

3989

Name Tumalo Irrigation District

By .....

Address 64697 Cook Ave.

Bend Or. 97701

Change in POU

Date filed July 3, 1978

Date of hearing .....

Place of hearing .....

Date of order 8-16-78 Vol. 31, page 157

Date for application of water 10-1-79 ~~10-1-81~~ ~~10-1-82~~

Proof mailed 9-22-81

Proof received .....

Certificate issued ..... Vol. ...., page .....

7-1-85 SPA

Surveyed 5/23/86 (Reitenhauer)

REMARKS

retransfer of water right involved in Transfer No T-50

CARD FOR C DEC 26 1978

SEE T-5052 ; T-5569 ; T-5641

DESCRIPTION OF WATER RIGHT

Name of stream Tumalo Creek (primary source)

Trib. of ..... County of Deschutes

Use irrigation

Quantity of water ..... No. of acres 19.4

Name of ditch Tumalo Feed Canal

Date of priority .....

In name of ..... SP. OR. U 11, P123

Tumalo Creek Adjudication, Vol. ...., page 133

App. No. .... Per. No. .... Cert. No. T-50 26508

Certificate cancelled .....

Notation made on record by .....

FEEES PAID

| Date        | Amount    | Receipt No. |
|-------------|-----------|-------------|
| 7-3-78      | 30.00     | 4594        |
| TOTAL . . . |           |             |
|             | Cert. Fee |             |

FEEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
|      |        |           |

W.R.I.S.

Assembled 6-12-85 by SM

Entered \_\_\_\_\_ by \_\_\_\_\_

Verified \_\_\_\_\_ by \_\_\_\_\_

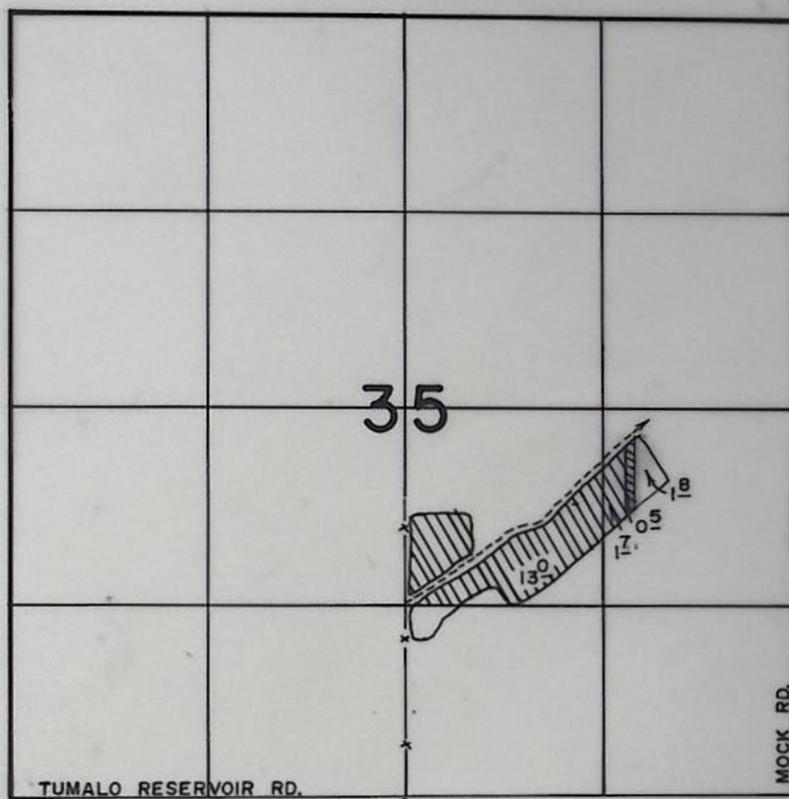
|   |  |            |         |
|---|--|------------|---------|
| TO BE ENTERED WHERE CHECKED                   | INDEX CARDS:                                     | Entered    | Checked |
|   | <input checked="" type="checkbox"/> Name         | <u>fig</u> | _____   |
|   | <input checked="" type="checkbox"/> Stream       | <u>fig</u> | _____   |
|   | <input checked="" type="checkbox"/> Pt. of Div.  | <u>fig</u> | _____   |
|   | <input checked="" type="checkbox"/> Calendar     | <u>fig</u> | _____   |
|   | CHECKED TO RECORD:                               |            |         |
|   | <input checked="" type="checkbox"/> Twp. & Rge.  | <u>fig</u> | _____   |
|   | <input checked="" type="checkbox"/> Decree-vault | <u>fig</u> | _____   |
|   | <input checked="" type="checkbox"/> Decree-safe  | <u>fig</u> | _____   |
|   | <input checked="" type="checkbox"/> Cert. of W/R | <u>fig</u> | _____   |
| <input type="checkbox"/> Per. Folder          | _____  | _____      |         |
| <input type="checkbox"/> Chaindex             | _____  | _____      |         |
| <input type="checkbox"/> Cross Ref.           | _____  | _____      |         |
| <input type="checkbox"/> Power Claim          | _____  | _____      |         |
| <input checked="" type="checkbox"/> Abstracts | <u>fig</u>                                       | _____      |         |

RECEIVED

AUG 12 1981

WATER RESOURCES DEPT  
SALEM, OREGON

T.16S. R.11E. W.M.



1907 PRIORITY

1900 PRIORITY

### FINAL PROOF SURVEY UNDER

PORTION OF TRANSFER 3989

Application No. .... Permit No. ....

IN NAME OF

.....TUMALO IRRIGATION DISTRICT.....

Surveyed JUL 6 1981, by L.H. NUNN.....

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION )  
OF TUMALO IRRIGATION DISTRICT FOR)  
APPROVAL OF A CHANGE IN PLACE OF )  
USE OF WATER )  
-----

ORDER APPROVING  
TRANSFER NO. 3989

On July 3, 1978, Tumalo Irrigation District filed an application in the office of the Water Resources Director for approval of a change in place of use of water from Tumalo Creek, Deschutes River, Crater Creek, Little Crater Creek and three spring branches, and Crescent Lake Reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

As modified in accord with the provisions of the order of the State Engineer entered April 10, 1961, approving transfer application No. T-50, the primary water right previously allowed by Decree of the Circuit Court for Deschutes County, Oregon, entered August 27, 1958, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Tumalo Creek, a tributary of Deschutes River, in the name of Deschutes County Municipal Improvement District (now Tumalo Irrigation District), described in the certificate recorded at page 26508, Volume 18, State Record of Water Right Certificates, now exists for the use of waters of Tumalo Creek for the irrigation of, among other lands, a certain 14.7 acres with a date of priority of September, 1900, and 4.7 acres with a date of priority of June 1, 1907, in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 8, Township 16 South, Range 12 East, W.M.

Also, as modified in accord with the provisions of said order of the State Engineer, the lands above described have supplemental water rights, being rights to the use of water from Deschutes River, with a priority date of 1905, as described by certificate recorded at page 31412, Volume 23, State Record of Water Right Certificates; to the use of water from Tumalo Creek, Crater Creek, Little Crater Creek and

three spring branches, with a date of priority of October 29, 1913, previously described by certificate recorded at page 26050, Volume 18, State Record of Water Right Certificates; to the use of the waters of Crescent Lake Reservoir, with a date of priority of April 7, 1911, previously described by certificate recorded at page 26051, Volume 18, State Record of Water Right Certificates; and to the use of the waters of Crescent Lake Reservoir, with a date of priority of December 8, 1961, as allowed under permit No. 27841.

The applicant herein, owner of the lands above described, proposes to transfer the primary and supplemental water rights therefrom, without loss of priority, and to irrigate in lieu thereof a certain 14.7 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 35, Township 16 South, Range 11 East, W.M.; the primary water right having a date of priority of September, 1900; and to irrigate in lieu thereof a certain 0.5 acre in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 35, Township 16 South, Range 11 East, W.M., 2.2 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 20, Township 17 South, Range 12 East, W.M., and 2.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 17, Township 16 South, Range 12 East, W.M., the primary water right having a date of priority of June 1, 1907.

The lands involved herein are within the boundaries of the Tumalo Irrigation District and the Board of Directors of said District approved the proposed change in place of use of water at a regular meeting held May 9, 1978.

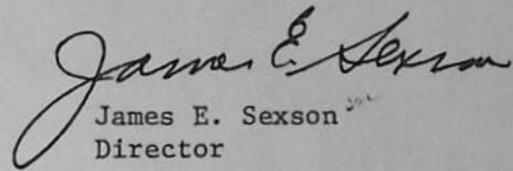
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the Water Resources Director of complete application of water to beneficial use on the lands to which the water is transferred hereby, certificate of water right shall be issued to Tumalo Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon this 16th day of August, 1978.

  
James E. Sexson  
Director

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION )  
 OF TUMALO IRRIGATION DISTRICT FOR)  
 THE APPROVAL OF A CHANGE IN PLACE)  
 OF USE OF WATER FROM DESCHUTES )  
 RIVER. )

ORDER  
APPROVING APPLICATION

I

On February 15, 1961, Tumalo Irrigation District filed an application in the office of the State Engineer for the approval of a change in place of use of water from Deschutes River pursuant to the provisions of ORS 540.510 to 540.530.

II

The Tumalo Irrigation District has heretofore acquired title to lands with certain water rights appurtenant thereto located within the boundaries of the district, said lands and water rights being described as follows:

| Sub-division                      | Section | Township & Range | Deschutes River | Tumalo Creek | Tumalo, Crater and Little Crater Creeks and 3 Springs | Crescent Lake Storage |
|-----------------------------------|---------|------------------|-----------------|--------------|---|-----------------------|
| (1)                               | (2)     | (3)              | (4)             | (5)          | (6)   | (7)                   |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 14      | 16S 11E          | 3.0             | 26508        | 26050   | 26051                 |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 21      | 16S 11E          | 2.8             |              |   |                       |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 21      | 16S 11E          | 8.6             |              |   |                       |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 22      | 16S 11E          | 17.0            |              |   |                       |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 22      | 16S 11E          | 12.0            | (1) 7.3      | ( 4.7 P )<br>( 7.3 S )                                | 10.7 12.0             |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 23      | 16S 11E          | 1.0             |              |   |                       |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 23      | 16S 11E          | 5.0             |              |   |                       |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 33      | 16S 11E          | 4.0             |              |   |                       |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 34      | 16S 11E          | 3.3             |              |   |                       |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 34      | 16S 11E          | 0.7             |              |   |                       |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ | 35      | 16S 11E          | 0.6             | (2) 0.6      |   |                       |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 17      | 16S 12E          | 11.6            | (1) 11.6     | 11.6 S  | 11.6 x                |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 17      | 16S 12E          | 12.1            |              | 12.1 P  | 12.1 x                |
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ | 1       | 17S 11E          | 6.0             | (2) 6.0      | 6.0 S   | 6.0 x                 |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 4       | 17S 11E          | 5.8             |              | 5.8 P   | 5.8 x                 |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 11      | 17S 11E          | 5.6             | (2) 5.6      | 5.6 S   | 5.6 x                 |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 11      | 17S 11E          | 2.5             | (2) 2.5      | 2.5 S   | 2.5 x                 |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 12      | 17S 11E          | 1.2             |              | 1.2 P   | 1.2 x                 |

NOTE: See Column (5) - - (1) Date of Priority of June 1, 1907  
 (2) Date of Priority of September, 1900.

NOTE: See Column (6) - - P means primary water right  
 S means supplemental water right

In the matter of the determination of the relative rights to the use of the waters of Deschutes River and its tributaries, a water right was established in the name of the Deschutes County Municipal Improvement District, now Tumalo Irrigation District, for the use of 9.5 cubic feet per second of the waters of Deschutes River, with a date of priority of 1905, for the irrigation of all lands within the District, which include those lands described in Column 4 on the preceding page.

In the matter of the determination of the relative rights to the use of the waters of Tumalo Creek and its tributaries, a water right was established for the irrigation of those lands described in Column 5 above with dates of priority of June 1, 1907 and September, 1900.

Certificate of water right issued to Tumalo Irrigation District and recorded at Page 26050, Volume 18, State Record of Water Right Certificates, confirms a right, under Permit No. 19628, to the use of the waters of Tumalo, Crater and Little Crater Creeks and three springs, with a date of priority of October 29, 1913, for the irrigation of, among other lands, those described in Column 6 on the preceding page.

Certificate of water right issued to the Tumalo Irrigation District and recorded at Page 26051, Volume 18, State Record of Water Right Certificates, confirms a right under Permit No. 624 to the use of the waters stored in Crescent Lake Reservoir, with a date of priority of April 7, 1911, for supplemental irrigation of all lands within the District which include those described in Column 7 on the preceding page.

### III

The District proposes to transfer the water rights described in Paragraph II above, except 2.2 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, and 1.3 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 22, Township 16 South, Range 11 East, W. M., from sources set forth in Columns 4, 6 and 7 of said Paragraph II, without loss of priority, to the lands set forth in the following table:

26050

26051

| Sub-division                      | Section | Township & Range | Des-chutes River | Tumalo Creek | Tumalo, Crater and Little Crater Creeks and 3 Springs | Crescent Lake Storage |
|-----------------------------------|---------|------------------|------------------|--------------|---|-----------------------|
| (1)                               | (2)     | (3)              | (4)              | (5)          | (6)   | (7)                   |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 34      | 16S 11E          | 2.43             |              | 2.43 P  | 2.43                  |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 35      | 16S 11E          | 3.40             |              | 3.40 P  | 3.40                  |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ | 35      | 16S 11E          | 2.70             |              | 2.70 P  | 2.70                  |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 8       | 16S 12E          | 39.40 (3)        | 33.6         | (33.00 S)   | 38.80                 |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 9       | 16S 12E          | 37.80            |              | (5.80 P)  |                       |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 17      | 16S 12E          | .26              |              | 37.80 P   | 37.80                 |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 17      | 16S 12E          | 3.70             |              | .26 P   | .26                   |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 18      | 16S 12E          | .36              |              | 3.70 P  | 3.70                  |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 18      | 16S 12E          | 4.10             |              | .36 P   | .36                   |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 1       | 17S 11E          | .70              |              | 4.10 P  | 4.10                  |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 1       | 17S 11E          | 4.45             |              | .70 P   | .70                   |
|                                   |         |                  |                  |              | 4.45 P  | 4.45                  |

- 19.4 ac T-3989

NOTE: See Column 5 - - (3) 18.9 acres have a date of priority of June 1, 1907  
 14.7 acres have a date of priority of September, 1900.

IV

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water only.

V

No objections having been filed and it appearing such change in place of use of water will inure to the benefit of the District, and may be made without injury to existing rights, the application should be approved.

VI

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water be and the same hereby is approved and the water rights hereinbefore described in Paragraph II, except for 2.2 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21 and 1.3 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 22, Township 16 South, Range 11 East, W. M., from sources set forth in Columns 4, 6 and 7 of said Paragraph II, be severed therefrom and simultaneously and without loss of priority, transferred to the lands set forth in the tabulation in Paragraph III hereof.

VII

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1962, or within such extension of time as may be granted by the State Engineer for good cause shown.

VIII

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use on the lands to which the water is transferred hereby, certificate of water right shall be issued to Tumalo Irrigation District, or their successor in interest, to the extent to which the water has been applied beneficially and the certificates of water right heretofore issued to Tumalo Irrigation District and recorded at pages 26050 and 26051, Volume 18, and page 26508, Volume 18, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon, this 10th day of April, 1961.

/s/ LEWIS A. STANLEY  
State Engineer