

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-11496, Jackson County) DISTRICT PERMANENT TRANSFER

Authority

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

1. On December 3, 2012, 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-11496.
2. Notice of the application for transfer was published on December 11, 2012, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the first right to be transferred is as follows:

Certificate: 79212, in the name of TALENT IRRIGATION DISTRICT (perfected under Permit S-1382)

Use: IRRIGATION of 7.98 acres

Authorized Source, Tributary, Priority Date and description of points of diversion:

Source	Tributary	Priority Date	Twp	Rng	Mer	Sec	Q-Q	Measured Distances/Description
Emigrant Creek	Bear Creek	5/23/1912	39S	2E	WM	20	SE SE	POINT OF DIVERSION IS LOCATED AT THE TOE OF EMIGRANT DAM
McDonald Creek	Little Applegate River	8/20/1915	40S	1W	WM	10	SE SE	INTO MCDONALD CREEK CANAL:700 FEET NORTH AND 300 FEET WEST FROM THE SE CORNER OF SECTION 10
Greeley Creek	Little Applegate River	8/20/1915	40S	1W	WM	3	NW SE	INTO MCDONALD CREEK CANAL: 2400 FEET NORTH AND 2300 FEET WEST FROM THE SE CORNER OF SECTION 3
Bear Creek	Rogue River	7/31/1915	38S	1E	WM	33	SE SW	OAK STREET DAM: 150 FEET NORTH AND 2020 FEET EAST FROM THE SW

This is an 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.

Source	Tributary	Priority Date	Twp	Rng	Mer	Sec	Q-Q	Measured Distances/Description
								CORNER OF SECTION 33
Neil Creek	Bear Creek	7/31/1915	39S	2E	WM	30	SE SW	ASHLAND LATERAL: 600 FEET NORTH AND 1350 FEET EAST FROM THE SW CORNER OF SECTION 30
Ashland Creek	Bear Creek	7/31/1915	39S	1E	WM	4	NE NW	710 FEET SOUTH AND 2000 FEET EAST FROM THE NW CORNER OF SECTION 4
Emigrant Creek	Bear Creek	7/31/1915	40S	2E	WM	2	SW NE	ASHLAND LATERAL: 520 FEET NORTH AND 1900 FEET WEST FROM THE E1/4 CORNER OF SECTION 2
Wagner Creek	Bear Creek	7/31/1915	39S	1W	WM	2	SW SE	UPPER WEST LATERAL: 100 FEET NORTH AND 1800 FEET WEST FROM THE SE CORNER OF SECTION 2
Wagner Creek	Bear Creek	7/31/1915	38S	1W	WM	35	SE SW	WEST LATERAL: 600 FEET NORTH AND 3600 FEET WEST FROM THE SE CORNER OF SECTION 35
Anderson Creek	Bear Creek	7/31/1915	38S	1W	WM	33	NE SE	2100 FEET NORTH AND 600 FEET WEST FROM THE SE CORNER OF SECTION 33
Anderson Creek	Bear Creek	7/31/1915	38S	1W	WM	34	NE NW	WEST LATERAL: 800 FEET SOUTH AND 2400 FEET EAST FROM THE NW CORNER OF SECTION 34
Anderson Creek	Bear Creek	7/31/1915	38S	1W	WM	27	NE NW	TALENT MIDDLE CANAL: 4000 FEET NORTH AND 2500 FEET EAST FROM THE SW CORNER OF SECTION 27
Coleman Creek	Bear Creek	9/06/1915	38S	1W	WM	20	SE NW	2100 FEET SOUTH AND 1500 FEET EAST FROM THE NW CORNER OF SECTION 20
Coleman Creek	Bear Creek	9/06/1915	38S	1W	WM	17	SE SE	TALENT MIDDLE CANAL: 900 FEET NORTH AND 1100 FEET WEST FROM THE SE CORNER OF SECTION 17
Kenutchen Creek (Knudsen Creek)	Bear Creek	9/06/1915	38S	1E	WM	18	SW NW	1450 FEET SOUTH AND 700 FEET EAST FROM THE NW CORNER OF SECTION 18
Meyers Creek (Myers Creek)	Bear Creek	9/06/1915	38S	1E	WM	20	SE SE	700 FEET NORTH AND 20 FEET WEST FROM THE SE CORNER OF SECTION 20
Butler Creek	Bear Creek	9/06/1915	38S	1E	WM	28	SE NW	2500 FEET SOUTH AND 2000 FEET EAST FROM THE NW CORNER OF SECTION 28
Keene Creek and Keene Creek Reservoir (Hyatt Reservoir)	Jenny Creek	5/23/1912	--	--	--	--	--	SOURCES ARE TRIBUTARIES OF JENNY CREEK IN THE KLAMATH RIVER BASIN. LIMITED TO 100 CFS
Keene Creek	Jenny Creek	9/06/1915	39S	3E	WM	16	SE SE	HYATT RESERVOIR; 15 FEET NORTH AND 1200 FEET WEST FROM THE SE CORNER OF SECTION 16
Keene Creek	Jenny Creek	9/06/1915	39S	3E	WM	20	SE SE	REDIVERSION-LITTLE HYATT POOL DIVERSION; 800 FEET NORTH AND 750 FEET WEST FROM THE SE CORNER OF SECTION 20
Keene Creek	Jenny Creek	9/06/1915	39S	3E	WM	33	SW SW	REDIVERSION AT KEENE CREEK DIVERSION DAM (beginning of Green Springs Tunnel); 1200 FEET NORTH AND 1200 FEET EAST FROM THE SW CORNER OF SECTION 33

Source	Tributary	Priority Date	Twp	Rng	Mer	Sec	Q-Q	Measured Distances/Description
Emigrant Reservoir	Emigrant Creek	1/27/1920	39S	2E	WM	20	SE SE	POINT OF DIVERSION IS LOCATED AT THE TOE OF EMIGRANT DAM

Authorized Places of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice
38S	1E	WM	32	SW SW	1.40	2201	GREENE TRUST	09-6
38S	1E	WM	32	SE SE	1.60	2201	GREENE TRUST	09-6
38S	1W	WM	12	SE NW	2.00	400	QUINOWSKI	10-1
38S	1W	WM	12	NE SW	2.05	400	QUINOWSKI	10-1
38S	2W	WM	2	SW NE	0.05	4100	SW MEDFORD	11-1
38S	1W	WM	23	SE SW	0.22	1200	LATVALA	11-2
38S	1W	WM	10	NW NW	0.23	100	ARROWHEAD	11-3
38S	1W	WM	10	NE NW	0.43	100	ARROWHEAD	11-5
Total:					7.98			

4. Transfer Application T-11496 proposes to change the places of use to:

Proposed Places of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice
38S	1E	WM	32	SW SW	1.40	2201	GREENE TRUST	09-6
38S	1E	WM	32	SE SE	1.60	2201	GREENE TRUST	09-6
38S	1W	WM	12	SE NW	4.05	400	QUINOWSKI	10-1
37S	2W	WM	33	SW SW	0.05	1402	MARCA	11-1
39S	1E	WM	14	SE SW	0.22	5600	HARRIS	11-2
38S	2W	WM	2	NE SE	0.23	3500	MERCIER	11-3
38S	2W	WM	3	NE NE	0.32	6500	SABO	11-5
38S	2W	WM	3	NW SE	0.11	6500	SABO	11-5
Total:					7.98			

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

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

Use: Primary Irrigation of 10.47 acres and Supplemental Irrigation of 7.98 acres

Priority Dates: June 8, 1953 for Soda Creek and Little Beaver Creek and September 6, 1915 for all other streams.

Authorized Source, Tributaries and description of points of diversion:

Source	Tributary	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Emigrant Creek and Emigrant Reservoir	Bear Creek	39S	2E	WM	20	SE SE	THE POINT OF DIVERSION IS LOCATED AT THE OUTLET OF EMIGRANT RESERVOIR.
South Fork Little Butte Creek	Little Butte Creek	37S	4E	WM	16	SE SE	1240 FEET NORTH AND 1100 FEET WEST FROM THE SE 1/4 CORNER OF SECTION 16
Conde Creek	South Fork Little Butte Creek	38S	3E	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	38S	3E	WM	15	SE SW	1310 FEET NORTH AND 1100 FEET WEST FROM THE SOUTH 1/4 CORNER

Source	Tributary	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
							OF SECTION 15
Daley Creek	South Fork Little Butte Creek	37S	4E	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	38S	4E	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	37S	4E	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	38S	4E	WM	6	NE SE	NOT SPECIFIED ON CERTIFICATE.
Keene Creek and Keene Creek Reservoir	Jenny Creek	39S	3E	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	39S	3E	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	39S	3E	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	38S	4E	WM	32	E 1/2 of SW 1/4	NOT SPECIFIED ON CERTIFICATE
Soda Creek	Grizzly Creek	39S	4E	WM	8	SW NW	2200 FEET SOUTH AND 60 FEET EAST FROM THE NW CORNER OF SECTION 8
Little Beaver Creek	Jenny Creek	39S	4E	WM	19	SE SW	600 FEET NORTH AND 1930 FEET EAST FROM THE SW CORNER OF SECTION 19

Authorized Places of Use:

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice
37S	1W	WM	34	SE NW	2.40	1201	MAHAR	07-2
37S	1W	WM	34	NE SW	0.60	1201	MAHAR	07-2
37S	1W	WM	27	NW SE	0.50	1000	CRYSTAL SPRS DEV	08-1
38S	2W	WM	2	NW NE	1.69	4000	SW MEDFORD LLC	11-1
38S	2W	WM	2	NW NE	5.16	4100	SW MEDFORD LLC	11-1
38S	2W	WM	2	NW NE	0.12	4100	SW MEDFORD LLC	11-1
Total:					10.47			

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice
38S	1E	WM	32	SW SW	1.40	2201	GREENE	09-6
38S	1E	WM	32	SE SE	1.60	2201	GREENE	09-6
38S	1W	WM	12	SE NW	2.00	400	QUINOWSKI	10-1
38S	1W	WM	12	NE SW	2.05	400	QUINOWSKI	10-1
38S	2W	WM	2	SW NE	0.05	4100	SW MEDFORD LLC	11-1
38S	1W	WM	23	SE SW	0.22	1200	LATVALA	11-2

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice
38S	1W	WM	10	NW NW	0.23	100	ARROWHEAD	11-3
38S	1W	WM	10	NE NW	0.43	100	ARROWHEAD	11-5
Total:					7.98			

6. Transfer Application T-11496 proposes to change the places of use to:

Proposed Places of Use:

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice
39S	1E	WM	2	SE NE	0.40	227	BEEMAN/WATKINS	07-2
39S	1E	WM	2	NE SE	2.60	227	BEEMAN/WATKINS	07-2
39S	1E	WM	15	SW SE	0.50	1500	ADAM	8-1
37S	2W	WM	33	SW SW	0.25	1402	MARCA	11-1
37S	2W	WM	33	SE SW	0.80	1402	MARCA	11-1
38S	2W	WM	4	NW NW	0.70	1402	MARCA	11-1
38S	2W	WM	4	NE NW	0.20	1402	MARCA	11-1
38S	2W	WM	4	NW NW	2.80	2902	MARCA	11-1
38S	2W	WM	4	NE NW	2.10	2902	MARCA	11-1
38S	2W	WM	2	NW NE	0.12	4200	SW MEDFORD LLC	11-1
Total:					10.47			

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice
38S	1E	WM	32	SW SW	1.40	2201	GREENE TRUST	09-6
38S	1E	WM	32	SE SE	1.60	2201	GREENE TRUST	09-6
38S	1W	WM	12	SE NW	4.05	400	QUINOWSKI	10-1
37S	2W	WM	33	SW SW	0.05	1402	MARCA	11-1
39S	1E	WM	14	SE SW	0.22	5600	HARRIS	11-2
38S	2W	WM	2	NE SE	0.23	3500	MERCIER	11-3
38S	2W	WM	3	NE NE	0.32	6500	SABO	11-5
38S	2W	WM	3	NW SE	0.11	6500	SABO	11-5
Total:					7.98			

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 rights are subject to transfer as defined in OAR 690-385-0100(17).
9. The proposed change in places of use will not result in enlargement of the rights.
10. The proposed change in places of use will not result in injury to other water rights.

Conclusions of Law

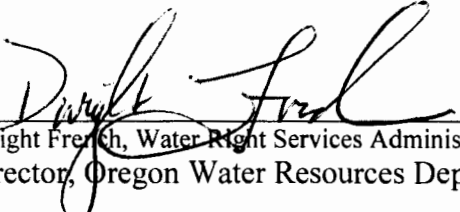
The proposed changes in place of use as proposed in Transfer Application T-11496 satisfy the requirements of ORS 540.574(3) and 540.580.

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 right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 79212 and 83727 and any related decree.
3. The former places of use shall no longer be irrigated as part of these water rights.
4. The water user shall maintain and operate the existing measurement devices 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, 2015**. A Claim of Beneficial Use shall be submitted by Talent Irrigation District 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. The Department will issue superseding certificates describing the rights when it determines it is necessary for record keeping.

Dated at Salem, Oregon this 19 day of June, 2014.


Dwight French, Water Right Services Administrator for
Director, Oregon Water Resources Department

Mailing Date: JUL 02 2014