

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

In the Matter of Diminution of Perfected)
and Developed Water Rights Evidenced by) **FINAL ORDER APPROVING**
Certificates 1852, 3248, 1953, 2872, 2803,) **DIMUNITIONS OF WATER RIGHTS**
3247, 13375, 3263, 3564, 46051 and)
58940, Josephine County)

Applicant

Fort Vannoy Irrigation District (FVID)
665 Hunt Lane
Grants Pass, OR 97526

Findings of Fact

1. On January 11, 2013, the Department received numerous statements from the owners of lands and the appurtenant water rights requesting that water rights described below be diminished from a right for primary irrigation to a right for supplemental irrigation.
2. Notice of the proposed diminishments were published on the Department's weekly notice on December 2, 2014, and in the Grants Pass Daily Courier newspaper on November 25, December 2 and 9, 2014. Furthermore, notice of the diminishments and request for contact if they had objection, were mailed to landowners. No objections to the proposed action were received.
3. Diminutions, as delineated below, are necessary to resolve the layered (conflicting) water rights issues involved in Transfer Applications T-8366 and T-7086.
4. The rights to be diminished are as follows:

Certificate: 1852, in the name of U. D. Mihillis (perfected under permit S-2743)
Use: Irrigation of 10.12 acres
Priority Date: November 26, 1915
Rate: 0.13 cubic foot per second or its equivalent in case of rotation.
Source: Rogue River, tributary of the Pacific Ocean

Authorized Point of Diversion not described on certificate.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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 Place of Use to be Diminished:

Twp	Rng	Mer	Sec	Q-Q	Acres	Landowners
36S	6W	WM	15	NE SW	4.12	Neil M. and Carmen L. McCain Revocable Living Trust; c/o
36S	6W	WM	15	SE SW	6.00	Neal and Carmen McCain, Trustees; Donald L. and Ludelle S. Morrow Trust; c/o Donald and Ludelle Morrow; Patterson Revocable Living Trust; c/o Patrick and Jacqueline Patterson; Sharon Ann Watson

Certificate: 3248, in the name of Karl Hammerbacher (perfected under permit S-4066)
Use: Irrigation of 20.83 acres
Priority Date: April 24, 1919
Rate: 0.26 cubic foot per second or its equivalent in case of rotation.
Source: Rogue River, tributary of the Pacific Ocean

Authorized Point of Diversion not described on certificate.

Authorized Place of Use to be Diminished:

Twp	Rng	Mer	Sec	Q-Q	Acres	Landowners
36S	6W	WM	15	SE SW	20.83	Country Estates MHC, LLC; Patterson Revocable Living Trust; c/o Patrick and Jacqueline Patterson; Sharon Ann Watson

Certificate: 1953, (as modified by any superseding order affecting this right) in the name of S. Loughbridge (perfected under permit S-1290)
Use: Irrigation of 16.2 acres
Priority Date: July 8, 1912
Rate: 0.20 cubic foot per second or its equivalent in case of rotation.
Source: Rogue River, tributary to the Pacific Ocean

Authorized Point of Diversion not described on certificate.

Authorized Place of Use to be Diminished:

Twp	Rng	Mer	Sec	Q-Q	Acres	Landowners
36S	6W	WM	15	NE SW	16.2	Jonah Boersma; James McNutt and Sharon Miro; Dane M. and Sandra S. Boersma; Richard J. and Geraldine E. Ruatta Trust; c/o Richard J. and Geraldine Ruatta; Michael J. and Elaine L. Rozell; Russell Family Living Trust; c/o Jeffrey and Vickie Russell, Trustees; Jeffrey and Ann Schuetz

Certificate: 2872, in the name of J. M. Madden c/o Chas. C. Hunt (perfected under permit S-3461)
Use: Irrigation of 33.0 acres
Priority Date: August 6, 1917
Rate: 0.41 cubic foot per second or its equivalent in case of rotation.
Source: Rogue River, tributary to the Pacific Ocean

Authorized Point of Diversion not described on certificate.

Authorized Place of Use to be Diminished:

Twp	Rng	Mer	Sec	Q-Q	Acres	Landowners
36S	6W	WM	16	SW SE	4.0	O'hara, Revocable Living Trust; ^{c/o} Patricia A. O'hara; Cook Revocable Trust; ^{c/o} Maxine Eleanor, Trustee
36S	6W	WM	16	SE SW	10.0	
36S	6W	WM	21	NW NE	7.0	
36S	6W	WM	21	NE NW	12.0	
Total:					33.0	

Certificate: 2803, (as modified by any superseding order affecting this right) in the name of Ft. Vanoy Orchards (perfected under permit S-4015)

Use: Irrigation of 60.0 acres

Priority Date: March 10, 1919

Rate: 0.75 cubic foot per second or its equivalent in case of rotation.

Source: Rogue River, tributary to the Pacific Ocean

Authorized Point of Diversion not described on certificate.

Authorized Place of Use to be Diminished:

Twp	Rng	Mer	Sec	Q-Q	Acres	Landowners
36S	6W	WM	16	NE SW	1.0	Crouse Family Trust; ^{c/o} Walter H. Crouse and Cheryl A. Flegel
36S	6W	WM	16	NW SW	7.0	
36S	6W	WM	16	SW SW	27.0	
36S	6W	WM	16	SE SW	5.0	
36S	6W	WM	20	NE NE	10.0	
36S	6W	WM	21	NW NW	10.0	
Total:					60.0	

Certificate: 3247, (as modified by any superseding order affecting this right) in the name of H. Wood (perfected under permit S-4034)

Use: Irrigation of 65.0 acres

Priority Date: March 27, 1919

Rate: 0.81 cubic foot per second or its equivalent in case of rotation.

Source: Rogue River, tributary to the Pacific Ocean

Authorized Point of Diversion not described on certificate.

Authorized Place of Use to be Diminished:

Twp	Rng	Mer	Sec	Q-Q	Acres	Landowners
36S	6W	WM	16	NE SW	6.0	O'hara Revocable Living Trust ^{c/o} Patricia O'hara, Trustee; Crouse Family Trust; ^{c/o} Walter H. Crouse and Cheryl A. Flegel; Hugh and Holly Reece; Fort Vannoy Farms; ^{c/o} Robert Crouse
36S	6W	WM	16	NW SW	10.0	
36S	6W	WM	16	SW SW	12.0	
36S	6W	WM	16	SE SW	23.0	
36S	6W	WM	16	SW SE	6.0	
36S	6W	WM	21	NE NW	2.0	
36S	6W	WM	21	NW NW	6.0	
Total:					65.0	

Certificate: 13375, in the name of Ada Weston (perfected under permit S-13860)
Use: Irrigation of 10.0 acres
Priority Date: August 12, 1939
Rate: 0.13 cubic foot per second or its equivalent in case of rotation.
Source: Dutcher Creek, a tributary of the Rogue River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
36S	6W	WM	15	SE NE

Authorized Place of Use to be Diminished:

Twp	Rng	Mer	Sec	Q-Q	Acres	Landowner
36S	6W	WM	15	NE NE	3.0	City of Grants Pass
36S	6W	WM	15	SE NE	5.0	
36S	6W	WM	15	SW NE	2.0	

Certificate: 3263, in the name of Oregon Caves Orchard Co. (perfected under permit S-4460)
Use: Irrigation of 35.24 acres
Priority Date: March 6, 1920
Rate: 0.45 cubic foot per second or its equivalent in case of rotation.
Source: Rogue River, tributary to the Pacific Ocean

Authorized Point of Diversion not described on certificate.

Authorized Place of Use to be Diminished:

Twp	Rng	Mer	Sec	Q-Q	Acres	Landowners
36S	6W	WM	16	SW SE	25.14	O'hara Revocable Living Trust ^{C/O} Patricia A. O'hara; Cook Revocable Trust ^{C/O} Maxine Eleanor, Trustee; Willem and Sharon Kleyne Trust; ^{C/O} Willem and Sharon Kleyne
36S	6W	WM	21	NW NE	10.10	

Certificate: 3564, (as modified by any superseding order affecting this right) in the names of W. A. and Cora W. Sharp (perfected under permit S-4669)
Use: Irrigation of 29.55 acres
Priority Date: June 28, 1920
Rate: 0.38 cubic foot per second or its equivalent in case of rotation.
Source: Sharps Bayou, tributary to the Rogue River

Authorized Point of Diversion not described on certificate.

Authorized Place of Use to be Diminished:

Twp	Rng	Mer	Sec	Q-Q	Acres	Landowners
36S	6W	WM	15	SE NW	18.55	Dutcher Creek Enterprises; Inc.; ^{C/O} Jack Boersma, President; Roger D. Mullikin; Michaela Galvin and Brad Lee Vogel
36 S	6 W	WM	15	NW SE	11.00	

Certificate: 46051 in the name of Howard M. Knapp (perfected under permit S-21882)
Use: Irrigation of 11.8 acres
Priority Date: November 12, 1952
Rate: 0.15 cubic foot per second or its equivalent in case of rotation.

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 further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: Rogue River, tributary to the Pacific Ocean

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Lot #	Q-Q
36S	6W	WM	21	1	NE NE

Authorized Place of Use to be Diminished:

Twp	Rng	Mer	Sec	Q-Q	Lot #	Acres	Landowners
36S	6W	WM	16	SE SE	--	1.2	James and Donna Fraser; Willem and Sharon Kleyne Trust ^{c/o} Willem and Sharon Kleyne ; O'hara Revocable Living Trust ^{c/o} Patricia O'hara; Ronald N. and Susan E. Lennon
36S	6W	WM	16	SW SE	7	0.3	
36S	6W	WM	21	NE NE	1	8.6	
36S	6W	WM	21	NW NE	2	1.7	
Total:						11.8	

Certificate: 58940, in the name of Charles E. Lowe (perfected under permit S-21882)

Use: Irrigation of 4.2 acres

Priority Date: November 12, 1952

Rate: 0.05 cubic foot per second or its equivalent in case of rotation.

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 further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: Rogue River, tributary to the Pacific Ocean

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Lot #	Q-Q	Measured Distances
36S	6W	WM	22	3	NW NW	420 FEET SOUTH AND 25 FEET EAST FROM THE NW CORNER OF SECTION 22

Authorized Place of Use to be Diminished:

Twp	Rng	Mer	Sec	Q-Q	Lot #	Acres	Land owner(s)
36S	6W	WM	21	NE NE	1	2.2	James and Donna Fraser; William and Sharon Kleyne; O'hara Revocable Living Trust; ^{c/o} Patricia O'hara; Ronald N. and Susan E. Lennon
36S	6W	WM	22	NW NW	3	2.0	

Conclusions of Law

Certificates 1852, 3248, 1953, 2872, 2803, 3247, 13375, 3263, 3564, 46051 and 58940 should be voluntarily diminished.

Now, therefore, it is ORDERED:

1. Certificates 1852, 3248, 1953, 2872, 2803, 3247, 13375, 3263, 3564, 46051 and 58940, as well as any portion of the above certificates affected by Special Order Volume 93, 896-897, are diminished from a right for primary irrigation to a right for supplemental irrigation.
2. Certificates 1852, 3248, 1953, 2872, 2803, 3247, 13375, 3263, 3564, 46051 and 58940, as well as any portion of the above certificates affected by Special Order Volume 93, 896-897, are modified. New, superseding certificates will be issued when the Department determines it is necessary for recordkeeping.

Dated at Salem, Oregon this 21 day of January, 2015.



Dwight French, Water Right Services Division Administrator, for
TOM BYLER, DIRECTOR

Mailing Date: JAN 30 2015