

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

In the Matter of Transfer Application) **FINAL ORDER APPROVING**
T-12201, Jackson County) **A 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, 2015, 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-12201.
2. Notice of the application for transfer was published on November 17, 2015, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the first right to be transferred is as follows:

Certificate: 79212, in the name of TALENT IRRIGATION DISTRICT

Use: IRRIGATION of 36.59 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	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

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
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 (Myers 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 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

Source	Trib.	Priority Date	Twp	Rng	Mer	Sec	Q-Q	Measured Distances/Description
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 Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
38 S	1 E	WM	19	NE SW	1.82	200	Naumes, Inc.	13-5
38 S	1 E	WM	19	NW SW	10.75	200	Naumes, Inc	13-5
39 S	1 E	WM	13	NE SW	1.70	101	Douglas K. & Nina M. Healy	12-1
39 S	1 E	WM	13	SE SW	9.80	101	Douglas K. & Nina M. Healy	12-1
40 S	2 E	WM	5	SW NE	0.50	500	Janet C. Greek	13-3
37 S	1 W	WM	27	NW SE	1.00	1001	Crystal Springs Dev. Group	8-7
38 S	1 W	WM	3	SE SW	1.33	1600	Arrowhead Land & Cattle Co.	11-4
38 S	1 W	WM	3	SW SE	2.12	1600	Arrowhead Land & Cattle Co.	11-4
38 S	1 W	WM	10	NW NW	0.28	100	Arrowhead Land & Cattle Co.	11-4
38 S	1 W	WM	10	NE NW	2.97	100	Arrowhead Land & Cattle Co.	11-4
38 S	1 W	WM	24	NW NE	2.82	100	Naumes, Inc	13-5
38 S	1 W	WM	25	SE SE	0.20	2203	Kip Nelson & Barbara Kinney-Nelson	14-2
38 S	1 W	WM	25	SE SE	0.30	2203	Kip Nelson & Barbara Kinney-Nelson	14-3
38 S	2 W	WM	11	SE NE	0.60	5100	David & Barbara Basden	14-1
38 S	2 W	WM	11	NE SE	0.40	5100	David & Barbara Basden	14-1
Total:					36.59			

4. Transfer Application T-12201 proposes to change the places of use to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
39 S	1 E	WM	4	NE NW	1.00	501	Keith O. MacLaren	8-7
39 S	1 E	WM	24	NW ¼	6.65		Dept. of Trans-State of Oregon	11-4
39 S	1 E	WM	24	NW ¼	0.05		Dept. of Trans-State of Oregon	11-4
39 S	2 E	WM	19	NW ¼	11.50	300	Douglas K. & Nina M. Healy	12-1
40 S	2 E	WM	5	SW NE	0.50	1700	Scott Ralston	13-3
38 S	1 W	WM	25	SE SE	0.20	2202	Kip Nelson & Barbara K. Nelson	14-2
38 S	1 W	WM	25	SE SE	0.30	2201	Joseph B. & Judy S. Wismann	14-3
38 S	2 W	WM	11	SE NE	1.00	4400	James Lebo & Katherine Hannon	14-1
38 S	2 W	WM	12	NE NE	8.05	100	Naumes, Inc.	13-5
38 S	2 W	WM	12	SE NE	7.34	100	Naumes, Inc.	13-5
Total:					36.59			

5. 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 36.59 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	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	E 1/2 of SW 1/4	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:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
38 S	1 E	WM	19	NE SW	1.82	200	Naumes, Inc.	13-5
38 S	1 E	WM	19	NW SW	10.75	200	Naumes, Inc.	13-5
39 S	1 E	WM	13	NE SW	1.70	101	Douglas K & Nina M. Healy	12-1
39 S	1 E	WM	13	SE SW	9.80	101	Douglas K & Nina M. Healy	12-1
40 S	2 E	WM	5	SW NE	0.50	500	Janet C. Greek	13-3
37 S	1 W	WM	27	NW SE	1.00	1001	Crystal Springs Dev. Group	8-7
38 S	1 W	WM	3	SE SW	1.33	1600	Aarrowhead Land & Cattle Co.	11-4
38 S	1 W	WM	3	SW SE	2.12	1600	Aarrowhead Land & Cattle Co	11-4
38 S	1 W	WM	10	NW NW	0.28	100	Aarrowhead Land & Cattle Co	11-4
38 S	1 W	WM	10	NE NW	2.97	100	Aarrowhead Land & Cattle Co	11-4
38 S	1 W	WM	24	NW NE	2.82	100	Naumes, Inc.	13-5
38 S	1 W	WM	25	SE SE	0.20	2203	Kip Nelson & Barbara Kinney-Nelson	14-2
38 S	1 W	WM	25	SE SE	0.30	2203	Kip Nelson & Barbara Kinney-Nelson	14-3
38 S	2 W	WM	11	SE NE	0.60	5100	David & Barbara Basden	14-1
38 S	2 W	WM	11	NE SE	0.40	5100	David & Barbara Basden	14-1
Total:					36.59			

6. Transfer Application T-12201 proposes to change the places of use to:

Proposed Places of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
39 S	1 E	WM	4	NE NW	1.00	501	Keith O. MacLaren	8-7
39 S	1 E	WM	24	NW ¼	6.65	-	Dept. of Trans- State of Oregon	11-4
39 S	1 E	WM	24	NW ¼	0.05	-	Dept. of Trans- State of Oregon	11-4
39 S	2 E	WM	19	NW ¼	11.50	300	Douglas K. & Nina M. Healy	12-1
40 S	2 E	WM	5	SW NE	0.50	1700	Scott Ralston	13-3
38 S	1 W	WM	25	SE SE	0.20	2202	Kip Nelson & Barbara K. Nelson	14-2
38 S	1 W	WM	25	SE SE	0.30	2201	Joseph B. & Judy S. Wismann	14-3
38 S	2 W	WM	11	SE NE	1.00	4400	James Lebo & Katherine Hannon	14-1
38 S	2 W	WM	12	NE NE	7.34	100	Naumes, Inc.	13-5
38 S	2 W	WM	12	SE NE	8.05	100	Naumes, Inc.	13-5
Total:					36.59			

7. 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.
8. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
9. The proposed change in places of use will not result in enlargement of the rights.
10. 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-12201 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, 2016.
6. A Claim of Beneficial Use (CBU) shall be submitted by the applicant to the Department by October 1, 2017.
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 18 day of December 2015.



Dwight French, Water Right Services Administrator for
THOMAS M. BYLER, DIRECTOR

Mailing Date: DEC 22 2015