

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
JACK VOGT (TUMALO IRRIGATION DIS-)
TRICT) FOR APPROVAL OF A CHANGE IN)
USE OF WATER)

ORDER APPROVING
TRANSFER NO. 2925

On November 20, 1973, an application was filed in the office of the Water Resources Director by Jack Vogt for approval of a change in place of use of water from Tumalo Creek, Deschutes River, Crater Creek, Little Crater Creek and three spring branches, and Crescent Lake Reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Crook County, Oregon, entered May 1, 1911, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Tumalo Creek, a tributary of Deschutes River, a water right was allowed in the name of Mrs. L. J. Wimer, tabulated at page 139, Volume 1, for irrigation of, among other lands, a certain 12.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 16 South, Range 11 East, W.M., with a date of priority of August 5, 1900, as now described by certificate issued in the name of Tumalo Irrigation District and recorded at page 31410, Volume 23, State Record of Water Right Certificates.

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 Deschutes River, water rights were allowed in the name of Deschutes County Municipal Improvement District (now Tumalo Irrigation District), tabulated in the name of O. A. Wilson at page 324, Volume 15, for irrigation of, among other lands, a certain 5.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 16 South, Range 12 East, W.M., with a date of priority of September, 1900; and tabulated in the name of Charles Porter at page 326, Volume 15, for irrigation of, among other lands, a certain 5.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 16 South, Range 11 East, W.M., with a date of priority of August 5, 1900, as now described by certificate issued in the name of Tumalo Irrigation District and recorded at page 26508, Volume 18, State Record of Water Right Certificates.

These lands also have supplemental rights evidenced by certificate recorded at page 31412, Volume 23, State Record of Water Right Certificates, to the use of

water from Deschutes River, with a date of priority of 1905; certificate 26050, Volume 18, to the use of water from Tumalo Creek, Crater Creek, Little Crater Creek and three spring branches, with a date of priority of October 29, 1913; certificate 26051, Volume 18, to the use of waters of Crescent Lake Reservoir, with a date of priority of April 7, 1911; and permit No. 27841 to the use of waters of Crescent Lake Reservoir, with a priority date of December 8, 1961.

The applicant herein, owner of the lands above described, proposes to transfer the primary water right with a date of priority of September, 1900, together with the supplemental rights, without loss of priority, to a certain 5.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 16 South, Range 11 East, W.M.; and to transfer the primary water rights with the date of priority of August 5, 1900, together with the supplemental rights, without loss of priority, to a certain 18.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 21. (D. Goldy)

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 held September 5, 1972.

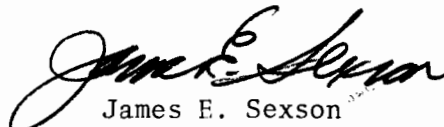
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

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, certificate of water right shall be issued to Tumalo Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon this 18th day of December, 1978.


James E. Sexson
Director