

acreage was inadvertently omitted from the original order approving the transfer T-11939. This Order is issued to correct the omission of supplemental irrigation in Special Order Volume 98, Pages 750-753, and supplements that order.

6. The portion of the fourth right under T-11939 to be transferred is as follows:

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

Use: Supplemental Irrigation of 21.00 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 | Owner Name | Notice |
| 16 S | 11 E | WM | 26 | SE NW | 15.00 | 204 | Levin | N14.001 |
| 16 S | 11 E | WM | 33 | NE SE | 0.50 | 1200 | Lucky Lake Investment LLC | N14.004 |
| 16 S | 12 E | WM | 17 | SE NW | 1.20 | 1800 | Pride | N14.003 |
| 16 S | 12 E | WM | 17 | SE NW | 4.30 | 800 | Freeland | N14.003 |
| Total: | | | | | 21.00 | | | |

7. Transfer Application T-11939 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 | 26 | SE NW | 15.00 | 204 | Levin | N14.001 |
| 16 S | 11 E | WM | 33 | NE SE | 0.50 | 1200 | Lucky Lake Investments LLC | N14.004 |
| 16 S | 12 E | WM | 17 | SE NW | 1.20 | 800 | Freeland | N14.003 |
| 16 S | 12 E | WM | 17 | SE NW | 4.30 | 800 | Freeland | N14.003 |
| Total: | | | | | 21.00 | | | |

8. The portion of the fifth right under T-11939 to be transferred is as follows:

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

Use: Supplemental Irrigation of 24.00 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 | 25 | NE SE | 3.00 | 702 | Madison | 14.001 |
| 16 S | 11 E | WM | 26 | SE NW | 15.00 | 204 | Levin | N14.001 |
| 16 S | 11 E | WM | 33 | NE SE | 0.50 | 1200 | Lucky Lake Investment LLC | N14.004 |
| 16 S | 12 E | WM | 17 | SE NW | 1.20 | 1800 | Pride | N14.003 |
| 16 S | 12 E | WM | 17 | SE NW | 4.30 | 800 | Freeland | N14.003 |
| Total: | | | | | 24.00 | | | |

9. Transfer Application T-11939 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 | 26 | SE NW | 3.00 | 204 | Levin | N14.001 |
| 16 S | 11 E | WM | 26 | SE NW | 15.00 | 204 | Levin | N14.001 |
| 16 S | 11 E | WM | 33 | NE SE | 0.50 | 1200 | Lucky Lake Investments LLC | N14.004 |
| 16 S | 12 E | WM | 17 | SE NW | 1.20 | 800 | Freeland | N14.003 |
| 16 S | 12 E | WM | 17 | SE NW | 4.30 | 800 | Freeland | N14.003 |
| Total: | | | | | 24.00 | | | |

10. The portion of the sixth right under T-11939 to be transferred is as follows:

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

Use: Supplemental Irrigation of 28.50 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 | 25 | NE SE | 3.00 | 702 | Madison | N14.001 |
| 16 S | 11 E | WM | 26 | SE NW | 15.00 | 204 | Levin | N14.001 |
| 16 S | 11 E | WM | 33 | NE SE | 0.50 | 1200 | Lucky Lake Investment LLC | N14.004 |
| 16 S | 12 E | WM | 17 | SE NW | 1.20 | 1800 | Pride | N14.003 |
| 16 S | 12 E | WM | 17 | SE NW | 4.30 | 800 | Freeland | N14.003 |
| 17 S | 11 E | WM | 13 | NW SE | 4.50 | 100 | Joyce E. Coats Rev. Trust | N14.004 |
| Total: | | | | | 28.50 | | | |

11. Transfer Application T-11939 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 | 26 | SE NW | 3.00 | 204 | Levin | N14.001 |
| 16 S | 11 E | WM | 26 | SE NW | 15.00 | 204 | Levin | N14.001 |
| 16 S | 11 E | WM | 33 | NE SE | 0.50 | 1200 | Lucky Lake Investments LLC | N14.004 |
| 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 |
| 16 S | 12 E | WM | 17 | SE NW | 1.20 | 800 | Freeland | N14.003 |
| 16 S | 12 E | WM | 17 | SE NW | 4.30 | 800 | Freeland | N14.003 |
| Total: | | | | | 28.50 | | | |

12. The portion of the seventh right under T-11939 to be transferred is as follows:

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

Use: Supplemental Irrigation of 28.50 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 | 25 | NE SE | 3.00 | 702 | Madison | N14.001 |
| 16 S | 11 E | WM | 26 | SE NW | 15.00 | 204 | Levin | N14.001 |
| 16 S | 11 E | WM | 33 | NE SE | 0.50 | 1200 | Lucky Lake Investment LLC | N14.004 |
| 16 S | 12 E | WM | 17 | SE NW | 1.20 | 1800 | Pride | N14.003 |
| 16 S | 12 E | WM | 17 | SE NW | 4.30 | 800 | Freeland | N14.003 |
| 17 S | 11 E | WM | 13 | NW SE | 4.50 | 100 | Joyce E. Coats Rev. Trust | N14.004 |
| Total: | | | | | 28.50 | | | |

13. Transfer Application T-11939 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 | 26 | SE NW | 3.00 | 204 | Levin | N14.001 |
| 16 S | 11 E | WM | 26 | SE NW | 15.00 | 204 | Levin | N14.001 |
| 16 S | 11 E | WM | 33 | NE SE | 0.50 | 1200 | Lucky Lake Investments LLC | N14.004 |
| 16 S | 11 E | WM | 33 | NE SE | 0.08 | 1100 | Lucky Lake Investment LLC | N14.004 |
| 16 S | 11 E | WM | 33 | NE SE | 0.02 | 1200 | Lucky Lake Investment LLC | N14.004 |
| 16 S | 11 E | WM | 33 | NE SE | 4.40 | 1300 | Lucky Lake Investment LLC | N14.004 |
| 16 S | 12 E | WM | 17 | SE NW | 1.20 | 800 | Freeland | N14.003 |
| 16 S | 12 E | WM | 17 | SE NW | 4.30 | 800 | Freeland | N14.003 |
| Total: | | | | | 28.50 | | | |

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-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 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.
7. 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.

8. 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.
9. All other terms and conditions of Special Order Volume Special Order Volume 98 at Pages 750-753 remain the same.

Dated at Salem, Oregon this 14 day of February, 2017.



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

Mailing Date: FEB 17 2017