

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF )  
HERBERT M. HEIMAN AND ELAYNE ) ORDER APPROVING  
HEIMAN (TUMALO IRRIGATION DISTRICT) ) TRANSFER 5852  
FOR APPROVAL OF A CHANGE IN PLACE )  
OF USE OF WATER )

On September 12, 1986, an application was filed in the office of the Water Resources Director by Herbert M. and Elayne Heiman 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.

Pursuant to the provisions of ORS 540.530(2), proof has been submitted by the applicant that water has been beneficially used as authorized by the order approving Transfer 2926, for irrigation of, among other lands, a certain 1.0 acre in Tax Lot 1701, SE 1/4 SE 1/4, Section 36, Township 16 South, Range 11 East, WM, with a date of priority of August 5, 1900.

These lands also have supplemental rights evidenced by Certificate 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 27841 for the use of waters of Crescent Lake Reservoir, with a priority date of December 8, 1961.

The applicants herein, owners of the lands described above, propose to transfer the water rights therefrom to a certain 1.0 acre in Tax Lot 200, NW 1/4, NE 1/4, Section 3, Township 17 South, Range 11 East, WM (Jacobs).

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.

Robert F. Main, Jr., Watermaster, has filed a statement 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 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 is approved, without loss of priority.

It is FURTHER ORDERED that the subject water right is hereby severed from the place of use described in Transfer 2926, and shall be beneficially used as authorized by this order on or before October 1, 1988.

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, the change of water right shall be considered perfected, and at a later date a certificate of water right shall be issued to Tumalo Irrigation District confirming this and other changes within the District, and superseding Certificate 31410.

Dated at Salem, Oregon, this 23rd day of December, 1986.

  
WILLIAM H. YOUNG, <sup>sr.</sup>  
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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