

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

In the Matter of the Completion of a) DETERMINATION OF
Change of Place of Use Authorized by the) SATISFACTORY PROOF
Final Order Approving District Permanent)
Transfer T-10739, Jackson County)

Authority

OAR 690-385-7600 describes the process for the Water Resources Department to issue a water right certificate upon determination that an applicant has made satisfactory proof of completion of the changes authorized by a final order approving a district permanent transfer.

Applicant

Talent Irrigation District
PO Box 467
Talent, OR 97540-0467

Findings of Fact

1. On June 27, 2011, the Department issued a final order, recorded in Special Order Volume 84, Pages 609 - 618, approving district permanent transfer application T-10739. The order established October 1, 2012, as the date for completion of the authorized change in place of use.
2. On November 18, 2011, the Department received a claim of beneficial use for T-10739.
3. On February 1, 2012, the Department received the final clarifications to the submitted Claim of Beneficial Use.
4. The Department reviewed the Claim of Beneficial Use and final proof maps submitted by the applicant for district permanent Transfer Application T-10739.
5. Since the issuance of the final order approving Transfer Application T-10739 the assignment of tax lots numbers related to portions of the transfer have changed. The changes to the tax lot identification is further described in the table below:

Twp	Rng	Mer	Sec	Q-Q	Acres	Previous Tax Lot #	Current Tax Lot #	User Name	Notice #
38S	2W	WM	12	SWNE	0.50	213	1601	Lewellyn	04-35
38S	2W	WM	12	SENE	0.50	1002	1701	Lewellyn	04-35

This is a final 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.

6. Additionally, tax lot 1406 was divided split into three separate tax lots. This division, in combination with changes in ownership, has altered the description of the 5.68 acres of water right associated with Notice 04-52. Furthermore, the certificate referenced should have been 83727 for the entirety of this Notice. These items are described further in the following tables:

As described in Special Order Volume 84, Pages 609 - 618

Certificate	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot #	User Name
79212	39 S	2 E	WM	32	NW SW	3.42	1406	Bramscher
79212	39 S	2 E	WM	31	NE SE	0.31	1406	Bramscher
79212	39 S	2 E	WM	32	NWSW	1.04	1406	Bramscher
83727	39 S	2 E	WM	31	NE SE	0.64	1406	Bramscher
83727	39 S	2 E	WM	31	SE NE	0.27	1406	Bramscher
Total:						5.68		

As described in Claim of Beneficial Use report and associated maps:

Certificate	Twp	Rng	Mer	Sec	Q-Q	Acres	Current Tax Lot #	Current User Name
83727	39 S	2 E	WM	31	SE NE	0.27	1416	Frahm
83727	39 S	2 E	WM	31	NE SE	0.22	1416	Frahm
83727	39 S	2 E	WM	31	NE SE	0.42	1406	Bramscher
83727	39 S	2 E	WM	31	NE SE	0.38	1417	Kerr
83727	39 S	2 E	WM	32	SW NW	0.93	1416	Frahm
83727	39 S	2 E	WM	32	NW SW	0.61	1416	Frahm
83727	39 S	2 E	WM	32	NW SW	1.12	1406	Bramscher
83727	39 S	2 E	WM	32	NW SW	1.73	1417	Kerr
Total:						5.68		

7. The order is also issued to clarify the current water user for a portion of the approved transfer. These updates are further described in the table below:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot #	Water User as indicated on Special Order	Current Water User	Notice #
38S	1E	WM	22	SWSW	1.10	200	Young	Sulara, LLC	06-9
38S	1E	WM	22	SESW	1.83	200	Young	Sulara, LLC	06-9

8. The Claim of Beneficial Use (CBU) site report and associated map for portions of the transfer document the transfer was proved up on differently than authorized by the final order and are more completely described in the tables below:

As authorized in the order:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot #	Water User	Notice #
38S	2W	WM	13	SENW	3.17	2620	Tutland	07-10
38S	2W	WM	13	NESW	1.83	2620	Tutland	07-10
39S	2E	WM	19	NESE	1.50	112	Janet Corp	05-32
39S	2E	WM	19	SENW	0.80	112	Janet Corp	05-32
Total:						7.30		

As documented in the CBU and associated map:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot #	Water User	Notice #
38S	2W	WM	13	SEnw	2.80	2620	Tutland	07-10
38S	2W	WM	13	NEsw	2.20	2620	Tutland	07-10
39S	2E	WM	19	NESE	1.47	112	Janet Corp	05-32
39S	2E	WM	19	SENE	0.03	112	Janet Corp	05-32
39S	2E	WM	19	SEnw	0.75	112	Janet Corp	05-32
39S	2E	WM	19	NEsw	0.05	112	Janet Corp	05-32
Total:					7.30			

9. The reconfigured changes in place of use as mapped and described above are determined satisfactory because the reconfiguration does not enlarge the right, are contiguous and under the same water right holder.
10. Satisfactory proof of the changes was submitted with evidence showing that water was used in the location and for the purpose as authorized by the final order approving T-10739.

Conclusions of Law

Pursuant to OAR 690-385-7600, the Department may issue a certificate upon a determination that the application of water to beneficial use under the terms of the final order approving a permanent district transfer was completed to the extent authorized.

Now, therefore, it is ORDERED:

1. The Department has determined that the application of water to beneficial use under the terms of the final order approving district permanent transfer T-10739 was completed to the extent authorized.
2. Pursuant to OAR 690-385-7600, the Department will issue a water right certificate on a determination that it is necessary to produce a certificate describing the right.

Dated at Salem, Oregon this 3 day of February, 2012.


Dwight French, Water Right Services Administrator for
PHILLIP C. WARD, DIRECTOR

Mailing Date: FEB 09 2012