

Name Wilton Gordon Smith
By Tumalo Irrigation Dist.
Address 64697 Cook Ave.
Bend, OR 97701

4049

DESCRIPTION OF WATER RIGHT

Change in POU
Date filed Sept. 19, 1978
Date of hearing _____
Place of hearing _____
Date of order 12-22-78 Vol. 31, page 520
Date for application of water 10-1-84 Ext. 10-1-84
Proof mailed APR 26 1983
Proof received _____
Certificate issued _____ Vol. _____, page _____

Name of stream Tumalo Creek
Trib. of _____ County of Deschutes
Use _____
Quantity of water _____ No. of acres 4.2
Name of ditch _____
Date of priority June 1, 1907
Deschutes County Municipal Imp. Dist. now
In name of Tumalo Irr. Dist. tab. in name Lee Allen
Tumalo Cr. Adjudication, Vol. 15, page 196
App. No. _____ Per. No. _____ Cert. No. 26508
Certificate cancelled _____
Notation made on record by _____
5-1-87 SIA
Cert. No. 31412
Cert. No. 26050 Supplemental
Cert. No. 26051 ..
Permit *27841 ..

FEES PAID

Date	Amount	Receipt No.
<u>9-19-78</u>	<u>30-</u>	<u>6206</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Seet-2667 & T-5467
FINIS 4.2 acres 4-7-87 Retransferred by T-5901

W.R.I.S.

Assembled 6-19-85 by SM

Entered _____ by _____

Verified _____ by _____

INDEX CARDS:	Entered	Checked
Name	<u>OK</u>	_____
Stream	<u>OK</u>	_____
Pt. of Div.	<u>OK</u>	_____
Calendar	<u>OK</u>	_____
CHRONOLOGY	<u>OK</u>	_____
Top & Map	<u>OK</u>	<u>OK</u>
Background	<u>OK</u>	_____
Dist. Code	<u>OK</u>	_____
Curb of W/R	<u>OK</u>	_____
Per. Folder	_____	_____
Chinindex	_____	_____
Cross Ref.	_____	_____
Power Claim	<u>OK</u>	_____
Abstracts	<u>OK</u>	_____

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF STUART F. SMITH (TUMALO IRRI-)
GATION DISTRICT) FOR THE 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)

ORDER APPROVING
TRANSFER NO. 2498

On March 11, 1971, Stuart F. Smith filed an application in the office of the State Engineer for the 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.

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, a water right was established in the name of Tumalo Irrigation District, tabulated in the name of Lee Allen, for the irrigation of, among other lands, 7.0 acres in NW¼ NW¼, Section 26, Township 16 South, Range 11 East, W.M., with a date of priority of April 28, 1905, as evidenced by certificate recorded at page 26508, Volume 18, State Record of Water Right Certificates.

These lands also have supplemental rights evidenced by certificate recorded at page 31412, State Record of Water Right Certificates, to the use of water from Deschutes River, with a date of priority of 1905; certificate recorded at page 26050, Volume 18, State Record of Water Right Certificates, to the use of water from Tumalo Creek, Crater Creek, Little Crater Creek and Three Springs, with a date of priority of October 29, 1913; certificate recorded at page 26051, 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; and permit No. 27841 for the use of waters of Crescent Lake Reservoir, with a date of priority of December 8, 1961.

The applicant herein, owner of the lands above described, proposes to transfer the water rights therefrom, without loss of priority, to 7.0 acres in NE¼ NE¼, Section 27, Township 16 South, Range 11 East, W.M.

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.

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.

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 proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 7.0 acres in NW¼ NW¼, Section 26, Township 16 South, Range 11 East, W.M., as evidenced by certificate recorded at page 26508, with a date of priority of April 28, 1905, together with the supplemental rights evidenced by certificates recorded at pages 26050, 26051, and 31412, be severed therefrom and simultaneously and without loss of priority transferred to 7.0 acres in NE¼ NE¼, Section 27, Township 16 South, Range 11 East, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1972.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer 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 at the time certificate is issued to the District confirming other transfers within the District.

Dated at Salem, Oregon, this 6th day of May, 1971.

/s/ CHRIS L. WHEELER
State Engineer

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
WILTON GORDON SMITH (TUMALO IRRIGA-)
TION DISTRICT) FOR APPROVAL OF A)
CHANGE IN PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER NO. 4049

On September 19, 1978, an application was filed in the office of the Water Resources Director by Wilton Gordon Smith 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 May 6, 1971, approving transfer application No. 2498, a 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) and tabulated in the name of Lee Allen at page 196, Volume 16, as evidenced by the certificate recorded at page 26508, Volume 18, State Record of Water Right Certificates, now exists for the use of water from Tumalo Creek, with a date of priority of April 28, 1905, for irrigation of, among other lands, a certain 4.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 16 South, Range 11 East, W.M.

Also, as modified in accord with the provisions of said order, the supplemental water rights evidenced by certificate recorded at page 31413, Volume 23, State Record of Water Right Certificates, for the use of water from Deschutes River, with a date of priority of 1905; certificate 26050, Volume 18, for 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; certificate 26051, Volume 18, for the use of waters of Crescent Lake Reservoir, with a date of priority of April 7, 1911; and permit No. 27841 for the use of waters of Crescent Lake Reservoir, with a priority date of December 8, 1961, now exist for the irrigation of, among other lands, said 4.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 16 South, Range 11 East, W.M.

WEL P500

The applicant herein, owner of the lands above described, proposes to transfer the water rights therefrom, without loss of priority, to a certain 4.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 16 South, Range 11 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 September 5, 1972.

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, as 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, 1980.

It is FURTHER ORDERED that upon 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, a certificate of water right shall be issued to Tumalo Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon this 22nd day of December, 1978.

James E. Sexson³⁰⁴
Director

By *Chris L. Wheeler*
Deputy