BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

| In the Matter of Transfer Application |) | FINAL ORDER |
|---------------------------------------|---|----------------------|
| T-10759, 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 26, 2008, Tumalo Irrigation District filed a district transfer application to permanently change the place of use under Certificates 74146, 74147, 74148, 74149, 76106, 76520, 83571 and 76714. The Department assigned the application number T-10759.
- 2. Notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
- 3. On January 29, 2009, the Department sent a deficiency letter identifying items in the application that needed clarification or further documentation.
- 4. On February 20, 2009, and February 27, 2009, the Department received amendments to the application that resolved the deficiencies.
- 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 22.28 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

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:

| 114440112 | | | | | |
|-----------|------|-----|-----|-------------|--|
| 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 | | Sec | Q-Q | Acres | Taxlot | Owner Name | Notice | | | | |
| 16 S | 11 E | WM | 22 | SE SW | 5.00 | 2501 | TCHALEMIAN, ALEX & BEVERELY | N08.005 | | | | |
| 16 S | 11 E | WM | 24 | SW SE | 1.00 | 2600 | OBANION, FRED | N08.007 | | | | |
| 16 S | 11 E | WM | 27 | SW NE | 1.88 | 212 | SOUTHER, DAVID W. & CONNIE R. | N08.010 | | | | |
| 16 S | 11 E | WM | 27 | SW NW | 2.00 | 202 | PARKER, KENNETH M. & NEVA | N08.004 | | | | |
| 16 S | 12 E | WM | 18 | SW SW | 2.10 | 1102 | BECK, BRUCE P. & JAYNEE B. | N08.008 | | | | |
| 16 S | 12 E | WM | 18 | SE SW | 3.30 | 1102 | BECK, BRUCE P. & JAYNEE B. | N08.008 | | | | |
| 16 S | 11 E | WM | 24 | SW SE | 4.00 | 2300 | DUBLIN, JERRY D. | N08.009 | | | | |
| 17 S | 11 E | WM | 1 | NW NE | 3.00 | 404 | MCCLASKEY, DIANA T. | N08.003 | | | | |
| | Total 22.28 | | | | | | | | | | | |

6. Transfer Application T-10759 proposes to change the place of use to:

| | | | | | IRRIGA | TION | | |
|------|------|----|-----|-------|--------|--------|------------------|---------|
| Twp | Rng | | Sec | Q-Q | Acres | Taxlot | Owner Name | Notice |
| | | | | | | | | |
| 16 S | 11 E | WM | 23 | NE SW | 3.44 | 519 | RODE, RICHARD L. | N08.009 |
| | | | | | | | & LINDA P. | |
| 16 S | 11 E | WM | 23 | NW SE | 0.56 | 519 | RODE, RICHARD L. | N08.009 |
| | | | | | | | & LINDA P. | |
| 16 S | 11 E | WM | 27 | SW NE | 1.88 | 212 | SOUTHER, DAVID | N08.010 |
| | | | | | | | W. & CONNIE R. | |
| 16 S | 11 E | WM | 28 | NE NW | 2.00 | 300 | PARKER-RYAN, | N08.004 |
| | | | | | | | AMY | |
| 16 S | 11 E | WM | 35 | SW NW | 3.00 | 1100 | SCHOCK, SPENCER | N08.003 |
| | | | | | | | M. & HEATHER M. | |
| 16 S | 12 E | WM | 8 | SE SE | 5.40 | 1400 | BROWN, MERLE R. | N08.008 |
| | | | | | _ | | & VOSS, JOANN M. | |
| 16 S | 12 E | WM | 9 | SW NW | 1.00 | 501 | MCELWEE, KEVIN | N08.007 |
| | | | | | | | & BARBARA | |
| 16 S | 12 E | WM | 19 | SE SW | 5.00 | 1900 | DLMM | N08.005 |
| | | | | | | | PROPERTIES, LLC | |
| | | | | Total | 22.28 | | | |

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 68.80 acres and Supplemental Irrigation of 22.28 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 | wp Rng Sec Q-Q | | Q-Q | Acres | Taxlot | Owner Name | Notice | | | | |
| 16 S | 11 E | WM | 24 | SW SE | 5.00 | 2300 | DUBLIN, JERRY D. | N08.006 | | | |
| 16 S | 11 E | WM | 35 | NW SW | 1.80 | 1601 | BLOYER, DANIEL | N08.001 | | | |
| | | | | | | | E. & LISA M. | | | | |
| 16 S | 12 E | WM | 19 | SE SW | 2.50 | 1900 | DLMM | N08.005 | | | |
| | | | | | | | PROPERTIES, LLC | | | | |
| 16 S | 12 E | WM | 19 | SW SE | 31.40 | 2400 | DLMM | N08.005 | | | |
| | | | | | | | PROPERTIES, LLC | | | | |
| 16 S | 12 E | WM | 19 | SE SE | 28.10 | 2400 | DLMM | N08.005 | | | |
| | | | | | | | PROPERTIES, LLC | | | | |
| | | | | Total | 68.80 | _ | | | | | |

| | | | | SUPPLE | EMENTA | L IRRIGAT | TION | |
|------|------|----|-----|--------|--------|-----------|------------------|---------|
| Twp | Rng | | Sec | Q-Q | Acres | Taxlot | Owner Name | Notice |
| 16 S | 11 E | WM | 22 | SE SW | 5.00 | 2501 | TCHALEMIAN, | N08.005 |
| | | | | | | | ALEX & BEVERELY | |
| 16 S | 11 E | WM | 24 | SW SE | 1.00 | 2600 | OBANION, FRED | N08.007 |
| 16 S | 11 E | WM | 27 | SW NE | 1.88 | 212 | SOUTHER, DAVID | N08.010 |
| | | | | | | | W. & CONNIE R. | |
| 16 S | 11 E | WM | 27 | SW NW | 2.00 | 202 | PARKER, KENNETH | N08.004 |
| | | | | | | | M. & NEVA | |
| 16 S | 12 E | WM | 18 | SW SW | 2.10 | 1102 | BECK, BRUCE P. & | N08.008 |
| | | | | | | | JAYNEE B. | |
| 16 S | 12 E | WM | 18 | SE SW | 3.30 | 1102 | BECK, BRUCE P. & | N08.008 |
| | | | | | | | JAYNEE B. | |
| 16 S | 11 E | WM | 24 | SW SE | 4.00 | 2300 | DUBLIN, JERRY D. | N08.009 |
| 17 S | 11 E | WM | 1 | NW NE | 3.00 | 404 | MCCLASKEY, | N08.003 |
| | | | | | | | DIANA T. | |
| | | | | Total | 22.28 | | | |

8. Transfer Application T-10759 proposes to change the place of use to:

| | IRRIGATION | | | | | | | | | | |
|------|--|----|----|-------|------|-----|------------------------------|---------|--|--|--|
| Twp | Twp Rng Sec Q-Q Acres Taxlot Owner Name Notice | | | | | | | | | | |
| 16 S | 11 E | WM | 27 | NE NE | 0.34 | 604 | KRAFT FAMILY LIVING TRUST | N08.006 | | | |
| 16 S | 11 E | WM | 27 | SE NE | 4.66 | 604 | KRAFT FAMILY | N08.006 | | | |

| | IRRIGATION | | | | | | | | | | |
|------|------------|----|-----|-------|-------|--------|--------------------------------|---------|--|--|--|
| Twp | Rng | | Sec | Q-Q | Acres | Taxlot | Owner Name | Notice | | | |
| | | | | | | | LIVING TRUST | | | | |
| 16 S | 11 E | WM | 35 | NW SW | 1.80 | 1601 | BLOYER, DANIEL E. & LISA M. | N08.001 | | | |
| 16 S | 12 E | WM | 19 | SE SW | 11.64 | 1900 | DLMM PROPERTIES, LLC | N08.005 | | | |
| 16 S | 12 E | WM | 19 | SW SE | 23.29 | 2400 | DLMM PROPERTIES, LLC | N08.005 | | | |
| 16 S | 12 E | WM | 19 | SE SE | 27.07 | 2400 | DLMM PROPERTIES, LLC | N08.005 | | | |
| | | | _ | Total | 68.80 | | | | | | |

| | | | | SUPPLE | MENTA | L IRRIGAT | TION | |
|------|------|----|-----|--------|-------|-----------|------------------|---------|
| Twp | Rng | | Sec | Q-Q | Acres | Taxlot | Owner Name | Notice |
| 16 S | 11 E | WM | 23 | NE SW | 3.44 | 519 | RODE, RICHARD L. | N08.009 |
| | | | | | | | & LINDA P. | |
| 16 S | 11 E | WM | 23 | NW SE | 0.56 | 519 | RODE, RICHARD L. | N08.009 |
| | | | | | | | & LINDA P. | |
| 16 S | 11 E | WM | 27 | NE NE | 0.34 | 604 | KRAFT FAMILY | N08.006 |
| | | | | | | | LIVING TRUST | |
| 16 S | 11 E | WM | 27 | SE NE | 4.66 | 604 | KRAFT FAMILY | N08.006 |
| | | | | | | | LIVING TRUST | |
| 16 S | 11 E | WM | 27 | SW NE | 1.88 | 212 | SOUTHER, DAVID | N08.010 |
| | | | | | | | W. & CONNIE R. | |
| 16 S | 11 E | WM | 28 | NE NW | 2.00 | 300 | PARKER-RYAN, | N08.004 |
| | | | | | | | AMY | |
| 16 S | 11 E | WM | 35 | SW NW | 3.00 | 1100 | SCHOCK, SPENCER | N08.003 |
| | | | | | | | M. & HEATHER M. | |
| 16 S | 12 E | WM | 8 | SE SE | 5.40 | 1400 | BROWN, MERLE R. | N08.008 |
| | | | | | | | & VOSS, JOANN M. | |
| 16 S | 12 E | WM | 9 | SW NW | 1.00 | 501 | MCELWEE, KEVIN | N08.007 |
| | | | | | | | & BARBARA | |
| | | | | Total | 22.28 | | | |

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

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

Use: Irrigation of 91.08 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: 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:

| | | | | SUPPLI | EMENTA | L IRRIGAT | TION | |
|------|------|----|-----|--------|--------|-----------|-------------------|---------|
| Twp | Rng | | Sec | Q-Q | Acres | Taxlot | Owner Name | Notice |
| 16 S | 11 E | WM | 22 | SE SW | 5.00 | 2501 | TCHALEMIAN, | N08.005 |
| | | | | | | | ALEX & BEVERELY | |
| 16 S | 11 E | WM | 24 | SW SE | 1.00 | 2600 | OBANION, FRED | N08.007 |
| 16 S | 11 E | WM | 27 | SW NE | 1.88 | 212 | SOUTHER, DAVID | N08.010 |
| | _ | | | | | | W. & CONNIE R. | |
| 16 S | 11 E | WM | 27 | SW NW | 2.00 | 202 | PARKER, KENNETH | N08.004 |
| | | | | | | | M. & NEVA | |
| 16 S | 12 E | WM | 18 | SW SW | 2.10 | 1102 | BECK, BRUCE P. & | N08.008 |
| | | | | | | | JAYNEE B. | |
| 16 S | 12 E | WM | 18 | SE SW | 3.30 | 1102 | BECK, BRUCE P. & | N08.008 |
| | | | | | | | JAYNEE B. | |
| 16 S | 11 E | WM | 24 | SW SE | 4.00 | 2300 | DUBLIN, JERRY D. | N08.009 |
| 17 S | 11 E | WM | 1 | NW NE | 3.00 | 404 | MCCLASKEY, | N08.003 |
| | | | | | | | DIANA T | |
| 16 S | 11 E | WM | 35 | NW SW | 1.80 | 1601 | BLOYER, DANIEL E. | N08.001 |
| | | | | | | | & LISA M. | |
| 16 S | 11 E | WM | 24 | SW SE | 5.00 | 2300 | DUBLIN, JERRY D. | N08.006 |
| 16 S | 12 E | WM | 19 | SW SE | 31.40 | 2400 | DLMM | N08.005 |
| | | | | | | | PROPERTIES, LLC | |
| 16 S | 12 E | WM | 19 | SE SE | 28.10 | 2400 | DLMM | N08.005 |
| _ | | | | | | | PROPERTIES, LLC | |
| 16 S | 12 E | WM | 19 | SE SW | 2.50 | 1900 DLMM | | N08.005 |
| | | | | | | | PROPERTIES, LLC | |
| | | | | Total | 91.08 | | | |

10. Transfer Application T-10759 proposes to change the place of use to:

| | | | | | | LIRRIGAT | TION | |
|------|------|----|-----|-------|-------|----------|-------------------------------------|---------|
| Twp | Rng | | Sec | Q-Q | Acres | Taxlot | Owner Name | Notice |
| 16 S | 11 E | WM | 23 | NE SW | 3.44 | 519 | RODE, RICHARD L. & LINDA P. | N08.009 |
| 16 S | 11 E | WM | 23 | NW SE | 0.56 | 519 | RODE, RICHARD L. & LINDA P. | N08.009 |
| 16 S | 11 E | WM | 27 | SW NE | 1.88 | 212 | SOUTHER, DAVID W. & CONNIE R. | N08.010 |
| 16 S | 11 E | WM | 28 | NE NW | 2.00 | 300 | PARKER-RYAN, AMY | N08.004 |
| 16 S | 11 E | WM | 35 | SW NW | 3.00 | 1100 | SCHOCK, SPENCER M. & HEATHER M. | N08.003 |
| 16 S | 12 E | WM | 8 | SE SE | 5.40 | 1400 | BROWN, MERLE R. & VOSS, JOANN M. | N08.008 |
| 16 S | 12 E | WM | 9 | SW NW | 1.00 | 501 | MCELWEE, KEVIN & BARBARA | N08.007 |
| 16 S | 12 E | WM | 19 | SE SW | 5.00 | 1900 | DLMM PROPERTIES, LLC | N08.005 |
| 16 S | 11 E | WM | 35 | NW SW | 1.80 | 1601 | BLOYER, DANIEL E. & LISA M. | N08.001 |
| 16 S | 12 E | WM | 19 | SE SW | 11.64 | 1900 | DLMM PROPERTIES, LLC | N08.005 |
| 16 S | 12 E | WM | 19 | SW SE | 23.29 | 2400 | DLMM PROPERTIES, LLC | N08.005 |
| 16 S | 12 E | WM | 19 | SE SE | 27.07 | 2400 | DLMM PROPERTIES, LLC | N08.005 |

| | SUPPLEMENTAL IRRIGATION | | | | | | | | | | | |
|------|-------------------------|----|-----|-------|-------|--------|------------------------------|---------|--|--|--|--|
| Twp | Rng | | Sec | Q-Q | Acres | Taxlot | Owner Name | Notice | | | | |
| 16 S | 11 E | WM | 27 | NE NE | 0.34 | 604 | KRAFT FAMILY LIVING TRUST | N08.006 | | | | |
| 16 S | 11 E | WM | 27 | SE NE | 4.66 | 604 | KRAFT FAMILY LIVING TRUST | N08.006 | | | | |
| | _ | | | Total | 91.08 | | | | | | | |

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

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

Use: Irrigation of 91.08 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, tributary of the Columbia River

Authorized Points of Diversion:

| | Twp | Rng | Mer | Sec | Q-Q | Measured Distance |
|---|------|------|-----|-----|-------|---|
| ľ | 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:

| | SUPPLEMENTAL IRRIGATION | | | | | | | | | | | | |
|------|-------------------------|----|-----|-------|-------|--------|-------------------|---------|--|--|--|--|--|
| Twp | Rng | | Sec | Q-Q | Acres | Taxlot | Owner Name | Notice | | | | | |
| 16 S | 11 E | WM | 22 | SE SW | 5.00 | 2501 | TCHALEMIAN, | N08.005 | | | | | |
| | | | | | | | ALEX & BEVERELY | | | | | | |
| 16 S | 11 E | WM | 24 | SW SE | 1.00 | 2600 | OBANION, FRED | N08.007 | | | | | |
| 16 S | 11 E | WM | 27 | SW NE | 1.88 | 212 | SOUTHER, DAVID | N08.010 | | | | | |
| | | | | | | | W. & CONNIE R. | | | | | | |
| 16 S | 11 E | WM | 27 | SW NW | 2.00 | 202 | PARKER, KENNETH | N08.004 | | | | | |
| | | | | | | | M. & NEVA | | | | | | |
| 16 S | 12 E | WM | 18 | SW SW | 2.10 | 1102 | BECK, BRUCE P. & | N08.008 | | | | | |
| | | | | | | | JAYNEE B. | | | | | | |
| 16 S | 12 E | WM | 18 | SE SW | 3.30 | 1102 | BECK, BRUCE P. & | N08.008 | | | | | |
| | | | | | | | JAYNEE B. | | | | | | |
| 16 S | 11 E | WM | 24 | SW SE | 4.00 | 2300 | DUBLIN, JERRY D. | N08.009 | | | | | |
| 17 S | 11 E | WM | 1 | NW NE | 3.00 | 404 | MCCLASKEY, | N08.003 | | | | | |
| | | | | | | | DIANA T. | | | | | | |
| 16 S | 11 E | WM | 35 | NW SW | 1.80 | 1601 | BLOYER, DANIEL E. | N08.001 | | | | | |
| | | | | | | | & LISA M. | | | | | | |
| 16 S | 11 E | WM | 24 | SW SE | 5.00 | 2300 | DUBLIN, JERRY D. | N08.006 | | | | | |
| 16 S | 12 E | WM | 19 | SW SE | 31.40 | 2400 | DLMM | N08.005 | | | | | |
| | | | | | | | PROPERTIES, LLC | | | | | | |
| 16 S | 12 E | WM | 19 | SE SE | 28.10 | 2400 | DLMM | N08.005 | | | | | |
| | | | | | | | PROPERTIES, LLC | | | | | | |
| 16 S | 12 E | WM | 19 | SE SW | 2.50 | 1900 | DLMM | N08.005 | | | | | |
| | | | | | | | PROPERTIES, LLC | | | | | | |
| | | | | Total | 91.08 | | | | | | | | |

12. Transfer Application T-10759 proposes to change the place of use to:

| | | | | | | L IRRIGAT | FION | |
|------|------|----|-----|-------|-------|-----------|-------------------------------------|---------|
| Twp | Rng | | Sec | Q-Q | Acres | Taxlot | Owner Name | Notice |
| 16 S | 11 E | WM | 23 | NE SW | 3.44 | 519 | RODE, RICHARD L. & LINDA P. | N08.009 |
| 16 S | 11 E | WM | 23 | NW SE | 0.56 | 519 | RODE, RICHARD L. & LINDA P. | N08.009 |
| 16 S | 11 E | WM | 27 | SW NE | 1.88 | 212 | SOUTHER, DAVID W. & CONNIE R. | N08.010 |
| 16 S | 11 E | WM | 28 | NE NW | 2.00 | 300 | PARKER-RYAN, AMY | N08.004 |
| 16 S | 11 E | WM | 35 | SW NW | 3.00 | 1100 | SCHOCK, SPENCER M. & HEATHER M. | N08.003 |
| 16 S | 12 E | WM | 8 | SE SE | 5.40 | 1400 | BROWN, MERLE R. & VOSS, JOANN M. | N08.008 |
| 16 S | 12 E | WM | 9 | SW NW | 1.00 | 501 | MCELWEE, KEVIN & BARBARA | N08.007 |
| 16 S | 12 E | WM | 19 | SE SW | 5.00 | 1900 | DLMM PROPERTIES, LLC | N08.005 |
| 16 S | 11 E | WM | 35 | NW SW | 1.80 | 1601 | BLOYER, DANIEL E. & LISA M. | N08.001 |
| 16 S | 12 E | WM | 19 | SE SW | 11.64 | 1900 | DLMM PROPERTIES, LLC | N08.005 |
| 16 S | 12 E | WM | 19 | SW SE | 23.29 | 2400 | DLMM PROPERTIES, LLC | N08.005 |
| 16 S | 12 E | WM | 19 | SE SE | 27.07 | 2400 | DLMM PROPERTIES, LLC | N08.005 |
| 16 S | 11 E | WM | 27 | NE NE | 0.34 | 604 | KRAFT FAMILY LIVING TRUST | N08.006 |
| 16 S | 11 E | WM | 27 | SE NE | 4.66 | 604 | KRAFT FAMILY LIVING TRUST | N08.006 |
| | | | | Total | 91.08 | _ | | • |

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

Certificate: 76106, issued in the name of Tumalo Irrigation District

Use: Irrigation of 10.00

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

ONE-SEVENTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from Upper Tumalo

Reservoir constructed under water use Permit R-2743.

Source: Tumalo Creek and Upper Tumalo Reservoir (constructed under Permit R-2743)

tributaries of the Deschutes River.

Authorized Points of Diversion:

| 1 14001101 120 | W I OILLO | | | | | |
|------------------------------|-----------|------|-----|-----|-------|--|
| POD | Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
| Tumalo Creek | 17 S | 11 E | WM | 23 | SE NE | 2080 FEET SOUTH AND 1310 FEET WEST FROM THE NE CORNER OF SECTION 23 |
| Upper Tumalo Reservoir | 16 S | 11 E | WM | 33 | SE SW | Not listed on certificate |

Authorized Place of Use:

| | IRRIGATION | | | | | | | | | | | |
|------|--|--|--|--|--|--|--|--|--|--|--|--|
| Twp | Twp Rng Sec Q-Q Acres Taxlot Owner Name Notice | | | | | | | | | | | |
| 16 S | A 9 | | | | | | | | | | | |

14. Transfer Application T-10759 proposes to change the place of use to:

| | IRRIGATION | | | | | | | | | | | |
|------|--|----|----|-------|-------|------|----------------------|---------|--|--|--|--|
| Twp | Twp Rng Sec Q-Q Acres Taxlot Owner Name Notice | | | | | | | | | | | |
| 16 S | 12 E | WM | 19 | SE SW | 10.00 | 1900 | DLMM PROPERTIES, LLC | N08.005 | | | | |

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

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

Use: Supplemental Irrigation of 101.08 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

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

rotation system as may be ordered by the proper state officer.

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 323 |
| Crescent Lake Reservoir | 24 S | 6 E | WM | 11 | SE SW | Not listed on certificate |

Authorized Place of Use:

| | SUPPLEMENTAL IRRIGATION | | | | | | | | | | | | |
|------|---|----|----|-------|------|------|-------------------------------|---------|--|--|--|--|--|
| Twp | wp Rng Sec Q-Q Acres Taxlot Owner Name Notice | | | | | | | | | | | | |
| 16 S | 11 E | WM | 22 | SE SW | 5.00 | 2501 | Tchalemian, Alex & Beverly | N08.005 | | | | | |
| 16 S | 11 E | WM | 24 | SW SE | 1.00 | 2600 | OBANION, FRED | N08.007 | | | | | |
| 16 S | 11 E | WM | 27 | SW NE | 1.88 | 212 | SOUTHER, DAVID | N08.010 | | | | | |

| | | | | SUPPLE | EMENTA | L IRRIGAT | TION | |
|------|------|----|-----|--------|--------|-----------|-------------------|---------|
| Twp | Rng | | Sec | Q-Q | Acres | Taxlot | Owner Name | Notice |
| | | | | | | | W. & CONNIE R. | |
| 16 S | 11 E | WM | 27 | SW NW | 2.00 | 202 | PARKER, KENNETH | N08.004 |
| | | | | | | | M. & NEVA | |
| 16 S | 11 E | WM | 24 | SW SE | 4.00 | 2300 | DUBLIN, JERRY D. | N08.009 |
| 17 S | 11 E | WM | 1 | NW NE | 3.00 | 404 | MCCLASKEY, | N08.003 |
| | | | | | | | DIANA T. | |
| 16 S | 11 E | WM | 24 | SW SE | 5.00 | 2300 | DUBLIN, JERRY D. | N08.006 |
| 16 S | 11 E | WM | 35 | NW SW | 1.80 | 1601 | BLOYER, DANIEL E. | N08.001 |
| | | | | | | | & LISA M. | |
| 16 S | 12 E | WM | 19 | SW SE | 31.40 | 2400 | DLMM | N08.005 |
| | | | | | | | PROPERTIES, LLC | |
| 16 S | 12 E | WM | 19 | SE SE | 28.10 | 2400 | DLMM | N08.005 |
| | | | | | | | PROPERTIES, LLC | |
| 16 S | 12 E | WM | 19 | SE SW | 2.50 | 1900 | DLMM | N08.005 |
| | | | | | | | PROPERTIES, LLC | |
| 16 S | 12 E | WM | 18 | SE SW | 3.30 | 1102 | BECK, BRUCE P. & | N08.008 |
| | _ | | | | | | JAYNEE B. | |
| 16 S | 12 E | WM | 18 | SW SW | 2.10 | 1102 | BECK, BRUCE P. & | N08.008 |
| | | | | | | | JAYNEE B. | |
| 16 S | 12 E | WM | 19 | SE SW | 10.00 | 1900 | DLMM | N08.005 |
| | | | | | | | PROPERTIES, LLC | |
| | | | | Total | 101.08 | | | |

16. Transfer Application T-10759 proposes to change the place of use to:

| | | | | S | UPPLEM | ENTAL IR | RIGATION | |
|------|------|----|-----|-------|--------|----------|-----------------------------|---------|
| Twp | Rng | | Sec | Q-Q | Acres | Taxlot | Owner Name | Notice |
| 16 S | 11 E | WM | 27 | SW NE | 1.88 | 212 | SOUTHER, DAVID W. & CONNIE | N08.010 |
| | | | | | | | R. | |
| 16 S | 11 E | WM | 35 | NW SW | 1.80 | 1601 | BLOYER, DANIEL E. & LISA M. | N08.001 |
| 16 S | 12 E | WM | 19 | SE SW | 11.64 | 1900 | DLMM PROPERTIES, LLC | N08.005 |
| 16 S | 12 E | WM | 19 | SW SE | 23.29 | 2400 | DLMM PROPERTIES, LLC | N08.005 |
| 16 S | 12 E | WM | 19 | SE SE | 27.07 | 2400 | DLMM PROPERTIES, LLC | N08.005 |
| 16 S | 11 E | WM | 27 | NE NE | 0.34 | 604 | KRAFT FAMILY LIVING TRUST | N08.006 |
| 16 S | 11 E | WM | 27 | SE NE | 4.66 | 604 | KRAFT FAMILY LIVING TRUST | N08.006 |
| 16 S | 11 E | WM | 28 | NE NW | 2.00 | 300 | PARKER-RYAN, AMY | N08.004 |
| 16 S | 11 E | WM | 35 | SW NW | 3.00 | 1100 | SCHOCK, SPENCER M. & | N08.003 |
| | | | | | | | HEATHER M. | |
| 16 S | 12 E | WM | 19 | SE SW | 10.00 | 1900 | DLMM PROPERTIES, LLC | N08.005 |
| 16 S | 12 E | WM | 19 | SE SW | 5.00 | 1900 | DLMM PROPERTIES, LLC | N08.005 |
| 16 S | 12 E | WM | 8 | SE SE | 5.40 | 1400 | BROWN, MERLE R. & VOSS, | N08.008 |
| | | | | | | | JOANN M. | |
| 16 S | 11 E | WM | 23 | NW SE | 0.56 | 519 | RODE, RICHARD L. & LINDA P. | N08.009 |
| 16 S | 11 E | WM | 23 | NE SW | 3.44 | 519 | RODE, RICHARD L. & LINDA P. | N08.009 |
| 16 S | 11 E | WM | 9 | SW NW | 1.00 | 501 | McElwee, Kevin & Barbara | N08.007 |
| | | • | | Total | 101.08 | | | |

17. The portion of the fourth right to be transferred is as follows:

Certificate: 83571 in the name of CENTRAL OREGON IRRIGATION DISTRICT

Use: IRRIGATION of 2.00 acres **Priority Date:** OCTOBER 31, 1900

Season of Use: April 1 through October 31, further limited as follows:

April 1 through April 30 & October 1 through October 31 described herein as Season 1

May 1 through May 14 & September 16 through September 30 described herein as Season 2

May 15 through September 15 described herein as Season 3

Maximum Quantity (Rate) that can be applied to an acre:

Season 1: Limited to 1/80 cubic foot per second (CFS) per acre

Season 2: Limited to 1/60 CFS per acre

Season 3: Limited to 1/32.4 CFS per acre

Maximum Duty that can be applied to an acre:

Not to exceed 9.91 acre-feet (AF) per acre per year.

The above listed rates and duty reflect allowance of a 45% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933. Those lands not served from the district main canal systems, but by direct pumping from the Deschutes River, are not allowed the 45% transmission loss.

Source: Deschutes River, tributary to the Columbia River

Authorized Point of Diversion:

| POD# | Twp | Rng | Mer | Sec | Q-Q | Measured Distances | |
|------|------|------|-----|-----|-------|--|--|
| 9 | 17 S | 12 E | WM | 32 | NW NE | TID Bend Feed Canal; 2050 FEET WEST FROM THE NE CORNER OF SECTION 32 | |

Authorized Place of Use:

| | IRRIGATION | | | | | | | | | | | |
|------|------------|-----|-----|-------|-------|---------|------------------------|----------|--|--|--|--|
| Twp | Rng | Mer | Sec | Q-Q | Acres | Tax Lot | User Name | Notice # | | | | |
| 17 S | 12 E | WM | 24 | NW NE | 2.00 | 301 | ALBERT R. JACOBS TRUST | N08-002 | | | | |

18. Transfer Application T-10759 proposes to change the places of use to:

Proposed Place of Use:

| | IRRIGATION | | | | | | | | | | |
|------|--|----|----|-------|------|------|----------------------|---------|--|--|--|
| Twp | Twp Rng Mer Sec Q-Q Acres Tax Lot User Name Notice | | | | | | | | | | |
| | | | | | | | SCHOCK, SPENCER M. & | | | | |
| 16 S | 11 E | WM | 35 | SW NW | 2.00 | 1100 | HEATHER M. | N08-002 | | | |

19. The season of use described in Certificate 83571 contains scrivener errors. Consistent with the decree for the Deschutes River (Volume 12, Page 282), the irrigation season should be:

Season of Use:

April 1 through October 31, further limited as follows:

April 1 through April 30 & October 1 through October 31 described herein

as Season 1.

May 1 through May 14 & September 15 through September 30 described

herein as Season 2.

May 15 through September 14 described herein as Season 3.

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

Certificate: 76714 in the name of CENTRAL OREGON IRRIGATION DISTRICT

Use: SUPPLEMENTAL IRRIGATION of 2.00 acres

Priority Date: February 28, 1913

Limit/Duty: limited to 50,000 acre-feet of stored water only

Source: Crane Prairie Reservoir, constructed under Permit R-1687, a tributary of the Deschutes River

The water right evidenced by Certificate 76714 allows the use of up to 50,000 acre-feet of water stored in Crane Prairie Reservoir, a tributary of the Deschutes River, for supplemental irrigation. The diversion rate is not specified and use is limited to the total volume of stored water to make up any deficiency in supply of the live flow water right appurtenant to specified lands.

Authorized Point of Diversion:

| POD# | Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|------|-----|-----|-------|---|
| 11 | 17 S | 12 E | WM | 29 | SE NE | COID NORTH CANAL: 850 FEET NORTH AND 630 FEET WEST FROM THE E1/4 CORNER OF SECTION 29 |

Authorized Place of Use:

| | SUPPLEMENTAL IRRIGATION | | | | | | | | | | |
|--|-------------------------|----|----|-------|------|-----|------------------------|----------|--|--|--|
| Twp Rng Mer Sec Q-Q Acres Tax Lot User Name Notice | | | | | | | | Notice # | | | |
| 17 S | 11 E | WM | 24 | NW NE | 2.00 | 301 | ALBERT R. JACOBS TRUST | N08-002 | | | |

21. Transfer Application T-10759 proposes to change the places of use to:

Proposed Place of Use:

| | SUPPLEMENTAL IRRIGATION | | | | | | | | | | |
|--|-------------------------|----|----|-------|------|------|----------------------|---------|--|--|--|
| Twp Rng Mer Sec Q-Q Acres Tax Lot User Name Notice | | | | | | | | | | | |
| | | | | | | | SCHOCK, SPENCER M. & | | | | |
| 16 S | 11 E | WM | 35 | SW NW | 2.00 | 1100 | HEATHER M. | N08-002 | | | |

- 22. 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.
- 23. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
- 24. The proposed change in place of use would not result in enlargement of the rights.
- 25. 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 in Transfer Application T-10759 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, 74148, 74149, 76106, 76520, 83571 and 76714 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 74146, 74147, 74148, 74149, 76106, 76520, 83571 and 76714 and any related decree.
- 3. The former place of use shall no longer be irrigated as part of this water right.

- 4. The proposed change, as authorized by this final order, shall be completed within one full year from the approval date plus any additional time before or until October 1, 2011.
- 5. A Claim of Beneficial Use shall be submitted by the applicant to the Department by October 1, 2012.
- 6. Certificates 74146, 74147, 74148, 74149, 76106, 76520, 83571 and 76714 are modified. The Department will issue superseding certificates describing the right when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 17th day of March, 2009.

Br Phillip C. Ward, Director

Mailing Date: MAR 2 4 2009