

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF STUART F. SMITH (TUMALO IRRI-)
GATION DISTRICT) FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM TUMALO CREEK, DESCHUTES)
RIVER, CRATER CREEK, LITTLE CRATER)
CREEK AND THREE SPRINGS AND CRESCENT)
LAKE RESERVOIR)
-----)

ORDER APPROVING
TRANSFER NO. 2498

On March 11, 1971, Stuart F. Smith filed an application in the office of the State Engineer for the approval of a change in place of use of water from Tumalo Creek, Deschutes River, Crater Creek, Little Crater Creek and Three Springs and Crescent Lake Reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

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 established in the name of Tumalo Irrigation District, tabulated in the name of Lee Allen, for the irrigation of, among other lands, 7.0 acres in NW¼ NW¼, Section 26, Township 16 South, Range 11 East, W.M., with a date of priority of April 28, 1905, as evidenced by certificate recorded at page 26508, Volume 18, State Record of Water Right Certificates.

These lands also have supplemental rights evidenced by certificate recorded at page 31412, State Record of Water Right Certificates, to the use of water from Deschutes River, with a date of priority of 1905; certificate recorded at page 26050, Volume 18, State Record of Water Right Certificates, to the use of water from Tumalo Creek, Crater Creek, Little Crater Creek and Three Springs, with a date of priority of October 29, 1913; certificate recorded at page 26051, Volume 18, State Record of Water Right Certificates, to the use of the 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 date of priority of December 8, 1961.

The applicant herein, owner of the lands above described, proposes to transfer the water rights therefrom, without loss of priority, to 7.0 acres in NE¼ NE¼, Section 27, Township 16 South, Range 11 East, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

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.

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.

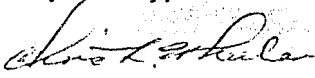
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 7.0 acres in NW¼ NW¼, Section 26, Township 16 South, Range 11 East, W.M., as evidenced by certificate recorded at page 26508, with a date of priority of April 28, 1905, together with the supplemental rights evidenced by certificates recorded at pages 26050, 26051, and 31412, be severed therefrom and simultaneously and without loss of priority transferred to 7.0 acres in NE¼ NE¼, Section 27, Township 16 South, Range 11 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1972.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of complete application of water to beneficial

use on the lands to which the water is transferred hereby, certificate of water right shall be issued to Tumalo Irrigation District at the time certificate is issued to the District confirming other transfers within the District.

Dated at Salem, Oregon, this 6th day of May, 1971.


CHRIS L. WHEELER
State Engineer