

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-12238, Jackson County) DISTRICT PERMANENT TRANSFER

Authority

ORS 540.570 and 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

MEDFORD IRRIGATION DISTRICT
PO BOX 70
JACKSONVILLE, OR 97530

Findings of Fact

1. On January 5, 2016, Medford Irrigation District (MID) filed a district transfer application to permanently change the place of use under Certificates 83381, 83383, 80578, 83728, and water use Permit S-4951. The Department assigned the application number T-12238.
2. Notice of the application for transfer was published on January 5, 2016, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the primary right to be transferred is as follows:

Certificate: 83381 (perfected under Permit E-19), in the name of Medford Irrigation District
Use: Primary Irrigation of 2.50 acres

Priority Date: July 23, 1909

Source: North and South Forks Little Butte Creek, tributaries of Little Butte Creek

Limit/Duty: The amount of water to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 88.87 cubic feet per second (cfs) into Medford Canal at Bradshaw Drop. The total diversions through the Main Canal from North Fork and South Fork of the Little Butte Creek shall not exceed 140 cfs at any one time, being 50 cfs for Rogue River Valley Irrigation District and 90 cfs for Medford Irrigation District. Total diversions from South Fork Little Butte Creek shall not exceed 100 cfs at any one time. The amount of water used for irrigation is limited to 1/100th of one cubic foot per second or its equivalent for each acre irrigated during the season.

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.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
36 S	1 E	WM	8	SW SW	NOT SPECIFIED ON CERTIFICATE
36 S	2 E	WM	20	SE NE	40 FEET NORTH AND 620 FEET WEST FROM THE E1/4 CORNER OF SECTION 20
36 S	2 E	WM	29	NE SE	780 FEET SOUTH AND 400 FEET WEST FROM THE E1/4 CORNER OF SECTION 29

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Me	Sec	Q-Q	Acres	Tax Lot	Water User	DINN
37 S	2 W	WM	26	NE NE	1.00	2700	MID	15-01
37 S	2 W	WM	26	NE NE	0.50	1600	MID	15-01
38 S	1 W	WM	10	NW NW	1.00	102	MID	15-01
Total:					2.50			

4. Transfer Application T-12238 proposes to change the place of use of the above described right to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	DINN
37 S	2 W	WM	34	SE SE	1.50	201	Watson	15-01
36 S	1 W	WM	36	NE SE	1.00	2400	Holstien	15-01
Total:					2.50			

5. The portion of the first supplemental right to be transferred are as follows:

Certificate: 83383 (perfected under Permit S-407), in the name of Medford Irrigation District

Use: Supplemental Irrigation of 2.50 acres

Priority Date: March 31, 1910

Limit/Duty: The amount of water to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 88.87 cubic feet per second into Medford Canal at Bradshaw Drop. Further, the amount of water is limited to ONE-EIGHTIETH of one cfs per acre for each acre irrigated during the irrigation season of each year.

Source: Water is conveyed from Four Mile Reservoir, via the Cascade Canal and stored in Fish Lake Reservoir. Water is re-diverted and released into the main canal then split between the Hopkins Canal and the Medford Canal.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distance
36 S	2 E	WM	8	SW SW	NOT SPECIFIED ON CERTIFICATE
36 S	2 E	WM	20	SE NE	40 FEET NORTH AND 620 FEET WEST FROM THE E1/4 CORNER OF SECTION 20
36 S	5 E	WM	9	SW NW	3600 FEET NORTH AND 4200 FEET EAST FROM THE SW CORNER OF SECTION 9
37 S	4 E	WM	4	SE SE	4000 FEET SOUTH AND 600 FEET EAST FROM THE NE CORNER OF SECTION 4

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	DINN
37 S	2 W	WM	26	NE NE	1.00	2700	MID	15-01
37 S	2 W	WM	26	NE NE	0.50	1600	MID	15-01
38 S	1 W	WM	10	NW NW	1.00	102	MID	15-01
Total:					2.50			

6. Transfer Application T-12238 proposes to change the place of use of the above described right to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	DINN
37 S	2 W	WM	34	SE SE	1.50	201	Watson	15-01
36 S	1 W	WM	36	NE SE	1.00	2400	Holstien	15-01
Total:					2.50			

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

Certificate: 80578, (perfected under Permit S-2382 and as amended by orders dated February 2, 1921 and June 14, 1921) in the name of Medford Irrigation District

Use: Supplemental Irrigation of 1.50 acres

Priority Date: March 1, 1915

Source: Bear Creek, tributary to the Rogue River

Limit/Duty: This right is limited to 60 cfs, measured at the point of diversion. Further, the amount of water is limited to ONE-EIGHTIETH of one cfs per acre for each acre irrigated during the irrigation season

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
38 S	1 W	WM	23	SW NE	1500 FEET NORTH AND 100 FEET EAST FROM THE SE CORNER OF DLC 59

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	DINN
37 S	2 W	WM	26	NE NE	1.00	2700	MID	15-01
37 S	2 W	WM	26	NE NE	0.50	1600	MID	15-01

8. Transfer Application T-12238 proposes to change the place of use of the above described right to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	DINN
36 S	2 W	WM	34	SE SE	1.50	201	Watson	15-01

9. The portion of the third supplemental right to be transferred is as follows:

Certificate: 83728, (perfected under Permit S-25915) in the name of U. S. Bureau of Reclamation

Use: Supplemental Irrigation of 2.50 acres

Priority Date: June 8, 1953 for Soda Creek and Little Beaver Creek and September 6, 1915 for all other streams. March 1, 1915

Source: Bear Creek, tributary to the Rogue River

Limit/Duty: This right is limited to 136 cfs from Keen Creek, Little Beaver Creek, Soda Creek, and Grizzly Creek (tributaries of Jenny Creek) tributaries of Klamath River and from Howard Prairie and Hyatt Prairie Reservoirs through the Green Springs Power Conduit into Emigrant Creek and thence into the through Emigrant Reservoir.

This right is further limited to 60 cfs from the South Fork of Little Butte Creek and its tributaries (Polebridge Creek, Daley Creek, Beaver Dam creek, Deadwood Creek, Conde Creek and Dead Indian Creek), into and through Howard Prairie Reservoir and thence through the Green Springs Power Conduit into and through Emigrant Reservoir, said 60 cfs being a part of the total diversion of 136 cfs from Jenny Creek and South Fork Little Butte Creek water sheds to Emigrant Creek watershed. The amount of water used for irrigation together with the amount secured under any other right existing of 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 S-25915 and S-25916, and all certificates issue in respect thereto, shall not exceed the maximum rate listed for each source above, at any one point in time.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance/Identifier
39S	2E	WM	20	SE SE	EMIGRANT CREEK AND EMIGRANT RESERVOIR
37S	4E	WM	16	SE SE	SOUTH FORK LITTLE BUTTE CREEK; 1240 FEET NORTH AND 1100 FEET WEST FROM THE SE 1/4 CORNER OF SECTION 16
38S	3E	WM	9	SW SW	CONDE CREEK; 1320 FEET NORTH AND 600 FEET EAST FROM THE SW CORNER OF SECTION 9
38S	3E	WM	15	SE SW	DEAD INDIAN CREEK; 1310 FEET NORTH AND 1100 FEET WEST FROM SOUTH 1/4 CORNER OF SECTION 15
37S	4E	WM	34	SW SE	DALEY CREEK; 750 FEET NORTH AND 480 FEET EAST FROM S 1/4 CORNER OF SECTION 34
38S	4E	WM	4	NE SW	BEAVER DAM CREEK; 2000 FEET NORTH AND 1800 FEET EAST FROM THE SW CORNER OF SECTION 4
37S	4E	WM	28	SE NW	POLE BRIDGE CREEK; 1380 FEET SOUTH AND 2000 FEET EAST FROM THE NW CORNER OF SECTION 28
38S	4E	WM	6	NE SE	DEADWOOD CREEK
39S	3E	WM	16	SE SE	KEENE CREEK AND KEENE CREEK RESERVOIR; AT HYATT RESERVOIR - 15 FEET NORTH AND 1200 FEET WEST FROM THE SE CORNER OF SECTION 16; RE-DIVERSION AT LITTLE HYATT POOL - 800 FEET NORTH AND 750 FEET WEST FROM THE SE CORNER OF SECTION 20 BEING WITHIN THE SESE OF SECTION 20, T39S R3E; WM;

Twp	Rng	Mer	Sec	Q-Q	Measured Distance/Identifier
					AT KEENE CREEK DIVISION DAM (BEGINNING OF GREEN SPRINGS TUNNEL) - 1200 FEET NORTH AND 1200 FEET EAST FROM THE SW CORNER OF SECTION 33, BEING WITHIN THE SWSW OF SECTION 33; T39S, R3E, WM.
38S	4E	WM	32	E½ of SW¼	GRIZZLY CREEK AND HOWARD PRAIRIE RESERVOIR
39S	4E	WM	8	SW NW	SODA CREEK; 2200 FEET SOUTH AND 60 FEET EAST FROM THE NW CORNER OF SECTION 8
39S	4E	WM	19	SE SW	LITTLE BEAVER CREEK; 600 FEET NORTH AND 1930 FEET EAST FROM THE SW CORNER OF SECTION 19

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	DINN
37 S	2 W	WM	26	NE NE	1.00	2700	MID	15-01
37 S	2 W	WM	26	NE NE	0.50	1600	MID	15-01
38 S	1 W	WM	10	NW NW	1.00	102	MID	15-01
Total:					2.50			

10. Transfer Application T-12238 proposes to change the place of use of the above described right to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	DINN
37 S	2 W	WM	34	SE SE	1.50	201	Watson	15-01
36 S	1 W	WM	36	NE SE	1.00	2400	Holstien	15-01
Total:					2.50			

11. The portion of the water use permit to be transferred is as follows:

Water Use Permit: S-4951, in the names of Rogue River Valley Irrigation District and Medford Irrigation District

Use: Supplemental Irrigation of 2.50 acres

Priority Date: June 18, 1920

Source: The source of the proposed appropriation is waste, return, seepage, spring underflow, storm waters arising, or which may in the future arise on lands lying above each of the following canals: Little Butte, District, Phoenix, Hopkins, Oakleigh, Junction, Agate, Bear Creek and from all sources of supply referred to in Permits E-19, S407 and R-50.

Limit/Duty: ONE-EIGHTIETH of one cfs for each acre irrigated.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Lot	Measured Distances
36 S	1 W	WM	3	---	--	AGATE CANAL (LITTLE BUTTE CREEK): 2000 FEET NORTH FROM THE E¼ CORNER OF SECTION 3.
36 S	1 W	WM	10	SW SW	--	AGATE CANAL (ANTELOPE CREEK): <i>MEASURED DISTANCES NOT SPECIFIED</i>
37 S	1 W	WM	19	---	--	BEAR CREEK CANAL (BEAR CREEK): NORTH 45 DEGREES EAST 1400 FEET FROM THE SW CORNER OF SECTION 19.

Twp	Rng	Mer	Sec	Q-Q	Lot	Measured Distances
36 S	1 E	WM	31	SE	--	DISTRICT CANAL (ANTELOPE CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>
36 S	1 W	WM	36	SE	--	DISTRICT CANAL (DRY CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>
36 S	1 E	WM	29	NW	--	DISTRICT CANAL (YANKEE CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>
36 S	1 E	WM	30	SW NE*	--	HOPKINS CANAL (ANTELOPE CREEK): SOUTH 24 DEGREES 30 MINUTES WEST 980 FEET FROM THE CENTER OF THE NE¼ OF SECTION 30.
36 S	1 W	WM	23	SE	--	HOPKINS CANAL (DRY CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>
38 S*	2 W*	WM	2*	---	--	HOPKINS CANAL (GRIFFIN CREEK): NORTH 22 DEGREES 30 MINUTES WEST 1965 FEET FROM THE SE CORNER OF DLC 66.
37 S	2 W	WM	16	NE NE	--	HOPKINS CANAL (HORN CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>
36 S*	2 W*	WM	29*	---	--	HOPKINS CANAL (JACKSON CREEK): 2060 FEET NORTH FROM THE SW CORNER OF DLC 66.
36 S	2 W	WM	32	NE SW	--	HOPKINS CANAL (WILLOW CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>
36 S	1 E	WM	19	SE SE	--	HOPKINS CANAL (YANKEE CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>
37 S	2 W	WM	2	---	--	JUNCTION CANAL (BEAR CREEK):NORTH 87 DEGREES 15 MINUTES WEST 1335 FEET FROM THE E¼ CORNER OF SECTION 2.
36 S	2 E	WM	30	NE	--	LITTLE BUTTE CANAL (LAKE CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>
36 S	1 E	WM	25	NE NW	--	LITTLE BUTTE CANAL (OSBORNE CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>
37 S	2 W	WM	2	---	--	OAKLEIGH CANAL (BEAR CREEK):NORTH 87 DEGREES 15 MINUTES WEST 1335 FEET FROM THE E¼ CORNER OF SECTION 2.
37 S	1 W	WM	30	NE NW	--	**OAKLEIGH CANAL (BEAR CREEK):445 FEET NORTH AND 135 FEET EAST FROM THE SW CORNER OF THE NE¼ NW¼ OF SECTION 30.
36 S	2 W	WM	34	SE SW	--	OAKLEIGH CANAL (GRIFFIN CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>
36 S	2 W	WM	33	NE SE	--	OAKLEIGH CANAL (JACKSON CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>
38 S	1 W	WM	15	NE SW	--	PHOENIX CANAL (ANDERSON CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>
38 S	1 W	WM	23	SW NE*	--	PHOENIX CANAL (BEAR CREEK): NORTH 24 DEGREES 46 MINUTES EAST, 716 FEET FROM THE CENTER OF SECTION 23.
38 S	1 W	WM	9	SE SW	--	PHOENIX CANAL (COLEMAN CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>
38 S	2 W***	WM	2	---	4	PHOENIX CANAL (GRIFFIN CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>
37 S	2 W	WM	21	NW NW	--	PHOENIX CANAL (HORN CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>

Twp	Rng	Mer	Sec	Q-Q	Lot	Measured Distances
37 S	2 W	WM	29	NE SE	--	PHOENIX CANAL (JACKSON CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>
* Denotes information not specified in Permit S-4951, but included by the Department to better describe the location of this authorized point of diversion.						
** Denotes the point of diversion added to Permit S-4951 through a permit amendment (T-7439) approved on November 8, 1995 by Special Order Volume 49 at Pages 401-402.						
*** Permit S-4951 indicates Range 1 west; however, the Department determined that the application map, which indicates Range 2 west, more accurately depicts the location of the authorized point of diversion.						

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	DINN
37 S	2 W	WM	26	NE EN	1.00	2700	MID	15-01
37 S	2 W	WM	26	NE NE	0.50	1600	MID	15-01
28 S	1 W	WM	10	NW NW	1.00	102	MID	15-01
Total:					2.50			

12. Transfer Application T-12238 proposes to change the place of use of the above described right to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	DINN
37 S	2 W	WM	34	SE SE	1.50	201	Watson	15-01
36 S	1 W	WM	36	NE SE	1.00	2400	Holstien	15-01
Total:					2.50			

13. 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.
14. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
15. The proposed change in place of use would not result in enlargement of the rights.
16. The proposed change in place of use will not result in injury to other water rights.

Conclusions of Law

The changes in place of use as proposed in Transfer Application T-12238 satisfies the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

- The changes in place of use as proposed in Transfer Application T-12238 to the water rights evidenced by Certificates 83381, 83383, 80578, 83728 and water use Permit S-4951 are approved.
- The right to the use of water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in by Certificates 83381, 83383, 80578, 83728 and water use Permit S-4951 any related decree or order.

3. The former places of use shall no longer be irrigated as part of these water rights or water use permit.
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, 2017. A Claim of Beneficial Use shall be submitted by MID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. Water right by Certificates 83381, 83383, 80578, 83728 and water use Permit S-4951 are modified. The Department will issue a superseding certificate describing the rights when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 17 day of March, 2016.



Dwight French, Water Right Services Administrator for
THOMAS M. BYLER, DIRECTOR
Oregon Department of Water Resources

APR 01 2016

Mailing Date _____