

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF )  
WILTON GORDON SMITH (TUMALO IRRIGA- )  
TION DISTRICT) FOR APPROVAL OF A )  
CHANGE IN PLACE OF USE OF WATER )  
- - - - -

ORDER APPROVING  
TRANSFER NO. 4049

On September 19, 1978, an application was filed in the office of the Water Resources Director by Wilton Gordon Smith 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.

As modified in accord with the provisions of the order of the State Engineer entered May 6, 1971, approving transfer application No. 2498, a water right previously allowed 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, in the name of Deschutes County Municipal Improvement District (now Tumalo Irrigation District) and tabulated in the name of Lee Allen at page 196, Volume 16, as evidenced by the certificate recorded at page 26508, Volume 18, State Record of Water Right Certificates, now exists for the use of water from Tumalo Creek, with a date of priority of April 28, 1905, for irrigation of, among other lands, a certain 4.0 acres in NE¼ NE¼ of Section 27, Township 16 South, Range 11 East, W.M.

Also, as modified in accord with the provisions of said order, the supplemental water rights evidenced by certificate recorded at page 31413, Volume 23, State Record of Water Right Certificates, for the use of water from Deschutes River, with a date of priority of 1905; certificate 26050, Volume 18, for 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, for the use of waters of Crescent Lake Reservoir, with a date of priority of April 7, 1911; and permit No. 27841 for the use of waters of Crescent Lake Reservoir, with a priority date of December 8, 1961, now exist for the irrigation of, among other lands, said 4.0 acres in NE¼ NE¼ of Section 27, Township 16 South, Range 11 East, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water rights therefrom, without loss of priority, to a certain 4.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 22, Township 16 South, Range 11 East, W.M.

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

Dated at Salem, Oregon this 22nd day of December, 1978.

James E. Sexson<sup>Director</sup>  
Director

By *Chris L. Walker*  
Deputy