

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
 OF KENNETH MOISAN FOR THE APPROVAL)
 OF A CHANGE IN PLACE OF USE OF WATER)
 FROM TUMALO, CRATER, LITTLE CRATER)
 CREEKS AND THREE SPRINGS AND CRESCENT)
 LAKE RESERVOIR)
 -----)

ORDER APPROVING
TRANSFER NO. M-152

On April 13, 1964, Kenneth Moisan 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.

The applicant herein is the owner of 1.4 acres with certain water rights appurtenant thereto located within the boundaries of Tumalo Irrigation District. A description of said lands, the sources of supply from which said lands are irrigated, the number of acres irrigated from each of said sources and the number of acres of water right to be transferred follows:

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Sub-division	Section	Township and Range	Tumalo Creek	Tumalo, Crater, Little Crater & 3 Springs	Deschutes River	Crescent Lake Reservoir	No. of Acres to be Trans.
NW $\frac{1}{4}$ NW $\frac{1}{4}$	2	17S 11E	26.8(P)	1.7(P) 26.8(S)	28.5(S)	28.5(S)	1.4

NOTE: The letter (P) indicates primary right and letter (S) indicates supplemental right.

The water rights as above set forth were established in the Tumalo Creek and Deschutes River adjudication proceedings and by permits to appropriate water. In the Tumalo Creek adjudication proceedings, a water right was established for the irrigation of, among other lands, the lands described in Column (4) above from Tumalo Creek with a date of priority of June 1, 1907.

Certificate 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 and supplemental irrigation of, among other lands within the District, those lands described in Column (5) above.

In the Deschutes River adjudication proceeding, a right was established for the use of 9.5 cubic feet per second of the waters of Deschutes River, with a date of priority of 1905, appurtenant to all lands within the District having water rights, including those lands described in Column (6) above.

Certificate 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 the supplemental irrigation of, among other lands within the District, those lands described in Column (7) above.

Kenneth Moisan, owner of the 1.4 acres to which the above described water rights are appurtenant, proposes to transfer the water rights therefrom, without loss of priority, to other lands within the District, as set forth in the following table:

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Sub-division	Section	Township and Range	Tumalo Creek	Tumalo, Crater, Little Crater & Three Springs	Deschutes River	Crescent Lake Reservoir
NE $\frac{1}{4}$ SW $\frac{1}{4}$	35	16S 11E	1.4 (P)	1.4(S)	1.4(S)	1.4(S)

NOTE: Date of priority: Column 4 - June 1, 1907
 Column 5 - October 29, 1913
 Column 6 - 1905
 Column 7 - April 7, 1911

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.

The lands involved herein are within the boundaries of the Tumalo Irrigation District. The President and Secretary of the said District have submitted a statement that the District has no objection to the proposed change in place of use of water.

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

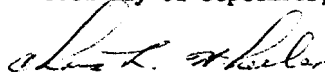
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water be and the same hereby is approved and the water rights as hereinbefore described as appurtenant to 1.4 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2, Township 17 South, Range 11 East, W.M., be severed therefrom and simultaneously and without loss of priority transferred to 1.4 acres of land as described in the tabulation on page 2, and being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, Township 16 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 land to which the water is transferred hereby, certificate of water right shall be issued to Tumalo Irrigation District at the time certificate is issued to the District confirming other transfers within the District.

Dated at Salem, Oregon, this 30th day of September, 1964.

*Noted on Dec 11
1964 p. 197
Cert. # 26508 & 31412
App. # 3263 & 1343
Cert. # 26050 & 26051*


CHRIS L. WHEELER
State Engineer