

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

In the Matter of Transfer Application) **F I N A L O R D E R**
T-9837, Jackson County) **APPROVING A DISTRICT**
) **PERMANENT TRANSFER**

ORS 540.570 to 540.580 establishes the process in which a district may submit a request to transfer a water right within district boundaries. 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

Background

1. On December 20, 2004, Talent Irrigation District filed an application to change the place of use under Permit S-25915. The Department assigned the application number T-9837.
2. On January 11, 2005, notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. On January 10, 2008, the Department determined Permit S-25915 perfected and issued Water Right Certificate 83727 in the name of the U.S. Bureau of Reclamation.
4. The portion of the right to be transferred is as follows:

Certificate: 83727 in the name of U.S. BUREAU OF RECLAMATION (perfected under Permit S-25915)

Use: IRRIGATION

Priority Date: SEPTEMBER 6, 1915; JUNE 8, 1953, for Soda and Little Beaver Creeks

Rate & Duty: One-fortieth of one cubic foot per second and 4.5 acre-feet for each acre irrigated during the irrigation season. Further limited to not more than the rate specified by source and a total diversion not to exceed 250.0 cfs from all sources

This is a final order in other than 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 137-004-080 and OAR 690-01-005 you may either 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.

Sources: Emigrant Creek, Emigrant Reservoir, Conde Creek, Dead Indian Creek, Daley Creek, Beaver Dam Creek, Pole Bridge Creek, Deadwood Creek, Keene Creek and Keene Reservoir, Jenny Creek, Grizzly Creek and Howard Prairie Reservoir, Soda Creek and Little Beaver Creek

Authorized Points of Diversion:

TWP	RNG	MER	SEC	Q-Q	SURVEY COORDINATES
37 S	4 E	WM	16	SE SE	1240 FEET NORTH & 1100 FEET WEST FROM SOUTHEAST CORNER, SECTION 16
37 S	4 E	WM	28	SE NW	1380 FEET SOUTH & 2000 FEET EAST FROM NW CORNER, SECTION 28
37 S	4 E	WM	34	SW SE	750 FEET NORTH & 480 FEET EAST FROM SOUTH 1/4 CORNER, SECTION 34
38 S	3 E	WM	9	SW SW	1320 FEET NORTH & 600 FEET EAST FROM SW CORNER, SECTION 9
38 S	3 E	WM	15	SE SW	1310 FEET NORTH & 1100 FEET WEST FROM SOUTH 1/4 CORNER, SECTION 15
38 S	4 E	WM	4	NE SW	2000 FEET NORTH & 1800 FEET EAST FROM SW CORNER, SECTION 4
38 S	4 E	WM	6	NE SE	NONE GIVEN
38 S	4 E	WM	32	NE SW	EAST 1/2 OF SW 1/4 OF SECTION 32
39 S	3 E	WM	16	SE SE	15 FEET NORTH AND 1200 FEET WEST FROM SE CORNER, SECTION 16
39 S	3 E	WM	20	SE SE	EMIGRANT RESERVOIR
39 S	3 E	WM	20	SE SE	800 FEET NORTH AND 750 FEET WEST OF SE CORNER, SECTION 20
39 S	3 E	WM	33	SW SW	1200 FEET NORTH AND 1200 FEET EAST FROM SW CORNER, SECTION 33
39 S	4 E	WM	8	SW NW	2200 FEET SOUTH & 60 FEET EAST FROM NW CORNER, SECTION 8
39 S	4 E	WM	19	SE SW	600 FEET NORTH & 1930 FEET EAST FROM SW CORNER, SECTION 19

Authorized Place of Use:

TWP	RNG	MER	SEC	Q-Q	TAXLOT	ACRES	USER	NOTICE #
37 S	1 W	WM	27	SW NW	500	3.16	Crystal Springs	03-7
37 S	1 W	WM	27	SW NW	700	0.40	R. Hutchins	03-5
37 S	1 W	WM	27	SE NW	500	0.84	Crystal Springs	03-7
37 S	1 W	WM	27	SE NW	700	1.10	R. Hutchins	03-5
37 S	1 W	WM	27	NE SW	700	2.00	R. Hutchins	03-5
37 S	1 W	WM	27	NW SW	700	0.95	R. Hutchins	03-5
TOTAL:						8.45		

5. Application T-9837 proposes to change the place of use of the right to:

TWP	RNG	MER	SEC	Q-Q	TAXLOT	ACRES	USER	NOTICE #
37 S	1 W	WM	35	NE NW	400	0.12	Boylan Family Trust	03-5
37 S	1 W	WM	35	NE NW	400	0.49	Boylan Family Trust	03-5
37 S	1 W	WM	35	NE NW	400	3.84	Boylan Family Trust	03-5
38S	1 W	WM	18	SW NE	600	1.32	T. McGill	03-7
38S	1 W	WM	18	SE NW	600	2.68	T. McGill	03-7
TOTAL:						8.45		

6. Certificate 83727 also includes supplemental irrigation water rights which are not appurtenant to the authorized places of use, and therefore are not affected by T-9837.

Transfer Review Criteria (OAR 690-385-5000)

- 7. The district permanent transfer application satisfies the criteria of OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
- 8. The water right is subject to transfer as defined in OAR 690-385-0100(17).
- 9. The proposed change in place of use would not result in enlargement of the right.
- 10. The proposed change in place of use would not result in injury to other water rights

Conclusions of Law


The proposed changes in places of use in application T- 9837 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

- 1. The Department approves the proposed changes in places of use to the water rights evidenced by Water Right Certificate 83727.
- 2. The right to the use of the water is restricted to beneficial use at the places of use described and is subject to all other conditions and limitations contained in Certificate 83727 and any related decree.
- 3. The former places of use shall no longer be irrigated as part of this water right.
- 4. The proposed changes shall be completed on or before October 1, 2009.
- 5. A Claim of Beneficial Use shall be submitted by the applicant to the Department by October 1, 2010.

6. Certificate 83727 is hereby modified. The Department will issue a superseding certificate describing the right when it determines that it is necessary for record keeping.

Dated at Salem, Oregon this 26th day of December, 2008.


Phillip C. Ward, Director

Mailing Date: JAN 02 2009