

**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-11705, 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 April 15, 2014, the Department signed a final order, which was mailed on April 23, 2014, and recorded in Special Order Volume 92, Pages 170-175, approving Transfer Application T-11705 involving Certificates 79212 and 83727. The final order established October 1, 2014, 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-11705.
3. The Department reviewed the CBU and map(s) submitted by the applicant for Transfer Application T-11705.
4. On January 12, 2017, the Department received clarifications and corrections to a final proof map submitted with the Claim of Beneficial Use report.
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.

**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.

6. The proposed place of use as approved the final order for Transfer Application T-11705, and as recorded in Special Order Volume 92, Pages 170-175 is shown in the table below:

**Table 1:**

PRIMARY IRRIGATION UNDER CERTIFICATE 79212								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice
39 E	1 E	WM	11	SW SE	2.31	ROW	ODOT	11-4
39 E	1 E	WM	14	NW NE	1.87	ROW	ODOT	11-4
38 E	2 W	WM	1	NW SE	0.28	1500	NICKELL	12-3
38 E	2 W	WM	1	SW SE	0.22	1500	NICKELL	12-3
38 E	2 W	WM	1	SW SE	0.20	1500	NICKELL	13-2
38 E	2 W	WM	12	NW SE	0.28	101	NAUMES	13-1
38 E	2 W	WM	12	SE SE	1.58	101	NAUMES	13-1
38 E	2 W	WM	12	SW SE	6.56	101	NAUMES	13-1
<b>Total:</b>					<b>13.30</b>			
PRIMARY IRRIGATION UNDER CERTIFICATE 83727								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice
39 S	1 E	WM	25	NE SE	2.00	416	TUCKER LOVING TRUST	12-2
38 S	2 W	WM	1	SW SE	0.90	1500	NICKELL	13-2
38 S	2 W	WM	1	NW SE	0.90	1500	NICKELL	13-2
38 S	2 W	WM	1	SW SE	0.90	1500	NICKELL	13-2
<b>Total:</b>					<b>4.70</b>			
SUPPLEMENTAL IRRIGATION UNDER CERTIFICATE 83727								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice
39 S	1 E	WM	11	SW SE	2.31	ROW	ODOT	11-4
39 S	1 E	WM	14	NW NE	1.87	ROW	ODOT	11-4
38 S	2 W	WM	1	NW SE	0.28	1500	NICKELL	12-3
38 S	2 W	WM	1	SW SE	0.22	1500	NICKELL	12-3
38 S	2 W	WM	12	NW SE	0.28	101	NAUMES	13-1
38 S	2 W	WM	12	SE SE	1.58	101	NAUMES	13-1
38 S	2 W	WM	12	SW SE	6.56	101	NAUMES	13-1
38 S	2 W	WM	1	SW SE	0.20	1500	NICKELL	13-2
<b>Total:</b>					<b>13.30</b>			

7. 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-11705.

**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-11705 and shown in Table 1, 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 19 day of January, 2017.



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Dwight French, Water Right Services Administrator, *for*  
Oregon Department of Water Resources

Mailing date: JAN 26 2017