

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

In the Matter of the Completion of a Change)
in Place of Use Under Transfer Application) **DETERMINATION OF**
T-10976, Jackson County) **SATISFACTORY PROOF**

Authority

ORS 540.530 and OAR 690-385-7600 describe the process for the Water Resources Department to issue or modify a water right certificate upon determination that an applicant has made satisfactory proof of the completion of the changes.

Applicant

TALENT IRRIGATION DISTRICT
PO BOX 467
TALENT, OR 97540

Findings of Fact

1. On June 20, 2014, the Department signed a final order, which was mailed on July 2, 2014, and recorded in Special Order Volume 92, Pages 909-917, approving Transfer Application T-10976 involving Certificates 79212 and 83727. The final order established October 1, 2015, as the date for completion of the authorized changes in place of use.
2. On September 17, 2014, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-10976.
3. On April 21, 2014, the Department received corrected maps and clarification of certain items within the CBU.
4. The Department reviewed the CBU and map(s) submitted by the applicant for Transfer Application T-10976.
5. The CBU did not contain a map of the point of diversion from the source. However, since the transfer involved the transfer of places of use only within an irrigation district and did not involve a change in the point of diversion, the existing maps on file with the Department are sufficient to identify the point of diversion from the source.
6. The proposed place of use as approved the final order for Transfer Application T-10976, and as recorded in Special Order Volume 92, Pages 909-917, is shown in the table below:

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

Table 1:

| PRIMARY IRRIGATION UNDER CERTIFICATE 79212 | | | | | | | | |
|---|-----|-----|-----|-------|-------|---------|---------------------|---------|
| Twp | Rng | Mer | Sec | Q-Q | Acres | Tax Lot | Owner Name | Notice |
| 37 S | 1 W | WM | 35 | SW NW | 4.92 | 305 | LERNER/QUINT | 08-08 |
| 37 S | 1 W | WM | 35 | SW NW | 0.03 | 305 | LERNER/QUINT | 08-08 |
| 37 S | 1 W | WM | 35 | NW SW | 0.08 | 305 | LERNER/QUINT | 08-08 |
| 38 S | 1 W | WM | 18 | NW NW | 1.00 | 1000 | RSM REV. TRUST | 04-60-3 |
| 38 S | 1 W | WM | 18 | NE SW | 1.00 | 1604 | PRATT/EATON | 08-09 |
| 38 S | 1 W | WM | 18 | NE SW | 0.30 | 1604 | PRATT/EATON | 08-09 |
| 38 S | 1 W | WM | 18 | SE SW | 1.00 | 1604 | PRATT/EATON | 08-09 |
| 38 S | 1 W | WM | 18 | SW SE | 0.50 | 1604 | PRATT/EATON | 08-09 |
| 38 S | 1 E | WM | 20 | SW SE | 0.20 | 905 | MARIKOS | 08-06 |
| 38 S | 2 W | WM | 1 | SW SE | 1.00 | 2402 | MANN FAMILY TRUST | 08-05 |
| 38 S | 2 W | WM | 3 | SW NW | 2.20 | 6600 | KOLCZYNSKI | 07-06 |
| 38 S | 2 W | WM | 4 | SE NE | 0.80 | 6600 | KOLCZYNSKI | 07-06 |
| 38 S | 2 W | WM | 12 | NW NE | 1.92 | 500 | PATTERSON, TRUSTEE | 09-01 |
| 38 S | 2 W | WM | 13 | NE NE | 1.20 | 100 | RSM REV. TRUST | 04-60-1 |
| 39 S | 2 E | WM | 20 | NW SW | 2.00 | 507 | CAMELHEAD LAND | 05-17 |
| 40 S | 2 E | WM | 5 | SE NW | 1.30 | 1704 | MOREY | 04-33 |
| 40 S | 2 E | WM | 5 | SE NW | 1.57 | 1704 | MOREY | 04-39 |
| 40 S | 2 E | WM | 5 | SE NW | 0.23 | 1704 | MOREY | 04-40 |
| 40 S | 2 E | WM | 5 | SE NW | 0.26 | 1704 | MOREY | 04-41 |
| 40 S | 2 E | WM | 5 | SE NW | 0.22 | 1704 | MOREY | 04-42 |
| 40 S | 2 E | WM | 5 | SE NW | 0.23 | 1704 | MOREY | 04-43 |
| 40 S | 2 E | WM | 5 | SE NW | 0.23 | 1704 | MOREY | 04-44 |
| 40 S | 2 E | WM | 5 | SE NW | 0.22 | 1704 | MOREY | 04-45 |
| 40 S | 2 E | WM | 5 | SE NW | 0.25 | 1704 | MOREY | 04-46 |
| 40 S | 2 E | WM | 5 | SE NW | 0.23 | 1704 | MOREY | 04-47 |
| 40 S | 2 E | WM | 5 | SE NW | 0.26 | 1704 | MOREY | 04-48 |
| Total | | | | | 23.15 | | | |
| PRIMARY IRRIGATION UNDER CERTIFICATE 83727 | | | | | | | | |
| Twp | Rng | Mer | Sec | Q-Q | Acres | Tax Lot | Owner Name | Notice |
| 38 S | 1 W | WM | 2 | SW NE | 6.10 | 200 | LONDON FAMILY TRUST | 08-03 |
| 38 S | 1 W | WM | 2 | SE NW | 2.20 | 200 | LONDON FAMILY TRUST | 08-03 |
| 38 S | 1 W | WM | 2 | NE SW | 4.20 | 200 | LONDON FAMILY TRUST | 08-03 |
| 38 S | 1 W | WM | 2 | SE SW | 1.20 | 200 | LONDON FAMILY TRUST | 09-02 |
| 38 S | 1 W | WM | 2 | NE SE | 17.40 | 200 | LONDON FAMILY TRUST | 08-03 |
| 38 S | 1 W | WM | 2 | NW SE | 2.30 | 200 | LONDON FAMILY TRUST | 09-02 |
| 38 S | 1 W | WM | 2 | SW SE | 0.70 | 200 | LONDON FAMILY TRUST | 09-02 |
| 38 S | 1 W | WM | 2 | SW SE | 0.80 | 200 | LONDON FAMILY TRUST | 09-02 |
| 38 S | 1 W | WM | 18 | NW NW | 0.83 | 1000 | RSM REV. TRUST | 04-60-2 |
| 38 S | 1 E | WM | 20 | SW SE | 1.80 | 905 | MARIKOS | 08-06 |
| 38 S | 2 W | WM | 13 | NE NE | 0.17 | 1000 | RSM REV. TRUST | 04-60-2 |
| 39 S | 2 E | WM | 19 | SE NW | 1.50 | 504 | TRAYNOR | 07-24 |
| 39 S | 1 E | WM | 23 | SW NW | 1.00 | 1401 | FAUDREE | 07-14 |
| Total: | | | | | 40.20 | | | |
| SUPPLEMENTAL IRRIGATION UNDER CERTIFICATE 83727 | | | | | | | | |
| Twp | Rng | Mer | Sec | Q-Q | Acres | Tax Lot | Owner Name | Notice |
| 37 S | 1 W | WM | 35 | SW NW | 4.92 | 305 | LERNER/QUINT | 08-08 |
| 37 S | 1 W | WM | 35 | SW NW | 0.03 | 305 | LERNER/QUINT | 08-08 |
| 37 S | 1 W | WM | 35 | NW SW | 0.08 | 305 | LERNER/QUINT | 08-08 |

| | | | | | | | | |
|-------|-----|----|----|-------|-------|------|--------------------|---------|
| 38 S | 1 W | WM | 18 | NW NW | 1.00 | 1000 | RSM REV. TRUST | 04-60-3 |
| 38 S | 1 W | WM | 18 | NE SW | 0.30 | 1604 | PRATT/EATON | 08-09 |
| 38 S | 1 W | WM | 18 | NE SW | 1.00 | 1604 | PRATT/EATON | 08-09 |
| 38 S | 1 W | WM | 18 | SE SW | 1.00 | 1604 | PRATT/EATON | 08-09 |
| 38 S | 1 W | WM | 18 | SW SE | 0.50 | 1604 | PRATT/EATON | 08-09 |
| 38 S | 1 E | WM | 20 | SW SE | 0.20 | 905 | MARIKOS | 08-06 |
| 38 S | 2 W | WM | 13 | NE NE | 1.20 | 100 | RSM REV. TRUST | 04-60-1 |
| 38 S | 2 W | WM | 1 | SW SE | 1.00 | 2402 | MANN FAMILY TRUST | 08-05 |
| 38 S | 2 W | WM | 3 | SW NW | 2.20 | 6600 | KOLCZYNSKI | 07-06 |
| 38 S | 2 W | WM | 4 | SE NE | 0.80 | 6600 | KOLCZYNSKI | 07-06 |
| 38 S | 2 W | WM | 12 | NW NE | 1.92 | 500 | PATTERSON, TRUSTEE | 09-01 |
| 39 S | 2 E | WM | 20 | NW SW | 2.00 | 507 | CAMELHEAD LAND | 05-17 |
| 40 S | 2 E | WM | 5 | SE NW | 1.30 | 1704 | MOREY | 04-33 |
| 40 S | 2 E | WM | 5 | SE NW | 1.57 | 1704 | MOREY | 04-39 |
| 40 S | 2 E | WM | 5 | SE NW | 0.23 | 1704 | MOREY | 04-40 |
| 40 S | 2 E | WM | 5 | SE NW | 0.26 | 1704 | MOREY | 04-41 |
| 40 S | 2 E | WM | 5 | SE NW | 0.22 | 1704 | MOREY | 04-42 |
| 40 S | 2 E | WM | 5 | SE NW | 0.23 | 1704 | MOREY | 04-43 |
| 40 S | 2 E | WM | 5 | SE NW | 0.23 | 1704 | MOREY | 04-44 |
| 40 S | 2 E | WM | 5 | SE NW | 0.22 | 1704 | MOREY | 04-45 |
| 40 S | 2 E | WM | 5 | SE NW | 0.25 | 1704 | MOREY | 04-46 |
| 40 S | 2 E | WM | 5 | SE NW | 0.23 | 1704 | MOREY | 04-47 |
| 40 S | 2 E | WM | 5 | SE NW | 0.26 | 1704 | MOREY | 04-48 |
| Total | | | | | 23.15 | | | |

7. Information in the CBU indicates some water user(s) have changed subsequent to the issuance of the final order approving Transfer Application T-10976 on some parcels affected by the transfer. In addition, a scrivener's errors were identified in one quarter-quarter description and two tax lot descriptions of parcels within the final order approving T-10976. Any such changes as identified in the CBU and associated maps are shown in **BOLD** in the table below.

Table 2:

| PRIMARY IRRIGATION UNDER CERTIFICATE 79212 | | | | | | | | |
|--|-----|-----|-----|-------|-------|------------|--------------------|---------|
| Twp | Rng | Mer | Sec | Q-Q | Acres | Tax Lot | Owner Name | Notice |
| 37 S | 1 W | WM | 35 | SW NW | 4.92 | 305 | LERNER/QUINT | 08-08 |
| 37 S | 1 W | WM | 35 | SW NW | 0.03 | 305 | LERNER/QUINT | 08-08 |
| 37 S | 1 W | WM | 35 | NW SW | 0.08 | 305 | LERNER/QUINT | 08-08 |
| 38 S | 1 W | WM | 18 | NW NW | 1.00 | 1000 | MACLELLAN | 04-60-3 |
| 38 S | 1 W | WM | 18 | NE SW | 1.00 | 1604 | PRATT/EATON | 08-09 |
| 38 S | 1 W | WM | 18 | NE SW | 0.30 | 1604 | PRATT/EATON | 08-09 |
| 38 S | 1 W | WM | 18 | SE SW | 1.00 | 1604 | PRATT/EATON | 08-09 |
| 38 S | 1 W | WM | 18 | SW SE | 0.50 | 1604 | PRATT/EATON | 08-09 |
| 38 S | 1 E | WM | 20 | SW SE | 0.20 | 905 | MARIKOS | 08-06 |
| 38 S | 2 W | WM | 1 | SW SE | 1.00 | 2402 | MANN FAMILY TRUST | 08-05 |
| 38 S | 2 W | WM | 3 | SW NW | 2.20 | 6600 | KOLCZYNSKI | 07-06 |
| 38 S | 2 W | WM | 4 | SE NE | 0.80 | 600 | KOLCZYNSKI | 07-06 |
| 38 S | 2 W | WM | 12 | NW NE | 1.92 | 500 | PATTERSON, TRUSTEE | 09-01 |
| 38 S | 2 W | WM | 13 | NE NE | 1.20 | 100 | MACLELLAN | 04-60-1 |
| 39 S | 2 E | WM | 20 | NW SW | 2.00 | 507 | CAMELHEAD LAND | 05-17 |
| 40 S | 2 E | WM | 5 | SE NW | 1.30 | 1704 | PHELPS | 04-33 |
| 40 S | 2 E | WM | 5 | SE NW | 1.57 | 1704 | PHELPS | 04-39 |

| | | | | | | | | | |
|------|-----|----|---|-------|-------|------|--|--------|-------|
| 40 S | 2 E | WM | 5 | SE NW | 0.23 | 1704 | | PHELPS | 04-40 |
| 40 S | 2 E | WM | 5 | SE NW | 0.26 | 1704 | | PHELPS | 04-41 |
| 40 S | 2 E | WM | 5 | SE NW | 0.22 | 1704 | | PHELPS | 04-42 |
| 40 S | 2 E | WM | 5 | SE NW | 0.23 | 1704 | | PHELPS | 04-43 |
| 40 S | 2 E | WM | 5 | SE NW | 0.23 | 1704 | | PHELPS | 04-44 |
| 40 S | 2 E | WM | 5 | SE NW | 0.22 | 1704 | | PHELPS | 04-45 |
| 40 S | 2 E | WM | 5 | SE NW | 0.25 | 1704 | | PHELPS | 04-46 |
| 40 S | 2 E | WM | 5 | SE NW | 0.23 | 1704 | | PHELPS | 04-47 |
| 40 S | 2 E | WM | 5 | SE NW | 0.26 | 1704 | | PHELPS | 04-48 |
| | | | | Total | 23.15 | | | | |

| PRIMARY IRRIGATION UNDER CERTIFICATE 83727 | | | | | | | | | |
|--|-----|-----|-----|--------|-------|---------|---------------------|---------|--|
| Twp | Rng | Mer | Sec | Q-Q | Acres | Tax Lot | Owner Name | Notice | |
| 38 S | 1 W | WM | 2 | SW NE | 6.10 | 200 | LONDON FAMILY TRUST | 08-03 | |
| 38 S | 1 W | WM | 2 | SE NW | 2.20 | 200 | LONDON FAMILY TRUST | 08-03 | |
| 38 S | 1 W | WM | 2 | NE SW | 4.20 | 200 | LONDON FAMILY TRUST | 08-03 | |
| 38 S | 1 W | WM | 2 | SE SW | 1.20 | 200 | LONDON FAMILY TRUST | 09-02 | |
| 38 S | 1 W | WM | 2 | NW SE | 17.40 | 200 | LONDON FAMILY TRUST | 08-03 | |
| 38 S | 1 W | WM | 2 | NW SE | 2.30 | 200 | LONDON FAMILY TRUST | 09-02 | |
| 38 S | 1 W | WM | 2 | SW SE | 0.70 | 200 | LONDON FAMILY TRUST | 09-02 | |
| 38 S | 1 W | WM | 2 | SW SE | 0.80 | 200 | LONDON FAMILY TRUST | 09-02 | |
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| 38 S | 1 E | WM | 20 | SW SE | 1.80 | 905 | MARIKOS | 08-06 | |
| 38 S | 2 W | WM | 13 | NE NE | 0.17 | 100 | MACLELLAN | 04-60-2 | |
| 39 S | 2 E | WM | 19 | SE NW | 1.50 | 504 | TRAYNOR | 07-24 | |
| 39 S | 1 E | WM | 23 | SW NW | 1.00 | 1401 | FAUDREE | 07-14 | |
| | | | | Total: | 40.20 | | | | |

| SUPPLEMENTAL IRRIGATION UNDER CERTIFICATE 83727 | | | | | | | | | |
|---|-----|-----|-----|-------|-------|---------|--------------------|---------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres | Tax Lot | Owner Name | Notice | |
| 37 S | 1 W | WM | 35 | SW NW | 4.92 | 305 | LERNER/QUINT | 08-08 | |
| 37 S | 1 W | WM | 35 | SW NW | 0.03 | 305 | LERNER/QUINT | 08-08 | |
| 37 S | 1 W | WM | 35 | NW SW | 0.08 | 305 | LERNER/QUINT | 08-08 | |
| 38 S | 1 W | WM | 18 | NW NW | 1.00 | 1000 | MACLELLAN | 04-60-3 | |
| 38 S | 1 W | WM | 18 | NE SW | 0.30 | 1604 | PRATTE/ATON | 08-09 | |
| 38 S | 1 W | WM | 18 | NE SW | 1.00 | 1604 | PRATTE/ATON | 08-09 | |
| 38 S | 1 W | WM | 18 | SE SW | 1.00 | 1604 | PRATTE/ATON | 08-09 | |
| 38 S | 1 W | WM | 18 | SW SE | 0.50 | 1604 | PRATTE/ATON | 08-09 | |
| 38 S | 1 E | WM | 20 | SW SE | 0.20 | 905 | MARIKOS | 08-06 | |
| 38 S | 2 W | WM | 13 | NE NE | 1.20 | 100 | MACLELLAN | 04-60-1 | |
| 38 S | 2 W | WM | 1 | SW SE | 1.00 | 2402 | MANN FAMILY TRUST | 08-05 | |
| 38 S | 2 W | WM | 3 | SW NW | 2.20 | 6600 | KOLCZYNSKI | 07-06 | |
| 38 S | 2 W | WM | 4 | SE NE | 0.80 | 600 | KOLCZYNSKI | 07-06 | |
| 38 S | 2 W | WM | 12 | NW NE | 1.92 | 500 | PATTERSON, TRUSTEE | 09-01 | |
| 39 S | 2 E | WM | 20 | NW SW | 2.00 | 507 | CAMELHEAD LAND | 05-17 | |
| 40 S | 2 E | WM | 5 | SE NW | 1.30 | 1704 | | PHELPS | 04-33 |
| 40 S | 2 E | WM | 5 | SE NW | 1.57 | 1704 | | PHELPS | 04-39 |
| 40 S | 2 E | WM | 5 | SE NW | 0.23 | 1704 | | PHELPS | 04-40 |
| 40 S | 2 E | WM | 5 | SE NW | 0.26 | 1704 | | PHELPS | 04-41 |
| 40 S | 2 E | WM | 5 | SE NW | 0.22 | 1704 | | PHELPS | 04-42 |
| 40 S | 2 E | WM | 5 | SE NW | 0.23 | 1704 | | PHELPS | 04-43 |
| 40 S | 2 E | WM | 5 | SE NW | 0.23 | 1704 | | PHELPS | 04-44 |
| 40 S | 2 E | WM | 5 | SE NW | 0.22 | 1704 | | PHELPS | 04-45 |

| | | | | | | | | |
|-------|-----|----|---|-------|-------|------|---------------|-------|
| 40 S | 2 E | WM | 5 | SE NW | 0.25 | 1704 | PHELPS | 04-46 |
| 40 S | 2 E | WM | 5 | SE NW | 0.23 | 1704 | PHELPS | 04-47 |
| 40 S | 2 E | WM | 5 | SE NW | 0.26 | 1704 | PHELPS | 04-48 |
| Total | | | | | 23.15 | | | |

8. Satisfactory proof of the changes was submitted with evidence showing that water was used in the locations and for the purpose as authorized by the final order approving Transfer Application T-10976.

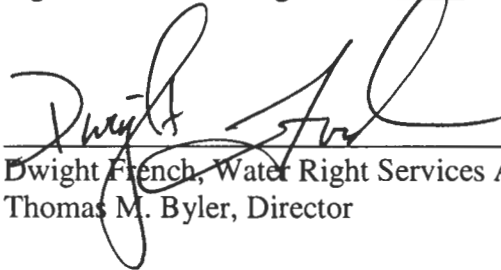
Conclusions of Law

Pursuant to ORS 540.530 and OAR 690-385-7600, the Department may issue or modify a certificate upon a determination 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 water has been applied to beneficial use to the extent authorized under the terms of the final order approving Transfer Application T-10976 with the modifications as shown in Table 2, above.
2. 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.

Signed at Salem, Oregon this 27 day of April, 2017.



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

Mailing date: MAY 02 2017