

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF )  
WAYNE A. BARGER AND WILLIAM T. AND )  
SUSAN LIBERTY (TUMALO IRRIGATION )  
DISTRICT) FOR APPROVAL OF A CHANGE )  
IN PLACE OF USE OF WATER )  
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ORDER APPROVING  
TRANSFER 5152

On November 3, 1982 an application was filed in the office of the Water Resources Director by Wayne A. Barger and William T. and Susan Liberty 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.

By Decree of the Circuit Court for Crook County, Oregon, entered May 1, 1911, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Tumalo Creek, a tributary of Deschutes River, a water right was allowed in the name of J. W. Brown, tabulated at page 137, Volume 1, for irrigation of, among other lands, a certain 0.6 acre in SE 1/4 NW 1/4, Section 17, Township 16 South, Range 12 East, WM, with a date of priority of September 1900, as now described by certificate issued in the name of Tumalo Irrigation District and recorded at page 31410, Volume 23, State Record of Water Right Certificates.

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, a water right was allowed in the name of Deschutes County Municipal Improvement District (now Tumalo Irrigation District), tabulated in the name of L. E. Barnet at page 192, Volume 16, for irrigation of, among other lands, a certain 0.2 acre in NE 1/4 NW 1/4 and 0.9 acre in SE 1/4 NW 1/4, Section 17, Township 16 South, Range 12 East, WM, with dates of priority of September, 1900 and June 1, 1907, as now described by certificate issued in the name of Tumalo Irrigation District and recorded at page 26508, Volume 18, State Record of Water Right Certificates.

Certificate of water right issued to Tumalo Irrigation District and recorded at page 26050, Volume 18, State Record of Water Right Certificates, describes a right to the use of not to exceed 136.0 cubic feet per second of water from Tumalo Creek, supplemented by the use of not to exceed 40.0 cubic feet per second from Crater Creek; not to exceed 34.0 cubic feet per second from Little Crater Creek; and not to exceed 1.0 cubic foot per second from three spring branches for irrigation of, among other lands, a certain 1.3 acres in NE 1/4 NW 1/4, Section 17, Township 16 South, Range 12 East, WM, with a date of priority of October 29, 1913.

These lands also have supplemental rights evidenced by certificate recorded at page 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 above described, propose to transfer the water rights therefrom, without loss of priority, to a certain 3.0 acres in SE 1/4 SE 1/4, Section 15, Township 16 South, Range 11 East, WM (Daniels).

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 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, 1984.

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 7th day of December, 1982.

  
JAMES E. SEXSON<sub>524</sub>  
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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