

**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)
 Final Order Approving District Permanent)
 Transfer T-10485, Jackson County)

DETERMINATION OF
 SATISFACTORY PROOF

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

1. On June 27, 2011, the Department issued a final order, recorded in Special Order Volume 84, Pages 600 - 608, approving district permanent transfer application T-10485. The order established October 1, 2012, as the date for completion of the authorized change in place of use.
2. On November 18, 2011, the Department received a claim of beneficial use for T-10485.
3. On December 19, 2011, the Department received the final clarifications to the submitted Claim of Beneficial Use.
4. The Department reviewed the Claim of Beneficial Use and final proof maps submitted by the applicant for district permanent Transfer Application T-10485.
5. Since the issuance of the final order approving Transfer Application T-10485 the identification of tax lots related to portion a 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 # |
|-----|-----|-----|-----|------|-------|--------------------|-------------------|-----------|----------|
| 39S | 1E | WM | 13 | SWSW | 0.10 | 2508 | 1500 | Brim | 05-37 |
| 39S | 1E | WM | 24 | NWNW | 1.30 | 2508 | 1500 | Brim | 05-37 |
| 39S | 2E | WM | 19 | SESE | 1.00 | 2102 | 2105 | Lofthouse | 05-21 |
| 39S | 2E | WM | 20 | NWSW | 1.10 | 502 | 503 | AlgoSaibi | 05-34 |

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 updates 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 # |
|-----|-----|-----|-----|------|-------|-----------|--|--------------------|----------|
| 39S | 1E | WM | 11 | NESW | 5.00 | 200 | Felger | Terwilliger | 06-11 |
| 38S | 1W | WM | 18 | NWSE | 0.40 | 302 | Loogman | Jones | 06-3 |
| 39S | 2E | WM | 19 | SESE | 1.00 | 120 | Johnson | Haxton | 05-18 |
| 39S | 2E | WM | 19 | SWNE | 2.00 | 105 | Milroy | Woods | 05-28 |
| 39S | 2E | WM | 19 | SENE | 1.00 | 106 | Meek | Marokus | 05-30 |

7. Upon review of the Claim of Beneficial Use and associated maps a scrivener's error was discovered. The following tables more fully describe the error and correction:

As listed in Special Order Volume 84, Page 607

| Twp | Rng | Mer | Sec | Q-Q | Acres | Tax Lot # | User Name | Notice # |
|-----|-----|-----|-----|------|-------|-----------|------------|----------|
| 38S | 1W | WM | 2 | SESE | 0.80 | 2506 | Saddington | 06-13 |

As corrected:

| Twp | Rng | Mer | Sec | Q-Q | Acres | Tax Lot # | User Name | Notice # |
|-----|------------|-----|-----|------|-------|-----------|------------|----------|
| 38S | 2W* | WM | 2 | SESE | 0.80 | 206 | Saddington | 06-13 |

*indicates column that contains a correction

8. 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-10485.

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-10485 was completed to the extent authorized.
2. Pursuant to OAR 690-385-7600, the Department will issue a water right certificate, including the correction outlines in Finding of Fact #7, on a determination that it is necessary to produce a certificate describing the right.

Dated at Salem, Oregon this 21 day of December, 2011.


 Dwight French, Water Right Services Administrator for
 PHILLIP C. WARD, DIRECTOR

Mailing Date: DEC 22 2011