

T-10352

DIST TEMP

Louetta Gunsch

T-10352

Name Tumalo Town District Improvement

By \_\_\_\_\_

Address 64682 Cook Ave #1

Bend, OR 97701

541-815-4825

Change in POU

Date filed 3-21-07

Date of hearing \_\_\_\_\_

Place of hearing \_\_\_\_\_

Date of order 10-8-07 Vol. 73, page 446

Date for application of water \_\_\_\_\_

Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

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

DESCRIPTION OF WATER RIGHT

Name of stream Deschutes R.

Trib. of Columbia R County of Deschutes

Use ir

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

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

Date of priority 1950 1952

In name of Same as Above

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

App. No. 525094 Per. No. 519750 Cert. No. 76465

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

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

FEES PAID

Date	Amount	Receipt No.
<u>3-21-07</u>	<u>175.00</u>	<u>86767</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

TTDI/NO CURE



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **86767**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # \_\_\_\_\_

RECEIVED FROM: Lea Martin

BY: \_\_\_\_\_

CASH: ☐ CHECK: # 1264 OTHER: (IDENTIFY) ☐ \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	<u>T-10352</u>

TOTAL REC'D \$ 175.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_  
OTHER: (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES \$ \_\_\_\_\_  
0410 RESEARCH FEES \$ \_\_\_\_\_  
0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
0240 EXTENSION OF TIME \$ \_\_\_\_\_

**WATER RIGHTS:**

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ <u>175.00</u>		

**WELL CONSTRUCTION**

	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
LANDOWNER'S PERMIT		0220	\$ _____

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD # \_\_\_\_\_  
0210 MONITORING WELLS \$ \_\_\_\_\_ CARD # \_\_\_\_\_

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FWWRD) \$ \_\_\_\_\_  
0231 HYDRO LICENSE FEE (FWWRD) \$ \_\_\_\_\_  
HYDRO APPLICATION \$ \_\_\_\_\_

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **86767**

DATED: 3-21-07 BY: [Signature]



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

October 12, 2007

TUMALO TOWN DISTRICT IMPROVEMENT COMPANY  
64682 COOK AVENUE #1  
BEND OR 97701

Reference: District Temporary Transfer T- 10352

Enclosed is a copy of the order approving your District temporary transfer.

Sincerely,

*for* Greg Nelson  
District Transfer Specialist

GLN:sh

cc: Watermaster #11

Enclosure

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

In the Matter of Transfer Application                    ) FINAL ORDER APPROVING A  
T-10352, Deschutes County                                ) DISTRICT TEMPORARY TRANSFER

**Authority**

ORS 540.570 and 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 Town District Improvement  
64682 Cook Avenue, #1  
Bend, OR 97701

**Findings of Fact**

1. On March 21, 2007, Tumalo Town District Improvement filed a district transfer application to temporarily change the place of use under a portion of Certificate 76465. The Department assigned the application number T-10352.

2. Notice of the application for transfer was published on April 3, 2007, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.

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

**Certificate:** 76465 in the name of TUMALO TOWN DISTRICT IMPROVEMENT  
(perfected under Permits S-19750 and S-21807)  
**Use:** IRRIGATION of 0.145 ACRE  
**Priority Date:** AUGUST 3, 1950 and SEPTEMBER 30, 1952  
**Rate:** 0.003 CUBIC FOOT PER SECOND (cfs)  
**Limit/Duty:** ONE-FORTIETH cfs per acre, not to exceed 4.0 acre feet per acre per year  
**Source:** DESCHUTES RIVER, tributary to COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	6	NW SE	2230 FEET NORTH AND 1650 FEET WEST FROM THE SE CORNER OF SECTION 6

This is a final order in other than 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 either 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 Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
16 S	12 E	WM	31	SW NE	5201	0.145

4. Application T-10352 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
16 S	12 E	WM	31	SW NE	5204	0.145

5. The district transfer application satisfies the criteria of ORS 540.580 and OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
6. The water right is subject to transfer as defined in OAR 690-385-0100(17).
7. The proposed change in place of use would not result in enlargement of the right.
8. The proposed change in place of use would not result in injury to other water rights.


**Conclusions of Law**

The change in place of use proposed in Transfer Application T-10352 satisfies the requirements of ORS 540.574(3) and 540.570.

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

1. The proposed change in place of use to the water right evidenced by Certificate 76465 is approved.
2. The right to the use of water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in the District's water rights, related decree and the Final Order approving Transfer Application T-10352.
3. The former place of use shall no longer be irrigated as part of this water right.
4. The proposed change shall be authorized only for the 2007 irrigation season.

Dated at Salem, Oregon this 8<sup>th</sup> day of October, 2007.

  
Phillip C. Ward, Director

*pm*  
Mailing date: OCT 15 2007

# MEMO

TO: File T-10352

FROM: Vernon L. Church

Subject: T-10352 application

This application is a district temporary transfer application. The application was filed for the 2007 irrigation season. The maps are not to rule standards covered in division 385. However, review of the application is occurring after the irrigation season. I decided to process the application anyway without the map meeting the stated standard. Normally, this would not happen but because of the season, I am allowing.



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

### Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 04/03/2007

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice.

County: DESCHUTES  
Transfer: 10352  
Water Right: CERT 76465  
Priority Date: 1950, 1952  
Name: TUMALO TOWN DISTRICT IMPROVEMENT/LOUETTA GUNSCH  
Address: 64682 COOK AVE #1; BEND OR 97701  
Change: POU  
Source: DESHCUTES RIVER  
Authorized POU: T16S R12E 31  
Proposed POU: T16S R12E 31

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice. Comments should be sent to the Transfers Section at the Department's Salem office.





Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1271  
(503) 986-0900  
www.wrd.state.or.us

## Watermaster Review Form: Water Right Transfer

Transfer Application: T-10352

Review Due Date: 4/26/07

Applicant Name: Tumalo Town District Improvement

Proposed Changes: ☒ POU ☐ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): J Giffin

Date of Review: Apr. 4, 2007

1. Do you have information suggesting that the water rights may be subject to forfeiture?  
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: \_\_\_\_\_
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: \_\_\_\_\_
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☒ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: The first 1/2 mile of the ditch parallels the deschutes river and has return flows, but nothing returns after the headgate or after the place of use begins.
4. Are there upstream water rights that would be affected by the proposed change?  
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: \_\_\_\_\_
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? ☐ If you check the box, describe and, if possible, estimate the losses: \_\_\_\_\_
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?  
☐ Yes ☒ No If "Yes", explain: \_\_\_\_\_
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☒ No ☐ N/A If "Yes", explain: \_\_\_\_\_
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain: \_\_\_\_\_
9. Are there other issues not identified through the above questions? ☐ Yes ☒ No If "Yes", explain: \_\_\_\_\_

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APR 06 2007

WATER RESOURCES DEPT  
SALEM, OREGON



10. What alternatives may be available for addressing any issues identified above: \_\_\_\_\_
11. Have headgate notices been issued for the source that serves the right? ☒ Yes ☐ No
12. What water control and measurement conditions should be included in the transfer:

<b>Measurement Devices</b>	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input checked="" type="checkbox"/> May be required in the future.
<b>Headgates</b>	<input checked="" type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.

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SALEM, OREGON**



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

March 27, 2007

TUMALO TOWN DISTRICT IMPROVEMENT COMPANY  
64682 COOK AVENUE #1  
BEND OR 97701

Reference: District Temporary Transfer 10352

On March 21, 2007 we received your district transfer application requesting place of use change for use of water from DESCHUTES RIVER, tributary to COLUMBIA RIVER. The application was accompanied by \$175. Our receipt 86767 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

The district may begin delivering water to the proposed place of use immediately provided that water has not been delivered to the existing, authorized place of use during this season. Pursuant to OAR 690-385-3000(4), the district and water user may be subject to civil penalties and the loss of use of the water if deliveries are made to both the existing and proposed places of use during any one season.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0900.

cc: Watermaster #11  
Steve Marx, ODFW

enclosure



Oregon Water Resources Department  
721 Summer Street NE, Suite A  
Salem, OR 97301-1271

**OAR Chapter 690, Division 385**  
**District Temporary Transfer Application**  
**Duration: One Irrigation Season**

District: Tumalo Town District Improvement

Contact Person: Louetta B. Gunsch Phone: 541 815 4825

Mailing Address: 64682 Cook Avenue, #1, Bend, Oregon 97701

- I.** Pursuant to ORS 540.570 and OAR Chapter 690, Division 385, the district proposes to change the place of use for the following water rights:

WATER RIGHT			
PERMIT NUMBER	CERTIFICATE NUMBER	DECREE (name, volume, and page)	PRIMARY (P) or SUPP (S)
21807	76465		P

- II.** The point(s) of diversion for the water right proposed for transfer are as follows:

POINT(S) OF DIVERSION / APPROPRIATION				
PERMIT	DECREE or CERTIFICATE	POD#	SOURCE	LOCATION - LEGAL DESCRIPTION
21807	76465		Deschutes River	NW1/4SE1/4 Section 6 T. 17S. R. 12E, W.M., 2230 feet north and 1650 feet west from the SE corner of Section 6

- III.** The district proposes to change the place of use from the authorized location listed in Table 1 to the location listed in Table 2.



[illegible]

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SALEM, OREGON

[illegible]

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SALEM OREGON

10352

- IV. Enclosed is a map for each proposed change in place of use meeting the standards of OAR Chapter 690, Division 385.
- V. The water right proposed for transfer is a water right subject to transfer and has not been forfeited for nonuse under ORS 540.610.
- VI. Each user affected by the proposed transfer has provided written authorization for the transfer and such authorization is on file with the district.
- VII. The district has notified each affected user that the Department may condition or reject the transfer at any time to the extent necessary to avoid injury to an existing water right, and that the use of water on lands from which the water right is transferred (authorized place of use) and at the proposed place of use during the same irrigation season or calendar year may subject both the user and district to civil penalties.
- VIII. Enclosed is the application fee in the amount of: \$175.00.

I certify that the information contained in this district permanent transfer application is true and accurate.

Louetta B. Gunsch  
Signature of District Manager *Secretary*  
or Authorized Representative

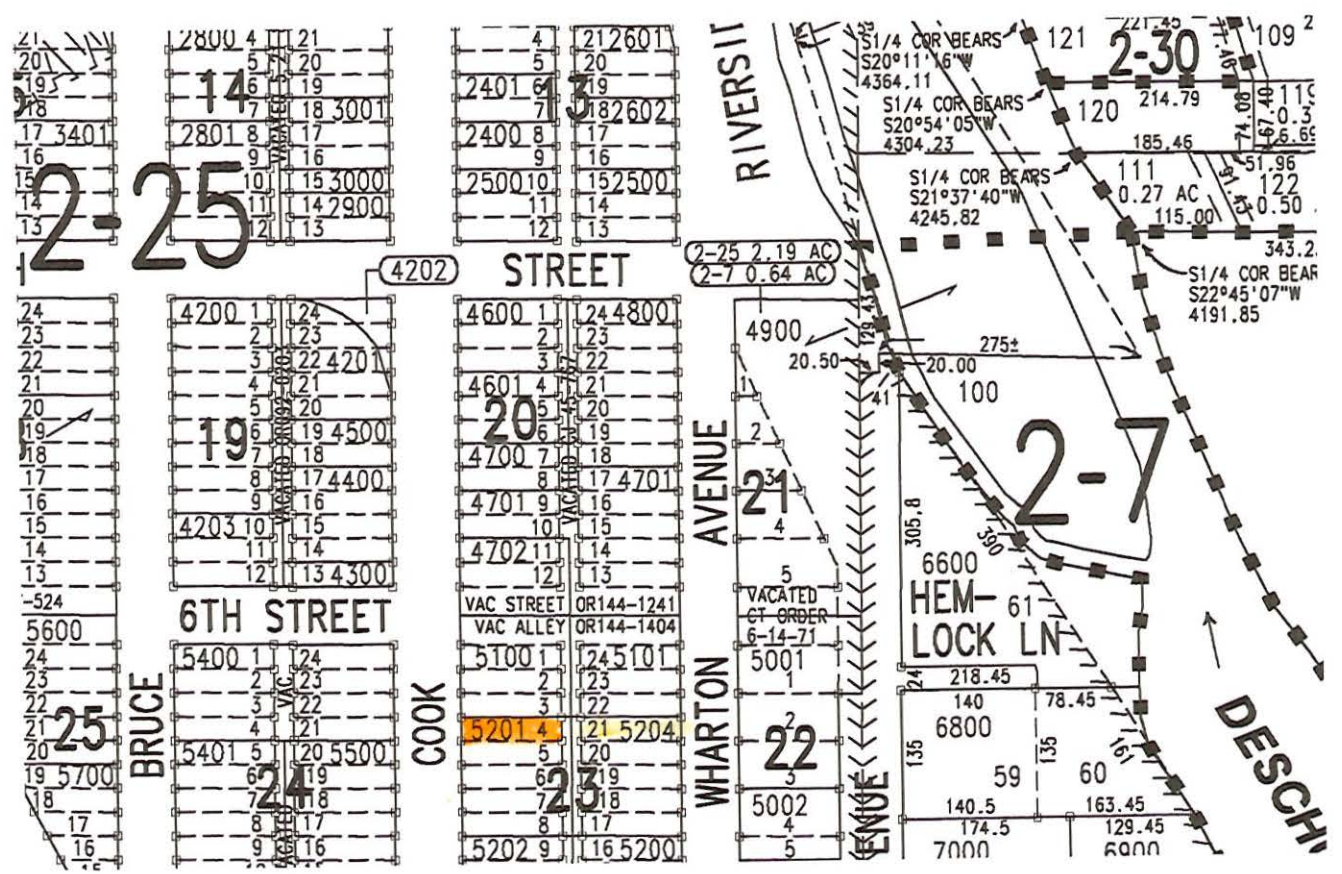
03/19/07  
Date

LOUETTA B. GUNSCH  
Typed Name of District Manager  
or Authorized Representative

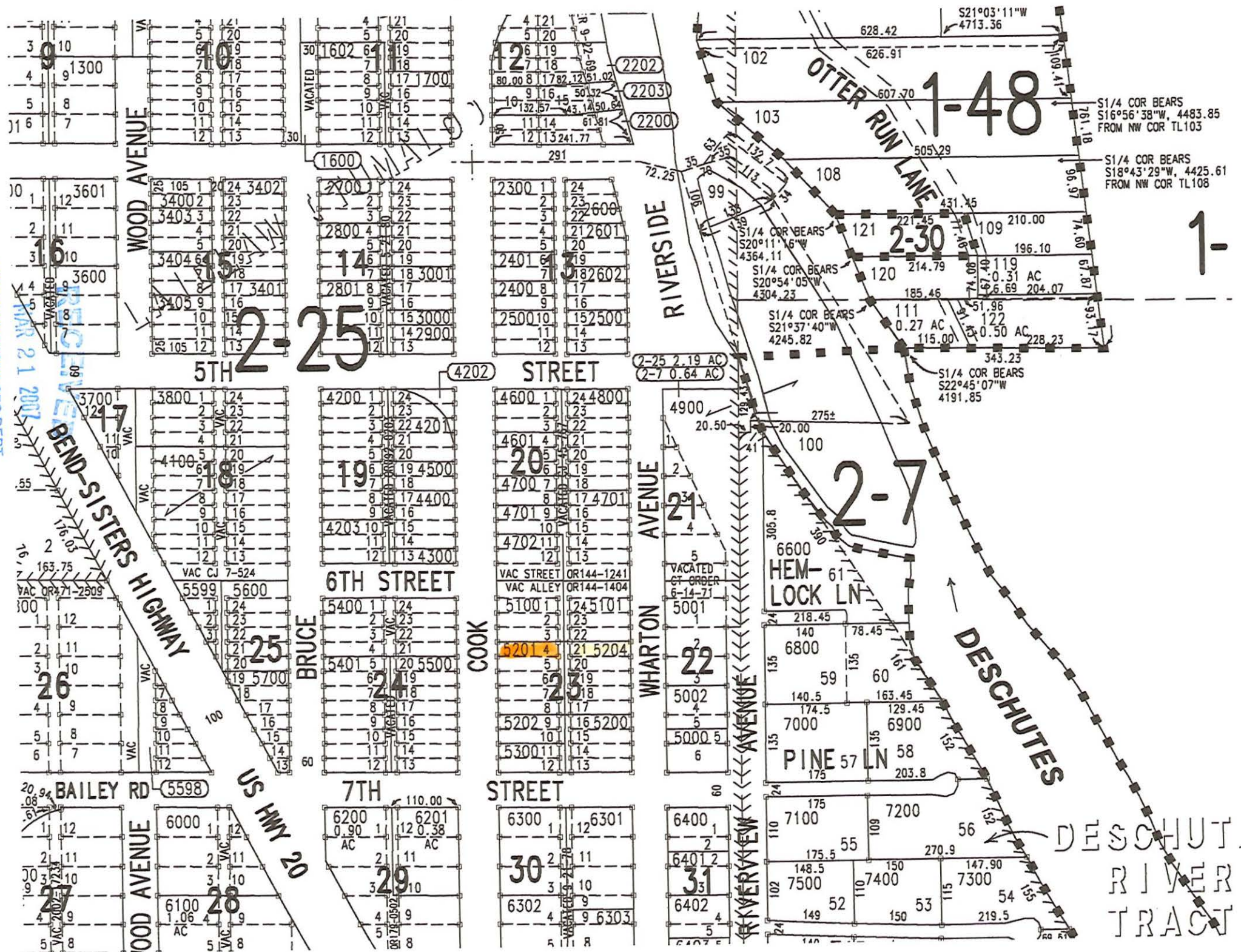


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MAR 21 2007  
WATER RESOURCES DEPT  
SALEM OREGON







# TTDI

64682 Cook Avenue  
#1  
Bend, Oregon 97701

Phone 541 815 4825  
Email: [lou@pro2nd.com](mailto:lou@pro2nd.com)

March 19, 2007

Greg Nelson  
Water Resources Department  
North mall Office Building  
725 Summer Street N E  
Suite A  
Salem, OR 97301 1266

Dear Mr. Nelson,

Enclosed please find a Temporary Transfer Application, Map and Check in the amount of \$175.

This water transfer is for half of the current water rights on Lot 5201 of Section 31, T.16S., R. 12 E.

Thank you.

Sincerely,

*Louetta B. Gunsch*  
Louetta B. Gunsch  
Secretary



RECEIVED  
MAR 21 2007  
WATER RESOURCES DEPT  
SALEM, OREGON

T 10352



# TRANSFER CHECK OFF LIST

**TRANSFER FILE #** 10352  
**DATE RECEIVED** 3-21-07  
**DATE MONEY SLIPPED** 3-21-07  
**DATE RECEIPTED** 3-21-07  
**VALID WATER RIGHT?** X Yes      No  
**TEMP ALT AC** X **IRR DIST**      **PERM AMEND**      **DIV 15**       
**TEMP Div 15**      **ISWR**       
**LETTER FROM ATTORNEY**      YES (PUT INFO ON FRONT COVER) X NO  
**FOLDER FILLED OUT\*** yes  
**ENTERED IN DB** yes  
**CONTENTS MARKED** yes  
**COLOR CODED** X Yes       
**4 COPIES MADE & STAMPED** yes  
**CERTIFICATE MARKED** yes  
**CERTIFICATE COPIED** yes  
**PULL APPLICATIONS** yes  
**APP FOLDER MARKED** yes  
**FINAL PROOF MAP COPIED** yes  
**PERMIT MARKED** no  
**PERMIT COPIED**       
**PERMIT MAP COPIED**       
**DECREB MARKED**       
**DECREB COPIED**       
**ADJUDICATION MAP COPIED**       
**ENTRIES CHECKED** 4-3-07 **CHECKED BY**      **INIT FOLDER**       
**PUBLIC NOTICE DATE** 4-3-07 (PREPARED & COPIED) yes  
**LETTER SENT** yes **Irrigation District** yes (copy of app & map)  
**COPY TO WM** yes  
**BLUE FORM TO WM** yes Orange Perm Amend/Yellow Temp/Gru Dist/Lav Alt Acr/pink his  
**COPY TO GW** no POA, APOA, or [SW TO GW ONLY(as POD)]  
**BLUE FORM TO GW** no Orange Perm Amend/Yellow Temp/Gru Dist/Lav Alt Acr/pink his  
**COPY TO CWRE** no  
**LETTER TO ODFW** yes ALL Surface water POU/USE (POD and APOD FISH SCREENS)  
**TRANSFER SENT TO:** Sc Drawer SW --- NCR --- SCR --- BR

SHRINK DATA IF THERE ARE MANY FILES INVOLVED AND GLUE TO FOLDER