

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

In the Matter of Transfer Application                    )     FINAL ORDER APPROVING A  
T-11154, Jackson County                                    )     DISTRICT PERMANENT TRANSFER

**Authority**

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. OAR Chapter 690, Division 385 implements the statutes and provides the Department’s procedures and criteria for evaluating district transfer applications.

**Applicant**

TALENT IRRIGATION DISTRICT  
PO BOX 467  
TALENT, OR 97540

**Findings of Fact**

1. On November 12, 2010, Talent Irrigation District (TID) filed a district transfer application to permanently change the place of use under Certificates 79212 and 83727. The Department assigned the application number T-11154.
2. Notice of the application for transfer was published on November 23, 2010, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. Final amendments clarifying the place of use were received by the Department on July 19, 2012.
4. The portion of the first right to be transferred is as follows:

**Certificate:** 79212, in the name of TALENT IRRIGATION DISTRICT  
**Use:** IRRIGATION of 11.79 acres

**Authorized Source, Tributaries (Trib.), Priority Date and description of points of diversion:**

Source	Trib.	Priority Date	Twp	Rng	Mer	Sec	Q-Q	Measured Distances/Description
Emigrant Creek	Bear Creek	05/23/1912	39S	2E	WM	20	SESE	POINT OF DIVERSION IS LOCATED AT THE TOE OF EMIGRANT DAM
McDonald Creek	Little Applegate River	08/20/1915	40S	1W	WM	10	SESE	INTO MCDONALD CREEK CANAL; 700 FEET NORTH AND 300 FEET WEST FROM THE SE CORNER OF SECTION 10

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.

Source	Trib.	Priority Date	Twp	Rng	Mer	Sec	Q-Q	Measured Distances/Description
Greeley Creek	Little Applegate River	08/20/1915	40S	1W	WM	3	NWSE	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	38S	1E	WM	33	SESW	OAK STREET DAM; 150 FEET NORTH AND 2020 FEET EAST FROM THE SW CORNER OF SECTION 33
Neil Creek	Bear Creek	07/31/1915	39S	2E	WM	30	SESW	ASHLAND LATERAL; 600 FEET NORTH AND 1350 FEET EAST FROM THE SW CORNER OF SECTION 30
Ashland Creek	Bear Creek	07/31/1915	39S	1E	WM	4	NENW	710 FEET SOUTH AND 2000 FEET EAST FROM THE NW CORNER OF SECTION 4
Emigrant Creek	Bear Creek	07/31/1915	40S	2E	WM	2	SWNE	ASHLAND LATERAL; 520 FEET NORTH AND 1900 FEET WEST FROM THE E1/4 CORNER OF SECTION 2
Wagner Creek	Bear Creek	07/31/1915	39S	1W	WM	2	SWSE	UPPER WEST LATERAL; 100 FEET NORTH AND 1800 FEET WEST FROM THE SE CORNER OF SECTION 2
Wagner Creek	Bear Creek	07/31/1915	38S	1W	WM	35	SESW	WEST LATERAL; 600 FEET NORTH AND 3600 FEET WEST FROM THE SE CORNER OF SECTION 35
Anderson Creek	Bear Creek	07/31/1915	38S	1W	WM	33	NESE	2100 FEET NORTH AND 600 FEET WEST FROM THE SE CORNER OF SECTION 33
Anderson Creek	Bear Creek	07/31/1915	38S	1W	WM	34	NENW	WEST LATERAL; 800 FEET SOUTH AND 2400 FEET EAST FROM THE NW CORNER OF SECTION 34
Anderson Creek	Bear Creek	07/31/1915	38S	1W	WM	27	NENW	TALENT MIDDLE CANAL; 4000 FEET NORTH AND 2500 FEET EAST FROM THE SW CORNER OF SECTION 27
Coleman Creek	Bear Creek	09/06/1915	38S	1W	WM	20	SESW	2100 FEET SOUTH AND 1500 FEET EAST FROM THE NW CORNER OF SECTION 20
Coleman Creek	Bear Creek	09/06/1915	38S	1W	WM	17	SESE	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	38S	1E	WM	18	SWNW	1450 FEET SOUTH AND 700 FEET EAST FROM THE NW CORNER OF SECTION 18
Meyers Creek (Myers Creek)	Bear Creek	09/06/1915	38S	1E	WM	20	SESE	700 FEET NORTH AND 20 FEET WEST FROM THE SE CORNER OF SECTION 20
Butler Creek	Bear Creek	09/06/1915	38S	1E	WM	28	SESW	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	Jenny Creek	09/06/1915	39S	3E	WM	16	SESE	HYATT RESERVOIR; 15 FEET NORTH

Source	Trib.	Priority Date	Twp	Rng	Mer	Sec	Q-Q	Measured Distances/Description
Creek								AND 1200 FEET WEST FROM THE SE CORNER OF SECTION 16
Keene Creek	Jenny Creek	09/06/1915	39S	3E	WM	20	SESE	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	39S	3E	WM	33	SWSW	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	39S	2E	WM	20	SESE	POINT OF DIVERSION IS LOCATED AT THE TOE OF EMIGRANT DAM

**Authorized Places of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice
39S	1E	WM	14	NE NW	0.90	500	IPCO Development	05-38
39S	1E	WM	14	NE NW	0.80	1000	IPCO Development	05-38
38S	1W	WM	16	NW NE	0.80	800	Lawrence	07-7
38S	1W	WM	16	NW NE	1.80	700	Lawrence	07-7
38S	1W	WM	16	SW NE	1.90	800	Huntley Enterprises	07-16
38S	2W	WM	3	NW NW	1.50	7100	Graham	08-2
38S	1E	WM	29	SW SW	1.23	6401	DeFranco	09-4
38S	1W	WM	1	NW NW	1.04	262	Hall	09-7
38S	1W	WM	1	SW NW	0.22	262	Hall	09-7
38S	1W	WM	25	NE SW	0.20	103	Pacitti	09-8
38S	1W	WM	25	NW SW	0.20	2500	Haviland	09-8
38S	1W	WM	7	NE SW	1.20	503	McCants	09-10
<b>Total:</b>					<b>11.79</b>			

5. Transfer Application T-11154 proposes to change the places of use to:

**Proposed Places of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice
39S	1E	WM	24	NW NW	1.70	2507	Lawrence & Brim	05-38
38S	1W	WM	35	SE SW	2.60	301	Finch	07-7
39S	1E	WM	12	NE SE	1.90	101	Sickler	07-16
39S	1E	WM	4	SE NW	0.20	3800	Sweeney/Clery	08-2
39S	1E	WM	4	SW NE	1.30	3800	Sweeney/Clery	08-2
38S	1E	WM	29	SW SW	1.23	6401	DeFranco	09-4
37S	1W	WM	36	SE SW	0.70	500	Hall	09-7
38S	1W	WM	1	NW NW	0.36	262	Hall	09-7
38S	1W	WM	1	SW NW	0.20	262	Hall	09-7
38S	2W	WM	13	SW NW	0.40	1100	Mahan	09-8
39S	2E	WM	31	NE NE	1.20	410	Lieber	09-10
<b>Total:</b>					<b>11.79</b>			

6. 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 4.00 acres

**Authorized Source, Tributaries and description of points of diversion:**

Source	Tributary	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Emigrant Creek and Emigrant Reservoir	Bear Creek	39S	2E	WM	20	SESE	The point of diversion is located at the outlet of Emigrant Reservoir.
South Fork Little Butte Creek	Little Butte Creek	37S	4E	WM	16	SESE	1240 FEET NORTH AND 1100 FEET WEST FROM THE SE 1/4 CORNER OF SECTION 16
Conde Creek	South Fork Little Butte Creek	38S	3E	WM	9	SWSW	1320 FEET NORTH AND 600 FEET EAST FROM THE SW CORNER OF SECTION 9
Dead Indian Creek	South Fork Little Butte Creek	38S	3E	WM	15	SESW	1310 FEET NORTH AND 1100 FEET WEST FROM THE SOUTH 1/4 CORNER OF SECTION 15
Daley Creek	South Fork Little Butte Creek	37S	4E	WM	34	SWSE	750 FEET NORTH AND 480 FEET EAST FROM THE SOUTH 1/4 CORNER OF SECTION 34
Beaver Dam Creek	South Fork Little Butte Creek	38S	4E	WM	4	NESW	2000 FEET NORTH AND 1800 FEET EAST FROM THE SW CORNER OF SECTION 4
Pole Bridge Creek	South Fork Little Butte Creek	37S	4E	WM	28	SENW	1380 FEET SOUTH AND 2000 FEET EAST FROM THE NW CORNER OF SECTION 28
Deadwood Creek	South Fork Little Butte Creek S	38S	4E	WM	6	NESE	Not specified on certificate.
Keene Creek and Keene Creek Reservoir	Jenny Creek	39S	3E	WM	16	SESE	HYATT RESERVOIR; 15 FEET NORTH AND 1200 FEET WEST FROM THE SE CORNER OF SECTION 16
Keene Creek and Keene Creek Reservoir	Jenny Creek	39S	3E	WM	20	SESE	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	39S	3E	WM	33	SWSW	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	38S	4E	WM	32	E1/2 of SW1/4	Not specified on certificate
Soda Creek	Grizzly Creek	39S	4E	WM	8	SWNW	2200 FEET SOUTH AND 60 FEET EAST FROM THE NW CORNER OF SECTION 8
Little Beaver Creek	Jenny Creek	39S	4E	WM	19	SESW	600 FEET NORTH AND 1930 FEET EAST FROM THE SW CORNER OF SECTION 19

**Authorized Places of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice
37S	1W	WM	27	NE SW	0.30	901	Harris	05-31
37S	1W	WM	27	NE SW	0.30	903	Harris	05-31
37S	1W	WM	27	NE SW	0.30	909	Harris	05-31
37S	1W	WM	27	NW SE	1.10	1000	Crystal Springs Development Group	05-31
37S	1W	WM	27	NW SW	0.40	702	Mahar	09-9
37S	1W	WM	27	NW SW	1.60	702	Mahar	09-9
<b>Total:</b>					<b>4.00</b>			

7. Transfer Application T-11154 proposes to change the places of use to:

**Proposed Places of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice
38S	1W	WM	18	NW NW	2.00	1002	Stout	05-31
38S	1W	WM	18	NW SE	1.40	1604	Pratt	09-9
38S	1W	WM	18	SW SE	0.30	1604	Pratt	09-9
38S	1W	WM	18	SE SW	0.30	1604	Pratt	09-9
<b>Total:</b>					<b>4.00</b>			

8. 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 11.79 acres

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

**Authorized Source, Tributaries and description of points of diversion:**

Source	Tributary	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Emigrant Creek and Emigrant Reservoir	Bear Creek	39S	2E	WM	20	SESE	The point of diversion is located at the outlet of Emigrant Reservoir.
South Fork Little Butte Creek	Little Butte Creek	37S	4E	WM	16	SESE	1240 FEET NORTH AND 1100 FEET WEST FROM THE SE 1/4 CORNER OF SECTION 16
Conde Creek	South Fork Little Butte Creek	38S	3E	WM	9	SWSW	1320 FEET NORTH AND 600 FEET EAST FROM THE SW CORNER OF SECTION 9
Dead Indian Creek	South Fork Little Butte Creek	38S	3E	WM	15	SESW	1310 FEET NORTH AND 1100 FEET WEST FROM THE SOUTH 1/4 CORNER OF SECTION 15
Daley Creek	South Fork Little Butte Creek	37S	4E	WM	34	SWSE	750 FEET NORTH AND 480 FEET EAST FROM THE SOUTH 1/4 CORNER OF SECTION 34
Beaver Dam Creek	South Fork Little Butte Creek	38S	4E	WM	4	NESW	2000 FEET NORTH AND 1800 FEET EAST FROM THE SW CORNER OF SECTION 4
--	--	--	--	--	--	--	--

Source	Tributary	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Pole Bridge Creek	South Fork Little Butte Creek	37S	4E	WM	28	SENW	1380 FEET SOUTH AND 2000 FEET EAST FROM THE NW CORNER OF SECTION 28
Deadwood Creek	South Fork Little Butte Creek S	38S	4E	WM	6	NESE	Not specified on certificate.
Keene Creek and Keene Creek Reservoir	Jenny Creek	39S	3E	WM	16	SESE	HYATT RESERVOIR; 15 FEET NORTH AND 1200 FEET WEST FROM THE SE CORNER OF SECTION 16
Keene Creek and Keene Creek Reservoir	Jenny Creek	39S	3E	WM	20	SESE	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	39S	3E	WM	33	SWSW	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	38S	4E	WM	32	E1/2 of SW1/4	Not specified on certificate
Soda Creek	Grizzly Creek	39S	4E	WM	8	SWNW	2200 FEET SOUTH AND 60 FEET EAST FROM THE NW CORNER OF SECTION 8
Little Beaver Creek	Jenny Creek	39S	4E	WM	19	SESW	600 FEET NORTH AND 1930 FEET EAST FROM THE SW CORNER OF SECTION 19

**Authorized Places of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice
39S	1E	WM	14	NE NW	0.90	500	IPCO Development	05-38
39S	1E	WM	14	NE NW	0.80	1000	IPCO Development	05-38
38S	1W	WM	16	NW NE	0.80	800	Lawrence	07-7
38S	1W	WM	16	NW NE	1.80	700	Lawrence	07-7
38S	1W	WM	16	SW NE	1.90	800	Huntley Enterprises	07-16
38S	2W	WM	3	NW NW	1.50	7100	Graham	08-2
38S	1E	WM	29	SW SW	1.23	6401	DeFranco	09-4
38S	1W	WM	1	NW NW	1.04	262	Hall	09-7
38S	1W	WM	1	SW NW	0.22	262	Hall	09-7
38S	1W	WM	25	NE SW	0.20	103	Pacitti	09-8
38S	1W	WM	25	NW SW	0.20	2500	Haviland	09-8
38S	1W	WM	7	NE SW	1.20	503	McCants	09-10
<b>Total:</b>					<b>11.79</b>			

9. Transfer Application T-11154 proposes to change the places of use to:

**Proposed Places of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice
39S	1E	WM	24	NW NW	1.70	2507	Lawrence & Brim	05-38
38S	1W	WM	35	SE SW	2.60	301	Finch	07-7
39S	1E	WM	12	NE SE	1.90	101	Sickler	07-16
39S	1E	WM	4	SE NW	0.20	3800	Sweeney/Clery	08-2
39S	1E	WM	4	SW NE	1.30	3800	Sweeney/Clery	08-2
38S	1E	WM	29	SW SW	1.23	6401	DeFranco	09-4
37S	1W	WM	36	SE SW	0.70	500	Hall	09-7
38S	1W	WM	1	NW NW	0.36	262	Hall	09-7
38S	1W	WM	1	SW NW	0.20	262	Hall	09-7
38S	2W	WM	13	SW NW	0.40	1100	Mahan	09-8
39S	2E	WM	31	NE NE	1.20	410	Lieber	09-10
<b>Total:</b>					<b>11.79</b>			

- 10. The district permanent transfer application satisfies the criteria of OAR 690-385-4000 contains the information required under OAR 690-385-2000 and includes maps meeting the requirements of OAR 690-385-2200.
- 11. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
- 12. The proposed change in places of use will not result in enlargement of the rights.
- 13. The proposed change in places of use will not result in injury to other water rights.

**Conclusions of Law**

The proposed changes in place of use as proposed in Transfer Application T-11154 satisfy the requirements of ORS 540.574(3) and 540.580.

**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 described and is subject to all other conditions and limitations contained in Certificates 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 water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
- 5. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2013.
- 6. A Claim of Beneficial Use (CBU) shall be submitted by the applicant to the Department by October 1, 2014.

7. 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 10 day of August, 2012.

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

Mailing Date: AUG 20 2012