

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

In the Matter of Transfer Application) SUPERSEDING FINAL ORDER APPROVING A
T-13090, Deschutes County) DISTRICT PERMANENT TRANSFER FOR
) PLACE OF USE AND CORRECTING
) SCRIVENER'S ERRORS IN A PREVIOUS
) ORDER

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 97701

Background

1. On November 15, 2000, Special Order Volume 54, Pages 826-834, a DETERMINATION AND ORDER APPROVING ALLOCATION AND ASSIGNMENT OF CONSERVED WATER (CW-9) was issued involving Tumalo Irrigation District's (TID) Certificates 74146, 74148 and 76106. On April 18, 2005, Special Order Volume 64, Pages 157-158, an ORDER FINALIZING THE ALLOCATION AND ASSIGNMENT OF CONSERVED under CW-9 was issued. This finding of fact clarifies the assignment of the conserved water under Certificates 74146 (primary irrigation) and 74148 (supplemental irrigation).to the place of use originally described under Certificate 76106.
 - a. Consistent with these orders, the applicant's share of conserved water (11.3 cfs with a priority date of September 1900) under Certificate 74146¹ was assigned to serve the 790.6 acres originally associated with Certificate 76106. Consistent with the

¹ The State of Oregon's share of conserved water (5.82 cfs) from Certificate 74146 was finalized under Certificate 81333.

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.

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).

- order, lands formerly under Certificate 76106 assigned to Certificate 74146 (790.6 acres) have a priority date of September 1900 for primary irrigation.
- b. When the Department determines it is necessary for record keeping, it will issue a single superseding certificate for Certificate 74146. The superseding certificate will include both the place of use originally under Certificate 74146, and the place of use (790.6 acres) formerly under Certificate 76106 now assigned to Certificate 74146, as modified by any transfers, including T-13090, completed pursuant to ORS 540.580.
 - c. Also consistent with these orders, Certificate 76106 was cancelled with the issuance of confirming water right Certificate 81332 for the use of the waters of Tumalo Creek for instream use with priority date December 8, 1961, and the issuance of diminishment remaining right Certificate 88894 for use of the water of Upper Tumalo Reservoir for supplemental uses. Certificate 81332 was issued to the State of Oregon in exchange for TID receiving the State of Oregon's portion of conserved water under Certificate 74148.
 - d. Thus, consistent with these orders, the entirety of the conserved water under Certificate 74148 (3,746 ac-ft) became the applicant's portion for supplemental irrigation under the same Certificate 74148. The conserved portion of water was assigned to serve the place of use (790.6 acres) described under Certificate 76106 for supplemental irrigation with the April 7, 1911 priority date.
 - e. When the Department determines it is necessary for record keeping, it will issue a single superseding certificate for Certificate 74148 for supplemental irrigation. The superseding certificate will include both the place of use originally under Certificate 74148, and the place of use for the 790.6 acres as had been described in Certificate 76106, as modified by any transfers, including T-13090, completed pursuant to ORS 540.580.

Findings of Fact

2. On December 28, 2018, TUMALO Irrigation District (TID) 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-13090.
3. Notice of the District Permanent Transfer Application was published on January 8, 2019, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notices.
4. On March 7, 2019, TID modified the application to withdraw certain lands from the transfer, and on June 27, 2019, TID submitted a superseding correcting map.
5. On August 7, 2019, the Department issued a Final Order approving Transfer T-13090, recorded at Special Order Volume 113, Pages 828-837.

6. This order is issued correct scrivener's errors in original Findings of Facts 6, 8 and 9, and supersedes the Final Order recorded at Special Order Volume 113, Pages 828-837. The corrections are show in **bold** in Findings of Facts 8 and 11, and ~~strikeout~~ in Finding of Fact 10, below.

7. The portion of the first right to be transferred is as follows:

Certificate: 74146 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 17.5 acres

Priority Dates: AUGUST 5, 1900, SEPTEMBER 1900 and JUNE 1, 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, 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:

Priority	Twp	Rng	Mer	Se	Q-Q	IRRIGATION		Water User	Notice
						Acres	Tax Lot		
9/1/1900	16 S	11 E	WM	22	NE SW	2.70	2000	ROCKETT	N18.007
9/1/1900	16 S	11 E	WM	25	SW SW	0.40	904	PENTZ REVOCABLE LIVING TRUST	N18.006
9/1/1900	16 S	11 E	WM	28	SE NE	1.75	1001	ROSENDALE/DREW REVOCABLE TRUST	N18.009
8/5/1900	16 S	11 E	WM	28	NE SE	2.25	1001	ROSENDALE/DREW REVOCABLE TRUST	N18.009
6/1/1907	16 S	12 E	WM	7	NE NW	0.70	402	HOFFEE-MURRAY FAMILY TRUST	N18.001
9/1/1900	16 S	12 E	WM	7	NE NW	2.25*	402	HOFFEE-MURRAY FAMILY TRUST	N18.001
9/1/1900	16 S	12 E	WM	8	NW SW	0.80	1700	HEBRARD	N18.006
9/1/1900	16 S	12 E	WM	8	SE SW	1.30	1501	LARSON	N18.009
9/1/1900	16 S	12 E	WM	17	SE NW	2.80	1100	PETERSON	N18.009
9/1/1900	16 S	12 E	WM	18	SE NE	1.00	500	HAUGE	N18.003
9/1/1900	16 S	12 E	WM	30	NW SW	0.15*	404	MADDIGAN / MORRIS	N18.002
9/1/1900	17 S	11 E	WM	11	NW NE	1.40	200	WALLACE	N18.004
Total:						17.50			

*Lands for primary irrigation formerly under Certificate 76106

8. Transfer Application T-13090 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION									
Priority	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
6/1/1907	16 S	11 E	WM	22	SW SW	0.70	2401	HUNT	N18.001
9/1/1900	16 S	11 E	WM	22	SW SW	2.10*	2401	HUNT	N18.001
9/1/1900	16 S	11 E	WM	22	NE SW	0.70	2000	ROCKETT	N18.007
9/1/1900	16 S	11 E	WM	22	NW SE	2.00	1800	YOPP/VETTER	N18.007
9/1/1900	16 S	11 E	WM	28	SE NE	0.75	1001	ROSENDALE/DREW REVOCABLE TRUST	N18.009
8/5/1900	16 S	11 E	WM	28	SE NE	2.25	1001	ROSENDALE/DREW REVOCABLE TRUST	N18.009
9/1/1900	16 S	12 E	WM	7	NE NW	0.15*	402	HOFFEE-MURRAY FAMILY TRUST	N18.001
9/1/1900	16 S	12 E	WM	8	NE SW	4.80	1501	LARSON	N18.009
9/1/1900	16 S	12 E	WM	8	NW SW	1.20	1700	HEBRARD	N18.006
9/1/1900	16 S	12 E	WM	8	SE SW	0.30	1501	LARSON	N18.009
9/1/1900	16 S	12 E	WM	18	SE NE	1.00	500	HAUGE	N18.003
9/1/1900	16 S	12 E	WM	30	NW SW	0.15*	404	MADDIGAN	N18.002
9/1/1900	17 S	11 E	WM	11	NW NE	1.40	200	WALLACE	N18.004
Total:						17.50			

*Lands formerly under Certificate 76106

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

Certificate: 74147 in the name of TUMALO IRRIGATION DISTRICT (perfected under Permit S-19628)

Use: IRRIGATION of 0.40 acres; SUPPLEMENTAL IRRIGATION of 15.10 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:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	26	NE NW	0.30	114	SMITH	N18.008
16 S	12 E	WM	30	NW SW	0.10	404	MADDIGAN / MORRIS	N18.002
Total:					0.40			

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	22	NE SW	2.70	2000	ROCKETT	N18.007
16 S	11 E	WM	25	SW SW	0.40	904	PENTZ REVOCABLE LIVING TRUST	N18.006
16 S	11 E	WM	28	SE NE	1.75	1001	ROSENDALE/DREW REVOCABLE TRUST	N18.009
16 S	11 E	WM	28	NE SE	2.25	1001	ROSENDALE/DREW REVOCABLE TRUST	N18.009
16 S	12 E	WM	7	NE NW	0.70	402	HOFFEE-MURRAY FAMILY TRUST	N18.001
16 S	12 E	WM	8	NW SW	0.80	1700	HEBRARD	N18.006
16 S	12 E	WM	8	SE SW	1.30	1501	LARSON	N18.009
16 S	12 E	WM	17	SE NW	2.80	1100	PETERSON	N18.009

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	12 E	WM	18	SE NE	1.00	500	HAUGE	N18.003
17 S	11 E	WM	11	NW NE	1.40	200	WALLACE	N18.004
Total:					15.10			

10. Transfer Application T-13090 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	26	NE NW	0.30	114	SMITH	N18.008
16 S	12 E	WM	30	NW SW	0.10	404	MADDIGAN / MORRIS	N18.002
Total:					0.40			

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	22	SW SW	0.70	2401	HUNT	N18.001
16 S	11 E	WM	22	NE SW	0.70	2000	ROCKETT	N18.007
16 S	11 E	WM	22	NW SE	2.00	1800	YOPP/ VETTER	N18.007
16 S	11 E	WM	28	SE NE	0.75	1001	ROSENDALE/DREW REVOCABLE TRUST	N18.009
16 S	11 E	WM	28	SE NE	2.25	1001	ROSENDALE/DREW REVOCABLE TRUST	N18.009
16 S	12 E	WM	8	NE SW	4.80	1501	LARSON	N18.009
16 S	12 E	WM	8	NW SW	1.20	1700	HEBRARD	N18.006
16 S	12 E	WM	8	SE SW	0.30	1501	LARSON	N18.009
16 S	12 E	WM	18	SE NE	1.00	500	HAUGE	N18.003
17 S	11 E	WM	11	NW NE	1.40	200	WALLACE	N18.004
Total:					15.10			

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

Certificate: 74148 in the name of TUMALO IRRIGATION DISTRICT (perfected under Permit S-624)

Use: SUPPLEMENTAL IRRIGATION of 17.90 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 to May 1 and Oct 1 to Nov 1: 0.75 acre-feet

May 1 to May 15 and Sep 15 to Oct 1: 0.50 acre-feet

May 15 to Sep 15: 7.40 acre-feet

Further limited to a total diversion of not to exceed 35,000 acre-feet stored water only during any one irrigation season.

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	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	22	NE SW	2.70	2000	ROCKETT	N18.007
16 S	11 E	WM	25	SW SW	0.40	904	PENTZ REVOCABLE LIVING TRUST	N18.006
16 S	11 E	WM	26	NE NW	0.30	114	SMITH	N18.008
16 S	11 E	WM	28	SE NE	1.75	1001	ROSENDALE/DREW REVOCABLE TRUST	N18.009
16 S	11 E	WM	28	NE SE	2.25	1001	ROSENDALE/DREW REVOCABLE TRUST	N18.009
16 S	12 E	WM	7	NE NW	0.70	402	HOFFEE-MURRAY FAMILY TRUST	N18.001
16 S	12 E	WM	7	NE NW	2.25*	402	HOFFEE-MURRAY FAMILY TRUST	N18.001
16 S	12 E	WM	8	NW SW	0.80	1700	HEBRARD	N18.006
16 S	12 E	WM	8	SE SW	1.30	1501	LARSON	N18.009
16 S	12 E	WM	17	SE NW	2.80	1100	PETERSON	N18.009
16 S	12 E	WM	18	SE NE	1.00	500	HAUGE	N18.003
16 S	12 E	WM	30	NW SW	0.10	404	MADDIGAN / MORRIS	N18.002
16 S	12 E	WM	30	NW SW	0.15*	404	MADDIGAN / MORRIS	N18.002
17 S	11 E	WM	11	NW NE	1.40	200	WALLACE	N18.004
Total:					17.90			

*Lands for supplemental irrigation formerly described under Certificate 76106

12. Transfer Application T-13090 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	22	SW SW	0.70	2401	HUNT	N18.001
16 S	11 E	WM	22	SW SW	2.10*	2401	HUNT	N18.001
16 S	11 E	WM	22	NE SW	0.70	2000	ROCKETT	N18.007

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	22	NW SE	2.00	1800	YOPP/ VETTER	N18.007
16 S	11 E	WM	26	NE NW	0.30	114	SMITH	N18.008
16 S	11 E	WM	28	SE NE	0.75	1001	ROSENDALE/DREW REVOCABLE TRUST	N18.009
16 S	11 E	WM	28	SE NE	2.25	1001	ROSENDALE/DREW REVOCABLE TRUST	N18.009
16 S	12 E	WM	7	NE NW	0.15*	402	HOFFEE-MURRAY FAMILY TRUST	N18.001
16 S	12 E	WM	8	NE SW	4.80	1501	LARSON	N18.009
16 S	12 E	WM	8	NW SW	1.20	1700	HEBRARD	N18.006
16 S	12 E	WM	8	SE SW	0.30	1501	LARSON	N18.009
16 S	12 E	WM	18	SE NE	1.00	500	HAUGE	N18.003
16 S	12 E	WM	30	NW SW	0.10	404	MADDIGAN	N18.002
16 S	12 E	WM	30	NW SW	0.15*	404	MADDIGAN	N18.002
17 S	11 E	WM	11	NW NE	1.40	200	WALLACE	N18.004
Total:					17.90			

* Lands for supplemental irrigation formerly described under Certificate 76106

13. The portion of the fourth 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 17.90 acres

Priority Date: 1905

Limit/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: The DESCHUTES RIVER, tributary to 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	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	22	NE SW	2.70	2000	ROCKETT	N18.007
16 S	11 E	WM	25	SW SW	0.40	904	PENTZ REVOCABLE LIVING TRUST	N18.006
16 S	11 E	WM	26	NE NW	0.30	114	SMITH	N18.008
16 S	11 E	WM	28	SE NE	1.75	1001	ROSENDALE/DREW REVOCABLE TRUST	N18.009
16 S	11 E	WM	28	NE SE	2.25	1001	ROSENDALE/DREW REVOCABLE TRUST	N18.009
16 S	12 E	WM	7	NE NW	0.70	402	HOFFEE-MURRAY FAMILY TRUST	N18.001
16 S	12 E	WM	7	NE NW	2.25	402	HOFFEE-MURRAY FAMILY TRUST	N18.001
16 S	12 E	WM	8	NW SW	0.80	1700	HEBRARD	N18.006
16 S	12 E	WM	8	SE SW	1.30	1501	LARSON	N18.009
16 S	12 E	WM	17	SE NW	2.80	1100	PETERSON	N18.009

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	12 E	WM	18	SE NE	1.00	500	HAUGE	N18.003
16 S	12 E	WM	30	NW SW	0.10	404	MADDIGAN / MORRIS	N18.002
16 S	12 E	WM	30	NW SW	0.15	404	MADDIGAN / MORRIS	N18.002
17 S	11 E	WM	11	NW NE	1.40	200	WALLACE	N18.004
Total:					17.90			

14. Transfer Application T-13090 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	22	SW SW	0.70	2401	HUNT	N18.001
16 S	11 E	WM	22	SW SW	2.10	2401	HUNT	N18.001
16 S	11 E	WM	22	NE SW	0.70	2000	ROCKETT	N18.007
16 S	11 E	WM	22	NW SE	2.00	1800	YOPP/ VETTER	N18.007
16 S	11 E	WM	26	NE NW	0.30	114	SMITH	N18.008
16 S	11 E	WM	28	SE NE	0.75	1001	ROSENDALE/DREW REVOCABLE TRUST	N18.009
16 S	11 E	WM	28	SE NE	2.25	1001	ROSENDALE/DREW REVOCABLE TRUST	N18.009
16 S	12 E	WM	7	NE NW	0.15	402	HOFFEE-MURRAY FAMILY TRUST	N18.001
16 S	12 E	WM	8	NE SW	4.80	1501	LARSON	N18.009
16 S	12 E	WM	8	NW SW	1.20	1700	HEBRARD	N18.006
16 S	12 E	WM	8	SE SW	0.30	1501	LARSON	N18.009
16 S	12 E	WM	18	SE NE	1.00	500	HAUGE	N18.003
16 S	12 E	WM	30	NW SW	0.10	404	MADDIGAN	N18.002
16 S	12 E	WM	30	NW SW	0.15	404	MADDIGAN	N18.002
17 S	11 E	WM	11	NW NE	1.40	200	WALLACE	N18.004
Total:					17.90			

15. The portion of the fifth right to be transferred is as follows:

Certificate: 76520 in the name of TUMALO IRRIGATION DISTRICT (perfected under Permit S-27841)

Use: SUPPLEMENTAL IRRIGATION of 17.90 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 the LITTLE DESCHUTES RIVER, tributary to the 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	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	22	NE SW	2.70	2000	ROCKETT	N18.007
16 S	11 E	WM	25	SW SW	0.40	904	PENTZ REVOCABLE LIVING TRUST	N18.006
16 S	11 E	WM	26	NE NW	0.30	114	SMITH	N18.008
16 S	11 E	WM	28	SE NE	1.75	1001	ROSENDALE/DREW REVOCABLE TRUST	N18.009
16 S	11 E	WM	28	NE SE	2.25	1001	ROSENDALE/DREW REVOCABLE TRUST	N18.009
16 S	12 E	WM	7	NE NW	0.70	402	HOFFEE-MURRAY FAMILY TRUST	N18.001
16 S	12 E	WM	7	NE NW	2.25	402	HOFFEE-MURRAY FAMILY TRUST	N18.001
16 S	12 E	WM	8	NW SW	0.80	1700	HEBRARD	N18.006
16 S	12 E	WM	8	SE SW	1.30	1501	LARSON	N18.009
16 S	12 E	WM	17	SE NW	2.80	1100	PETERSON	N18.009
16 S	12 E	WM	18	SE NE	1.00	500	HAUGE	N18.003
16 S	12 E	WM	30	NW SW	0.10	404	MADDIGAN / MORRIS	N18.002
16 S	12 E	WM	30	NW SW	0.15	404	MADDIGAN / MORRIS	N18.002
17 S	11 E	WM	11	NW NE	1.40	200	WALLACE	N18.004
Total:					17.90			

16. Transfer Application T-13090 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	22	SW SW	0.70	2401	HUNT	N18.001
16 S	11 E	WM	22	SW SW	2.10	2401	HUNT	N18.001
16 S	11 E	WM	22	NE SW	0.70	2000	ROCKETT	N18.007
16 S	11 E	WM	22	NW SE	2.00	1800	YOPP/ VETTER	N18.007
16 S	11 E	WM	26	NE NW	0.30	114	SMITH	N18.008
16 S	11 E	WM	28	SE NE	0.75	1001	ROSENDALE/DREW REVOCABLE TRUST	N18.009
16 S	11 E	WM	28	SE NE	2.25	1001	ROSENDALE/DREW REVOCABLE TRUST	N18.009
16 S	12 E	WM	7	NE NW	0.15	402	HOFFEE-MURRAY FAMILY TRUST	N18.001
16 S	12 E	WM	8	NE SW	4.80	1501	LARSON	N18.009
16 S	12 E	WM	8	NW SW	1.20	1700	HEBRARD	N18.006
16 S	12 E	WM	8	SE SW	0.30	1501	LARSON	N18.009
16 S	12 E	WM	18	SE NE	1.00	500	HAUGE	N18.003
16 S	12 E	WM	30	NW SW	0.10	404	MADDIGAN	N18.002
16 S	12 E	WM	30	NW SW	0.15	404	MADDIGAN	N18.002
17 S	11 E	WM	11	NW NE	1.40	200	WALLACE	N18.004
Total:					17.90			

17. 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 OAR 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.
18. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
19. The water right is subject to transfer as defined in OAR 690-385-0100(17).
20. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
21. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
22. 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 place of use as proposed in Transfer Application T-13090 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

Now, therefore, it is ORDERED:

1. The order entered at Special Order Volume 113, Pages 828 to 837 is withdrawn and of no further force and effect and is superseded by this order.
2. The proposed changes in place of use to the water rights evidenced by Certificates 74146, 74147, 74148, 74149, and 76520 are approved.
3. The right to the use of the water is restricted to beneficial use at the place of use not modified by this order and is subject to all other conditions and limitations contained in Certificates 74146, 74147, 74148, 74149, and 76520, and any related decree.
4. The proposed changes in place of use as proposed in Transfer Application T-13090 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.
5. The place of use from which the water right is removed by T-13090 shall no longer be irrigated under the transferred rights.
6. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2020**. 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.

8. Water right Certificates 74146, 74147, 74148, 74149, and 76520 are modified. After satisfactory proof of completion has been determined by the Department, superseding confirming-remaining water right certificates will be issued when the Department determines it is necessary for record keeping.

Dated in Salem, Oregon on AUG 28 2019



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

Mailing Date: AUG 29 2019