

5. On November 21, 2017, the Department issued a Preliminary Determination proposing to approve Transfer Application T-12685 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on November 28, 2017, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 80462 in the name of U.S. BUREAU OF RECLAMATION (perfected under Permit S-44349)
Use: MUNICIPAL USE WITHIN THE SERVICE AREA OF THE CITY OF TALENT, OREGON
Priority Date: AUGUST 24, 1978
Rate: 600.0 ACRE-FEET
Limit/Duty: THE RIGHT IS LIMITED TO NOT MORE THAN 600.0 ACRE FEET OF STORED WATER FOR THE CITY OF TALENT, TO BE RELEASED FROM HOWARD PRAIRIE RESERVOIR
Period of Use: APRIL 1 – OCTOBER 31
Source: HOWARD PRAIRIE RESERVOIR, tributary to GRIZZLY CREEK

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
37 S	4 E	WM	16	SE SE	S FK LITTLE BUTTE CREEK - 1240 FEET NORTH AND 1100 FEET WEST FROM THE SE¼ CORNER OF SECTION 16
37 S	4 E	WM	28	SE NW	POLE BRIDGE CREEK - 1380 FEET SOUTH AND 2000 FEET EAST FROM THE NW CORNER OF SECTION 28
37 S	4 E	WM	34	SW SE	DALEY CREEK - 750 FEET NORTH AND 480 FEET EAST FROM THE S¼ CORNER OF SECTION 34
38 S	3 E	WM	9	SW SW	CONDE CREEK - 1320 FEET NORTH AND 600 FEET EAST FROM THE SW CORNER OF SECTION 9
38 S	3 E	WM	15	SE SW	DEAD INDIAN CREEK - 1310 FEET NORTH AND 1100 FEET WEST FROM THE S¼ CORNER OF SECTION 15
38 S	4 E	WM	4	NE SW	BEAVER DAM CREEK - 2000 FEET NORTH AND 1800 FEET EAST FROM THE SW CORNER OF SECTION 4
38 S	4 E	WM	6	NE SE	DEADWOOD CREEK
38 S	4 E	WM	32	E½ SW	GRIZZLY CREEK
38 S	4 E	WM	32	E½ SW	HOWARD PRAIRIE RESERVOIR

Authorized Place of Use:

Municipal
With the Service Area of the City of Talent, Oregon

7. Transfer Application T-12685 proposes to change the place of use of the right to:

Municipal
With the Service Area of the City of Ashland, Oregon

Transfer Review Criteria [OAR 690-380-4010(2)]

8. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-12685.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.

Conclusions of Law

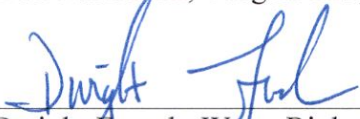
The change in place of use proposed in Transfer Application T-12685 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-12685 is 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 Certificate 80462 and any related decree.
3. Water right Certificate 80462 is cancelled.
4. The former place of use of the transferred right shall no longer receive water under the right.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.

6. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 2 day of February, 2018.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: FEB 05 2018