

STATE OF OREGON
COUNTY OF DESCHUTES

**ORDER APPROVING A CHANGE IN PLACE OF USE
IN AN IRRIGATION DISTRICT**

Pursuant to ORS 540.580, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves a change in place of use of water within a district as conditioned or limited herein, TRANSFER 8981 submitted by

TUMALO IRRIGATION DISTRICT
64697 COOK AVENUE
BEND, OREGON 97701.

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County as evidenced by portions of Certificate 74146. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 135. The dates of priority are September 1, 1900, and June 1, 1907.

The right allows the use of Tumalo Creek, a tributary of The Deschutes River, for irrigation of 19.91 acres.

Also to be modified are supplemental rights evidenced by portions of Certificates 74147, 74148, 74149 and 76520. These rights are supplemental to the same lands or places of use authorized by Certificate 74146, and are to transfer to the same proposed places of use.

The authorized places of use are located as follows:

CERTIFICATE 74146 and CERTIFICATES (SUPPLEMENTAL) 74147, 74148, 74149 & 76520								
TWP	RNG	SEC	QTR/QTR	TL	AC	APPLICANT	DIST #	PRIORITY
16S	11E	1	SW¼ SE¼	400	2.00	BERNER, WILLIAM F. & CROSS, CONNIE C.	N01.009	9/1/1900

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

CERTIFICATE 74146 and CERTIFICATES (SUPPLEMENTAL) 74147, 74148, 74149 & 76520								
TWP	RNG	SEC	QTR/QTR	TL	AC	APPLICANT	DIST #	PRIORITY
16S	11E	11	SW¼ SE¼	802	0.50	TURNER, ROBERT B. & LUPTON-TURNER, COURTNEY	N01.001	9/1/1900
16S	11E	11	SW¼ SE¼	803	2.10	SMITHEY, RANDY SCOT	N01.003	6/1/1907
16S	11E	22	SE¼ SE¼	2800	5.00	BITTLER, MICKEY L. & NANETTE	N01.005	9/1/1900
16S	11E	24	SE¼ SE¼	2400	2.00	FRAZIER, BRETT SCOTT	N01.002	9/1/1900
16S	12E	8	NE¼ SW¼	1500	4.52	AMADIO, ANTHONY	N01.006	9/1/1900
16S	12E	8	SE¼ SW¼	1500	2.40	AMADIO, ANTHONY	N01.006	9/1/1900
16S	12E	8	SE¼ SW¼	1501	0.69	AMADIO, ANTHONY	N01.006	9/1/1900
16S	12E	18	NW¼ SE¼	701	0.70	PATERSON, DAVID L. & SALLY A.	N01.002	6/1/1907

The applicant proposes to change the place of use to:

CERTIFICATE 74146 and CERTIFICATES (SUPPLEMENTAL) 74147, 74148, 74149 & 76520								
TWP	RNG	SEC	QTR/QTR	TL	AC	RECIPIENT	DIST #	PRIORITY
16S	11E	11	SW¼ SE¼	802	0.50	TURNER, ROBERT B. & LUPTON-TURNER, COURTNEY	N01.001	09/01/1900
16S	11E	11	SW¼ SE¼	803	2.10	SMITHEY, RANDY SCOT	N01.003	06/01/1907
16S	11E	24	SE¼ SW¼	2200	1.47	SUSAC, JOHN A. & TYE L.	N01.009	09/01/1900
16S	11E	24	SE¼ SW¼	2800	0.53	SUSAC, JOHN A. & TYE L.	N01.009	09/01/1900
16S	12E	8	SE¼ SW¼	1501	7.61	AMADIO, ANTHONY	N01.006	09/01/1900
16S	12E	9	SE¼ NW¼	605	5.00	BITTLER, MICKEY L. & NANETTE	N01.005	09/01/1900
16S	12E	18	NW¼ SE¼	701	0.70	PATERSON, DAVID L. & SALLY A.	N01.002	06/01/1907
16S	12E	18	NW¼ SE¼	701	2.00	PATERSON, DAVID L. & SALLY A.	N01.002	09/01/1900

The second right to be modified, as evidenced by a portion of Certificate 74147, was perfected under Permit 19628 with a priority date of October 29, 1913.

The right allows the use of Tumalo Creek, Crater Creek, Little Crater Creek and three spring branches, tributaries of The Deschutes River, for irrigation of 8.71 acres.

Also to be modified are supplemental rights evidenced by portions of Certificates 74148, 74149 and 76520. These rights are supplemental to the same lands or places of use authorized by Certificate 74147, and are to transfer to the same proposed places of use.

The authorized place of use is located as follows:

CERTIFICATE 74147 and CERTIFICATES (SUPPLEMENTAL) 74148, 74149 & 76520							
TWP	RNG	SEC	QTR/QTR	TL	AC	APPLICANT	DIST #
16S	11E	12	SW¼ NE¼	300	1.00	BULLAT, CHRIS F. & JANET K.	N01.008
16S	11E	12	SW¼ NE¼	300	4.00	BULLAT, CHRIS F. & JANET K.	N01.007
16S	12E	7	SW¼ NE¼	700	1.71	STOUT, DOUGLAS R. & CATHERINE M.	N01.004
16S	12E	8	NE¼ SW¼	1500	2.00	AMADIO, ANTHONY	N01.006

The applicant proposes to change the place of use to:

CERTIFICATE 74147 and CERTIFICATES (SUPPLEMENTAL) 74148, 74149 & 76520							
TWP	RNG	SEC	QTR/QTR	TL	AC	RECIPIENT	DIST #
16S	12E	7	SW¼ NE¼	700	1.71	STOUT, DOUGLAS R. & CATHERINE M.	N01.004
16S	12E	8	SE¼ SW¼	1501	2.00	AMADIO, ANTHONY	N01.006
16S	12E	19	NW¼ SW¼	700	1.00	MATSON, RICKIE D. & NANCY S.	N01.008
17S	11E	1	NE¼ SW¼	800	4.00	PATERA, DENNIS A. & LYNNE M.	N01.007

The third right to be modified, as evidenced by a portion of Certificate 76106, was perfected under Permit 27840 with a priority date of December 8, 1961.

The right allows the use of Tumalo Creek and Upper Tumalo Reservoir, constructed under Permit R-2743, tributaries of The Deschutes River for irrigation of 4.63 acres.

Also to be modified are supplemental rights evidenced by portions of Certificates 74149 and 76520. These rights are supplemental to the same lands or places of use authorized by Certificate 76106, and are to transfer to the same proposed places of use.

The authorized place of use is located as follows:

CERTIFICATE 76106 and CERTIFICATES (SUPPLEMENTAL) 74149 & 76520							
TWP	RNG	SEC	QTR/QTR	TL	AC	APPLICANT	DIST #
16S	11E	11	SW¼ SE¼	802	0.63	TURNER, ROBERT B. & LUPTON-TURNER, COURTNEY	N01.001
16S	11E	11	SW¼ SE¼	803	4.00	SMITHEY, RANDY SCOT	N01.003

The applicant proposes to change the places of use to:

CERTIFICATE 76106 and CERTIFICATES (SUPPLEMENTAL) 74149 & 76520							
TWP	RNG	SEC	QTR/QTR	TL	AC	RECIPIENT	DIST #
16S	11E	11	SW¼ SE¼	802	0.63	TURNER, ROBERT B. & LUPTON-TURNER, COURTNEY	N01.001
16S	11E	11	SW¼ SE¼	803	4.00	SMITHEY, RANDY SCOT	N01.003

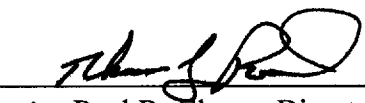
THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2003.
2. The former places of use shall no longer be irrigated as a part of these water rights.
3. Proof to the satisfaction of the Director, that the changes approved by this order have been completed must be submitted by TUMALO IRRIGATION DISTRICT, on or before October 1, 2004

Except as modified herein, all conditions and restrictions of Certificates 74146, 74147, 74148, 74149, 76106 and 76520 remain in effect.

When the Director determines that it is necessary, or to facilitate records keeping, new certificates will be issued to confirm all completed changes for which satisfactory proof has been made and to confirm those portions not modified by this or any other order.

WITNESS the signature of the Water Resources Director, affixed JUN 19 2002.


 Paul R. Cleary, Director