

3990

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 7-14-78 Vol. 31, page 56

Date for application of water 10-1-79 ~~10-1-81~~ ~~10-1-82~~ ~~83~~

Proof mailed Held open post 10-1-82

Proof received not extended

Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page 562b

To survey Dec 86 - 20 acres Sec 11, T16S, R11E, only

DESCRIPTION OF WATER RIGHT

Name of stream Tumalo Creek Crater Creek,

Little Crater Creek and three Spring Branches

Trib. of \_\_\_\_\_ County of Deschutes

Use irrigation

Quantity of water \_\_\_\_\_ No. of acres 37.8

Name of ditch \_\_\_\_\_

Date of priority \_\_\_\_\_

In name of \_\_\_\_\_

Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_

App. No. 3263 Per. No. 19628 Cert. No. 26050  
(Primary Right)

Certificate cancelled \_\_\_\_\_

Notation made on record by \_\_\_\_\_

Supplemental rights:

Cert. No. 26051 - Crescent Lake Res.

Cert. No. 31412 - Deschutes River

FEES PAID

Date	Amount	Receipt No.
<u>7-3-78</u>	<u>32.00</u>	<u>4595</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

retransfer of water right involved in Transfer No T-50  
SEE T-5640; T-5642

W.R.I.S.	
Assembled	<u>6-12-85</u> by <u>SN</u>
Entered	_____ by _____
Verified	_____ by _____

INDEX CARDS:	Entered	Checked
Name	<u>lg</u>	_____
Stream	<u>lg</u>	_____
Pt. of Div.	<u>lg</u>	_____
Calendar	<u>lg</u>	_____
CHECKED TO RECORD:		
Twp. & Rge.	<u>ll</u>	_____
Decree-vault	_____	_____
Decree-safe	_____	_____
Cert. of W/R	<u>lg</u>	_____
Per. Folder	<u>lg</u>	_____
Chubbox	_____	_____
Cross Ref.	_____	_____
Power Claim	_____	_____
Abstracts	<u>lg</u>	_____

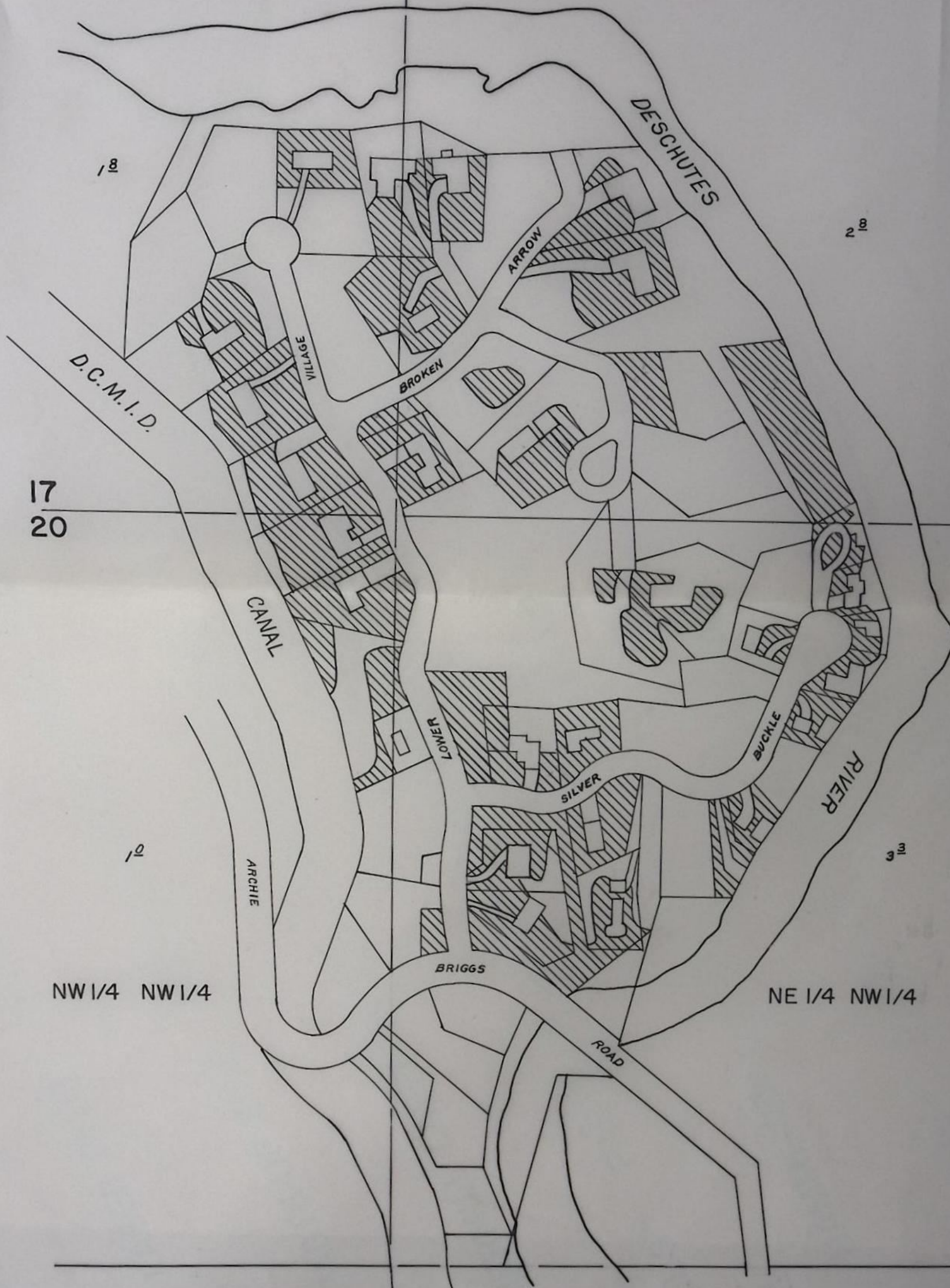


T.17S., R.12E., W.M.

SW 1/4 SW 1/4

SE 1/4 SW 1/4

N



FINAL PROOF SURVEY  
UNDER

SCALE: 1" = 200'

TRANSFER NO. 3989 & 3990

RIMROCK WEST SUBDIVISION

SURVEYED JUNE 6, 1985 by LESLIE OLSON



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 )  
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ORDER APPROVING  
TRANSFER NO. 3990

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 springs 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 right previously described by the certificate of water right issued to Tumalo Irrigation District and recorded at page 26050, Volume 18, State Record of Water Right Certificates, now exists for the use of water from Tumalo Creek, supplemented by the use of water from Crater Creek, from Little Crater Creek and from three spring branches, for irrigation of, among other lands, 37.8 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 9, Township 16 South, Range 12 East, W.M., with a date of priority of October 29, 1913.

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

The applicant herein, owner of the lands above described, proposes to transfer the water rights therefrom, without loss of priority, and to irrigate in lieu thereof a certain 20.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11, Township 16 South, Range 11 East, W.M.; 5.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , 5.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 17; 5.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 2.8 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 20, Township 17 South, Range 12 East, W.M.

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.

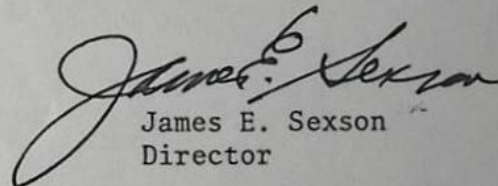
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

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 14th day of July, 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. )  
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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		3.0 P	3.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$	21	16S 11E	8.6		2.8 P	2.8
NE $\frac{1}{4}$ NE $\frac{1}{4}$	22	16S 11E	17.0		8.6 P	8.6
SW $\frac{1}{4}$ NW $\frac{1}{4}$	22	16S 11E	12.0	(1) 7.3	17.0 P	17.0
					( 4.7 P)	10.7 12.0
					( 7.3 S)	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	23	16S 11E	1.0		1.0 P	1.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	23	16S 11E	5.0		5.0 P	5.0
NW $\frac{1}{4}$ NE $\frac{1}{4}$	33	16S 11E	4.0		4.0 P	4.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	34	16S 11E	3.3		3.3 P	3.3
NE $\frac{1}{4}$ SE $\frac{1}{4}$	34	16S 11E	0.7		0.7 P	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
SE $\frac{1}{4}$ NE $\frac{1}{4}$	17	16S 12E	12.1		12.1 P	12.1
NW $\frac{1}{4}$ NW $\frac{1}{4}$	1	17S 11E	6.0	(2) 6.0	6.0 S	6.0
NW $\frac{1}{4}$ NE $\frac{1}{4}$	4	17S 11E	5.8		5.8 P	5.8
NE $\frac{1}{4}$ NE $\frac{1}{4}$	11	17S 11E	5.6	(2) 5.6	5.6 S	5.6
SW $\frac{1}{4}$ NE $\frac{1}{4}$	11	17S 11E	2.5	(2) 2.5	2.5 S	2.5
NE $\frac{1}{4}$ SE $\frac{1}{4}$	12	17S 11E	1.2		1.2 P	1.2

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

Cert # 31412

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) ( 5.80 P)	38.80
SW $\frac{1}{4}$ NW $\frac{1}{4}$	9	16S 12E	37.80		37.80 P	37.80
SW $\frac{1}{4}$ NW $\frac{1}{4}$	17	16S 12E	.26		.26 P	.26
NE $\frac{1}{4}$ SW $\frac{1}{4}$	17	16S 12E	3.70		3.70 P	3.70
NE $\frac{1}{4}$ NE $\frac{1}{4}$	18	16S 12E	.36		.36 P	.36
SW $\frac{1}{4}$ SW $\frac{1}{4}$	18	16S 12E	4.10		4.10 P	4.10
NE $\frac{1}{4}$ NE $\frac{1}{4}$	1	17S 11E	.70		.70 P	.70
SE $\frac{1}{4}$ NE $\frac{1}{4}$	1	17S 11E	4.45		4.45 P	4.45

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