

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
KENNETH D. STEVENS (TUMALO) ORDER APPROVING
IRRIGATION DISTRICT) FOR APPROVAL) TRANSFER 6105
OF A CHANGE IN PLACE OF USE OF WATER)

On May 4, 1988, an application was filed in the office of the Water Resources Director by Kenneth D. Stevens for approval of a change in place of use of water from Tumalo Creek, Crater Creek and Little Crater Creek and three spring branches, 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 the 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 L. W. Parkhurst at page 193, volume 16, for irrigation of, among other lands, a certain 2.2 acres in SE1/4 SW1/4 and 0.3 acre SW1/4 SW1/4, Section 31, Township 16 South, Range 12 East, WM, with date of priority of September, 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 foot per second from three spring branches for irrigation of, among other lands, a certain 4.5 acres in NE1/4 SW1/4 Section 31, Township 16 South, Range 12 East, WM, with a date of priority of October 29, 1913.

The applicant herein, owner of the lands described above, proposes to transfer the water right therefrom to a certain 4.0 acres in SW1/4 NE1/4 (Dyson) and 3.0 acres NW1/4 SE1/4 (Gregg) Section 30, Township 16 South, Range 12 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.

Kenneth D. Stevens, owner of the lands from which the right is to be transferred has signed an affidavit that said lands have been irrigated within the last five years.

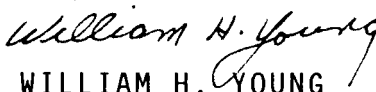
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it is hereby ORDERED that the proposed change in place of use is approved, without loss of priority.

It is FURTHER ORDERED that the subject water right is hereby severed from the place of use described in Certificates 26050 and 26508 and shall be beneficially used as authorized in this order on or before October 1, 1989.

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 26050 and 26508.

Dated at Salem, Oregon this 30th day of August, 1988.


WILLIAM H. YOUNG
Director

NOTE: Approval of the 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.