

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

In the Matter of Transfer Application) SECOND CORRECTING FINAL ORDER
T-12226, Deschutes County) APPROVING 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 19, 2013, Tumalo Irrigation District 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-12226.
2. Notice of the application for transfer was published on January 6 and 12, 2016, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. On March 28, 2016, the Department approved Transfer Application T-12226 as described in Special Order Volume 98 at Pages 1084-1089.
4. On February 14, 2017, the Department signed a correcting final order which was mailed on February 17, 2017, to supersede the original final order described in Finding of Fact #3, above. The correcting order is recorded at Special Order Volume 103, Pages 926-932. It was issued to correct the scrivener’s errors in the original final order.
5. The correcting final order Transfer T-12226 was issued without including the place of use changes to Certificate 74147 for supplemental irrigation. This second correcting order is issued to correct the omission of supplemental irrigation under Certificate 74147, and supplements the correcting final order recorded at Special Order Volume 103, Pages 926-932. This correction is consistent with the transfer application.

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.

6. All lands for supplemental irrigation under Certificate 74147 are layered with places of use identical to lands approved in T-12226 under Certificate 74146 for primary irrigation, and Certificates 74148, 74149 and 76520 for supplemental irrigation.

7. The portion of Certificate 74147 for supplemental irrigation to be transferred is as follows:
Certificate: 74147 in the name of TUMALO IRRIGATION DISTRICT (perfected under Permit S-19628)

Use: SUPPLEMENTAL IRRIGATION of 10.64 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, CRATER CREEK, LITTLE CRATER CREEK AND THREE SPRINGS BRANCHES, tributaries of the DESCHUTES RIVER.

Authorized Point 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:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	24	SW SE	1.50	2300	Hagen	15.001
16 S	11 E	WM	24	SW SE	1.00	2300	Hagen	15.001
16 S	11 E	WM	34	SE NW	3.00	402	O'Connor (Wolfenson)	15.002
16 S	11 E	WM	34	SW SE	1.14	1303	McMahon Family Trust	15.004
16 S	12 E	WM	30	NW NE	3.00	900	Radcliff	15.004
17 S	11 E	WM	11	NW NE	1.00	200	Resor	15.005
Total:					10.64			

8. Transfer Application T-12226 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	24	SW SE	1.50	2300	Hagen	15.001
16 S	11 E	WM	24	SW SE	1.00	2300	Hagen	15.001
17 S	11 E	WM	2	NE NE	3.00	106	Sizoo	15.002
16 S	11 E	WM	34	SW SE	0.67	1303	McMahon Family	15.004
16 S	12 E	WM	30	NW NE	3.47	900	Radcliffe/ von Hurst	15.004

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
17 S	11 E	WM	11	SW NE	1.00	800	Campbell	15.005
Total:					10.64			

Conclusions of Law

The proposed changes in places of use as shown in Findings of Facts #7 and 8 for Transfer T-12226 satisfy the requirements of ORS 540.574(3) and 540.585.

Now, therefore, it is ORDERED:

The final order approving T-12226, as recorded in Special Order Volume 103 at Pages 926-932 is hereby corrected to approve the place of use change 10.64 acres under Certificate 74147 for supplemental irrigation, as shown in Finding of Facts #7 and 8, above. All other terms and conditions of Special Order Volume Special Order Volume 103 at Pages 926-932 remain the same.

Signed at Salem, Oregon on JUL 26 2019.

Lisa J. Jaramillo, Transfer and Conservation Section Manager for
 THOMAS M. BYLER, DIRECTOR
 Oregon Water Resources Department

Mailing Date: JUL 29 2019