

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION)
OF BEND AGGREGATE AND PAVING CO.)
(TUMALO IRRIGATION DISTRICT) FOR)
APPROVAL OF A CHANGE IN USE)
HERETOFORE MADE OF WATER)

ORDER APPROVING
TRANSFER 5297

On June 20, 1983, an application was filed in the office of the Water Resources Director by Bend Aggregate and Paving Co. for approval of a change in use heretofore made of water from Tumalo Creek, Crater Creek, Little Crater Creek and Three Springs Reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

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 2.0 acres in NE 1/4 SE 1/4, Section 30, 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 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 applicant herein, owner of the lands above described, proposes to change the use heretofore made therefrom, to industrial use within SW 1/4 NE 1/4, SE 1/4 NE 1/4, NE 1/4 SE 1/4 and NW 1/4 SE 1/4 of Section 30, Township 16 South, Range 12 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Bend Bulletin, a newspaper printed and having general circulation in Deschutes County, Oregon, for a period of three weeks in the issues of November 7, 14 and 21, 1983.

Robert F. Main, Jr., Watermaster, has filed a statement to the effect that the proposed change in use heretofore made may be made without injury to existing rights.

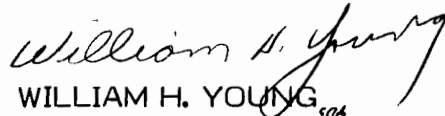
No objections having been filed and it appearing that the proposed change in use heretofore made may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in use heretofore made is approved, without loss of priority.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1985.

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 is 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 26050.

Dated at Salem, Oregon this 21st day of December, 1983.


WILLIAM H. YOUNG
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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