights.
18. The proposed change in place of use would not result in injury to other water rights

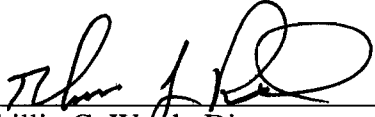
Conclusions of Law

The proposed changes in place of use in Transfer Application T-9826 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The proposed changes to the water rights evidenced by Certificates 74146, 74147, 74148, 74149 and 76520 are approved.
2. 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 Certificates 74146, 74147, 74148, 74149, and 76520 and any related decree.
3. The former place of use shall no longer be irrigated as part of this water right.
4. The proposed change shall be completed on or before October 1, 2006.
5. A Claim of Beneficial Use shall be submitted by the applicant to the Department by October 1, 2007.
6. The Department shall issue a water right certificate on a determination that it is necessary to produce a certificate describing the water right.

Dated at Salem, Oregon this 13th day of July, 2005


For Phillip C. Ward, Director