

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A DISTRICT
T-11701, Deschutes County) 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, and 76106. The Department assigned the application number T-11701.
2. On April 18, 2005, Special Order Volume 64, Pages 157-158, Allocation of Conserved Water CW-9 was approved. This order supersedes the portion of Certificate 76106 involved with T-11701.
3. Special Order Volume 64, Pages 157-158, cancelled Certificate 76106 and described the portion of conserved water from Tumalo Creek with the priority date of September 1, 1900, now to serve the lands originally associated with Certificate 76106.
4. Notice of the application for transfer was published on December 31, 2013, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
5. 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 10.11 acres

Priority Date: September 1, 1900, June 1, 1907, May 27, 1907, 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, 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: Tumalo Creek, tributary to the Deschutes River

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 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

Authorized Place of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Priority Date	Notice
16 S	11 E	WM	24	NE SE	0.50	1201	Rogers	6/1/1907	13.006
17 S	11 E	WM	11	NE NE	1.00	11500	Julander	5/27/1907	13.004
17 S	11 E	WM	11	NE NE	0.80	11500	Julander	5/27/1907	13.003
17 S	11 E	WM	11	NE SE	0.41	1100	Rosenburg	8/5/1900	13.003
17 S	11 E	WM	11	SW NW	1.00	500	Joyce E. Coats Rev. Trust	5/27/1907	13.001
17 S	11 E	WM	11	SW NW	2.00	500	Joyce E. Coats Rev. Trust	9/1/1900	13.002
17 S	11 E	WM	11	SW NW	0.20	500	Joyce E. Coats Rev. Trust	5/27/1907	13.005
17 S	11 E	WM	11	SW NW	2.80	500	Joyce E. Coats Rev. Trust	8/5/1900	13.005
17 S	11 E	WM	11	SE NW	1.40	600	Joyce E. Coats Rev. Trust	8/5/1900	13.005
Total:					10.11				

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

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Priority Date	Notice
16 S	11 E	WM	11	SW SE	2.00	800	Smithey & Edwards	6/1/1907	13.002
16 S	11 E	WM	14	NE NE	0.50	300	Mandel	6/1/1907	13.006
16 S	12 E	WM	08	SE NW	1.00	700	Fredrick & Mary C. Selleck Trust	5/27/1907	13.001
16 S	12 E	WM	08	SE NW	1.40	700	Fredrick & Mary C. Selleck Trust	8/5/1900	13.001
16 S	12 E	WM	08	SW NW	1.00	500	Fred	5/27/1907	13.004
17 S	11 E	WM	11	NE SE	0.41	1100	Rosenburg	8/5/1900	13.003
17 S	11 E	WM	11	NE SE	0.58	1100	Rosenburg	5/27/1907	13.003
17 S	11 E	WM	11	NE SE	0.20	1002	Shannon	5/27/1907	13.005
17 S	11 E	WM	11	NE SE	2.80	1002	Shannon	8/5/1900	13.005
17 S	11 E	WM	14	NE NE	0.22	11500	Julander	5/27/1907	13.003
Total:					10.11				

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 0.31 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:

Apr 1 to May 1 and Oct 1 to Nov 1 -1/80 cfs per acre

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

May 15 to Sep 15 1/32.4 cfs, and 9.91 total acre-feet per acre at the diversion during the season.

Source: 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	11	SW SE	0.31	800	Smithy & Edwards	13.002

8. 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	0.31	800	Smithy & Edwards	13.002

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

Water right affected by: Special Order Volume 64, Pages 157-158

Use: Irrigation of 2.70 acres

Priority Date: September 1, 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, 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: Tumalo Creek, tributary to the Deschutes River

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
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
Total:					2.70			

10. 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	12 E	WM	08	SE NW	2.00	700	Frederick & Mary C. Selleck Trust	13.001
16 S	12 E	WM	08	SW NW	0.60	700	Frederick & Mary C. Selleck Trust	13.001
17 S	11 E	WM	11	NE SE	0.10	1002	Shannon	13.005
Total:					2.70			

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-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 74146, 74147, 76106, and Special Order Volume 64, Pages 157-158.
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, 76106, Special Order Volume 64, Pages 157-158, 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, 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 74146, 74147, 76106 and Special Order Volume 64, Pages 157-158 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 4 day of March 2014


Dwight French, Water Right Services Administrator for
PHILLIP C. WARD, DIRECTOR

MAR 13 2014

Mailing Date: _____