

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-10352, Deschutes County) DISTRICT TEMPORARY TRANSFER

Authority

ORS 540.570 and 540.580 establishes the process in which a district may submit a request to transfer a water right within district boundaries. OAR Chapter 690, Division 385 implements the statutes and provides the Department’s procedures and criteria for evaluating district transfer applications.

Applicant

Tumalo Town District Improvement
64682 Cook Avenue, #1
Bend, OR 97701

Findings of Fact

1. On March 21, 2007, Tumalo Town District Improvement filed a district transfer application to temporarily change the place of use under a portion of Certificate 76465. The Department assigned the application number T-10352.
2. Notice of the application for transfer was published on April 3, 2007, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the right to be transferred is as follows:

Certificate: 76465 in the name of TUMALO TOWN DISTRICT IMPROVEMENT
(perfected under Permits S-19750 and S-21807)
Use: IRRIGATION of 0.145 ACRE
Priority Date: AUGUST 3, 1950 and SEPTEMBER 30, 1952
Rate: 0.003 CUBIC FOOT PER SECOND (cfs)
Limit/Duty: ONE-FORTIETH cfs per acre, not to exceed 4.0 acre feet per acre per year
Source: DESCHUTES RIVER, tributary to COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	6	NW SE	2230 FEET NORTH AND 1650 FEET WEST FROM THE SE CORNER OF SECTION 6

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
16 S	12 E	WM	31	SW NE	5201	0.145

4. Application T-10352 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
16 S	12 E	WM	31	SW NE	5204	0.145

5. The district transfer application satisfies the criteria of ORS 540.580 and OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
6. The water right is subject to transfer as defined in OAR 690-385-0100(17).
7. The proposed change in place of use would not result in enlargement of the right.
8. The proposed change in place of use would not result in injury to other water rights.


Conclusions of Law

The change in place of use proposed in Transfer Application T-10352 satisfies the requirements of ORS 540.574(3) and 540.570.

Now, therefore, it is ORDERED:

1. The proposed change in place of use to the water right evidenced by Certificate 76465 is approved.
2. The right to the use of water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in the District's water rights, related decree and the Final Order approving Transfer Application T-10352.
3. The former place of use shall no longer be irrigated as part of this water right.
4. The proposed change shall be authorized only for the 2007 irrigation season.

Dated at Salem, Oregon this 8th day of October, 2007.


Phillip C. Ward, Director

pm

Mailing date: OCT 15 2007