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 T-10976, Jackson County)	DETERMINATION OF SATISFACTORY PROOF
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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.

Twp	Dna	Mer					RTIFICATE 79212	NT-4'
	Rng		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	04-4.
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	x.,		
¥Ş	<i>?</i>			. %	n h			
					IGATION		RTIFICATE 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	09-03
38 S	1 W	WM	2	SW SE	0.70	200	LONDON FAMILY TRUST	09-0
38 S	1 W	WM	2	SW SE	0.80	200	LONDON FAMILY TRUST	09-0
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	08-0
38 S	2 W	WM	13	NE NE	0.17	1000	RSM REV. TRUST	04-60-
39 S	2 E	WM	19	SE NW	1.50	504	TRAYNOR	07-2
39 S	1 E	WM	23	SW NW	1.00	1401	FAUDREE	07-1
				Total:	40.20			7
					SUPPLEN	MENTAL IR	RIGATION UNDER CERTIFICA	ATE 8372
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notic
37 S	1 W	WM	35	SW NW	4.92	305	LERNER/QUINT	08-0
		+						
37 S	1 W	WM	35	SW NW	0.03	305	LERNER/QUINT	08-0

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 quarterquarter 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									
Т	D	Man					The state of the s			
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		

PHELPS		0.10	200 21 11	۲	TAT AA		100
HELPS	1704	0.23	SE NW	h	MM	2 E	202
HELPS	1704	0.23	SE NW	5	MM	2 E	40 S
HELPS	1704	0.22	SE NW	-	MM	2 E	40 S
HELPS	1704	0.26	SE NW	_	MM	2 E	40 S
HELPS	1704	0.23	SE NW	\rightarrow	MM	2 E	40 S
HELPS	1704	1.57	SE NW		MM	2 E	40 S
HELPS	1704	1.30	SE NW	5	MM	2 E	40 S
HELPS		2.00	WS WN	-	WM	2 E	39 S
HELPS	+	1.92	NW NE	-	MM	2 W	38 S
HELPS	600	0.80	SE NE	-	MM	2 W	38 S
HELPS		2.20	SW NW	w	MM	2 W	38 S
HELPS		1.00	SW SE	\dashv	MM	2 W	38 S
HELPS	100	1.20	NE NE	-	MM	2 W	38 S
HELPS	905	0.20	SW SE	20	MW	1 E	38 S
HELPS	1604	0.50	SW SE	-	MM	1 W	38 S
HELPS	1604	1.00	SE SW	-	MM	1 W	38 S
HELPS	1604	1.00	NE SW	18	MM	1 W	38 S
HELPS	1604	0.30	NE SW	18	MM	1 W	38 S
HELPS	1000	1.00	WW WW	18	MW	1 W	38 S
HELPS	305	0.08	WS WN	-	MM	1 W	37 S
HELPS	305	0.03	SW NW	35	WM	1 W	37 S
HELPS	305	4.92	SW NW	35	WW	I W	37 S
HELPS HELAN TRUST	Tax Lot	Acres	0-0	Sec	Mer	Rng	Twp
HELPS HELAN TRUST	UNDER CERTIFIC	RRIGATION	EMENTAL I	SUPPL			
PHELPS PH		City	A (
PHELPS PH	1401	1.00	Total:	6.2	TAT AA	1.0	393
PHELPS PH	101	1.50	SE NW	3 5	IN W	1 1 1	2000
PHELPS ILY TRUST	100	0.17	NE NE	5 5	MM	> \ 	300
PHELPS PH	200	1.80	SW SE	07	MM		383
PHELPS PH	1000	0.83	Z	2	×	- ×	38 0
PHELPS PH	-	0.80	SW SE	2	WM	- *	38 S
PHELPS PHELPS PHELPS PHELPS PHELPS PHELPS PHELPS PHELPS ILY TRUST ILY TRUST ILY TRUST ILY TRUST ILY TRUST ILY TRUST		0.70	SW SE	2	WM	W	38 S
PHELPS PHELPS PHELPS PHELPS PHELPS PHELPS PHELPS ILY TRUST ILY TRUST ILY TRUST ILY TRUST ILY TRUST		2.30	NW SE	2	WM	1 W	38 S
PHELPS		17.40	NW SE	2	MM	1 W	38 S
PHELPS		1.20	SE SW	2	WM	1 W	38 S
PHELPS	200 LONDC	4.20	NE SW	2	MM	W I	38 S
PHELPS PHELPS PHELPS PHELPS PHELPS PHELPS PHELPS PHELPS	-	2.20	SE NW	2	MM	W I	38 S
PHELPS PHELPS PHELPS PHELPS PHELPS PHELPS	+	4	SW NE	2	MM	W I	38 S
PHELPS PHELPS PHELPS PHELPS PHELPS	Tax Lot C	Acres	Q-Q	Sec	Mer	Rng	Twp
	DER CERTIFICAT	GATION UN	MARY IRRI	PR			
		20.10	10001	337			
11111	N. F. N.	23 15	Total				
	1704	0.26	SE NW	5	MM		40 S
	1704	0.23	SE NW	S	MM M	2 E	40 S
	1704	0.25	SENW	5	MM	2 E	40 S
+	1704	0.22	SE NW	5	MM	2 E	40 S
1	1704	0.23	SE NW	5	MM	2 E	40 S
	1704	0.23	SE NW	S	MM	2 E	40 S
+	1704	0.22	SE NW	S	MM	2 E	40 S
	1704	0.26	SE NW	S	MM	2 E	40 S
PHELPS 04-40	1704	0.23	SE NW	S	MM	2 E	40 S

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 0.2 2017