

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-10757, 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 December 23, 2008, Medford Irrigation District (MID) filed a district transfer application to permanently change the place of use under Certificates 83381, 83383, 80578, 83728, 80569, 80571, 80574, and water use Permit S-4951. The Department assigned the application number T-10757.
2. As a result of the approval of Transfer Application T-10465 and subsequent corrections (evidenced in Special Order Volume 78, Page 275 and Volume 78, Page 674, respectively) Certificates 80569, 80571 and 80574 were superseded by Certificates 85288, 85876 and 85877.
3. Notice of the application for transfer was published on January 13, 2009, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
4. Final revisions and clarifications to the application were received by the Department on January 7, 2010.
5. The portions of the primary and supplemental rights to be transferred are as follows:

Certificate: 83381, in the name of Medford Irrigation District

Use: Primary Irrigation

Priority Date: July 23, 1909

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

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.

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 though 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 the 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.

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

Certificate: 83383, in the name of Medford Irrigation District

Use: Supplemental Irrigation

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 redirected 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

Certificate: 80578, in the name of Medford Irrigation District

Use: Supplemental Irrigation

Priority Date: March 1, 1915

Source: Bear Creek, tributary to the Rogue River

Limit/Duty: This right is limited to 60.0 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
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Certificate: 83728, in the name of U.S. Bureau of Reclamation

Use: Supplemental Irrigation

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

Limit/Duty: Limited to not more than the rate specified by source. Maximum of 1/40 cfs per acre irrigated and 4.5 acre-feet per acre irrigated during the irrigation season of each year.

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 ¼ 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 ¼ 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 ¼ 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 ½ OF THE SW ¼.
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.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
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.

Certificate: 85288 (formerly 80569), in the name of Rogue River Valley Irrigation

Use: Irrigation

Priority Date: July 23, 1909

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

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
36 S	1 E	WM	8	SW SW	BRADSHAW DROP
36 S	2 E	WM	20	SE NE	NORTH FORK LITTLE BUTTE CREEK - 40 FEET NORTH AND 620 FEET WEST FROM THE E1/4 CORNER OF SECTION 20
36 S	2 E	WM	29	NE SE	SOUTH FORK LITTLE BUTTE CREEK-780 FEET SOUTH AND 400 FEET WEST FROM THE E1/4 CORNER OF SECTION 29

Certificate: 85876 (formerly 80571 and 85289), in the name of Rogue River Valley Irrigation

Use: Supplemental Irrigation

Priority Date: March 31, 1910

Source: Four Mile Lake Reservoir, North and South Forks Little Butte Creek, tributaries of Little Butte Creek

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
36 S	1 E	WM	8	SW SW	BRADSHAW DROP
36 S	2 E	WM	20	SE NE	NORTH FORK LITTLE BUTTE CREEK - 40 FEET NORTH AND 620 FEET WEST FROM THE E1/4 CORNER OF SECTION 20
36 S	5 E	WM	9	SW NW	FOUR MILE LAKE DAM - 3600 FEET NORTH AND 4200 FET WEST FROM THE SE CORNER OF SECTION 9
37 S	4 E	WM	4	SE SE	FISH LAKE DAM - 4000 FEET SOUTH AND 600 FEET WEST FROM THE NE CORNER OF SECTION 4

Certificate: 85877 (formerly 80574 and 85316), in the name of Rogue River Valley Irrigation

Use: Supplemental Irrigation

Priority Date: June 24, 1913

Source: Antelope Creek, tributary to Little Butte Creek

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
36 S	1 E	WM	30	SW NE	HOPKINS CANAL – 770 FEET NORTH AND 1650 FEET WEST FROM THE E1/4 CORNER OF SECTION 30

Water use Permit: S-4951, in the names of Rogue River Valley Irrigation District and Medford Irrigation District (as previously amended by Special Order Volume 74, Page 469)

Use: Supplemental Irrigation

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>
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):

Twp	Rng	Mer	Sec	Q-Q	Lot	Measured Distances
						<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>
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.						

6. The authorized places of use for the above certificates and water use permit are:

Authorized Place of Use-

Twp	Rng		Sec	Q-Q	Acres	Taxlot	Owner Name	Notice	Right(s)/ Permit affected
36 S	1 E	WM	18	NE NW	0.26	200	ROGUE RIVER IRD	08-10	85288, 85876, 85877
36 S	1 E	WM	18	NE NW	0.35	202	ROGUE RIVER IRD	08-10	85288, 85876, 85877
36 S	1 E	WM	18	SE NW	1.85	202	ROGUE RIVER IRD	08-10	85288, 85876, 85877
36 S	1 E	WM	18	SE NW	4.04	200	ROGUE RIVER IRD	08-10	85288, 85876, 85877
37 S	1 W	WM	9	SW NE	3.40	2600	PACIFIC CREST PROPERTIES	08-01	83381, 83383, PS-4951

Twp	Rng		Sec	Q-Q	Acres	Taxlot	Owner Name	Notice	Right(s)/ Permit affected
37 S	1 W	WM	9	NE SW	9.22	2700	MEDFORD IRD	08-04	83381, 83383, PS-4951
37 S	1 W	WM	9	NW SW	8.15	2700	MEDFORD IRD	08-04	83381, 83383, PS-4951
37 S	1 W	WM	9	SW SW	11.65	2700	MEDFORD IRD	08-04	83381, 83383, PS-4951
37 S	1 W	WM	9	SE SW	13.17	2700	MEDFORD IRD	08-04	83381, 83383, PS-4951
37 S	1 W	WM	9	NW SE	6.09	2700	MEDFORD IRD	08-04	83381, 83383, PS-4951
37 S	1 W	WM	9	NW SE	17.80	2600	PACIFIC CREST PROPERTIES	08-01	83381, 83383, PS-4951
37 S	1 W	WM	9	SW SE	5.05	2700	MEDFORD IRD	08-02	83381, 83383, PS-4951
37 S	1 W	WM	9	SW SE	5.00	2700	MEDFORD IRD	08-11	83381, 83383, PS-4951
37 S	1 W	WM	9	SW SE	0.35	3400	MEDFORD IRD	08-10	85288, 85876, 85877
37 S	1 W	WM	16	SW NE	3.60	800	MEDFORD IRD	08-10	85288, 85876, 85877
37 S	1 W	WM	16	SW NE	0.71	1100	MEDFORD IRD	08-10	85288, 85876, 85877
37 S	1 W	WM	16	SE NW	2.87	801	MEDFORD IRD	08-10	85288, 85876, 85877
37 S	1 W	WM	20	NW NE	3.20	200	MEDFORD IRD	08-10	85288, 85876, 85877
37 S	1 W	WM	21	SW NW*	0.46	2600	MEDFORD IRD	08-02	83381, 83383, PS-4951
37 S	1 W	WM	21	SW NW*	0.44	2000	MEDFORD IRD	08-02	83381, 83383, PS-4951
37 S	1 W	WM	21	SW NW*	0.25	2001	MEDFORD IRD	08-02	83381, 83383, PS-4951
37 S	1 W	WM	21	SW NW*	0.55	2300	MEDFORD IRD	08-02	83381, 83383, PS-4951
37 S	1 W	WM	21	SW NW*	0.25	2002	MEDFORD IRD	08-02	83381, 83383,

Twsp	Rng		Sec	Q-Q	Acres	Taxlot	Owner Name	Notice	Right(s)/ Permit affected
									PS-4951
37 S	1 W	WM	21	NW SW	0.16	1000	MEDFORD IRD	08-10	83381, 83383, 80578, PS-4951
37 S	1 W	WM	21	SW SW	1.49	1000	MEDFORD IRD	08-10	83381, 83383, 80578, PS-4951
37 S	2 W	WM	23	SW SE	1.40	700	MEDFORD IRD	08-07	83381, 83383, 80578, PS-4951
37 S	2 W	WM	23	SW SE	0.31	700	MEDFORD IRD	08-06	83381, 83383, 80578, PS-4951
37 S	2 W	WM	26	NE NE	0.78	700	MEDFORD IRD	08-06	83381, 83383, 80578, PS-4951
37 S	2 W	WM	26	NW NE	3.10	700	MEDFORD IRD	08-07	83381, 83383, 80578, PS-4951
37 S	2 W	WM	26	NW NE	4.47	700	MEDFORD IRD	08-08	83381, 83383, 80578, PS-4951
37 S	2 W	WM	26	NW NE	3.76	1900	MEDFORD IRD	08-09	83381, 83383, 80578, 83728, PS-4951
37 S	2 W	WM	26	NW NE	2.65	700	MEDFORD IRD	08-06	83381, 83383, 80578, PS-4951
37 S	2 W	WM	26	NE SE	0.15	5000	MEDFORD IRD	08-06	83381, 83383, 80578, PS-4951
37 S	2 W	WM	26	SE NW	2.54	1501	MEDFORD IRD	08-03	83381, 83383, 80578, PS-4951
37 S	2 W	WM	26	NE SE	0.16	5100	MEDFORD IRD	08-06	83381, 83383, 80578, PS-4951
37 S	2 W	WM	26	NW SE	0.20	2600	MEDFORD IRD	08-05	83381, 83383, 80578,

Twp	Rng		Sec	Q-Q	Acres	Taxlot	Owner Name	Notice	Right(s)/ Permit affected
									PS-4951
37 S	2 W	WM	26	SE SE	0.32	2000	MEDFORD IRD	08-05	83381, 83383, 80578, PS-4951
37 S	2 W	WM	26	SE SE	0.48	2800	MEDFORD IRD	08-05	83381, 83383, 80578, PS-4951
37 S	2 W	WM	27	NE NE	0.81	2800	MEDFORD IRD	08-09	83381, 83383, 80578, 83728, PS-4951
37 S	2 W	WM	27	SE SE	4.95	2800	MEDFORD IRD	08-09	83381, 83383, 80578, 83728, PS-4951
37 S	2 W	WM	29	NW SE	1.90	901	MEDFORD IRD	08-10	85288, 85876, 85877
37 S	2 W	WM	36	NW SE	0.22	1200	MEDFORD IRD	08-10	85288, 85876, 85877
TOTAL:					128.56				

*See Finding of Fact #8

7. Transfer Application T-10757 proposes to change the place of use of the above described right to:

Proposed place of use:

IRRIGATION and SUPPLEMENTAL IRRIGATION									
Twp	Rng		Sec	Q-Q	Acres	Taxlot	Owner Name	Notice	Right(s)/ Permit(s) affected
36 S	1 E	WM	5	SE SW	20.80	2403	MARTHA BROOKS FAMILY, LLC	08-10	83381, 83383, 80578, PS-4951
36 S	1 E	WM	5	SW SE	0.20	2403	MARTHA BROOKS FAMILY LLC	08-10	83381, 83383, 80578, PS-4951
36 S	1 E	WM	18	SE NE	1.40	900	TRIPLE SPRINGS RANCH, LLC	08-01	83381, 83383, PS-4951
36 S	1 E	WM	18	NE SE	19.80	900	TRIPLE SPRINGS RANCH, LLC	08-01	83381, 83383, PS-4951
36 S	1 E	WM	31	NW NE	15.00	12900	ELLIOTT	08-04	83381, 83383,

IRRIGATION and SUPPLEMENTAL IRRIGATION									
Twp	Rng		Sec	Q-Q	Acres	Taxlot	Owner Name	Notice	Right(s)/ Permit(s) affected
									PS-4951
36 S	1 E	WM	31	SW NE	31.28	12900	ELLIOTT	08-04	83381, 83383, PS-4951
36 S	1 E	WM	31	SE NE	2.00	12900	ELLIOTT	08-04	83381, 83383, PS-4951
36 S	1 W	WM	36	SW SE	7.00	1500	LAMBERT	08-02	83381, 83383, PS-4951
36 S	1 W	WM	36	SW SE	5.00	414	LUEHRS	08-11	83381, 83383, PS-4951
37 S	2 W	WM	17	NE SE	4.50	3602	MALOT	08-07	83381, 83383, 80578, PS-4951
37 S	2 W	WM	17	NE SE	4.47	3600	STEIGERWALD	08-08	83381, 83383, 80578, PS-4951
37 S	2 W	WM	17	NE SE	4.05	3603	TURNER	08-06	83381, 83383, 80578, PS-4951
37 S	2 W	WM	20	NE NE	2.54	300	RIBAL	08-03	83381, 83383, 80578, PS-4951
37 S	2 W	WM	33	NE SE	5.82	700	BROWN	08-09	83381, 83383, 80578, 83728, PS-4951
37 S	2 W	WM	33	NW SE	1.00	800	ANDERBERG	08-05	83381, 83383, 80578, PS-4951
37 S	2 W	WM	33	SE SE	3.70	700	BROWN	08-09	83381, 83383, 80578, 83728, PS-4951
TOTAL:					128.56				

8. During review of the transfer application an apparent scrivener's error in the omission of T37S, R1W, Section 21, SW NW, WM., in the authorized place of use listing was identified. After an investigation of the record, the Department determined that inclusion of this location in the table above (Finding of Fact #6) more accurately depicts the authorized place of use.

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 place of use would not result in enlargement of the rights.
12. The proposed change in place of use will not result in injury to other water rights.

Conclusions of Law

The change in place of use proposed in Transfer Application T-10757 satisfies the requirements of ORS 540.574(3) and 540.580. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

Now, therefore, it is ORDERED:

1. The proposed change to the water rights evidenced by Certificates 83381, 83383, 80578, 83728, 85288, 85876, 85877 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, 85288, 85876, 85877 and water use Permit S-4951, any related decree and the Final Order approving T-10757
3. The former places of use shall no longer be irrigated as part of this water rights.
4. The approved change 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 Medford Irrigation District to the Department by October 1, 2012.
6. Water right by Certificates 83381, 83383, 80578, 83728, 85288, 85876, 85877 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 8th day of January, 2010.


Phillip C. Ward, Director

Mailing date: JAN 19 2010