

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-11133, 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 September 15, 2010, 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-11133.
2. Notice of the application for transfer was published on September, 28, 2010, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. Final revisions and clarifications to the application were received by the Department on December 2, 2010.
4. 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 7.05 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

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.

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.

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

5. The authorized place of use for the above certificate is:

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name	Notice
37 S	1 W	WM	21	NW SW	0.37	3700	MID	09-03
37 S	1 W	WM	28	NE NW	0.60	3400	MID	09-03
37 S	2 W	WM	24	SW SW	0.80	2600	MID	09-01
37 S	2 W	WM	24	SW SW	0.43	2800	MID	09-01
37 S	2 W	WM	24	SW SW	1.10	1500	MID	09-01
37 S	2 W	WM	25	SW SW	1.15	4100	MID	09-01
37 S	2 W	WM	25	SW SW	1.02	600	MID	09-01
37 S	2 W	WM	36	SE SW	1.08	4000	MID	09-01
38 S	2 W	WM	01	SW NE	0.27	4600	MID	09-02
38 S	2 W	WM	01	SW NE	0.12	4601	MID	09-02
38 S	2 W	WM	01	SW NE	0.11	4602	MID	09-02
Total:					7.05			

6. Transfer Application T-11133 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	Taxlot	Owner Name	Notice
37 S	1 W	WM	09	SE NE	0.97	3400	MEEKER	09-03
38 S	1 W	WM	15	NE SW	3.40	800	ILLSLEY	09-01
38 S	1 W	WM	15	NW SE	2.18	800	ILLSLEY	09-01
38 S	1 W	WM	15	SE SE	0.50	3200	SHINGLE	09-02
Total:					7.05			

7. 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 7.05 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 rediverted 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

8. The authorized place of use for the above certificate is:

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name	Notice
37 S	1 W	WM	21	NW SW	0.37	3700	MID	09-03
37 S	1 W	WM	28	NE NW	0.60	3400	MID	09-03
37 S	2 W	WM	24	SW SW	0.80	2600	MID	09-01
37 S	2 W	WM	24	SW SW	0.43	2800	MID	09-01
37 S	2 W	WM	24	SW SW	1.10	1500	MID	09-01
37 S	2 W	WM	25	SW SW	1.15	4100	MID	09-01
37 S	2 W	WM	25	SW SW	1.02	600	MID	09-01
37 S	2 W	WM	36	SE SW	1.08	4000	MID	09-01
38 S	2 W	WM	01	SW NE	0.27	4600	MID	09-02
38 S	2 W	WM	01	SW NE	0.12	4601	MID	09-02
38 S	2 W	WM	01	SW NE	0.11	4602	MID	09-02
Total:					7.05			

9. Transfer Application T-11133 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	Taxlot	Owner Name	Notice
37 S	1 W	WM	09	SE NE	0.97	3400	MEEKER	09-03
38 S	1 W	WM	15	NE SW	3.40	800	ILLSLEY	09-01
38 S	1 W	WM	15	NW SE	2.18	800	ILLSLEY	09-01
38 S	1 W	WM	15	SE SE	0.50	3200	SHINGLE	09-02
Total:					7.05			

10. 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 7.05 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

11. The authorized place of use for the above certificate is:

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name	Notice
37 S	1 W	WM	21	NW SW	0.37	3700	MID	09-03
37 S	1 W	WM	28	NE NW	0.60	3400	MID	09-03
37 S	2 W	WM	24	SW SW	0.80	2600	MID	09-01
37 S	2 W	WM	24	SW SW	0.43	2800	MID	09-01
37 S	2 W	WM	24	SW SW	1.10	1500	MID	09-01
37 S	2 W	WM	25	SW SW	1.15	4100	MID	09-01
37 S	2 W	WM	25	SW SW	1.02	600	MID	09-01
37 S	2 W	WM	36	SE SW	1.08	4000	MID	09-01
38 S	2 W	WM	01	SW NE	0.27	4600	MID	09-02
38 S	2 W	WM	01	SW NE	0.12	4601	MID	09-02
38 S	2 W	WM	01	SW NE	0.11	4602	MID	09-02
Total:					7.05			

12. Transfer Application T-11133 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	Taxlot	Owner Name	Notice
37 S	1 W	WM	09	SE NE	0.97	3400	MEEKER	09-03
38 S	1 W	WM	15	NE SW	3.40	800	ILLSLEY	09-01
38 S	1 W	WM	15	NW SE	2.18	800	ILLSLEY	09-01
38 S	1 W	WM	15	SE SE	0.50	3200	SHINGLE	09-02
Total:					7.05			

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

Certificate: 83728, in the name of U. S. Bureau of Reclamation

Use: Supplemental Irrigation of 1.47 acres

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

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 1/40 cfs per acre irrigated and 4.5 acre-feet per 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 issued in respect thereto, shall not exceed the maximum rated listed for each source above, at any one point in time.

Source: Emigrant Creek and Emigrant Reservoir, tributaries of Bear Creek; South Fork Little Butte Creek, a tributary of Little Butte Creek; Conde Creek, a tributary of South Fork Little Butte Creek; Dean Indian Creek, a tributary of South Fork Little Butte Creek; Daley Creek, a tributary of the South Fork Little Butte Creek, Beaver Dam Creek, a tributary of the South Fork Little Butte Creek; Pole Bridge Creek, a tributary of the South Fork Little Butte Creek; Deadwood Creek, a tributary of the South Fork Little Butte Creek; Keene Creek and Keene Creek Reservoir, tributaries of Jenny Creek, Grizzly Creek and Howard Prairie Reservoir, tributaries of Jenny Creek, Soda Creek, a tributary of Grizzly Creek; Little Beaver Creek, a tributary of Jenny Creek.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
37 S	4 E	WM	16	SE SE	SOUTH FORK LITTLE BUTTE CREEK: 1240 FEET NORTH AND 1100 FEET WEST OF THE SE $\frac{1}{4}$ CORNER OF SECTION 16.
37 S	4 E	WM	28	SE NW	POLE BRIDGE CREEK: 1380 FEET SOUTH AND 2000 FEET EAST FROM THE NW CORNER OF SECTION 28.
37 S	4 E	WM	34	SW SE	DALEY CREEK: 750 FEET NORTH AND 480 FEET EAST FROM THE S $\frac{1}{4}$ CORNER OF SECTION 34.
38 S	3 E	WM	9	SW SW	CONDE CREEK: 1320 FEET NORTH AND 600 FEET EAST FROM THE SW CORNER OF SECTION 9.
38 S	3 E	WM	15	SE SW	DEAD INDIAN CREEK: 1310 FEET NORTH AND 1100 FEET WEST FROM THE S $\frac{1}{4}$ CORNER OF SECTION 15.
38 S	4 E	WM	4	NE SW	BEAVER DAM CREEK: 2000 FEET NORTH AND 1800 FEET EAST OF THE SW CORNER OF SECTION 4.
38 S	4 E	WM	6	NE SE	DEADWOOD CREEK: NO SURVEY COORDINATES SPECIFIED.
38 S	4 E	WM	32	SW	GRIZZLY CREEK AND HOWARD PRAIRIE RESERVOIR: E $\frac{1}{2}$ OF THE SW $\frac{1}{4}$.
39 S	2 E	WM	20	SE SE	EMIGRANT RESERVOIR DIVERSION IS LOCATED AT THE OUTLET.
39 S	3 E	WM	16	SE SE	KEENE CREEK AND KEENE CREEK RESERVOIR: 15 FEET NORTH AND 1200 FEET WEST OF THE SE CORNER OF SECTION 16.
39 S	3 E	WM	20	SE SE	KEENE CREEK AND KEENE CREEK RESERVOIR (LITTLE HYATT POOL DIVERSION): 800 FEET NORTH AND 750 FEET WEST OF THE SE CORNER OF SECTION 20.
39 S	3 E	WM	33	SW SW	KEENE CREEK AND KEENE CREEK RESERVOIR: 1200 FEET NORTH AND 1200 FEET EAST OF SW THE CORNER OF SECTION 33.
39 S	4 E	WM	8	SW NW	SODA CREEK: 2200 FEET SOUTH AND 60 FEET EAST OF THE NW CORNER OF SECTION 8.
39 S	4 E	WM	19	SE SW	LITTLE BEAVER CREEK: 600 FEET NORTH AND 1930 FEET EAST FROM THE SW CORNER OF SECTION 19.

14. The authorized place of use for the above described right is:

Authorized Place of Use-

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name	Notice
38 S	2 W	WM	1	SW NE	0.50	4600	MID	09-02
37 S	1 W	WM	28	NE NW	0.60	3400	MID	09-03
37 S	1 W	WM	21	NW SW	0.37	3700	MID	09-03
Total:					1.47			

15. Transfer Application T-11133 proposes to change the place of use of the above described right to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name	Notice
38 S	1 W	WM	15	SE SE	0.50	3200	SHINGLE	09-02
37 S	1 W	WM	09	SE NE	0.97	3400	MEEKER	09-03
Total:					1.47			

16. 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 7.05 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.
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>

Twp	Rng	Mer	Sec	Q-Q	Lot	Measured Distances
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 E $\frac{1}{4}$ 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 E $\frac{1}{4}$ 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 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 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>
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 this authorized point of diversion.

17. The authorized place of use for the above described water use permit is:

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name	Notice
37 S	1 W	WM	21	NW SW	0.37	3700	MID	09-03
37 S	1 W	WM	28	NE NW	0.60	3400	MID	09-03
37 S	2 W	WM	24	SW SW	0.80	2600	MID	09-01
37 S	2 W	WM	24	SW SW	0.43	2800	MID	09-01
37 S	2 W	WM	24	SW SW	1.10	1500	MID	09-01

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name	Notice
37 S	2 W	WM	25	SW SW	1.15	4100	MID	09-01
37 S	2 W	WM	25	SW SW	1.02	600	MID	09-01
37 S	2 W	WM	36	SE SW	1.08	4000	MID	09-01
38 S	2 W	WM	01	SW NE	0.27	4600	MID	09-02
38 S	2 W	WM	01	SW NE	0.12	4601	MID	09-02
38 S	2 W	WM	01	SW NE	0.11	4602	MID	09-02
Total:					7.05			

18. Transfer Application T-11133 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	Taxlot	Owner Name	Notice
37 S	1 W	WM	09	SE NE	0.97	3400	MEEKER	09-03
38 S	1 W	WM	15	NE SW	3.40	800	ILLSLEY	09-01
38 S	1 W	WM	15	NW SE	2.18	800	ILLSLEY	09-01
38 S	1 W	WM	15	SE SE	0.50	3200	SHINGLE	09-02
Total:					7.05			

19. 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.

20. The water rights are subject to transfer as defined in OAR 690-385-0100(17).

21. The proposed change in place of use would not result in enlargement of the rights.

22. The proposed change in place of use will not result in injury to other water rights.

Conclusions of Law

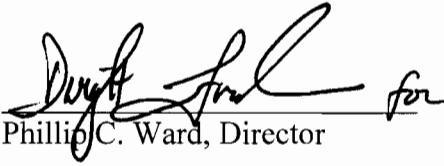
The changes in place of use as proposed in Transfer Application T-11133 satisfies the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The amended changes to the water rights evidenced by Certificates 83381, 83383, 80578, 83728 and water use Permit S-4951 are approved.
2. 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.
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. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2012.
6. A Claim of Beneficial Use shall be submitted by Medford Irrigation District to the Department by **October 1, 2013**.
7. 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 8 day of December, 2010.

 for
Phillip C. Ward, Director

Mailing date: **DEC 10 2010**