BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of the Completion of a)	
Change of Place of Use Authorized by the)	DETERMINATION OF
Final Order Approving District Permanent)	SATISFACTORY PROOF
Transfer T-9616, Deschutes County)	

Authority

OAR 690-385-7600 describes the process for the Water Resources Department to issue a water right certificate upon determination that an applicant has made satisfactory proof of completion of the changes authorized by a final order approving a district permanent transfer.

Applicant

Talent Irrigation District PO Box 467 Talent, OR 97540-0467

Findings of Fact

- On September 29, 2010, the Department issued a final order, recorded in Special Order Volume 81, Pages 999 – 1006, approving district permanent transfer application T-9616.
 The order established October 1, 2012, as the date for completion of the authorized change in place of use.
- 2. On November 14, 2011, the Department received a claim of beneficial use for T-9616.
- 3. On December 6, 2011, the Department received the final clarifications and revisions to the submitted claim of beneficial use.
- 4. The Department reviewed the claim of beneficial use and final proof map submitted by the applicant for district permanent transfer T-9616.
- 5. Since the issuance of the final order approving Transfer Application T-9616 the identification of tax lots related to portion of the transfer have changed. Tax lot identification is further described in the table below:

Twp	Rng	Mer	Sec	Q-Q	Acres	Previous Tax Lot #	Current Tax Lot#	User Name	Notice #
38S	2W	WM	12	NE SW	1.80	1101	700	Marinak	03-8
38S	2W	WM	12	NE SW	1.20	1107	500	Harper	03-8
38S	1E	WM	20	SWSE	3.25	902	901	Perry	03-9

This is a final 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.

6. The order is also issued to clarify the current water user for a portion of the approved transfer. These corrections are further described in the table below:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot #	Water User as indicated on Special Order	Current Water User	Notice #
38S	1E	WM	30	NENW	0.75	2102	Shaver	Shaver/Wimmer	03-6
38S	1E	WM	30	SENW	0.30	2102	Shaver	Shaver/Wimmer	03-6
38S	1E	WM	30	SENW	0.60	2200	Shaver	Shaver/Wimmer	03-6
38S	2W	WM	12	SWNE	1.27	200	Perry	Patterson	03-1
38S	2W	WM	12	NWNE	0.77	207	Patterson	Hoffman	03-2
38S	2W	WM	12	SWNE	1.00	209	Hoffman	Wolfe	03-3
38S	2W	WM	12	SWNE	3.80	216	Wolfe	Burt	03-4
39S	1E	WM	12	NWNE	0.19	343	Settle	Settell	03-3A

7. The Claim of Beneficial Use and associated map for a portion of the transfer were proved up on differently than authorized by the final order and are more completely described in the tables below:

As authorized:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot #	Water User	Notice #
39S	1E	WM	12	NWNE	0.19	343	Settell	03-3A

As identified in the Claim of Beneficial Use and associated map:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot#	Water User	Notice #
39S	1E	WM	12	NWNE	0.01	343	Settell	03-3A
39S	1E	WM	12	SWNE	0.18	343	Settell _	03-3A

- 8. The change described in Finding of Fact #7 is deemed acceptable because the reconfigured change in place of use as mapped and described are determined satisfactory because the reconfiguration does not enlarge the right, are contiguous and under the same water right holder.
- 9. Satisfactory proof of the changes was submitted with evidence showing that water was used in the location and for the purpose as authorized by the final order approving T-9616.

Conclusions of Law

Pursuant to OAR 690-385-7600, the Department may issue a certificate upon a determination that 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 Department has determined that the application of water to beneficial use under the terms of the final order approving district permanent transfer T-9616 was completed to the extent authorized.

determination that it is necessary to produce a certificate describing the right.
Dated at Salem, Oregon this 12 day of December, 2011.
Dwight Soul
Dwight French, Water Right Services Administrator for PHILLIP C. WARD, DIRECTOR
Mailing Date:

2. Pursuant to OAR 690-385-7600, the Department will issue a water right certificate on a