

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-13585, Jackson County	)	A DISTRICT PERMANENT TRANSFER FOR
	)	PLACE OF USE

**Authority**

Oregon Revised Statutes (ORS) 540.570 to 540.580 establish the process in which a district may submit a request to transfer a water right within district boundaries. Oregon Administrative Rule (OAR) Chapter 690, Division 385 implements the statutes and provides the Department’s procedures and criteria for evaluating district transfer applications.

**Applicant**

TALENT IRRIGATION DISTRICT  
PO BOX 467  
TALENT, OR 97540

**Findings of Fact**

1. On December 28, 2020, Talent Irrigation District (TID) filed a district transfer application to permanently change the place of use under Certificates 79212 and 83727. The Department assigned the application number T-13585.
  
2. Notice of the District Permanent Transfer Application was published on January 5, 2021, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
  
1. The U.S. Bureau of Reclamation was notified of the transfer application on January 5, 2021; no comments were received within 90 days of the notification.
  
2. The portion of the first right to be transferred is as follows:
  - Certificate:** 79212 in the name of TALENT IRRIGATION DISTRICT) perfected under Permits S-1382, S-1383, and S-4537)
  - Priority Date:** MAY 23, 1912
  - Use:** PRIMARY IRRIGATION of 4.93 ACRES
  - Rate & Duty:** The amount of water used for irrigation, together with the amount secured under any other prior right existing for the same lands, is limited to a

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

Within 20 days after this final order is issued (i.e., mailing date), the district or any protestant may file with the commission exceptions to the final order. The commission shall issue an order granting or denying the exceptions within 30 days after receiving the exceptions. ORS 540.580(10).

diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) for each acre irrigated during the irrigation season of each year.

**Authorized Source**

Source	Trib.	Priority Date	Twp	Rng	Mer	Sec	Q-Q	Measured Distances/Description
Emigrant Creek	Bear Creek	05/23/1912	39 S	2 E	WM	20	SE SE	POINT OF DIVERSION IS LOCATED AT THE TOE OF EMIGRANT DAM
Keene Creek and Keene Creek Reservoir (Hyatt Reservoir)	Jenny Creek	05/23/1912	--	--	--	--	--	SOURCES ARE TRIBUTARIES OF JENNY CREEK IN THE KLAMATH RIVER BASIN. LIMITED TO 100 CFS

**Authorized Place of Use:**

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Glot	Acres	Tax	Water User	Notice
38 S	1 W	WM	10	NW NE	3	1.00	100	ARROWHEAD RANCH HOLDING LLC	20-2
38 S	1 W	WM	10	NW NE	3	1.00	100	ARROWHEAD RANCH HOLDING LLC	20-3
38 S	1 W	WM	25	SW NW		0.03	8200	COTA HOMES LLC	19-3
38 S	1 W	WM	25	NE SW		1.20	300	COTA-MAHAR LLC	19-3
38 S	1 W	WM	25	NW SW		0.80	300	COTA-MAHAR LLC	19-3
38 S	1 W	WM	25	NW SW		0.90	8200	COTA HOMES LLC	19-3
<b>Total:</b>						<b>4.93</b>			

3. Transfer Application T-13585 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	Tax Lot	Water User	Notice
38 S	1 E	WM	30	NE SE		0.30	3000	ASHLEY COUNTY ESTATES LLC	20-3
38 S	1 E	WM	30	NW SE		0.70	3000	ASHLEY COUNTY ESTATES LLC	20-3
39 S	1 E	WM	24	NE NE		0.25	102	COTA	19-3
39 S	1 E	WM	24	SE NE		2.68	102	COTA	19-3
40 S	2 E	WM	5	NE NE	38	1.00	200	LIEBER	20-2
<b>Total:</b>						<b>4.93</b>			

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

**Certificate:** 83727 in the name of U. S. Bureau of Reclamation, (perfected under Permit S-25915)

**Priority Date:** SEPTEMBER 16, 1915

**Use:** PRIMARY IRRIGATION OF 6.69 ACRES and SUPPLEMENTAL IRRIGATION of 4.93 ACRES

**Rate & Duty:** The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent), and 4.5 acre-feet for each acre irrigated during the irrigation season of each year, PROVIDED that the combined uses of water under permits 25915 and 25916,



and all certificates issued in respect thereto, shall not exceed the maximum rate listed for each source above, at any one point in time.

**Authorized Source, Tributaries, and Points of Diversion:**

Source	Tributary	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Emigrant Creek and Emigrant Reservoir	Bear Creek	39 S	2 E	WM	20	SE SE	The point of diversion is located at the outlet of Emigrant Reservoir.
South Fork Little Butte Creek	Little Butte Creek	37 S	4 E	WM	16	SE SE	1240 FEET NORTH AND 1100 FEET WEST FROM THE SE1/4 CORNER OF SECTION 16
Conde Creek	South Fork Little Butte Creek	38 S	3 E	WM	9	SW SW	1320 FEET NORTH AND 600 FEET EAST FROM THE SW CORNER OF SECTION 9
Dead Indian Creek	South Fork Little Butte Creek	38 S	3 E	WM	15	SE SW	1310 FEET NORTH AND 1100 FEET WEST FROM THE SOUTH ¼ CORNER OF SECTION 15
Daley Creek	South Fork Little Butte Creek	37 S	4 E	WM	34	SW SE	750 FEET NORTH AND 480 FEET EAST FROM THE SOUTH ¼ CORNER OF SECTION 34
Beaver Dam Creek	South Fork Little Butte Creek	38 S	4 E	WM	4	NE SW	2000 FEET NORTH AND 1800 FEET EAST FROM THE SW CORNER OF SECTION 4
Pole Bridge Creek	South Fork Little Butte Creek	37 S	4 E	WM	28	SE NW	1380 FEET SOUTH AND 2000 FEET EAST FROM THE NW CORNER OF SECTION 28
Deadwood Creek	South Fork Little Butte Creek S	38 S	4 E	WM	6	NE SE	Not specified on certificate.
Keene Creek and Keene Creek Reservoir	Jenny Creek	39 S	3 E	WM	16	SE SE	HYATT RESERVOIR; 15 FEET NORTH AND 1200 FEET WEST FROM THE SE CORNER OF SECTION 16
Keene Creek and Keene Creek Reservoir	Jenny Creek	39 S	3 E	WM	20	SE SE	REDIVERSION AT LITTLE HYATT POOL DIVERSION; 800 FEET NORTH AND 750 FEET WEST FROM THE SE CORNER OF SECTION 20
Keene Creek and Keene Creek Reservoir	Jenny Creek	39 S	3 E	WM	33	SW SW	KEENE CREEK DIVERSION DAM (beginning of Green Springs Tunnel); 1200 FEET NORTH AND 1200 FEET EAST FROM THE SW CORNER OF SECTION 33
Grizzly Creek and Howard Prairie Reservoir	Jenny Creek	38 S	4 E	WM	32	E1/2 of SW1/4	Not specified on certificate

**Authorized Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
37 S	1 W	WM	26	SE SW	5.70	104	MAHAR/DUKE/QUAIL RUN LLC	19-2
37 S	1 W	WM	26	SW SE	0.02	104	MAHAR/DUKE/QUAIL RUN LLC	19-2
38 S	2 W	WM	2	NW NE	0.42	4200	COTA-MAHAR LLC	19-3
39 S	1 E	WM	12	NW NW	0.55	318	SHAHIN / SORIANO	20-1
<b>Total:</b>						<b>6.69</b>		

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Tax Lot	Water User	Notice
38 S	1 W	WM	10	NW NE	3	1.00	100	ARROWHEAD RANCH HOLDING LLC	20-2
38 S	1 W	WM	10	NW NE	3	1.00	100	ARROWHEAD RANCH HOLDING LLC	20-3
38 S	1 W	WM	25	SW NW		0.03	8200	COTA HOMES LLC	19-3
38 S	1 W	WM	25	NE SW		1.20	300	COTA-MAHAR LLC	19-3
38 S	1 W	WM	25	NW SW		0.80	300	COTA-MAHAR LLC	19-3
38 S	1 W	WM	25	NWSW		0.90	8200	COTA HOMES LLC	19-3
<b>Total:</b>						<b>4.93</b>			

5. Transfer Application T-13585 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
38 S	1 E	WM	20	SW NE	2.71	501	RANCH AT 42 LLC	19-2
38 S	1 E	WM	20	NW SE	3.01	501	RANCH AT 42 LLC	19-2
38 S	2 W	WM	13	SE NW	0.35	2621	TUTLAND	20-1
38 S	2 W	WM	13	NE SW	0.20	2621	TUTLAND	20-1
39 S	1 E	WM	24	SE NE	0.42	102	COTA	20-1
<b>Total:</b>					<b>6.69</b>			

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	Tax Lot	Water User	Notice
38 S	1 E	WM	30	NE SE		0.30	3000	ASHLEY COUNTY ESTATES LLC	20-3
38 S	1 E	WM	30	NW SE		0.70	3000	ASHLEY COUNTY ESTATES LLC	20-3
39 S	1 E	WM	24	NE NE		0.25	102	COTA	19-3
39 S	1 E	WM	24	SE NE		2.68	102	COTA	19-3
40 S	2 E	WM	5	NE NE	38	1.0	200	LIEBER	20-2
<b>Total:</b>						<b>4.93</b>			

6. The Department finds that the district permanent transfer application was submitted according to ORS 540.580 and OAR 690-385-4000, contains the information required under OARs 690-385-4200 and 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.
7. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
8. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
9. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
10. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.



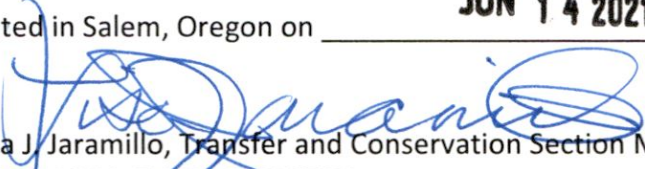
## Conclusions of Law

The proposed changes in place of use as proposed in Transfer Application T-13585 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

### Now, therefore, it is ORDERED:

1. The proposed changes in place of use to the water rights evidenced by Certificates 79212 and 83727 are approved.
2. The places of use from which the water rights are transferred off by Transfer T13585 shall no longer be irrigated, and are cancelled from Certificates 79212 and 83727.
3. The right to the use of the water at the places of use NOT modified by this order is restricted to beneficial and is subject to all other conditions and limitations contained in Certificates 79212 and 83727.
4. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. A Claim of Beneficial Use shall be submitted by TID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. Water right Certificates 79212 and 83727 are modified. After satisfactory proof of completion has been determined by the Department, superseding water right certificates will be issued when the Department determines it is necessary for record keeping.

Dated in Salem, Oregon on JUN 14 2021

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources Department

Mailing Date: JUN 15 2021