

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

In the Matter of Transfer Application                    )    FINAL ORDER APPROVING  
T-14366, Deschutes County                               )    A DISTRICT PERMANENT TRANSFER FOR  
  )    CHANGES IN PLACES OF USE

**Authority**

Oregon Revised Statutes (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. Oregon Administrative Rule (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 97703

**Findings of Fact**

1. On December 11, 2023, TUMALO Irrigation District (TID) filed a district transfer application to permanently change the places of use under Certificates 95175, 95176, 95177, 95178, and 74149. The Department assigned the application number T-14366.
2. Notice of the District Permanent Transfer Application was published on December 19, 2023, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notices.
3. On December 20, 2023, TID submitted three amended maps to correct scrivener’s errors.
4. The portion of the first right to be transferred is as follows:  
**Certificate:** 95175 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 6.85 acres

This final order is in a contested case and is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075(2) and OAR 137-003-0675, 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.

Within 20 days after this final order is issued (i.e., mailing date), the district or any protestant may file with the commission exceptions to the final order. The commission shall issue an order granting or denying the exceptions within 30 days after receiving the exceptions. ORS 540.580(10).

**Priority Dates:** AUGUST 5, 1900, SEPTEMBER 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, 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, a tributary of 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	G-Lot	Acres	Tax Lot	Water User	Notice
9/1900	16 S	11 E	WM	27	SE SW	--	2.40	401	SIR EDWARD LLC	N23.005
9/1900	16 S	11 E	WM	27	SE SE	--	0.90	603	POWELL	N23.003
8/5/1900	16 S	11 E	WM	36	SE SE	--	0.60	1500	KELLY	N23.001
6/1/1907	17 S	11 E	WM	2	NW NW	4	0.95	300	HERMELING-BUCKENDORF	N23.005
9/1900	17 S	11 E	WM	13	NW SE	--	2.00	100	ERMK LLC	N23.004*
<b>Total:</b>							<b>6.85</b>			

\*Lands for primary irrigation formerly under Certificate 76106

5. Transfer Application T-14366 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION										
Priority	Twp	Rng	Mer	Sec	Q-Q	G-Lot	Acres	Tax Lot	Water User	Notice
8/5/1900	16 S	11 E	WM	23	SW NE		0.60	503	DANIELS	N23.001
9/1900	16 S	11 E	WM	27	SE SW		0.45	401	SIR EDWARD LLC	N23.005
9/1900	16 S	11 E	WM	27	SE SE		0.90	603	POWELL	N23.003
6/1/1907	17 S	11 E	WM	2	NW NW	4	0.75	300	HERMELING-BUCKENDORF	N23.005
9/1900	17 S	11 E	WM	2	NW NW	4	1.95	300	HERMELING-BUCKENDORF	N23.005
6/1/1907	17 S	11 E	WM	2	NW NW		0.20	301	HERMELING-BUCKENDORF	N23.005
9/1900	17 S	11 E	WM	12	NW SW		2.00	900	MCCLAIN REVOCABLE TRUST	N23.004*
<b>Total:</b>							<b>6.85</b>			

\*Lands formerly under Certificate 76106

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

**Certificate:** 95176 in the name of TUMALO IRRIGATION DISTRICT (perfected under Permit S-19628)

**Use:** IRRIGATION of 3.6 acres; SUPPLEMENTAL IRRIGATION of 4.85 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 through Apr 30 and Oct 1 through Oct 31: 1/80 cfs

May 1 through May 14 and Sep 15 through Sep 30: 1/60 cfs

May 15 through Sep 14: 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:**

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	
16 S	11 E	WM	23	NE SW	1.80	516	MURZIN & KRISTA KNOERNSCHILD TRUST	N23.002	
16 S	11 E	WM	23	NW SW	1.20	516	MURZIN & KRISTA KNOERNSCHILD TRUST	N23.002	
16 S	11 E	WM	36	SE SE	0.60	1500	KELLY	N23.001	
<b>Total:</b>					<b>3.60</b>				

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	G-Lot	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	27	SE SW	--	2.40	401	SIR EDWARD LLC	N23.005
16 S	11 E	WM	27	SE SE	--	0.90	603	POWELL	N23.003
16 S	11 E	WM	36	SE SE	--	0.60	1500	KELLY	N23.001
17 S	11 E	WM	2	NW NW	4	0.95	300	HERMELING-BUCKENDORF	N23.005
<b>Total:</b>					<b>4.85</b>				

7. Transfer Application T-14366 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	23	SW NE	0.60	503	DANIELS	N23.001	
16 S	11 E	WM	35	NW NE	1.50	800	SKIENS REV LIVING TRUST	N23.002	
16 S	12 E	WM	18	SW SE	1.50	1500	ARNOLD REV TRUST	N23.002	
<b>Total:</b>					<b>3.60</b>				

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	G-Lot	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	23	SW NE		0.60	503	DANIELS	N23.001
16 S	11 E	WM	27	SE SW		0.45	401	SIR EDWARD LLC	N23.005
16 S	11 E	WM	27	SE SE		0.90	603	POWELL	N23.003
17 S	11 E	WM	2	NW NW	4	2.70	300	HERMELING-BUCKENDORF	N23.005
17 S	11 E	WM	2	NW NW		0.20	301	HERMELING-BUCKENDORF	N23.005
<b>Total:</b>						<b>4.85</b>			

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

**Certificate:** 95177 in the name of TUMALO IRRIGATION DISTRICT (perfected under Permit S-624)

**Use:** SUPPLEMENTAL IRRIGATION of 10.45 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 through Apr 30 and Oct 1 through Oct 31: 0.75 acre-feet

May 1 through May 14 and Sep 15 through Sep 30: 0.50 acre-feet

May 15 through Sep 14: 7.40 acre-feet

The use is limited to 32,999.34 ACRE-FEET STORED WATER ONLY, or its equivalent in case of rotation, measured at the point of diversion from the source.

**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	G-Lot	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	23	NE SW		1.80	516	MURZIN & KRISTA KNOERNSCHILD TRUST	N23.002
16 S	11 E	WM	23	NW SW		1.20	516	MURZIN & KRISTA KNOERNSCHILD TRUST	N23.002
16 S	11 E	WM	27	SE SW		2.40	401	SIR EDWARD LLC	N23.005
16 S	11 E	WM	27	SE SE		0.90	603	POWELL	N23.003
16 S	11 E	WM	36	SE SE		0.60	1500	KELLY	N23.001
16 S	11 E	WM	36	SE SE		0.60	1500	KELLY	N23.001
17 S	11 E	WM	2	NW NW	4	0.95	300	HERMELING-BUCKENDORF	N23.005
17 S	11 E	WM	13	NW SE		2.00	100	ERMK LLC	N23.004*
<b>Total:</b>						<b>10.45</b>			

\*Lands for supplemental irrigation formerly described under Certificate 76106

9. Transfer Application T-14366 proposes to change the place of use to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q Lot	G-Lot	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	23	SW NE		0.60	503	DANIELS	N23.001
16 S	11 E	WM	23	SW NE		0.60	503	DANIELS	N23.001
16 S	11 E	WM	27	SE SW		0.45	401	SIR EDWARD LLC	N23.005
16 S	11 E	WM	27	SE SE		0.90	603	POWELL	N23.003
16 S	11 E	WM	35	NW NE		1.50	800	SKIENS REV LIVING TRUST	N23.002
16 S	12 E	WM	18	SW SE		1.50	1500	ARNOLD REV TRUST	N23.002
17 S	11 E	WM	2	NW NW	4	2.70	300	HERMELING-BUCKENDORF	N23.005
17 S	11 E	WM	2	NW NW		0.20	301	HERMELING-BUCKENDORF	N23.005
17 S	11 E	WM	12	NW SW		2.00	900	MCCLAIN REVOCABLE TRUST	N23.004*
<b>Total:</b>						<b>10.45</b>			

\*Lands formerly described under Certificate 76106

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

**Certificate:** 95178 in the name of TUMALO IRRIGATION DISTRICT (perfected under Permit S-27841)

**Use:** SUPPLEMENTAL IRRIGATION of 10.45 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 LITTLE 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	G-Lot	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	23	NE SW		1.80	516	MURZIN & KRISTA KNOERNSCHILD TRUST	N23.002
16 S	11 E	WM	23	NW SW		1.20	516	MURZIN & KRISTA KNOERNSCHILD TRUST	N23.002

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	G-Lot	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	27	SE SW		2.40	401	SIR EDWARD LLC	N23.005
16 S	11 E	WM	27	SE SE		0.90	603	POWELL	N23.003
16 S	11 E	WM	36	SE SE		0.60	1500	KELLY	N23.001
16 S	11 E	WM	36	SE SE		0.60	1500	KELLY	N23.001
17 S	11 E	WM	2	NW NW	4	0.95	300	HERMELING-BUCKENDORF	N23.005
17 S	11 E	WM	13	NW SE		2.00	100	ERMK LLC	N23.004
<b>Total:</b>						<b>10.45</b>			

11. Transfer Application T-14366 proposes to change the place of use to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q Lot	G-Lot	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	23	SW NE		0.60	503	DANIELS	N23.001
16 S	11 E	WM	23	SW NE		0.60	503	DANIELS	N23.001
16 S	11 E	WM	27	SE SW		0.45	401	SIR EDWARD LLC	N23.005
16 S	11 E	WM	27	SE SE		0.90	603	POWELL	N23.003
16 S	11 E	WM	35	NW NE		1.50	800	SKIENS REV LIVING TRUST	N23.002
16 S	12 E	WM	18	SW SE		1.50	1500	ARNOLD REV TRUST	N23.002
17 S	11 E	WM	2	NW NW	4	2.70	300	HERMELING-BUCKENDORF	N23.005
17 S	11 E	WM	2	NW NW		0.20	301	HERMELING-BUCKENDORF	N23.005
17 S	11 E	WM	12	NW SW		2.00	900	MCCLAIN REVOCABLE TRUST	N23.004
<b>Total:</b>						<b>10.45</b>			

12. The portion of the fifth 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 10.45 acres

**Priority Date:** 1905

**Limit/Duty:** "The Deschutes County Municipal Improvement District is hereby given the right to use said 9.5 second feet of water for the irrigation of lands within said district during the irrigation season from April 1 to November 1, and to store said water in its reservoir at Crescent Lake during the non-irrigation season so that the water so stored may be released at such later date as the district sees fit to use the same for the irrigation of lands within the district. The storage, diversion and use of said 9.5 second feet of water by said district shall be subject to all the provisions and limitations contained in Paragraph 33 of said order of determination of June 21, 1926." (Decree dated February 10, 1928, signed by T.E.J. Duffy, Circuit Judge)

**Source:** The DESCHUTES RIVER, a tributary of the COLUMBIA RIVER

**Authorized Point 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	G-	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	23	NE SW		1.80	516	MURZIN & KRISTA KNOERNSCHILD TRUST	N23.002
16 S	11 E	WM	23	NW SW		1.20	516	MURZIN & KRISTA KNOERNSCHILD TRUST	N23.002
16 S	11 E	WM	27	SE SW		2.40	401	SIR EDWARD LLC	N23.005
16 S	11 E	WM	27	SE SE		0.90	603	POWELL	N23.003
16 S	11 E	WM	36	SE SE		0.60	1500	KELLY	N23.001
16 S	11 E	WM	36	SE SE		0.60	1500	KELLY	N23.001
17 S	11 E	WM	2	NW NW	4	0.95	300	HERMELING-BUCKENDORF	N23.005
17 S	11 E	WM	13	NW SE		2.00	100	ERMK LLC	N23.004
<b>Total:</b>						<b>10.45</b>			

13. Transfer Application T-14366 proposes to change the place of use to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q Lot	G-Lot	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	23	SW NE		0.60	503	DANIELS	N23.001
16 S	11 E	WM	23	SW NE		0.60	503	DANIELS	N23.001
16 S	11 E	WM	27	SE SW		0.45	401	SIR EDWARD LLC	N23.005
16 S	11 E	WM	27	SE SE		0.90	603	POWELL	N23.003
16 S	11 E	WM	35	NW NE		1.50	800	SKIENS REV LIVING TRUST	N23.002
16 S	12 E	WM	18	SW SE		1.50	1500	ARNOLD REV TRUST	N23.002
17 S	11 E	WM	2	NW NW	4	0.75	300	HERMELING-BUCKENDORF	N23.005
17 S	11 E	WM	2	NW NW		0.20	301	HERMELING-BUCKENDORF	N23.005
17 S	11 E	WM	2	NW NW	4	1.95	300	HERMELING-BUCKENDORF	N23.005
17 S	11 E	WM	12	NW SW		2.00	900	MCCLAIN REVOCABLE TRUST	N23.004
<b>Total:</b>						<b>10.45</b>			

14. The Department finds that the district permanent transfer application was submitted according to ORS 540.580 and OAR 690-385-4000, contains the information required under OARs 690-385-4200 and 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.

15. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.

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

17. The proposed changes in places of use will not result in enlargement of the rights as defined in OAR 690-385-0100(4).

18. The proposed changes in places of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
19. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

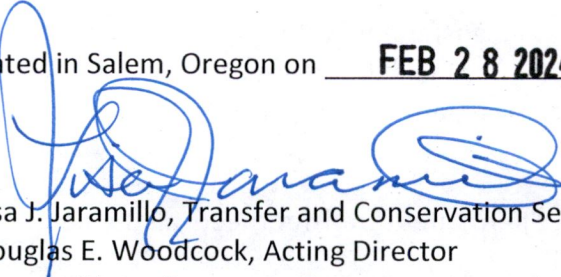
### Conclusions of Law

The proposed changes in places of use as proposed in Transfer Application T-14366 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

### Now, therefore, it is ORDERED:

1. The proposed changes in places of use to the water rights evidenced by Certificates 95175, 95176, 95177, 95178, and 74149 are approved.
2. The places of use from which the water rights are transferred off by Transfer T-14366 shall no longer be irrigated, and are cancelled from Certificates 95175, 95176, 95177, 95178, and 74149.
3. The right to the use of the water at the places of use NOT modified by this order is restricted to beneficial and is subject to all other conditions and limitations contained in Certificates 95175, 95176, 95177, 95178, and 74149, and any related decree.
4. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. 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.
6. Water right Certificates 95175, 95176, 95177, 95178, and 74149 are modified. After satisfactory proof of completion has been determined by the Department, superseding water right certificates will be issued when the Department determines it is necessary for record keeping.

Dated in Salem, Oregon on FEB 28 2024

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
Douglas E. Woodcock, Acting Director  
Oregon Water Resources Department

Mailing Date: FEB 29 2024