

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

In the Matter of Transfer Application        )   CORRECTING FINAL ORDER  
T-11701, 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, 76520, and the "Water Right affected by Special Order Volume 64, Pages 157-158" (place of use formerly under 76106). The Department assigned the application number T-11701.
2. Notice of the application for transfer was published on December 31, 2014, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. On March 4, 2014, the Department approved Transfer Application T-11701 for primary irrigation under water right Certificates 74146, 74147, and the "Water Right affected by Special Order Volume 64, Pages 157-158" (place of use formerly under 76106) as described in Special Order Volume 91 at Pages 916-919.
4. On January 31, 2017, it was discovered that the water rights for supplemental irrigation under Certificates 74147, 74148, 74149, and 76520 associated with the approved primary acreage was inadvertently omitted from the order. This Order is issued to correct the omission of supplemental irrigation in Special Order Volume 91, Pages 916-919, and supplements that order.
6. The portion of the fourth right under T-11701 to be transferred is as follows:  
**Certificate:** 74147, issued in the name of Tumalo Irrigation District  
**Use:** Supplemental Irrigation of 10.11 acres  
**Priority Date:** October 29, 1913

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.

**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	Owner Name	Notice
16 S	11 E	WM	24	NE SE	0.50	1201	Rogers	13.006
17 S	11 E	WM	11	NE NE	1.00	11500	Julander	13.004
17 S	11 E	WM	11	NE NE	0.80	11500	Julander	13.003
17 S	11 E	WM	11	NE SE	0.41	1100	Rosenburg	13.003
17 S	11 E	WM	11	SW NW	1.00	500	Joyce E. Coats Rev. Trust	13.001
17 S	11 E	WM	11	SW NW	2.00	500	Joyce E. Coats Rev. Trust	13.002
17 S	11 E	WM	11	SW NW	0.20	500	Joyce E. Coats Rev. Trust	13.005
17 S	11 E	WM	11	SW NW	2.80	500	Joyce E. Coats Rev. Trust	13.005
17 S	11 E	WM	11	SE NW	1.40	600	Joyce E. Coats Rev. Trust	13.005
<b>Total:</b>					<b>10.11</b>			

7. Transfer Application T-11701 proposes to change the place of use to:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
16 S	11 E	WM	11	SW SE	2.00	800	Smithey & Edwards	13.002
16 S	11 E	WM	14	NE NE	0.50	300	Mandel	13.006
16 S	12 E	WM	08	SE NW	1.00	700	Fredrick & Mary C. Selleck Trust	13.001
16 S	12 E	WM	08	SE NW	1.40	700	Fredrick & Mary C. Selleck Trust	13.001
16 S	12 E	WM	08	SW NW	1.00	500	Fred	13.004
17 S	11 E	WM	11	NE SE	0.41	1100	Rosenburg	13.003
17 S	11 E	WM	11	NE SE	0.58	1100	Rosenburg	13.003
17 S	11 E	WM	11	NE SE	0.20	1002	Shannon	13.005
17 S	11 E	WM	11	NE SE	2.80	1002	Shannon	13.005
17 S	11 E	WM	14	NE NE	0.22	11500	Julander	13.003
<b>Total:</b>					<b>10.11</b>			

8. The portion of the fifth right under T-11701 to be transferred is as follows:

**Certificate:** 74148, issued in the name of Tumalo Irrigation District

**Use:** Supplemental Irrigation of 10.42 acres

**Priority Date:** April 7, 1911

**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:** Crescent Lake Reservoir (constructed under Permit R-102), tributary to Crescent Creek.

**Authorized Points of Diversion:**

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

**Authorized Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
16 S	11 E	WM	11	SW SE	0.31	800	Smithy & Edwards	13.002
16 S	11 E	WM	24	NE SE	0.50	1201	Rogers	13.006
17 S	11 E	WM	11	NE NE	1.00	11500	Julander	13.004
17 S	11 E	WM	11	NE NE	0.80	11500	Julander	13.003
17 S	11 E	WM	11	NE SE	0.41	1100	Rosenburg	13.003
17 S	11 E	WM	11	SW NW	1.00	500	Joyce E. Coats Rev. Trust	13.001
17 S	11 E	WM	11	SW NW	2.00	500	Joyce E. Coats Rev. Trust	13.002
17 S	11 E	WM	11	SW NW	0.20	500	Joyce E. Coats Rev. Trust	13.005
17 S	11 E	WM	11	SW NW	2.80	500	Joyce E. Coats Rev. Trust	13.005
17 S	11 E	WM	11	SE NW	1.40	600	Joyce E. Coats Rev. Trust	13.005
<b>Total:</b>					<b>10.42</b>			

9. Transfer Application T-11701 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
16 S	11 E	WM	11	SW SE	0.31	800	Smithy & Edwards	13.002
16 S	11 E	WM	11	SW SE	2.00	800	Smithey & Edwards	13.002
16 S	11 E	WM	14	NE NE	0.50	300	Mandel	13.006
16 S	12 E	WM	08	SE NW	1.00	700	Fredrick & Mary C. Selleck Trust	13.001
16 S	12 E	WM	08	SE NW	1.40	700	Fredrick & Mary C. Selleck Trust	13.001
16 S	12 E	WM	08	SW NW	1.00	500	Fred	13.004
17 S	11 E	WM	11	NE SE	0.41	1100	Rosenburg	13.003
17 S	11 E	WM	11	NE SE	0.58	1100	Rosenburg	13.003
17 S	11 E	WM	11	NE SE	0.20	1002	Shannon	13.005
17 S	11 E	WM	11	NE SE	2.80	1002	Shannon	13.005
17 S	11 E	WM	14	NE NE	0.22	11500	Julander	13.003
<b>Total:</b>					<b>10.42</b>			

10. The portion of the sixth right under T-11701 to be transferred is as follows:

**Certificate:** 74149, issued in the name of Tumalo Irrigation District

**Use:** Supplemental Irrigation of 13.12 acres

**Priority Date:** 1905

**Rate & 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:** Deschutes River, a tributary of the Columbia River.

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	12 E	WM	32	NW NE	100 FEET SOUTH AND 550 FEET EAST FROM THE N1/4 CORNER OF SECTION 32

**Authorized Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
16 S	11 E	WM	11	SW SE	0.31	800	Smithy & Edwards	13.002
16 S	11 E	WM	24	NE SE	0.50	1201	Rogers	13.006
17 S	11 E	WM	11	NE NE	1.00	11500	Julander	13.004
17 S	11 E	WM	11	NE NE	0.80	11500	Julander	13.003
17 S	11 E	WM	11	NE SE	0.41	1100	Rosenburg	13.003
17 S	11 E	WM	11	SW NW	1.00	500	Joyce E. Coats Rev. Trust	13.001
17 S	11 E	WM	11	SW NW	2.00	500	Joyce E. Coats Rev. Trust	13.002
17 S	11 E	WM	11	SW NW	0.20	500	Joyce E. Coats Rev. Trust	13.005
17 S	11 E	WM	11	SW NW	2.80	500	Joyce E. Coats Rev. Trust	13.005
17 S	11 E	WM	11	SE NW	1.40	600	Joyce E. Coats Rev. Trust	13.005
17 S	11 E	WM	11	SE NW	2.60	600	Joyce E. Coats Rev. Trust	13.001
17 S	11 E	WM	11	NE SE	0.10	1002	Shannon	13.005
<b>Total:</b>					<b>13.12</b>			

11. Transfer Application T-11701 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
16 S	11 E	WM	11	SW SE	0.31	800	Smithy & Edwards	13.002
16 S	11 E	WM	11	SW SE	2.00	800	Smithey & Edwards	13.002
16 S	11 E	WM	14	NE NE	0.50	300	Mandel	13.006
16 S	12 E	WM	08	SE NW	1.00	700	Fredrick & Mary C. Selleck Trust	13.001
16 S	12 E	WM	08	SE NW	1.40	700	Fredrick & Mary C. Selleck Trust	13.001
16 S	12 E	WM	08	SE NW	2.00	700	Fredrick & Mary C. Selleck Trust	13.001
16 S	12 E	WM	08	SW NW	0.60	700	Fredrick & Mary C. Selleck Trust	13.001
16 S	12 E	WM	08	SW NW	1.00	500	Fred	13.004
17 S	11 E	WM	11	NE SE	0.41	1100	Rosenburg	13.003
17 S	11 E	WM	11	NE SE	0.58	1100	Rosenburg	13.003
17 S	11 E	WM	11	NE SE	0.20	1002	Shannon	13.005
17 S	11 E	WM	11	NE SE	2.80	1002	Shannon	13.005
17 S	11 E	WM	11	NE SE	0.10	1002	Shannon	13.005
17 S	11 E	WM	14	NE NE	0.22	11500	Julander	13.003
<b>Total:</b>					<b>13.12</b>			

12. The portion of the seventh right under T-11701 to be transferred is as follows:

**Certificate:** 76520, issued in the name of Tumalo Irrigation District

**Use:** Supplemental Irrigation of 13.12 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 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.

**Sources:** Crescent Lake Reservoir (constructed under Permit R-2744), tributary of Crescent Creek and the Little Deschutes River

**Authorized Points of Diversion:**

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Deschutes River – Tumalo Irrigation District Bend Feed Canal	17 S	12 E	WM	32	NW NE	2050 FEET WEST FROM THE NE CORNER OF SECTION 23
Crescent Lake Reservoir	24 S	6 E	WM	11	SE SW	Not listed on certificate

**Authorized Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
16 S	11 E	WM	11	SW SE	0.31	800	Smithy & Edwards	13.002
16 S	11 E	WM	24	NE SE	0.50	1201	Rogers	13.006
17 S	11 E	WM	11	NE NE	1.00	11500	Julander	13.004
17 S	11 E	WM	11	NE NE	0.80	11500	Julander	13.003
17 S	11 E	WM	11	NE SE	0.41	1100	Rosenburg	13.003
17 S	11 E	WM	11	SW NW	1.00	500	Joyce E. Coats Rev. Trust	13.001
17 S	11 E	WM	11	SW NW	2.00	500	Joyce E. Coats Rev. Trust	13.002
17 S	11 E	WM	11	SW NW	0.20	500	Joyce E. Coats Rev. Trust	13.005
17 S	11 E	WM	11	SW NW	2.80	500	Joyce E. Coats Rev. Trust	13.005
17 S	11 E	WM	11	SE NW	1.40	600	Joyce E. Coats Rev. Trust	13.005
17 S	11 E	WM	11	SE NW	2.60	600	Joyce E. Coats Rev. Trust	13.001
17 S	11 E	WM	11	NE SE	0.10	1002	Shannon	13.005
<b>Total:</b>					<b>13.12</b>			

13. Transfer Application T-11701 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
16 S	11 E	WM	11	SW SE	0.31	800	Smithy & Edwards	13.002
16 S	11 E	WM	11	SW SE	2.00	800	Smithey & Edwards	13.002
16 S	11 E	WM	14	NE NE	0.50	300	Mandel	13.006

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
16 S	12 E	WM	08	SE NW	1.00	700	Fredrick & Mary C. Selleck Trust	13.001
16 S	12 E	WM	08	SE NW	1.40	700	Fredrick & Mary C. Selleck Trust	13.001
16 S	12 E	WM	08	SE NW	2.00	700	Fredrick & Mary C. Selleck Trust	13.001
16 S	12 E	WM	08	SW NW	0.60	700	Fredrick & Mary C. Selleck Trust	13.001
16 S	12 E	WM	08	SW NW	1.00	500	Fred	13.004
17 S	11 E	WM	11	NE SE	0.41	1100	Rosenburg	13.003
17 S	11 E	WM	11	NE SE	0.58	1100	Rosenburg	13.003
17 S	11 E	WM	11	NE SE	0.20	1002	Shannon	13.005
17 S	11 E	WM	11	NE SE	2.80	1002	Shannon	13.005
17 S	11 E	WM	11	NE SE	0.10	1002	Shannon	13.005
17 S	11 E	WM	14	NE NE	0.22	11500	Julander	13.003
<b>Total:</b>					<b>13.12</b>			

14. 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.
15. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
16. The proposed change in place of use would not result in enlargement of the rights.
17. 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-11701 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 74147, 74148, 74149, and 76520 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 74147, 74148, 74149, and 76520.
3. The former place of use shall no longer be irrigated as part of these water rights.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2015**. 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 74147, 74148, 74149, and 76520 are modified. The Department will issue superseding certificates describing the rights when it determines that it is necessary for record keeping.

7. All other terms and conditions of Special Order Volume Special Order Volume 91 at Pages 916-919 remain the same.

Dated at Salem, Oregon this 1 day of February, 2017.



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

Mailing Date: FEB 09 2017