

- b. When the Department determines it is necessary for record keeping, it will issue a single superseding certificate for Certificate 74146. The superseding certificate will include both the place of use originally under Certificate 74146, and the place of use (790.6 acres) formerly under Certificate 76106 now assigned to Certificate 74146, as modified by any transfers, including T-12548, completed pursuant to ORS 540.580.
- c. Also consistent with these orders, Certificate 76106 was cancelled with the issuance of confirming water right Certificate 81332 for the use of the waters of Tumalo Creek for instream use with priority date December 8, 1961, and the issuance of diminishment remaining right Certificate 88894 for use of the water of Upper Tumalo Reservoir for supplemental uses. Certificate 81332 was issued to the State of Oregon in exchange for TID receiving the State of Oregon's portion of conserved water under Certificate 74148.
- d. Thus, consistent with these orders, the entirety of the conserved water under Certificate 74148 (3,746 ac-ft) became the applicant's portion for supplemental irrigation under the same Certificate 74148. The conserved portion of water was assigned to serve the place of use (790.6 acres) described under Certificate 76106 for supplemental irrigation with the April 7, 1911 priority date.
- e. When the Department determines it is necessary for record keeping, it will issue a single superseding certificate for Certificate 74148 for supplemental irrigation. The superseding certificate will include both the place of use originally under Certificate 74148, and the place of use for the 790.6 acres as had been described in Certificate 76106, as modified by any transfers, including T-12548, completed pursuant to ORS 540.580.

Findings of Fact

2. On December 29, 2016, TUMALO Irrigation District (TID) filed a district transfer application to permanently change the place of use under Certificates 74146, 74147, 74148, 74149, and 76520. The Department assigned the application number T-12548.
3. Notice of the District Permanent Transfer Application was published on December 27, 2016, and a correcting notice to include supplemental water rights was published on February 7, 2017, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notices.
4. On February 1, 2017, TID modified the application to include supplemental water right certificates, and on February 16, 2017 TID submitted superseding correcting maps.
5. This order is issued to supersede the Final Order recorded at Special Order Volume 104, Pages 272-280 to correct a scrivener's errors. In Finding of Fact #11, the number of acres ascribed to "Use: SUPPLEMENTAL IRRIGATION" was corrected from 25.30 acres to 26.30 acres. In addition, the spelling of the water user's name SHUTTE was corrected to SCHUTT in several places.

6. The portion of the first right to be transferred is as follows:

Certificate: 74146 in the name of TUMALO IRRIGATION DISTRICT (confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County)

Use: IRRIGATION of 21.80 acres

Priority Dates: AUGUST 5, 1990, SEPTEMBER 1, 1900 and MAY 27, 1907

Rate & Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-SEVENTIETH of one cubic foot per second (or its equivalent) and 1.8 acre-feet, measure at or within one-half mile of the land to be irrigated, for each acre irrigated during the irrigation season of each year.

Source: The TUMALO CREEK, tributary to the DESCHUTES RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	11 E	WM	23	SW NE	TUMALO FEED CANAL POD 1: NORTH 70° 21' WEST, 1550 FEET FROM THE EAST ¼ CORNER OF SECTION 23
18 S	10 E	WM	2	NW SW	TUMALO CREEK POD 2: NORTH 14° 02' EAST, 1713 FEET FROM THE SOUTH ¼ CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION									
Priority	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
9/1/1900	16 S	11 E	WM	22	NW SE	1.00*	1501	KOWALSKI	16.005
9/1/1900	16 S	11 E	WM	27	NE NE	0.30	604	STUERMER	16.001
9/1/1900	16 S	11 E	WM	35	SW SE	5.00	2100	MURRI	16.003
8/5/1900	17 S	11 E	WM	11	SW NW	11.2	500	DESOTO	16.004
9/1/1900	17 S	11 E	WM	11	SW NW	2.8	500	DESOTO	16.004
5/27/1907	17 S	11 E	WM	13	NW NW	1.50	817	KCDG	16.001
Total:						21.80			

*Lands formerly under Certificate 76106

7. Transfer Application T-12548 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION									
Priority	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
5/27/1907	16 S	11 E	WM	27	SE NE	1.50	604	STUERMER	16.001
9/1/1900	16 S	11 E	WM	27	SE NE	0.15	604	STUERMER	16.001
9/1/1900	16 S	11 E	WM	27	SE NE	0.15	600	STUERMER	16.001
8/5/1900	16 S	11 E	WM	33	SE NE	1.00	900	O'NEAL/GARBER	16.004
9/1/1900	16 S	11 E	WM	35	SW SE	5.00	2100	MURRI	16.003
9/1/1900	16 S	12 E	WM	8	NW NW	0.25*	500	FRED	16.005
9/1/1900	16 S	12 E	WM	8	SW NW	0.75*	500	FRED	16.005
8/5/1900	17 S	11 E	WM	2	SW SE	1.20	604	BOUMA	16.004
8/5/1900	17 S	11 E	WM	2	SW SE	0.40	1100	BOUMA	16.004
8/5/1900	17 S	11 E	WM	2	SE SE	8.60	1100	BOUMA	16.004
9/1/1900	17 S	11 E	WM	2	SE SE	2.80	1100	BOUMA	16.004
Total:						21.80			

*Lands formerly under Certificate 76106

8. The portion of the second irrigation right to be transferred is as follows:

Certificate: 74147 in the name of TUMALO IRRIGATION DISTRICT (perfected under Permit S-19628)

Use: IRRIGATION of 4.5 acres; SUPPLEMENTAL IRRIGATION of 20.80 acres

Priority Date: OCTOBER 29, 1913

Maximum Quantity (Rate) that can be applied to an acre at the diversion:

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands is limited as follows:

Apr 1 to May 1 and Oct 1 to Nov 1: 1/80 cfs

May 1 to May 15 and Sep 15 to Oct 1: 1/60 cfs

May 15 to Sep 15: 1/32.4 cfs

Maximum Duty that can be applied to an acre at the diversion during a season:

Not to exceed 9.91 acre-feet (af) per acre per year.

Sources: TUMALO CREEK, tributary to the DESCHUTES RIVER.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	11 E	WM	23	SW NE	TUMALO FEED CANAL POD 1: NORTH 70° 21' WEST, 1550 FEET FROM THE EAST ¼ CORNER OF SECTION 23

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	12 E	WM	7	SE SE	0.20	1401	SCHUTT/TUTEN	16.002
16 S	12 E	WM	7	SE SE	0.80	1402	SCHUTT/TUTEN	16.002
17 S	11 E	WM	14	NE NE	3.50	817	KCDG	16.001
Total:					4.50			

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	27	NE NE	0.30	604	STUERMER	16.001
16 S	11 E	WM	35	SW SE	5.00	2100	MURRI	16.003
17 S	11 E	WM	11	SW NW	14.00	500	DESOTO	16.004
17 S	11 E	WM	13	NW NW	1.50	817	KCDG	16.001
Total:					20.80			

9. Transfer Application T-12548 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	27	NE NE	0.50	604	STUERMER	16.001
16 S	11 E	WM	27	SW NE	3.00	200	WHEIR	16.001
16 S	12 E	WM	7	SE SE	1.00	1401	SCHUTT/TUTEN	16.002
Total:					4.50			

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	27	SE NE	1.50	604	STUERMER	16.001
16 S	11 E	WM	27	SE NE	0.15	604	STUERMER	16.001
16 S	11 E	WM	27	SE NE	0.15	600	STUERMER	16.001
16 S	11 E	WM	33	SE NE	1.00	900	O'NEAL/GARBER	16.004
16 S	11 E	WM	35	SW SE	5.00	2100	MURRI	16.003
17 S	11 E	WM	2	SW SE	1.20	604	BOUMA	16.004
17 S	11 E	WM	2	SW SE	0.40	1100	BOUMA	16.004
17 S	11 E	WM	2	SE SE	11.40	1100	BOUMA	16.004
Total:					20.80			

10. The portion of the third right to be transferred is as follows:

Certificate: 74148 in the name of TUMALO IRRIGATION DISTRICT (perfected under Permit S-624)

Use: SUPPLEMENTAL IRRIGATION of 26.30 acres

Priority Date: APRIL 7, 1911

Limit/Duty:

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of the following amounts measured at the point of diversion from the Deschutes River for each acre irrigated during the periods indicated below during the irrigation season of each year.

Apr 1 to May 1 and Oct 1 to Nov 1: 0.75 acre-feet

May 1 to May 15 and Sep 15 to Oct 1: 0.50 acre-feet

May 15 to Sep 15: 7.40 acre-feet

Further limited to a total diversion of not to exceed 35,000 acre-feet stored water only during any one irrigation season.

Source: CRESCENT LAKE RESERVOIR, constructed under Permit R-102, a tributary of CRESCENT CREEK

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q
24 S	6 E	WM	11	SE SW
24S	6 E	WM	11	SW SE

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	22	NW SE	1.00*	1501	KOWALSKI	16.005
16 S	11 E	WM	27	NE NE	0.30	604	STUERMER	16.001
16 S	11 E	WM	35	SW SE	5.00	2100	MURRI	16.003
16 S	12 E	WM	7	SE SE	0.20	1401	SCHUTT/TUTEN	16.002
16 S	12 E	WM	7	SE SE	0.80	1402	SCHUTT/TUTEN	16.002
17 S	11 E	WM	11	SW NW	14.00	500	DESOTO	16.004
17 S	11 E	WM	13	NW NW	1.50	817	KCDG	16.001
17 S	11 E	WM	14	NE NE	3.50	817	KCDG	16.001
Total:					26.3			

*Lands formerly described under Certificate 76106

11. Transfer Application T-12548 proposes to change the place of use to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	27	NE NE	0.50	604	STUERMER	16.001
16 S	11 E	WM	27	SW NE	3.00	200	WHEIR	16.001
16 S	11 E	WM	27	SE NE	1.50	604	STUERMER	16.001
16 S	11 E	WM	27	SE NE	0.15	604	STUERMER	16.001
16 S	11 E	WM	27	SE NE	0.15	600	STUERMER	16.001
16 S	11 E	WM	33	SE NE	1.00	900	O'NEAL/GARBER	16.004
16 S	11 E	WM	35	SW SE	5.00	2100	MURRI	16.003
16 S	12 E	WM	8	NW NW	0.25*	500	FRED	16.005
16 S	12 E	WM	8	SW NW	0.75*	500	FRED	16.005
16 S	12 E	WM	7	SE SE	1.00	1401	SCHUTT/TUTEN	16.002
17 S	11 E	WM	2	SW SE	1.20	604	BOUMA	16.004
17 S	11 E	WM	2	SW SE	0.40	1100	BOUMA	16.004
17 S	11 E	WM	2	SE SE	11.40	1100	BOUMA	16.004
Total:					26.3			

*Lands formerly described under Certificate 76106

12. The portion of the fourth right to be transferred is as follows:

Certificate: 74149 in the name of TUMALO IRRIGATION DISTRICT (confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County)

Use: SUPPLEMENTAL IRRIGATION of 26.30 acres

Priority Date: 1905

Limit/Duty: The use is limited to the amount beneficially used and shall not exceed 9.50 cubic feet per second for supplemental irrigation, industrial use and pond maintenance during the irrigation season from April 1 to November 1 and storage of said water in Crescent Lake Reservoir during the non-irrigation season, or its equivalent in case of rotation, measured at the point of diversion from the source.

Source: The DESCHUTES RIVER, tributary to the COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	12 E	WM	32	NW NE	BEND FEED CANAL: 100 FEET SOUTH AND 550 FEET EAST FROM THE N ¼ CORNER OF SECTION 32

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	22	NW SE	1.00	1501	KOWALSKI	16.005
16 S	11 E	WM	27	NE NE	0.30	604	STUERMER	16.001
16 S	11 E	WM	35	SW SE	5.00	2100	MURRI	16.003
16 S	12 E	WM	7	SE SE	0.20	1401	SCHUTT/TUTEN	16.002
16 S	12 E	WM	7	SE SE	0.80	1402	SCHUTT/TUTEN	16.002

17 S	11 E	WM	11	SW NW	14.00	500	DESOTO	16.004
17 S	11 E	WM	13	NW NW	1.50	817	KCDG	16.001
17 S	11 E	WM	14	NE NE	3.50	817	KCDG	16.001
Total:					26.30			

13. Transfer Application T-12548 proposes to change the place of use to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	27	NE NE	0.50	604	STUERMER	16.001
16 S	11 E	WM	27	SW NE	3.00	200	WHEIR	16.001
16 S	11 E	WM	27	SE NE	1.50	604	STUERMER	16.001
16 S	11 E	WM	27	SE NE	0.15	604	STUERMER	16.001
16 S	11 E	WM	27	SE NE	0.15	600	STUERMER	16.001
16 S	11 E	WM	33	SE NE	1.00	900	O'NEAL/GARBER	16.004
16 S	11 E	WM	35	SW SE	5.00	2100	MURRI	16.003
16 S	12 E	WM	7	SE SE	1.00	1401	SCHUTT/TUTEN	16.002
16 S	12 E	WM	8	NW NW	0.25	500	FRED	16.005
16 S	12 E	WM	8	SW NW	0.75	500	FRED	16.005
17 S	11 E	WM	2	SW SE	1.20	604	BOUMA	16.004
17 S	11 E	WM	2	SW SE	0.40	1100	BOUMA	16.004
17 S	11 E	WM	2	SE SE	11.40	1100	BOUMA	16.004
Total:					26.30			

14. The portion of the fifth right to be transferred is as follows:

Certificate: 76520 in the name of TUMALO IRRIGATION DISTRICT (perfected under Permit S-27841)

Use: SUPPLEMENTAL IRRIGATION of 26.30 acres

Priority Date: DECEMBER 8, 1961

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of not to exceed 9.91 acre-feet per acre for each acre irrigated during the irrigation season of each year and the right allowed hereunder for the appropriation of water for lands having a valid prior right shall be limited to the amount necessary to make up any deficiency in water available to said lands under said prior right and the amount allowed herein, together with the amount secured under any other right existing for said lands, shall be limited by the duty of water as fixed herein, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

Source: CRESCENT LAKE RESERVOIR (constructed under Permit R-2744), tributary of CRESCENT CREEK and the LITTLE DESCHUTES RIVER, tributary to the DESCHUTES RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	12 E	WM	32	NW NE	TUMALO ID BEND FEED CANAL: 2050 FEET WEST FROM THE NE CORNER OF SECTION 23
24 S	6 E	WM	11	SE SW	CRESCENT LAKE RESERVOIR – NONE GIVEN

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	22	NW SE	1.00	1501	KOWALSKI	16.005
16 S	11 E	WM	27	NE NE	0.30	604	STUERMER	16.001
16 S	11 E	WM	35	SW SE	5.00	2100	MURRI	16.003
16 S	12 E	WM	7	SE SE	0.20	1401	SCHUTT/TUTEN	16.002
16 S	12 E	WM	7	SE SE	0.80	1402	SCHUTT/TUTEN	16.002
17 S	11 E	WM	11	SW NW	14.00	500	DESOTO	16.004
17 S	11 E	WM	13	NW NW	1.50	817	KCDG	16.001
17 S	11 E	WM	14	NE NE	3.50	817	KCDG	16.001
Total:					26.30			

15. Transfer Application T-12548 proposes to change the place of use to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	27	NE NE	0.50	604	STUERMER	16.001
16 S	11 E	WM	27	SW NE	3.00	200	WHEIR	16.001
16 S	11 E	WM	27	SE NE	1.50	604	STUERMER	16.001
16 S	11 E	WM	27	SE NE	0.15	604	STUERMER	16.001
16 S	11 E	WM	27	SE NE	0.15	600	STUERMER	16.001
16 S	11 E	WM	33	SE NE	1.00	900	O'NEAL/GARBER	16.004
16 S	11 E	WM	35	SW SE	5.00	2100	MURRI	16.003
16 S	12 E	WM	7	SE SE	1.00	1401	SCHUTT/TUTEN	16.002
16 S	12 E	WM	8	NW NW	0.25	500	FRED	16.005
16 S	12 E	WM	8	SW NW	0.75	500	FRED	16.005
17 S	11 E	WM	2	SW SE	1.20	604	BOUMA	16.004
17 S	11 E	WM	2	SW SE	0.40	1100	BOUMA	16.004
17 S	11 E	WM	2	SE SE	11.40	1100	BOUMA	16.004
Total:					26.30			

16. The Department finds that the district permanent transfer application satisfies the criteria of OAR 690-385-4000 and contains the information required under OAR 690-385-4200 and includes maps meeting the requirements of OAR 690-385-4300.

17. The water rights are subject to transfer as defined in OAR 690-385-0100(17).

18. The proposed change in place of use will not result in enlargement of the rights.

19. The proposed change in place of use will not result in injury to other water rights.


Conclusions of Law

The proposed changes in place of use as proposed in Transfer Application T-12548 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The order entered at Special Order Volume 104, Pages 272 to 280 is withdrawn and of no further force and effect and is superseded by this order.
2. The proposed changes in place of use to the water rights evidenced by Certificates 74146, 74147, 74148, 74149, and 76520 are approved.
3. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 74146, 74147, 74148, 74149, and 76520 and any related decree.
4. The former places of use shall no longer be irrigated as part of these water rights.
5. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2018**. A Claim of Beneficial Use shall be submitted by TID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
7. Water right certificates 74146, 74147, 74148, 74149, and 76520 are modified. The Department will issue superseding certificates describing the rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon this 17 day of April 2017.



Dwight French, Water Right Services Administrator for
THOMAS M. BYLER, DIRECTOR
Oregon Department of Water Resources

Mailing Date: APR 26 2017