

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

In the Matter of Transfer Application) **FINAL ORDER APPROVING**
T-11939, Deschutes County) **A DISTRICT PERMANENT TRANSFER**

Authority

ORS 540.570 to 540.580 establishes the process in which a district may submit a request to transfer a water right within district boundaries. OAR Chapter 690, Division 385 implements the statutes and provides the Department’s procedures and criteria for evaluating district transfer applications.

Applicant

TUMALO IRRIGATION DISTRICT
64697 COOK AVE.
BEND, OR 97701

Findings of Fact

1. On December 12, 2014, Tumalo Irrigation District filed a district transfer application to permanently change the place of use under Certificates 74146, 74147, and 76106. The Department assigned the application number T-11939.
2. Notice of the application for transfer was published on December 23, 2014, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the first right to be transferred is as follows:

Certificate: 74146, issued in the name of Tumalo Irrigation District

Use: Irrigation of 21.0 acres

Priority Date: September 1900, August 5, 1900

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, measured at or within one-half mile of the land to be irrigated, for each acre irrigated during the irrigation season of each year.

Source: 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	NORTH 70° 21' WEST, 1550 FEET FROM THE EAST ¼ CORNER OF SECTION 23
18 S	10 E	WM	2	NW SW	NORTH 14° 02' EAST, 1713 FEET FROM THE SOUTH ¼ CORNER OF SECTION 2

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 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Authorized Place of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Priority Date	Notice
16 S	11 E	WM	26	SE NW	15.00	204	Levin	9/1900	N14.001
16 S	11 E	WM	33	NE SE	0.50	1200	Lucky Lake Investment LLC	8/5/1900	N14.004
16 S	12 E	WM	17	SE NW	1.20	1800	Pride	9/1900	N14.003
16 S	12 E	WM	17	SE NW	4.30	800	Freeland	9/1900	N14.003
Total:					21.00				

6. Transfer Application T-11939 proposes to change the place of use to:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Priority Date	Notice
16 S	11 E	WM	33	NE SE	0.50	1200	Lucky Lake Investments LLC	8/5/1900	N14.004
16 S	11 E	WM	26	SE NW	15.00	204	Levin	9/1900	N14.001
16 S	12 E	WM	17	SE NW	1.20	800	Freeland	9/1900	N14.003
16 S	12 E	WM	17	SE NW	4.30	800	Freeland	9/1900	N14.003
Total:					21.00				

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

Certificate: 74147, issued in the name of Tumalo Irrigation District

Use: Irrigation of 3.0 acres

Priority Date: October 29, 1913

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 as follows:

April 1 to May 1	1/80 cfs per acre
May 1 to May 15	1/60 cfs per acre
May 15 to September 15	1/32.4 cfs per acre
September 15 to October 1	1/60 cfs per acre
October 1 to November 1	1/80 cfs per acre
9.91 total acre-feet per acre at the diversion during the season	

Sources: Tumalo Creek, Crater Creek, Little Crater Creek and Three Springs Branches, tributaries of the Deschutes River.

Authorized Point of Diversion:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	17 S	11 E	WM	23	SW NE	TUMALO FEED CANAL - 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	11 E	WM	25	NE SE	3.00	702	Madison	14.001

8. Transfer Application T-11939 proposes to change the place of use to:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	26	SE NW	3.00	204	Levin	14.001

9. The portion of the next right to be transferred is as follows:

Certificate: 76106, issued in the name of Tumalo Irrigation District

Use: Irrigation of 4.5 acres

Priority Date: December 8, 1961

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 ONE-SEVENTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from Upper Tumalo Reservoir constructed under water use Permit R-2743.

Source: Tumalo Creek and Upper Tumalo Reservoir (constructed under Permit R-2743) tributaries of the Deschutes River.

Authorized Points of Diversion:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Tumalo Creek	17 S	11 E	WM	23	SE NE	2080 FEET SOUTH AND 1310 FEET WEST FROM THE NE CORNER OF SECTION 23
Upper Tumalo Reservoir	16 S	11 E	WM	33	SE SW	Not listed on certificate

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
17 S	11 E	WM	13	NW SE	4.50	100	Joyce E. Coats Rev. Trust	N14.004

10. Transfer Application T-11504 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	11E	WM	33	NE SE	0.08	1100	Lucky Lake Investment LLC	N14.004
16 S	11E	WM	33	NE SE	0.02	1200	Lucky Lake Investment LLC	N14.004
16 S	11E	WM	33	NE SE	4.40	1300	Lucky Lake Investment LLC	N14.004
Total					4.50			

11. The district permanent transfer application satisfies the criteria of OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
12. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
13. The proposed change in place of use would not result in enlargement of the rights.
14. The proposed change in place of use would not result in injury to other water rights.

Conclusions of Law

The proposed changes in place of use as proposed in Transfer Application T-11939 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The proposed changes to the water rights evidenced by Certificates 74146, 74147, and 76106 are approved.
2. 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, and 76106 and any related decree.
3. The former place of use shall no longer be irrigated as part of these water rights.
4. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2017**. A Claim of Beneficial Use shall be submitted by Tumalo Irrigation District to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. Water Right certificates 74146, 74147, and 76106 are modified. The Department will issue superseding certificates describing the rights when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 12 day of February, 2016.



Dwight French, Water Right Services Administrator for
THOMAS M. BYLER, DIRECTOR

Mailing Date: FEB 17 2016