

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION )  
OF TUMALO IRRIGATION DISTRICT FOR )  
THE APPROVAL OF A CHANGE IN PLACE )  
OF USE OF WATER FROM TUMALO, CRATER,) )  
LITTLE CRATER CREEKS, THREE SPRINGS,) )  
DESCHUTES RIVER AND CRESCENT LAKE )  
RESERVOIR )  
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ORDER APPROVING  
TRANSFER NO. T-64

On July 23, 1964, Tumalo Irrigation District of Bend, Oregon, filed an application in the office of the State Engineer for the approval of a change in place of use of water from Tumalo, Crater, Little Crater Creeks, Three Springs, Deschutes River and Crescent Lake Reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Tumalo Irrigation District and recorded at page 26050, Volume 18, State Record of Water Right Certificates, confirms a right to the use of the waters of Tumalo, Crater and Little Crater Creeks and Three Springs, with a date of priority of October 29, 1913, for the irrigation of, among other lands, 2.8 acres in the NE¼ SW¼, Section 6, Township 17 South, Range 12 East, W.M.

Certificate of water right issued to Tumalo Irrigation District and recorded at page 26051, Volume 18, State Record of Water Right Certificates, confirms a right to the use of the waters stored in Crescent Lake Reservoir, with a date of priority of April 7, 1911, for supplemental irrigation of, among other lands, the above described lands.

Also, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Deschutes River and its Tributaries, a water right was established in the name of Deschutes County Municipal Improvement District, now Tumalo Irrigation District, for the use of 9.5 cubic feet per second of the waters of Deschutes River, with a date of priority of 1905, for the irrigation of all lands within the District, which includes the land described above.

The applicant herein, owner of the land described above, proposes to transfer the water right appurtenant thereto without loss of priority to 2.8

acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 1, Township 17 South, Range 11 East, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water only.

Mr. James C. Fellows, Watermaster of District No. 11, has filed a report to the effect that the proposed change in place of use may be made without injury to existing rights.

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.

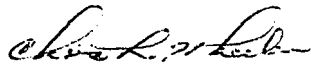
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 2.8 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 6, Township 17 South, Range 12 East, W.M., with dates of priority of October 29, 1913, April 7, 1911 and 1905, be severed therefrom and simultaneously and without loss of priority transferred to 2.8 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 1, Township 17 South, Range 11 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1965, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the 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, or their successor in interest, at the time certificate is issued to the District confirming other transfers within the District.

Dated at Salem, Oregon, this 24th day of September, 1964.

*Noted on Decree  
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Cert. # 21412  
also:  
App. # 3263 & 1343  
Cert. # 26050 & 26051*

  
CHRIS L. WHEELER  
State Engineer