



**Rate/Duty:** Season 1: Limited to 1/80<sup>th</sup> CFS per acre  
 Season 2: Limited to 1/60<sup>th</sup> CFS per acre  
 Season 3: Limited to 1/32.4<sup>th</sup> CFS per acre  
 Not to exceed 9.91 Acre-Feet (AF) per acre

**Acres:** 3.0 acres

**Source:** Tumalo Creek, Crater Creek, Little Crater Creek and Three Spring Branches, tributaries of the Deschutes River

**Authorized Points of Appropriation:**

Township		Range		Meridian	Sec	¼ ¼	Location
17	S	11	E	W.M.	23	SW NE	Tumalo Creek #1 - N 70° 21' W, 1550 feet from the E 1/4 Corner of Section 23
18	S	10	E	W.M.	2	NW SW	Tumalo Creek #2 - N 14° 02' E, 1713 feet from the S 1/4 Corner of Section 2

**Authorized Place of Use:**

Township	Range	Meridian	Sec	¼ ¼	Lot	Acres	
16	S	11	E	W.M.	25	SW NW 400 2.5	
16	S	11	E	W.M.	25	SE NW 400 0.5	
						<b>Total</b>	<b>3.0</b>

3. Application T-9641 proposes to change the place of use of the right to:

Township	Range	Meridian	Sec	¼ ¼	Lot	Acres	
16	S	11	E	W.M.	27	SE NW 214 1.2	
16	S	11	E	W.M.	27	SE NW 208 1.3	
						<b>Total</b>	<b>3.0</b>

4. Notice of the application for temporary transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
5. The application identifies two supplemental rights associated with the primary right to be temporarily transferred. The applicant has identified that the supplemental water rights, being Certificates 74148 and 76520, shall remain at the authorized place of use during the term of the temporary transfer and shall not be exercised.
6. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
8. The proposed change would not result in enlargement of the right.

9. The proposed change would not result in injury to other water rights.


**Conclusions of Law**

The temporary changes in place of use proposed in application T-9641 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

**Now, therefore, it is ORDERED:**

1. The changes in place of use proposed in application T-9641 are approved.
2. The former place of use **shall not** be irrigated as part of this water right, or under supplemental water right Certificates 74148 and 76520, during the 2004, 2005, 2006, 2007 and 2008 irrigation seasons.
3. The supplemental water right Certificates 74148 and 76520 may not be used at the temporary place of use.
4. The use shall revert to the authorized place of use at the end of the 2008 irrigation season.
5. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 80295.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. The use of the remaining water right described by Certificate 80295 shall continue to be in accordance with the terms and conditions of Certificate 80295.

Dated at Salem, Oregon this 8<sup>th</sup> day of September, 2004.

  
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 Phillip C. Ward  
 Acting Director

Mailing date: SEP 14 2004

*Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271*