



**Use:** Irrigation of 35.4 acres

**Priority Date:** APRIL 21, 1915

**Limit:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH 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.

**Source:** Big Butte Creek, a tributary of the Rogue River

**Authorized Points of Diversion:**

POD #	Twp	Rng	Mer	Sec	Lot	Q-Q	Measured Distances
1	35 S	2 E	WM	10		NE NE	1130 FEET SOUTH AND 700 FEET WEST FROM THE NE CORNER OF SECTION 10
2	35 S	2 E	WM	3	4	NW NW	1030 FEET SOUTH AND 290 FEET EAST FROM THE NW CORNER OF SECTION 3

**Authorized Places of Use:**

Irrigation										
Twp	Rng	Mer	Sec	Q-Q	DLC	GLot	Acres	Tax Lot	User Name	Notice
35 S	1 W	WM	34	SW NE			1.4	1301	Peterson	002-10
35 S	1 W	WM	34	NW SE		2	0.6	1301	Peterson	002-10
35 S	1 W	WM	34	SW NE			4.7	800	Future Concepts	002A-10
35 S	1 W	WM	34	SW NE			6.0	802	So. Oregon Development	002A-10
36 S	1 W	WM	10	SE NW		2	0.4	501	So. Oregon Development	004-10
35 S	1 W	WM	34	SW NE			2.3	802	So. Oregon Development	004-10
36 S	1 W	WM	10	SE NW		2	0.8	502	So. Oregon Development	004-10
36 S	1 W	WM	10	SE NW		2	10.0	511	Echoes of the Ponderosa	008-10
36 S	1 W	WM	10	SE NW		2	1.1	511	Echoes of the Ponderosa	008-10
36 S	1 W	WM	10	SE NW		2	2.1	511	Echoes of the Ponderosa	008-10
36 S	1 W	WM	10	SE NW		2	1.5	511	Echoes of the Ponderosa	008-10
36 S	1 W	WM	10	SE NW		2	3.5	511	Echoes of the Ponderosa	008-10
36 S	1 W	WM	10	SE NW		1	0.2	108	K & S Johnson	009-10
36 S	1 W	WM	10	SE NW		1	0.3	109	Jerald Wilson	009-10
36 S	1 E	WM	7	SW SW	39		0.5	1102	J & W Roberts	010-10
<b>Total</b>							<b>35.4</b>			

6. Transfer Application T-11179 proposes to change the places of use to:

Irrigation										
Twp	Rng	Mer	Sec	Q-Q	DLC	GLot	Acres	Tax Lot	User Name	Notice
36 S	1 W	WM	5	SE NE			1.4	200	E & D Gros	002-10
36 S	1 W	WM	5	NE NE			0.6	200	E & D Gros	002-10
36 S	1 W	WM	5	NW NE			10.7	300	E & D Gros	002A-10
35 S	1 E	WM	8	NE NW			2.3	3503	M & D Hueners	004-10
35 S	1 E	WM	8	NE NW			1.2	3503	M & D Hueners	004-10
35 S	1 E	WM	18	NW NE			10.0	7300	D & C Veach	008-10
34 S	1 E	WM	32	SE SW			1.5	1100	B & A Sinclair	008-10
34 S	1 E	WM	33	SE NE			2.1	202	Teddy Grisham	008-10
34 S	1 E	WM	33	SE NE			1.1	205	A & D Grisham	008-10
34 S	1 E	WM	32	SE NE			3.5	400	Gary Bedell	008-10
34 S	1 E	WM	32	SE NE			0.2	400	Gary Bedell	009-10
34 S	1 E	WM	32	SE NE			0.3	400	Gary Bedell	009-10
36 S	1 E	WM	7	SW SW			0.5	1701	J & W Roberts	010-10
<b>Total</b>							<b>35.4</b>			

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

**Certificate:** 75429 in the name of EAGLE POINT IRRIGATION DISTRICT

**Use:** IRRIGATION of 37.0 acres

**Priority Date:** April 21, 1915

**Limit:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH 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.

**Source:** Big Butte Creek, a tributary of the Rogue River

**Authorized Points of Diversion:**

POD #	Twp	Rng	Mer	Sec	Lot	Q-Q	Measured Distances
1	35 S	2 E	WM	10		NE NE	1130 FEET SOUTH AND 700 FEET WEST FROM THE NE CORNER OF SECTION 10
2	35 S	2 E	WM	3	4	NW NW	1030 FEET SOUTH AND 290 FEET EAST FROM THE NW CORNER OF SECTION 3

**Authorized Places of Use:**

Irrigation											
Twp	Rng	Mer	Sec	Q-Q	DL C	GLot	Acres	Tax Lot	User Name	Notice	
36 S	1 W	WM	10	NW SW	49		0.6	404	S & M Thurston	001-10	
36 S	1 W	WM	10	SW NW		3	0.7	404	S & M Thurston	001-10	
36 S	1 W	WM	10	SW NW	49		2.3	404	S & M Thurston	001-10	
36 S	1 W	WM	10	SW NW		3	1.0	404	S & M Thurston	001-10	
35 S	1 W	WM	34	SE NW			1.6	1301	Arnold Peterson	002-10	
35 S	1 W	WM	34	NE SW		3	0.9	1301	Arnold Peterson	002-10	
35 S	1 W	WM	34	NE SW	40		2.2	1204	Vernon House	002A-10	
35 S	1 W	WM	34	SE NW			0.2	400BD	Samuel Glass	002A-10	
36 S	1 W	WM	3	NW NW			2.2	200	Clarence Greg	003-10	
36 S	1 W	WM	3	NW NW			1.0	200	Clarence Greg	003-10	
36 S	1 W	WM	3	NW NW			3.7	200	Clarence Greg	003-10	
36 S	1 W	WM	10	SW NE		1	0.6	501	So. Oregon Development	004-10	
36 S	1 W	WM	10	SW NE		1	0.5	502	So. Oregon Development	004-10	
35 S	1 W	WM	34	SE NW			0.9	300	McFall	005-10	
36 S	1 W	WM	10	SW NW		3	3.4	408	Lystra & Broberg	005-10	
36 S	1 W	WM	10	SW NW	49		3.0	408	Lystra & Broberg	005-10	
36 S	1 W	WM	10	NW SW	49		0.2	408	Lystra & Broberg	005-10	
35 S	1 W	WM	34	SE NW			3.0	1300	Pacific Crest Properties	007-10	
36 S	1 W	WM	11	NE SW			0.4	1800	A. Hodges	009-10	
36 S	1 W	WM	11	NE SW			0.2	1801	Kevin Walch	009-10	
36 S	1 W	WM	10	SW NE		1	1.0	800	Maxine Williams	009-10	
36 S	1 W	WM	10	SW NE		1	0.9	500	Everett Keller	009-10	
36 S	1 E	WM	7	SW SE	39		3.3	1102	J & R Roberts	010-10	
36 S	1 E	WM	7	SE SW	39		2.2	1102	J & R Roberts	010-10	
36 S	1 E	WM	7	NW SW	39		0.2	1102	J & R Roberts	010-10	
36 S	1 E	WM	7	NW SW	40		0.5	1102	J & R Roberts	010-10	
36 S	1 E	WM	7	NW SW	39		0.3	1103	J & R Roberts	010-10	
<b>Total</b>								<b>37.0</b>			

8. Transfer Application T-11179 proposes to change the place of use to:

**Proposed Places of Use:**

Irrigation										
Twp	Rng	Mer	Sec	Q-Q	DLC	GLot	Acres	Tax Lot	User Name	Notice
34 S	1 E	WM	34	SE NE			0.6	400	D & S Ford	001-10
34 S	1 E	WM	34	SE NE			0.7	400	D & S Ford	001-10
34 S	1 E	WM	34	SE NE			2.3	400	D & S Ford	001-10
34 S	1 E	WM	34	SE NE			1.0	500	D & S Ford	001-10
36 S	1 W	WM	5	NE NE			2.5	200	E & D Gros	002-10
36 S	1 W	WM	5	NW NE			2.4	300	E & D Gros	003-10
35 S	1 W	WM	21	SE SW			2.2	729	M & A Stone	003-10
35 S	1 W	WM	21	SW SE			1.0	729	M & A Stone	003-10
35 S	1 W	WM	34	NW NW			3.7	3000	E & E Pariani	003-10
35 S	1 E	WM	8	NE NW			1.1	3503	M & D Hueners	004-10
34 S	1 E	WM	35	SW NW			6.6	701	Bradley Mitchell	005-10
34 S	1 E	WM	35	SW NW			0.9	701	Bradley Mitchell	005-10
34 S	1 E	WM	36	NW NW			3.0	300	D & R Carter	007-10
34 S	1 E	WM	32	SE NE			2.5	400	Gary Bedell	009-10
36 S	1 E	WM	7	SW SW	39		6.5	1701	J & W Roberts	010-10
<b>Total</b>							<b>37.0</b>			

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

***Partial Cancellation of Water Rights***

13. On February 10, 2011, affidavits certifying that portions of water right Certificate 19643 have been abandoned and requesting cancellation of the right were received from Eagle Point Irrigation District. The right to be cancelled is as follows:

**Certificate:** 19643 in the name of EAGLE POINT IRRIGATION DISTRICT

**Use:** SUPPLEMENTAL IRRIGATION of 10.4 ACRES

**Priority Date:** MARCH 2, 1948

**Rate:** 0.131 CUBIC FOOT PER SECOND, being 0.096 CFS from LITTLE BUTTE CREEK, and 0.338 CFS from WASTE WATER

**Limit:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season from April 2 to October 31, of each year; provided further that the amount of water allowed herein, together

with the amount secured under any other right existing for the same lands shall not exceed the limitation allowed herein, and shall also be limited to the water available at the proposed point of diversion of waste water, and shall not carry with it the right to compel the continuance of the waste water.

**Source:** Little Butte Creek, a tributary of the Rogue River, and Waste Water

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Description
36 S	1 W	WM	3	SW SW	LITTLE BUTTE CREEK
36 S	1 W	WM	10	SW NW	WASTE WATER

**Authorized Places of Use to be Cancelled:**

Supplemental Irrigation										
Twp	Rng	Mer	Sec	Q-Q	DLC	GLot	Acres	Tax Lot	User Name	Notice
36 S	1 W	WM	10	SW NW	49	3	4.0	404	S & M Thurston	001-10
36 S	1 W	WM	10	SW NW	49	3	6.4	408	Lystra & Broberg	005-10

14. On April 6, 2011, affidavits certifying that portions of water right Certificate 84273 have been abandoned and requesting cancellation of the right were received from the following:

PARTIAL CANCELLATIONS for CERTIFICATE 84273							
Twp	Rng	Mer	Sec	SWNE Acres	SENW Acres	Tax Lot	User Name
36 S	1 W	WM	10	0.13	0.05	303	Dry Creek Construction, Inc.
36 S	1 W	WM	10		0.14	310	John Kowalksi
36 S	1 W	WM	10	0.05	0.15	305	James J. & Nancy M. Sullivan
36 S	1 W	WM	10	0.20	0.13		City of Eagle Point
36 S	1 W	WM	10	0.04	0.17	300	Henry & Michele Evans
36 S	1 W	WM	10	0.18		314	Steven Gregg
36 S	1 W	WM	10	0.22		315	Mark & Denise Bartlett
36 S	1 W	WM	10	0.07	0.16	301	Evan & Michelle Malepsy
36 S	1 W	WM	10	0.05		306	Robert Farrington
36 S	1 W	WM	10	0.11	0.12	302	John & Jozelle Neal McDearmid
36 S	1 W	WM	10		0.13	311	Travis A. Landen
36 S	1 W	WM	10	0.05	0.15	304	Katherine Coles
TOTALS				1.10	1.20		

15. The right to be cancelled is as follows:

**Certificate:** 84273 in the name of ALA VISTA ORCHARDS (perfected under Permit S-15987)  
**Use:** IRRIGATION and SUPPLEMENTAL IRRIGATION of 2.3 ACRES  
**Priority Date:** SEPTEMBER 19, 1944  
**Rate:** 0.03 CUBIC FOOT PER SECOND  
**Limit/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-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed

4.5 FOR IRRIGATION acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Period of Use:** April 2 to October 31

**Source:** LITTLE BUTTE CREEK, tributary to the ROGUE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
36 S	1 W	WM	3	SW SW

**Authorized Place of Use to be Cancelled:**

IRRIGATION AND SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	1 W	WM	10	SW NE	<b>1.10</b>
36 S	1 W	WM	10	SE NW	<b>1.20</b>

### Conclusions of Law

The proposed changes in place of use as proposed in Transfer Application T-11179 satisfy the requirements of ORS 540.574(3) and 540.580. The partial cancellations are consistent with ORS 540.621 and the abandoned lands are cancelled.

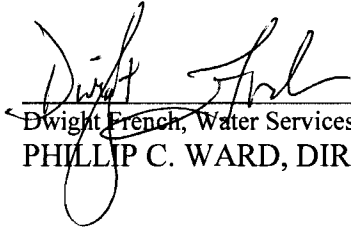
**Now, therefore, it is ORDERED:**

1. The proposed changes in place of use to the water rights evidenced by Certificates 68741 and 75429 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 68741 and 75429 and any related decree.
3. The former places of use shall no longer be irrigated as part of these water rights.
4. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2011.
5. A Claim of Beneficial Use (COBU) shall be submitted by the applicant to the Department by October 1, 2012.
6. Water right certificates 68741 and 75429 are modified. The Department will issue superseding certificates describing the rights when it determines that is necessary for record keeping.
7. Water Right Certificates 19643 and 84273 are cancelled. Water Right Certificate 87003, describes that portion of Certificate 19643 not affected by this transfer and cancellation, remains in full force and effect.
8. Water Right Certificate 87004, describing that portion of Certificate 84273 not affected by this transfer and cancellation, is cancelled. A new certificate will be issued correcting the errors in the remaining right of Certificate 84273.

9. This Corrected Final Order supersedes the Final Order issued on April 7, 2011, Special Order Volume 83, Pages 967 through 972.

10.

Dated at Salem, Oregon this 26 day of April 2011.

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

Mailing Date: APR 29 2011