

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-10277, Jackson County)	A DISTRICT PERMANENT
)	TRANSFER FOR PLACE OF USE AND
)	PARTIAL CANCELLATION OF
)	WATER RIGHTS AND PARTIAL
)	DIMUNITION OF WATER RIGHT

Authority

Oregon Revised Statute (ORS) 540.570 to 540.580 establishes the process in which a district may submit a request to transfer a water right within district boundaries. Oregon Administrative Rule (OAR) Chapter 690, Division 385 implements the statutes and provides the Department's procedures and criteria for evaluating district transfer applications.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

Applicant

TALENT IRRIGATION DISTRICT
PO BOX 467
TALENT, OR 97540

Findings of Fact

1. On December 5, 2006, Talent Irrigation District (TID) filed a district transfer application to change permanently the place of use under Certificates 79212 and Permit S-25915. The Department assigned the application number T-10277.
2. Notice of the application for transfer was published on December 19, 2006, pursuant to ORS 540.580 and OAR 690-385-4400. Comments were filed in response to the notice.
3. On May 10, 2007, Bear Creek Orchards filed a timely protest of Transfer Application T-10277, on July 13, 2007. Bear Creek Orchards conditionally withdrew the protest. (*See Findings of Fact #13 and #14*).
4. On January 10, 2008, the Department confirmed Permit S-25915 as evidenced by Certificate 83727.
5. On January 5 & July 25, 2012, and July 13 & December 20, 2017, the Department received additional information, which included affidavits for partial cancellations and a diminishment for water rights conflicting with the application, amendments to application maps and tables in order to resolve deficiencies; and additional clarifying information.

This is an 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. The portion of the first right to be transferred is as follows:

Certificate: 79212, in the name of TALENT IRRIGATION DISTRICT

Use: PRIMARY IRRIGATION of 125.77 acres

Authorized Sources, Priority Dates, and Points of Diversions:

Source	Trib.	Priority Date	Twp	Rng	Mer	Sec	Q-Q	Measured Distances/Description
Emigrant Creek	Bear Creek	05/23/1912	39 S	2 E	WM	20	SE SE	POINT OF DIVERSION IS LOCATED AT THE TOE OF EMIGRANT DAM
McDonald Creek	Little Applegate River	08/20/1915	40 S	1 W	WM	10	SE SE	INTO MCDONALD CREEK CANAL; 700 FEET NORTH AND 300 FEET WEST FROM THE SE CORNER OF SECTION 10
Greeley Creek	Little Applegate River	08/20/1915	40 S	1 W	WM	3	NW SE	INTO MCDONALD CREEK CANAL; 2400 FEET NORTH AND 2300 FEET WEST FROM THE SE CORNER OF SECTION 3
Bear Creek	Rogue River	07/31/1915	38 S	1 E	WM	33	SE SW	OAK STREET DAM; 150 FEET NORTH AND 2020 FEET EAST FROM THE SW CORNER OF SECTION 33
Neil Creek	Bear Creek	07/31/1915	39 S	2 E	WM	30	SE SW	ASHLAND LATERAL; 600 FEET NORTH AND 1350 FEET EAST FROM THE SW CORNER OF SECTION 30
Ashland Creek	Bear Creek	07/31/1915	39 S	1 E	WM	4	NE NW	710 FEET SOUTH AND 2000 FEET EAST FROM THE NW CORNER OF SECTION 4
Emigrant Creek	Bear Creek	07/31/1915	40 S	2 E	WM	2	SW NE	ASHLAND LATERAL; 520 FEET NORTH AND 1900 FEET WEST FROM THE E1/4 CORNER OF SECTION 2
Wagner Creek	Bear Creek	07/31/1915	39 S	1 W	WM	2	SW SE	UPPER WEST LATERAL; 100 FEET NORTH AND 1800 FEET WEST FROM THE SE CORNER OF SECTION 2
Wagner Creek	Bear Creek	07/31/1915	38 S	1 W	WM	35	SE SW	WEST LATERAL; 600 FEET NORTH AND 3600 FEET WEST FROM THE SE CORNER OF SECTION 35
Anderson Creek	Bear Creek	07/31/1915	38 S	1 W	WM	33	NE SE	2100 FEET NORTH AND 600 FEET WEST FROM THE SE CORNER OF SECTION 33
Anderson Creek	Bear Creek	07/31/1915	38 S	1 W	WM	34	NE NW	WEST LATERAL; 800 FEET SOUTH AND 2400 FEET EAST FROM THE NW CORNER OF SECTION 34
Anderson Creek	Bear Creek	07/31/1915	38 S	1 W	WM	27	NE NW	TALENT MIDDLE CANAL; 4000 FEET NORTH AND 2500 FEET EAST FROM THE SW CORNER OF SECTION 27
Coleman Creek	Bear Creek	09/06/1915	38 S	1 W	WM	20	SE NW	2100 FEET SOUTH AND 1500 FEET EAST FROM THE NW CORNER OF SECTION 20
Coleman Creek	Bear Creek	09/06/1915	38 S	1 W	WM	17	SE SE	TALENT MIDDLE CANAL; 900 FEET NORTH AND 1100 FEET WEST FROM THE SE CORNER OF SECTION 17
Kenutchen Creek (Knudsen Creek)	Bear Creek	09/06/1915	38 S	1 E	WM	18	SW NW	1450 FEET SOUTH AND 700 FEET EAST FROM THE NW CORNER OF SECTION 18
Meyers Creek	Bear Creek	09/06/1915	38 S	1 E	WM	20	SE SE	700 FEET NORTH AND 20 FEET WEST FROM THE SE CORNER OF SECTION 20
Butler Creek	Bear Creek	09/06/1915	38 S	1 E	WM	28	SE NW	2500 FEET SOUTH AND 2000 FEET EAST FROM THE NW CORNER OF SECTION 28
Keene Creek and Keene Creek Reservoir (Hyatt Reservoir)	Jenny Creek	05/23/1912	--	--	--	--	--	SOURCES ARE TRIBUTARIES OF JENNY CREEK IN THE KLAMATH RIVER BASIN. LIMITED TO 100 CFS
Keene Creek	Jenny Creek	09/06/1915	39 S	3 E	WM	16	SE SE	HYATT RESERVOIR; 15 FEET NORTH AND 1200 FEET WEST FROM THE SE

Source	Trib.	Priority Date	Twp	Rng	Mer	Sec	Q-Q	Measured Distances/Description
								CORNER OF SECTION 16
Keene Creek	Jenny Creek	09/06/1915	39 S	3 E	WM	20	SE SE	REDIVERSION-LITTLE HYATT POOL DIVERSION; 800 FEET NORTH AND 750 FEET WEST FROM THE SE CORNER OF SECTION 20
Keene Creek	Jenny Creek	09/06/1915	39 S	3 E	WM	33	SW SW	REDIVERSION AT KEENE CREEK DIVERSION DAM (beginning point of Green Springs Tunnel); 1200 FEET NORTH AND 1200 FEET EAST FROM THE SW CORNER OF SECTION 33
Emigrant Reservoir	Emigrant Creek	01/27/1920	39 S	2 E	WM	20	SE SE	POINT OF DIVERSION IS LOCATED AT THE TOE OF EMIGRANT DAM

Authorized Places of Use:

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
38 S	1 W	WM	7	SW SE	0.50	2000	CHRISTIAN	04-31
38 S	1 W	WM	16	NW NE	0.25	2105	DIANA RASMUSSEN	15-43
38 S	1 W	WM	16	SW NE	4.70	200	AVALON PARK ESTATES	04-56
38 S	1 W	WM	16	NE SE	0.50	2600	GRITSCH	04-51
38 S	1 W	WM	17	SW NW	2.00	4403	JOHN/ HELEN GRITSCH	05-35
38 S	1 W	WM	18	NW NE	4.20	2000	CHRISTIAN	04-31
38 S	1 W	WM	23	SW NE	3.00	900	SUNCREST PARTNERS LLC	05-3
38 S	1 W	WM	23	SW NE	2.10	905	SUNCREST PARTNERS LLC	05-3
38 S	1 W	WM	23	SW NW	0.75	2300	NYE	04-23
38 S	1 W	WM	23	NE SW	4.73	1700	M. MAHAR/ G. COTA	04-51
38 S	1 W	WM	23	NE SW	0.27	1600	M. MAHAR/ G. COTA	04-51
38 S	1 W	WM	23	NE SW	1.30	1800	GLENN BERK	05-39
38 S	1 W	WM	23	NW SW	0.43	2200	AYALA FAMILY TRUST	05-03
38 S	1 W	WM	23	NW SW	0.50	2200	AYALA FAMILY TRUST	05-12
38 S	1 W	WM	23	NW SW	0.40	2200	AYALA FAMILY TRUST	05-15
38 S	1 W	WM	23	NW SW	1.17	2200	AYALA FAMILY TRUST	05-23
38 S	1 W	WM	23	NW SW	2.30	2200	AYALA FAMILY TRUST	05-26
38 S	1 W	WM	23	NW SW	1.50	2200	AYALA FAMILY TRUST	05-45
38 S	1 W	WM	23	NW SW	1.90	2200	AYALA FAMILY TRUST	05-47
38 S	1 W	WM	23	NW SW	0.10	2200	AYALA FAMILY TRUST	05-47
38 S	1 W	WM	23	NE SE	2.60	304	OAK VALLEY LTD PARTNERSHIP	04-51
38 S	1 W	WM	23	NW SE	0.27	1700	M. MAHAR/ G. COTA	04-51
38 S	1 W	WM	23	NW SE	4.89	1600	M. MAHAR/ G. COTA	04-51
38 S	1 W	WM	23	NW SE	5.70	501	BERK	04-51
38 S	1 W	WM	25	NW SE	1.00	100	C. A. GALPIN	06-1
38 S	1 W	WM	25	NW SE	4.60	200	CAMPBELL, WALKUP, ECT.	04-51
38 S	1 W	WM	25	NE SW	2.40	1600	PRIMO	04-51
38 S	1 W	WM	25	NE SW	2.60	3800	DOUGLAS NEUMAN, ECT.	04-51
38 S	1 W	WM	25	NW SW	1.10	3800	DOUGLAS NEUMAN, ECT.	04-51
38 S	1 W	WM	25	SE NW	3.54	100	D. BUNCE/ G. BRAY	04-56
38 S	1 W	WM	25	NE SW	2.26	100	D. BUNCE/ G. BRAY	04-56
38 S	1 W	WM	26	NE NE	3.00	700	RAINY DAY HOLDINGS, ETC.	04-36
38 S	1 W	WM	26	SE NE	0.50	1700	BOEN	04-32
38 S	1 W	WM	26	SW NW	0.20	303	ROBERTS	04-51
38 S	2 W	WM	12	NE NE	4.00	100	NAUMES INC., F. NAUMES	04-1
38 S	2 W	WM	12	SE NE	7.50	100	NAUMES INC., F. NAUMES	04-2
38 S	2 W	WM	12	SE NE	3.30	100	NAUMES INC., F. NAUMES	04-3
38 S	2 W	WM	12	NE NE	4.60	100	NAUMES INC., F. NAUMES	04-4
38 S	2 W	WM	12	SE NE	0.10	100	NAUMES INC., F. NAUMES	04-4
38 S	2 W	WM	12	NE NE	1.00	100	NAUMES INC., F. NAUMES	04-5

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
38 S	1 E	WM	32	SW SW	3.90	1700	BEN/ LINDA ZARE	05-1
38 S	1 E	WM	32	SW SW	2.26	1702	BEN/ LINDA ZARE	05-1
38 S	1 E	WM	32	SE SW	1.91	1702	BEN/ LINDA ZARE	05-1
39 S	1 E	WM	3	NE NE	3.20	100	LARA SCHLEINING	05-3
39 S	1 E	WM	5	NE NW	0.83	1702	BEN/ LINDA ZARE	05-1
39 S	1 E	WM	10	NW NW	7.00	3700	DOUG NEUMAN, ECT	04-56
39 S	1 E	WM	10	NE SE	1.75	3100	ROBERTS & LARSON, LLC	04-56
39 S	1 E	WM	10	NE SE	0.88	3100	ROBERTS/LARSON LLC	04-51
39 S	1 E	WM	10	SE SE	0.12	3100	ROBERTS/LARSON LLC	04-51
39 S	1 E	WM	11	NW SW	3.50	3100	ROBERTS & LARSON, LLC	04-56
39 S	1 E	WM	11	SW SW	0.20	3100	ROBERTS & LARSON, LLC	04-56
39 S	1 E	WM	11	NW SW	3.44	1500	CHAUTAUQUA TRACE	04-57
39 S	1 E	WM	11	NW SW	4.30	1500	CHAUTAUQUA TRACE	04-27
39 S	1 E	WM	11	NW SW	2.50	1500	CHAUTAUQUA TRACE	04-51
39 S	1 E	WM	14	NW SW	0.12	502	NAUMES-RYSKAMP	04-29
39 S	1 E	WM	14	SE SE	1.40	500	JOHN SCHLEINING	05-3
39 S	1 E	WM	15	SE NE	0.70	1804	JAMES ROTH	05-39
Total:					125.77			

7. Transfer Application T-10277 proposes to change the places of use to:

Proposed Places of Use:

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
39 S	1 E	WM	2	SE NW	4.00	208	JERRY/DEBRA QUAST	04-1
39 S	1 E	WM	2	NE NW	4.50	207	DANIEL/VIRGINIA MCGREGOR	04-2
39 S	1 E	WM	2	NE NW	3.00	247	DANIEL/VIRGINIA MCGREGOR	04-2
39 S	1 E	WM	2	NE NW	3.30	206	WES/MARIAN FROELICH	04-3
39 S	1 E	WM	2	SE NW	4.50	225	CATHARINE CHURCH	04-4
39 S	1 E	WM	2	NE NW	0.20	225	CATHARINE CHURCH	04-4
38 S	2 W	WM	12	SW SE	0.60	2000	JAY/ROSE GRAHAM	04-5
38 S	2 W	WM	12	SE SW	0.40	2000	JAY/ROSE GRAHAM	04-5
38 S	2 W	WM	2	SE SW	0.75	1700	SHAWN MCLOUGHLIN	04-23
38 S	1 W	WM	20	SE NW	0.70	1700	GENE MORGAN	04-27
38 S	1 W	WM	20	SW NE	3.60	1700	GENE MORGAN	04-27
39 S	1 E	WM	15	SW NE	0.12	7300	GARY/DEBORAH JONES	04-29
38 S	1 W	WM	7	SW SE	0.40	2000	ROBERT/DEBRA CHRISTIAN	04-31
38 S	1 W	WM	7	SW SE	1.40	2100	ROBERT/DEBRA CHRISTIAN	04-31
38 S	1 W	WM	18	NW NE	2.90	2000	ROBERT/DEBRA CHRISTIAN	04-31
39 S	1 E	WM	11	NE SE	0.50	501	JAMES JEAN	04-32
38 S	1 W	WM	14	SW SE	3.00	2502	STUART/LYNN SMITH	04-36
38 S	1 E	WM	35	NW SW	2.06	200	ALFRED/VIRGINIA SILBOWITZ	04-51
38 S	1 E	WM	35	NW SW	2.12	201	ALFRED/VIRGINIA SILBOWITZ	04-51
38 S	1 E	WM	35	NW SW	8.65	202	ALFRED/VIRGINIA SILBOWITZ	04-51
38 S	1 E	WM	35	NW SW	20.53	203	ALFRED/VIRGINIA SILBOWITZ	04-51
38 S	1 E	WM	35	SW SW	22.95	700	WILLIS/LIZBETH LEE	04-56
38 S	1 E	WM	35	SW SW	3.44	600	HERMAN/MAVIS BLUM	04-57
38 S	1 W	WM	18	SE NE	0.43	200	JAMES/KAREN HUGHES	05-1
38 S	1 W	WM	18	NE SE	4.57	200	JAMES/KAREN HUGHES	05-1
38 S	1 W	WM	18	NE SE	1.90	2001	DONALD GRAY/JULIE H GRAY	05-1
38 S	1 W	WM	18	SE SE	2.00	2001	DONALD GRAY/JULIE H GRAY	05-1
38 S	1 E	WM	34	SE SE	0.70	100	LARA SCHLEINING	05-3
39 S	1 E	WM	3	NE NE	2.50	100	LARA SCHLEINING	05-3
39 S	1 E	WM	3	NE NE	1.40	100	LARA SCHLEINING	05-3

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
39 S	1 E	WM	3	NE NE	5.10	100	SILVER SPRINGS RANCH	05-3
38 S	1 W	WM	17	SE NW	0.75	4404	GRITSCH COMPANY LLC	05-35
38 S	1 W	WM	17	SW NW	1.25	4403	GRITSCH	05-35
38 S	1 W	WM	9	SW SW	2.00	700	ROBINSON	05-39
39 S	1 E	WM	15	NW SE	0.25	122	MACK/AMY RANSOM	05-43
38 S	1 W	WM	16	NW SW	1.00	2505	CAROLYN KYZER	06-1
38 S	2 W	WM	13	NE SW	1.50	2619	CECIL/PATRICIA PIERSON	05-45
39 S	1 E	WM	3	NE NE	0.43	100	LARA SCHLEINING	05-03
39 S	2 E	WM	19	SE NE	2.00	125	STEPHEN/KATHLEEN FOLEY	05-47
39 S	2 E	WM	19	NW SE	1.17	113	ELAINE HENRY	05-23
39 S	2 E	WM	19	SW SE	2.30	117	C.F. STEWART	05-26
39 S	2 E	WM	20	SW NW	0.40	400	RICHARD/KAREN TITUS	05-15
39 S	2 E	WM	20	NE SW	0.50	505	RAUL/THALIA KEPLE	05-12
Total:					125.77			

8. The portion of the second primary irrigation right to be transferred is as follows:

Certificate: 83727 (perfected under Permit S-25915) in the name of U. S. Bureau of Reclamation

Use: IRRIGATION of 83.55 acres

Priority Dates: June 8, 1953 for Soda Creek and Little Beaver Creek and September 6, 1915 for all other streams.

Authorized Sources and Points of Diversions:

Source	Tributary	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Emigrant Creek and Emigrant Reservoir	Bear Creek	39 S	2 E	WM	20	SE SE	THE POINT OF DIVERSION IS LOCATED AT THE OUTLET OF EMIGRANT RESERVOIR.
South Fork Little Butte Creek	Little Butte Creek	37 S	4 E	WM	16	SE SE	1240 FEET NORTH AND 1100 FEET WEST FROM THE SE 1/4 CORNER OF SECTION 16
Conde Creek	South Fork Little Butte Creek	38 S	3 E	WM	9	SW SW	1320 FEET NORTH AND 600 FEET EAST FROM THE SW CORNER OF SECTION 9
Dead Indian Creek	South Fork Little Butte Creek	38 S	3 E	WM	15	SE SW	1310 FEET NORTH AND 1100 FEET WEST FROM THE SOUTH 1/4 CORNER OF SECTION 15
Daley Creek	South Fork Little Butte Creek	37 S	4 E	WM	34	SW SE	750 FEET NORTH AND 480 FEET EAST FROM THE SOUTH 1/4 CORNER OF SECTION 34
Beaver Dam Creek	South Fork Little Butte Creek	38 S	4 E	WM	4	NE SW	2000 FEET NORTH AND 1800 FEET EAST FROM THE SW CORNER OF SECTION 4
Pole Bridge Creek	South Fork Little Butte Creek	37 S	4 E	WM	28	SE NW	1380 FEET SOUTH AND 2000 FEET EAST FROM THE NW CORNER OF SECTION 28
Deadwood Creek	South Fork Little Butte Creek S	38 S	4 E	WM	6	NE SE	NOT SPECIFIED ON CERTIFICATE.
Keene Creek and Keene Creek Reservoir	Jenny Creek	39 S	3 E	WM	16	SE SE	HYATT RESERVOIR; 15 FEET NORTH AND 1200 FEET WEST FROM THE SE CORNER OF SECTION 16
Keene Creek and Keene Creek Reservoir	Jenny Creek	39 S	3 E	WM	20	SE SE	REDIVERSION AT LITTLE HYATT POOL DIVERSION; 800 FEET NORTH AND 750 FEET WEST FROM THE SE CORNER OF SECTION 20

Source	Tributary	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Keene Creek and Keene Creek Reservoir	Jenny Creek	39 S	3 E	WM	33	SW SW	KEENE CREEK DIVERSION DAM (beginning of Green Springs Tunnel); 1200 FEET NORTH AND 1200 FEET EAST FROM THE SW CORNER OF SECTION 33
Grizzly Creek and Howard Prairie Reservoir	Jenny Creek	38 S	4 E	WM	32	E1/2 of SW1/4	NOT SPECIFIED ON CERTIFICATE
Soda Creek	Grizzly Creek	39 S	4 E	WM	8	SW NW	2200 FEET SOUTH AND 60 FEET EAST FROM THE NW CORNER OF SECTION 8
Little Beaver Creek	Jenny Creek	39 S	4 E	WM	19	SE SW	600 FEET NORTH AND 1930 FEET EAST FROM THE SW CORNER OF SECTION 19

Authorized Places of Use:

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
37 S	1 W	WM	27	NE SW	0.70	800	CRYSTAL SPRINGS DEV. GROUP	04-53
37 S	1 W	WM	27	NE SW	2.00	800	CRYSTAL SPRINGS DEV. GROUP	04-54
37 S	1 W	WM	27	NE SW	1.00	800	CRYSTAL SPRINGS DEV. GROUP	04-55
37 S	1 W	WM	27	NE SW	2.00	800	CRYSTAL SPRINGS DEV. GROUP	04-61
37 S	1 W	WM	27	NE SW	2.00	800	CRYSTAL SPRINGS DEV. GROUP	05-4
37 S	1 W	WM	27	NE SW	1.00	800	CRYSTAL SPRINGS DEV. GROUP	05-5
37 S	1 W	WM	27	NE SW	1.00	800	CRYSTAL SPRINGS DEV. GROUP	05-6
37 S	1 W	WM	27	NE SW	1.00	800	CRYSTAL SPRINGS DEV. GROUP	05-9
37 S	1 W	WM	27	NE SW	2.00	800	CRYSTAL SPRINGS DEV. GROUP	05-10
37 S	1 W	WM	27	NE SW	0.60	800	CRYSTAL SPRINGS DEV. GROUP	05-15
37 S	1 W	WM	27	NE SW	1.00	800	CRYSTAL SPRINGS DEV. GROUP	05-16
37 S	1 W	WM	27	NE SW	4.20	905	ROBERT/MARILYN HUTCHINS	04-51
37 S	1 W	WM	27	NE SW	4.30	1000	CRYSTAL SPRINGS DEV. GROUP	04-53
37 S	1 W	WM	27	NE SW	0.50	1000	CRYSTAL SPRINGS DEV. GROUP	04-59
37 S	1 W	WM	27	NE SW	4.90	1000	CRYSTAL SPRINGS DEV. GROUP	05-2
37 S	1 W	WM	27	NW SW	0.80	700	ROBERT/MARILYN HUTCHINS	04-28
37 S	1 W	WM	27	NW SW	3.35	907	ROBERT/MARILYN HUTCHINS	04-28
37 S	1 W	WM	27	NW SE	0.60	1000	CRYSTAL SPRINGS DEV. GROUP	05-2
37 S	1 W	WM	27	NW SE	1.00	1000	CRYSTAL SPRINGS DEV. GROUP	05-42
37 S	1 W	WM	34	NE NW	3.20	2000	LOUIS MAHAR	05-3
37 S	1 W	WM	34	NW NW	2.8	2000	LOUIS MAHAR	05-3
37 S	1 W	WM	34	SW NW	5.10	2000	LOUIS MAHAR	04-21
37 S	1 W	WM	34	SW NW	5.60	2000	LOUIS MAHAR	05-3
37 S	1 W	WM	34	SE NW	2.00	1202	LOUIS MAHAR	05-10
37 S	1 W	WM	34	SE NW	2.00	1202	LOUIS MAHAR	05-20
37 S	1 W	WM	34	SE NW	0.83	1202	LOUIS MAHAR	05-23
37 S	1 W	WM	34	SE NW	1.00	1202	LOUIS MAHAR	05-25
37 S	1 W	WM	34	SE NW	1.70	1202	LOUIS MAHAR	05-26
37 S	1 W	WM	34	SE NW	2.00	1202	LOUIS MAHAR	05-36
37 S	1 W	WM	34	SE NW	7.90	2000	LOUIS MAHAR	04-21
37 S	1 W	WM	34	SE NW	2.97	2000	LOUIS MAHAR	05-3
37 S	1 W	WM	34	SE NW	0.70	2000	LOUIS MAHAR	05-19
37 S	1 W	WM	34	NW SW	1.00	2000	LOUIS MAHAR	05-24
37 S	1 W	WM	34	NW SW	1.30	2000	LOUIS MAHAR	05-19
37 S	1 W	WM	34	NW SW	3.00	2000	LOUIS MAHAR	05-27
37 S	1 W	WM	34	NW SW	3.00	2000	LOUIS MAHAR	05-44
38 S	1 W	WM	18	SW SE	2.50	1602	BRODHY	04-26

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
39 S	2 E	WM	19	SW NE	0.80	135	L/J HENDERSON TRUST	06-4
39 S	2 E	WM	19	SE NE	0.20	135	L/J HENDERSON TRUST	06-4
Total:					83.55			

9. Transfer Application T-10277 proposes to change the places of use to:

Proposed Places of Use:

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
38 S	1 E	WM	34	SW SE	12.70	205	RICHARD SCHULTZ	04-21
38 S	1 E	WM	34	SW SE	0.30	208	RICHARD SCHULTZ	04-21
38 S	1 W	WM	12	SW SE	4.11	700	JANN/ELIZABETH WILLIAMS	04-28
38 S	1 W	WM	12	NW SE	0.04	700	JANN/ELIZABETH WILLIAMS	04-28
38 S	1 W	WM	18	NE SW	1.80	1604	COCHRAN	04-26
38 S	1 W	WM	18	SW SE	0.70	1604	COCHRAN	04-26
38 S	1 E	WM	35	NW SW	4.20	202	ALFRED/VIRGINIA SILBOWITZ	04-51
38 S	1 E	WM	34	SE SE	5.00	101	STEPHEN/REBEKHA DODDS	04-53
38 S	1 E	WM	35	SW SW	2.00	702	J. KASTROLL / M. MCCULLY	04-54
38 S	1 E	WM	35	NE SW	1.00	500	D./D. BLAIR/ E. COLEMAN	04-55
38 S	1 E	WM	35	SW SW	0.50	502	KENNETH/AMY KORTH	04-59
38 S	1 E	WM	35	NE SW	2.00	302	B. CONRAD/ S. CLAYPOOL	04-61
38 S	2 W	WM	14	NW NW	0.60	209	MICHAEL/PATRICIA BENTON	05-02
38 S	2 W	WM	15	NE NE	4.90	209	MICHAEL/PATRICIA BENTON	05-02
39 S	1 E	WM	3	NE NE	1.90	100	LARA SCHLEINING	05-03
38 S	1 E	WM	34	SE SE	12.67	100	LARA SCHLEINING	05-03
39 S	2 E	WM	19	NW NE	1.70	134	RONALD/SUSAN CROWELL	05-04
39 S	2 E	WM	19	SW NE	0.30	134	RONALD/SUSAN CROWELL	05-04
39 S	2 E	WM	19	NW NE	0.70	133	RONALD/SUSAN CROWELL	05-04
39 S	2 E	WM	19	NW NE	0.30	134	RONALD/SUSAN CROWELL	05-04
39 S	2 E	WM	19	NE NE	1.00	130	DAVID WHITE	05-05
39 S	2 E	WM	19	NE NE	1.00	129	JAMES/CLAIRE ELLIOTT	05-09
39 S	2 E	WM	19	SE NE	1.00	128	PETER/VERA KIRKPATRICK	05-10
39 S	2 E	WM	19	SE NE	1.00	128	PETER/VERA KIRKPATRICK	05-10
39 S	2 E	WM	19	SE NE	1.00	110	PETER/VERA KIRKPATRICK	05-10
39 S	2 E	WM	19	SE NE	1.00	110	PETER/VERA KIRKPATRICK	05-10
39 S	2 E	WM	20	SW NW	0.60	400	RICHARD/KAREN TITUS	05-15
39 S	2 E	WM	20	SW NW	0.80	405	GERRY/DYAN OSTERLAND	05-16
39 S	2 E	WM	20	NW NW	0.20	405	GERRY/DYAN OSTERLAND	05-16
39 S	2 E	WM	19	NE SE	0.20	123	HOWARD/CHARLENE DAVOL	05-19
39 S	2 E	WM	19	SE SE	1.80	123	HOWARD/CHARLENE DAVOL	05-19
39 S	2 E	WM	19	SW SE	1.60	2101	DARRYL/LAURIE GRUPE'	05-20
39 S	2 E	WM	30	NW NE	0.40	2101	DARRYL/LAURIE GRUPE'	05-20
39 S	2 E	WM	19	NW SE	0.83	113	ELAINE HENRY	05-23
39 S	2 E	WM	19	NE SE	1.00	114	SCOTT/SUSAN WOOD	05-25
39 S	2 E	WM	19	NW SE	0.60	117	C.F. STEWART	05-26
39 S	2 E	WM	19	SW SE	1.10	117	C.F. STEWART	05-26
39 S	2 E	WM	30	SW NE	1.60	107	MARK/STACY SKILLMAN	05-27
39 S	2 E	WM	30	SE NE	1.40	107	MARK/STACY SKILLMAN	05-27
38 S	1 E	WM	20	SW SE	2.00	905	LYNDA MARIKOS	05-36
38 S	2 W	WM	15	NE NE	0.90	205	JON/VIRGINIA DEASON	05-42
38 S	2 W	WM	15	SE NE	0.10	205	JON/VIRGINIA DEASON	05-42
39 S	2 E	WM	30	SE SE	0.20	110	ROGER ROLFSNESS	05-44
39 S	2 E	WM	30	NE SE	2.80	110	ROGER ROLFSNESS	05-44
39 S	2 E	WM	19	NW NE	0.10	135	L/J HENDERSON TRUST	06-4

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
39 S	2 E	WM	19	SW NE	0.80	135	JEROME/ANNETTE BAESEL	05-6
39 S	2 E	WM	19	SW NE	0.90	135	L/J HENDERSON TRUST	06-4
39 S	2 E	WM	19	SE NE	0.20	135	JEROME/ANNETTE BAESEL	05-6
Total:					83.55			

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

Certificate: 83727 in the name of U. S. Bureau of Reclamation

Use: SUPPLEMENTAL IRRIGATION of 125.77 Acres

Priority Dates: June 8, 1953 for Soda Creek and Little Beaver Creek and September 6, 1915 for all other streams.

Authorized Sources and Points of Diversions:

Source	Tributary	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Emigrant Creek and Emigrant Reservoir	Bear Creek	39 S	2 E	WM	20	SE SE	The point of diversion is located at the outlet of Emigrant Reservoir.
South Fork Little Butte Creek	Little Butte Creek	37 S	4 E	WM	16	SE SE	1240 FEET NORTH AND 1100 FEET WEST FROM THE SE 1/4 CORNER OF SECTION 16
Conde Creek	South Fork Little Butte Creek	38 S	3 E	WM	9	SW SW	1320 FEET NORTH AND 600 FEET EAST FROM THE SW CORNER OF SECTION 9
Dead Indian Creek	South Fork Little Butte Creek	38 S	3 E	WM	15	SE SW	1310 FEET NORTH AND 1100 FEET WEST FROM THE SOUTH 1/4 CORNER OF SECTION 15
Daley Creek	South Fork Little Butte Creek	37 S	4 E	WM	34	SW SE	750 FEET NORTH AND 480 FEET EAST FROM THE SOUTH 1/4 CORNER OF SECTION 34
Beaver Dam Creek	South Fork Little Butte Creek	38 S	4 E	WM	4	NE SW	2000 FEET NORTH AND 1800 FEET EAST FROM THE SW CORNER OF SECTION 4
Pole Bridge Creek	South Fork Little Butte Creek	37 S	4 E	WM	28	SE NW	1380 FEET SOUTH AND 2000 FEET EAST FROM THE NW CORNER OF SECTION 28
Deadwood Creek	South Fork Little Butte Creek S	38 S	4 E	WM	6	NE SE	Not specified on certificate.
Keene Creek and Keene Creek Reservoir	Jenny Creek	39 S	3 E	WM	16	SE SE	HYATT RESERVOIR; 15 FEET NORTH AND 1200 FEET WEST FROM THE SE CORNER OF SECTION 16
Keene Creek and Keene Creek Reservoir	Jenny Creek	39 S	3 E	WM	20	SE SE	REDIVERSION AT LITTLE HYATT POOL DIVERSION; 800 FEET NORTH AND 750 FEET WEST FROM THE SE CORNER OF SECTION 20
Keene Creek and Keene Creek Reservoir	Jenny Creek	39 S	3 E	WM	33	SW SW	KEENE CREEK DIVERSION DAM (beginning of Green Springs Tunnel); 1200 FEET NORTH AND 1200 FEET EAST FROM THE SW CORNER OF SECTION 33
Grizzly Creek and Howard Prairie Reservoir	Jenny Creek	38 S	4 E	WM	32	E1/2 of SW1/4	Not specified on certificate
Soda Creek	Grizzly Creek	39 S	4 E	WM	8	SW NW	2200 FEET SOUTH AND 60 FEET EAST FROM THE NW CORNER OF SECTION 8
Little Beaver Creek	Jenny Creek	39 S	4 E	WM	19	SE SW	600 FEET NORTH AND 1930 FEET EAST FROM THE SW CORNER OF SECTION 19

Authorized Place of Use:

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
38 S	1 W	WM	7	SW SE	0.50	2000	CHRISTIAN	04-31
38 S	1 W	WM	16	NW NE	0.25	2105	DIANA RASMUSSEN	15-43
38 S	1 W	WM	16	SW NE	4.70	200	AVALON PARK ESTATES	04-56
38 S	1 W	WM	16	NE SE	0.50	2600	GRITSCH	04-51
38 S	1 W	WM	17	SW NW	2.00	4403	JOHN/ HELEN GRITSCH	05-35
38 S	1 W	WM	18	NW NE	4.20	2000	CHRISTIAN	04-31

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
38 S	1 W	WM	23	SW NE	3.00	900	SUNCREST PARTNERS LLC	05-3
38 S	1 W	WM	23	SW NE	2.10	905	SUNCREST PARTNERS LLC	05-3
38 S	1 W	WM	23	SW NW	0.75	2300	NYE	04-23
38 S	1 W	WM	23	NE SW	4.73	1700	M. MAHAR/ G. COTA	04-51
38 S	1 W	WM	23	NE SW	0.27	1600	M. MAHAR/ G. COTA	04-51
38 S	1 W	WM	23	NE SW	1.30	1800	GLENN BERK	05-39
38 S	1 W	WM	23	NW SW	0.43	2200	AYALA FAMILY TRUST	05-03
38 S	1 W	WM	23	NW SW	0.50	2200	AYALA FAMILY TRUST	05-12
38 S	1 W	WM	23	NW SW	0.40	2200	AYALA FAMILY TRUST	05-15
38 S	1 W	WM	23	NW SW	1.17	2200	AYALA FAMILY TRUST	05-23
38 S	1 W	WM	23	NW SW	2.30	2200	AYALA FAMILY TRUST	05-26
38 S	1 W	WM	23	NW SW	1.50	2200	AYALA FAMILY TRUST	05-45
38 S	1 W	WM	23	NW SW	1.90	2200	AYALA FAMILY TRUST	05-47
38 S	1 W	WM	23	NW SW	0.10	2200	AYALA FAMILY TRUST	05-47
38 S	1 W	WM	23	NE SE	2.60	304	OAK VALLEY LTD PARTNERSHIP	04-51
38 S	1 W	WM	23	NW SE	0.27	1700	M. MAHAR/ G. COTA	04-51
38 S	1 W	WM	23	NW SE	4.89	1600	M. MAHAR/ G. COTA	04-51
38 S	1 W	WM	23	NW SE	5.70	501	BERK	04-51
38 S	1 W	WM	25	NW SE	1.00	100	C. A. GALPIN	06-1
38 S	1 W	WM	25	NW SE	4.60	200	CAMPBELL, WALKUP, ECT.	04-51
38 S	1 W	WM	25	NE SW	2.40	1600	PRIMO	04-51
38 S	1 W	WM	25	NE SW	2.60	3800	DOUGLAS NEUMAN, ECT.	04-51
38 S	1 W	WM	25	NW SW	1.10	3800	DOUGLAS NEUMAN, ECT.	04-51
38 S	1 W	WM	25	SE NW	3.54	100	D. BUNCE/ G. BRAY	04-56
38 S	1 W	WM	25	NE SW	2.26	100	D. BUNCE/ G. BRAY	04-56
38 S	1 W	WM	26	NE NE	3.00	700	RAINY DAY HOLDINGS, ETC.	04-36
38 S	1 W	WM	26	SE NE	0.50	1700	BOEN	04-32
38 S	1 W	WM	26	SW NW	0.20	303	ROBERTS	04-51
38 S	2 W	WM	12	NE NE	4.00	100	NAUMES INC., F. NAUMES	04-1
38 S	2 W	WM	12	SE NE	7.50	100	NAUMES INC., F. NAUMES	04-2
38 S	2 W	WM	12	SE NE	3.30	100	NAUMES INC., F. NAUMES	04-3
38 S	2 W	WM	12	NE NE	4.60	100	NAUMES INC., F. NAUMES	04-4
38 S	2 W	WM	12	SE NE	0.10	100	NAUMES INC., F. NAUMES	04-4
38 S	2 W	WM	12	NE NE	1.00	100	NAUMES INC., F. NAUMES	04-5
38 S	1 E	WM	32	SW SW	3.90	1700	BEN/ LINDA ZARE	05-1
38 S	1 E	WM	32	SW SW	2.26	1702	BEN/ LINDA ZARE	05-1
38 S	1 E	WM	32	SE SW	1.91	1702	BEN/ LINDA ZARE	05-1
39 S	1 E	WM	3	NE NE	3.20	100	LARA SCHLEINING	05-3
39 S	1 E	WM	5	NE NW	0.83	1702	BEN/ LINDA ZARE	05-1
39 S	1 E	WM	10	NW NW	7.00	3700	DOUG NEUMAN, ECT	04-56
39 S	1 E	WM	10	NE SE	1.75	3100	ROBERTS & LARSON, LLC	04-56
39 S	1 E	WM	10	NE SE	0.88	3100	ROBERTS/LARSON LLC	04-51
39 S	1 E	WM	10	SE SE	0.12	3100	ROBERTS/LARSON LLC	04-51
39 S	1 E	WM	11	NW SW	3.50	3100	ROBERTS & LARSON, LLC	04-56
39 S	1 E	WM	11	SW SW	0.20	3100	ROBERTS & LARSON, LLC	04-56
39 S	1 E	WM	11	NW SW	3.44	1500	CHAUTAUQUA TRACE	04-57
39 S	1 E	WM	11	NW SW	4.30	1500	CHAUTAUQUA TRACE	04-27
39 S	1 E	WM	11	NW SW	2.50	1500	CHAUTAUQUA TRACE	04-51
39 S	1 E	WM	14	NW SW	0.12	502	NAUMES-RYSKAMP	04-29
39 S	1 E	WM	14	SE SE	1.40	500	JOHN SCHLEINING	05-3
39 S	1 E	WM	15	SE NE	0.70	1804	JAMES ROTH	05-39
Total:					125.77			

11. Transfer Application T-10277 proposes to change the places of use to:

Proposed Places of Use:

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
39 S	1 E	WM	2	SE NW	4.00	208	JERRY/DEBRA QUAST	04-1
39 S	1 E	WM	2	NE NW	4.50	207	DANIEL/VIRGINIA MCGREGOR	04-2
39 S	1 E	WM	2	NE NW	3.00	247	DANIEL/VIRGINIA MCGREGOR	04-2
39 S	1 E	WM	2	NE NW	3.30	206	WES/MARIAN FROELICH	04-3
39 S	1 E	WM	2	SE NW	4.50	225	CATHARINE CHURCH	04-4
39 S	1 E	WM	2	NE NW	0.20	225	CATHARINE CHURCH	04-4
38 S	2 W	WM	12	SW SE	0.60	2000	JAY/ROSE GRAHAM	04-5
38 S	2 W	WM	12	SE SW	0.40	2000	JAY/ROSE GRAHAM	04-5
38 S	2 W	WM	2	SE SW	0.75	1700	SHAWN MCLOUGHLIN	04-23
38 S	1 W	WM	20	SE NW	0.70	1700	GENE MORGAN	04-27
38 S	1 W	WM	20	SW NE	3.60	1700	GENE MORGAN	04-27
39 S	1 E	WM	15	SW NE	0.12	7300	GARY/DEBORAH JONES	04-29
38 S	1 W	WM	7	SW SE	0.40	2000	ROBERT/DEBRA CHRISTIAN	04-31
38 S	1 W	WM	7	SW SE	1.40	2100	ROBERT/DEBRA CHRISTIAN	04-31
38 S	1 W	WM	18	NW NE	2.90	2000	ROBERT/DEBRA CHRISTIAN	04-31
39 S	1 E	WM	11	NE SE	0.50	501	JAMES JEAN	04-32
38 S	1 W	WM	14	SW SE	3.00	2502	STUART/LYNN SMITH	04-36
38 S	1 E	WM	35	NW SW	2.06	200	ALFRED/VIRGINIA SILBOWITZ	04-51
38 S	1 E	WM	35	NW SW	2.12	201	ALFRED/VIRGINIA SILBOWITZ	04-51
38 S	1 E	WM	35	NW SW	8.65	202	ALFRED/VIRGINIA SILBOWITZ	04-51
38 S	1 E	WM	35	NW SW	20.53	203	ALFRED/VIRGINIA SILBOWITZ	04-51
38 S	1 E	WM	35	SW SW	22.95	700	WILLIS/LIZBETH LEE	04-56
38 S	1 E	WM	35	SW SW	3.44	600	HERMAN/MAVIS BLUM	04-57
38 S	1 W	WM	18	SE NE	0.43	200	JAMES/KAREN HUGHES	05-1
38 S	1 W	WM	18	NE SE	4.57	200	JAMES/KAREN HUGHES	05-1
38 S	1 W	WM	18	NE SE	1.90	2001	DONALD GRAY/JULIE H GRAY	05-1
38 S	1 W	WM	18	SE SE	2.00	2001	DONALD GRAY/JULIE H GRAY	05-1
38 S	1 E	WM	34	SE SE	0.70	100	LARA SCHLEINING	05-3
39 S	1 E	WM	3	NE NE	2.50	100	LARA SCHLEINING	05-3
39 S	1 E	WM	3	NE NE	1.40	100	LARA SCHLEINING	05-3
39 S	1 E	WM	3	NE NE	5.10	100	SILVER SPRINGS RANCH	05-3
38 S	1 W	WM	17	SE NW	0.75	4404	GRITSCH COMPANY LLC	05-35
38 S	1 W	WM	17	SW NW	1.25	4403	GRITSCH	05-35
38 S	1 W	WM	9	SW SW	2.00	700	ROBINSON	05-39
39 S	1 E	WM	15	NW SE	0.25	122	MACK/AMY RANSOM	05-43
38 S	1 W	WM	16	NW SW	1.00	2505	CAROLYN KYZER	06-1
38 S	2 W	WM	13	NE SW	1.50	2619	CECIL/PATRICIA PIERSON	05-45
39 S	1 E	WM	3	NE NE	0.43	100	LARA SCHLEINING	05-03
39 S	2 E	WM	19	SE NE	2.00	125	STEPHEN/KATHLEEN FOLEY	05-47
39 S	2 E	WM	19	NW SE	1.17	113	ELAINE HENRY	05-23
39 S	2 E	WM	19	SW SE	2.30	117	C.F. STEWART	05-26
39 S	2 E	WM	20	SW NW	0.40	400	RICHARD/KAREN TITUS	05-15
39 S	2 E	WM	20	NE SW	0.50	505	RAUL/THALIA KEPLE	05-12
Total:					125.77			

12. On May 10, 2007, Bear Creek Orchards Inc. filed a protest of District Transfer Application T-10277.

13. On July 12, 2007, the protest was conditionally withdrawn. Bear Creek Orchards withdrew the protest on the conditions that water rights would be issued for specific lands and

included in the place of use described on the certificate issued for Permit S-25915. The subject lands are as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres	Use
39 S	1 W	WM	2	NW NW	1.20	PRIMARY IRRIGATION
39 S	1 W	WM	2	NW NW	28.90	SUPPLEMENTAL IRRIGATION
39 S	1 W	WM	2	SW NW	1.10	PRIMARY IRRIGATION
39 S	1 W	WM	2	SW NW	0.40	SUPPLEMENTAL IRRIGATION

14. Certificate 83727 includes the specific lands described in Finding of Fact #13.
15. The Department finds that the district permanent transfer application was submitted according to ORS 540.580 and OAR 690-385-4000, contains the information required under OARs 690-385-4200 and OAR 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.
16. The Department finds that the proposed district permanent transfer meets the all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
17. The water right is subject to transfer as defined in OAR 690-385-0100(17).
18. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
19. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
20. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

Partial Cancellation of Certain Water Rights

Portions of water right Certificate 79212 are appurtenant to identical lands also authorized under other water rights of record.

21. On January 5, 2012, an affidavit certifying that a portion of a water right has been abandoned and requesting partial cancellation of the right was received from Ben and Linda M. Zare Trustees under the Zare Loving Trust. The portion of the right to be cancelled is as follows:

Certificate: 15899 in the name of Eugenia F. Jackson (confirmed by the Rogue River decree at Volume 4, Page 1)
Use: Irrigation of 3.9 Acres
Priority Date: 1860
Rate: 0.05 cubic feet per second
Source: Bear Creek, tributary to the Rogue River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	2 E	WM	30	SW NE	AS PROJECTED WITHIN EVANS DLC 44

Authorized Place of Use to be Cancelled:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
38 S	1 E	WM	32	SW SW	3.9	1700	ZARE	05-1

22. On January 5, 2012, two affidavits certifying that a portion of a water right has been abandoned and requesting partial cancellation of the right was received from Ben and Linda M. Zare Trustees under the Zare Loving Trust. The portion of the right to be cancelled is as follows:

Certificate: 15911 in the name of G.F. BILLINGS (confirmed by the Rogue River Decree at Volume 4 Page 1)

Use: IRRIGATION of 4.17 Acres

Priority Date & Rate: 1873 for Tract 2 and limited to 0.05 cubic feet per second (CFS)

Source: Wrights Creek, tributary to Bear Creek

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	2 E	WM	2	SE NW	NOT DESCRIBED ON CERTIFICATE

Authorized Place of Use to be Cancelled:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
38 S	1 E	WM	32	SW SW	2.26	1702	ZARE
38 S	1 E	WM	32	SE SW	1.91	1702	ZARE
Total:					4.17		

23. On January 5, 2012, an affidavit certifying that a portion of a water right has been abandoned and requesting partial cancellation of the right was received from Ben and Linda M. Zare Trustees under the Zare Loving Trust. The portion of the right to be cancelled is as follows:

Certificate: 15912 in the name of F.M. BILLINGS (confirmed by the Rogue River Decree at Volume 4, Page 1)

Use: Irrigation of 0.83 Acres

Priority Date: 1869

Rate: 0.01 cubic feet per second

Source: Wrights Creek, tributary of Bear Creek

Authorized Point of Diversion: Not described on Certificate

Authorized Place of Use to be Cancelled:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
39 S	1 E	WM	5	NE NW	0.83	1702	ZARE

24. On January 5, 2012, an affidavit certifying that a portion of a water right has been abandoned and requesting partial cancellation of the right was received from Gritsch Colver New LLC. The portion of the right to be cancelled is as follows:

Certificate: 16108 in the name of Theo. J. Fish (confirmed by the Rogue River Decree at Volume 4, Page 1)
Use: Irrigation of 0.50 Acres
Priority Date: 1880
Rate: 0.01 cubic feet per second
Source: Coleman Creek, tributary of Bear Creek

Authorized Point of Diversion: Not described on Certificate

Authorized Place of Use to be Cancelled:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
38 S	1 W	WM	16	NE SE	0.50	2600	GRITSCH COLVER NEW LLC

Partial Diminution of a Water Right

25. On August 18, 2011, Mark and Stacy Skillman, owners of lands to which a portion of Certificate 28078 is appurtenant, submitted an affidavit meeting the requirements of ORS 540.621 for a diminution of a portion of Certificate 28078. An affidavit was submitted requesting a partial diminution as described as follows:

Certificate: 28078 in the name of Keith W. Corp M.D. (perfected under Permit 24093)
Use: Irrigation of 2.50 Acres
Priority Date: March 13, 1956
Rate: 0.03 cubic feet per second
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right shall be limited to a diversion of one-eightieth of one cubic foot per second per acre or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed 4 ½ acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoir constructed under Permit No.R-1842.

Source: Unnamed Gulch and Reservoir tributaries to Bear Creek

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	2 E	WM	30	SW NE	AS PROJECTED WITHIN EVANS DLC 44

Authorized Place of Use Place to be Diminished from Primary Irrigation to Supplemental Irrigation:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
39 S	2 E	WM	30	SW NE	1.60	107	SKILLMAN	05-27
39 S	2 E	WM	30	SE NE	0.90	107	SKILLMAN	05-27
Total:					2.50			

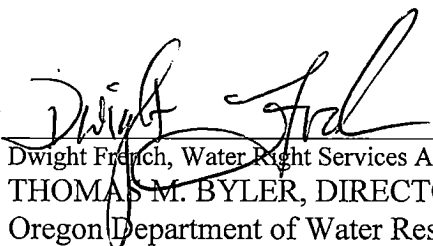
Conclusions of Law

The proposed changes in place of use as proposed in Transfer Application T-10277 satisfy the requirements of ORS 540.574(3) and 540.580, and the abandoned rights should be cancelled.

Now, therefore, it is ORDERED:

1. The proposed changes in place of use to the water rights evidenced by Certificates 79212 and 83727 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use not modified by this order and is subject to all other conditions and limitations contained in 79212 and 83727 and any related decree.
3. The former places of use shall no longer be irrigated as part of these water rights.
4. The portions of the water rights as evidenced by Certificates 15899, 15911, 15912 and 16108 as requested to be canceled are canceled. New certificates will be issued to describe the balance of these rights not modified by this Final Order.
5. The portion of the water right as evidenced by Certificate 28078 is partially diminished from primary irrigation to supplemental irrigation as requested. A new certificate will be issued to describe the balance of this right modified by this Final Order.
6. The place of use from which the water right is removed by T-10277 shall no longer be irrigated under the transferred right.
7. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2019**. A Claim of Beneficial Use shall be submitted by FID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. Water right certificates 79212 and 83727 are modified. The Department will issue superseding certificates describing the rights when it determines it is necessary for record keeping.

Dated at Salem, Oregon this 28 day of December 2017.


Dwight French, Water Right Services Administrator for
THOMAS M. BYLER, DIRECTOR
Oregon Department of Water Resources

Mailing Date: JAN 09 2018