

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

In the Matter of Allocation of Conserved     )  
Water Application CW-116, Deschutes         )  
County

**CORRECTING ORDER**

**Applicants**

Tumalo Irrigation District  
64697 Cook Avenue  
Bend, OR 97703

**Findings of Fact**

1. On October 24, 2022, the Department issued a Final Order Incorporating a Settlement Agreement and Approving Allocation of Conserved Water Application CW-131, involving Certificates 95175, 95176, and 95177. The order was recorded at Special Order Volume 125, Page 950.
2. On March 1, 2023, the Department issued a Final Order on Completion of Allocation of Conserved Water Application CW-116, involving Certificates 95175, 95176, and 95177. The order was recorded at Special Order Volume 127, Page 931.
3. On June 8, 2023, the Department issued a Final Order for an Extension of Time for Allocation of Conserved Water Application CW-116, involving Certificates 95175, 95176, and 95177. The order was recorded at Special Order Volume 128, Page 466.
4. On October 19, 2023, the Department issued a Final Order Approving Modification and Finalization of Allocation of Conserved Water Application CW-116, involving Certificates 95175, 95176, and 95177. The order was recorded at Special Order Volume 129, Page 222. Instream Water Right Certificates 96707, 96708, and 96709 were issued as a result of the finalization of CW-116.

This is a final 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.



5. On February 6, 2024, the Department determined the Final Order Approving Modification and Finalization and Certificate 96709 issued on October 19, 2023, contained a scrivener's error. Language that was included as part of the settlement agreement was determined to be missing. Finding of Fact #8 on page 12 of the Finalization Order, and the first paragraph at the top of page 2 of Certificate 96709, reads as follows:

"The volume to be protected throughout the year will be determined by the local Watermaster to ensure the seasonal and annual volumes are not exceeded."

6. Finding of Fact #8 and Certificate 96709, are modified to read as follows:

"The volume to be protected throughout the year, **including any volume to be released outside the irrigation season**, will be determined by the local Watermaster to ensure the seasonal and annual volumes are not exceeded."

7. Certificate 96709 contained an additional scrivener's error for the stream reach in which flows are to be maintained. Certificate 96709 reads as follows:

From the location of the diversion previously authorized under Certificate 95177, located at approximately:

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

8. Certificate 96709, is modified to read as follows:

**From the authorized points of diversion for TID at the Crescent Lake Reservoir on Crescent Creek from January 1 through December 31:**

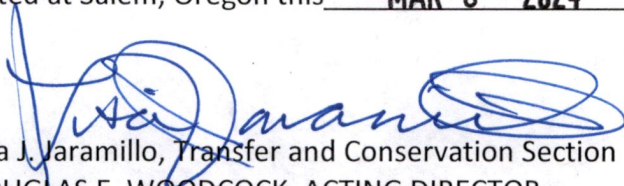
Twp	Rng	Mer	Sec	Q-Q
24 S	6 E	WM	11	SE SW
24 S	6 E	WM	11	SW SE

**Now, therefore, it is ORDERED:**

1. The order, as issued on October 19, 2023, is modified to correctly describe the volume to be protected by the Watermaster, and the stream reach in which flows are to be maintained.
2. Instream water right Certificate 96709 is cancelled. A superseding certificate will be issued to correctly describe the volume to be protected by the Watermaster, and the stream reach in which flows are to be maintained.

3. All other provisions of Special Order Volume 129, Page 222 remain in effect.

Dated at Salem, Oregon this MAR 6 - 2024.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

Mailing Date: MAR 7 - 2024