

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

In the Matter of Transfer Application) FINAL ORDERING APPROVING A
T-10519, Jackson County) DISTRICT PERMANENT TRANSFER

Authority

ORS 540.570 to 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
1340 MYERS LANE
MEDFORD, OR 97501

Findings of Fact

1. On January 9, 2008, Medford Irrigation District filed a district transfer application to permanently change the place of use for Certificates 83381, 83383, and 80578 as well as water use Permit S-4951. The Department assigned the application number T-10519.
2. On January 22, 2008, notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. On November 3, 2009, the Department received amendments and clarifications to the authorized and proposed places of use.
4. The portion of the first right to be transferred is as follows:

Certificate: 83381 in the name of MEDFORD IRRIGATION DISTRICT (perfected under Permit E-19).

Use: IRRIGATION of 27.06 ACRES

Priority Date: JULY 23, 1909

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

This is a final order in other than 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 either 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.

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.

Source: NORTH AND SOUTH FORKS OF LITTLE BUTTE CREEK, tributaries to LITTLE BUTTE CREEK.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	2 E	WM	20	SE NE	NORTH FORK LITTLE BUTTE CREEK: 40 FEET NORTH AND 620 FEET WEST FROM THE E ¼ 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 E ¼ CORNER OF SECTION 29.
36 S	1 E	WM	8	SW SW	BRADSHAW DROP: <i>COORDINATES NOT SPECIFIED.</i>

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

Certificate: 83383 in the name of MEDFORD IRRIGATION DISTRICT (perfected under Permit S-407).

Use: SUPPLEMENTAL IRRIGATION of 27.06 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 cfs 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 Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	1 E	WM	8	SW SW	BRADSHAW DROP: <i>COORDINATES NOT SPECIFIED.</i>
36 S	2 E	WM	20	SE NE	NORTH FORK: 40 FEET NORTH AND 620 FEET WEST FROM THE E¼ CORNER OF SECTION 20.
36 S	5 E	WM	9	SW NW	FOUR MILE LAKE DAM: 3600 FEET NORTH AND 4200 FEET EAST FROM THE SW CORNER OF SECTION 9.
37 S	4 E	WM	4	SE SE	FISH LAKE DAM: 4000 FEET SOUTH AND 600 FEET EAST FROM THE NE CORNER OF SECTION 4.

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

Certificate: 80578 in the name of MEDFORD IRRIGATION DISTRICT (perfected under Permit S-2382).

Use: SUPPLEMENTAL IRRIGATION.

Priority Date: MARCH 1, 1915

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

Source BEAR CREEK a tributary to the ROGUE RIVER.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	1 W	WM	23	SW NE	PHOENIX CANAL: 1500 FEET NORTH AND 100 FEET EAST FROM THE SE CORNER OF DLC59.

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

Permit: S-4951 in the name of ROGUE RIVER VALLEY IRRIGATION DISTRICT and MEDFORD IRRIGATION DISTRICT.

Use: SUPPLEMENTAL IRRIGATION of 27.06 ACRES

Priority Date: JUNE 18, 1920

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

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, S-407 and R-50.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	1 W	WM	3	-- --	AGATE CANAL (LITTLE BUTTE CREEK): 2000 FEET NORTH FROM THE E $\frac{1}{4}$ CORNER OF SECTION 3.
36 S	1 W	WM	10	SW SW	AGATE CANAL (ANTELOPE CREEK): <i>COORDINATES 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>COORDINATES NOT SPECIFIED.</i>
36 S	1 W	WM	36	SE	DISTRICT CANAL (DRY CREEK): <i>COORDINATES NOT SPECIFIED.</i>
36 S	1 E	WM	29	NW	DISTRICT CANAL (YANKEE CREEK): <i>COORDINATES 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 NE $\frac{1}{4}$ OF SECTION 30.
36 S	1 W	WM	23	SE	HOPKINS CANAL (DRY CREEK): <i>COORDINATES 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>COORDINATES 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>COORDINATES NOT SPECIFIED.</i>
36 S	1 E	WM	19	SE SE	HOPKINS CANAL (YANKEE CREEK): <i>COORDINATES 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):

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
					<i>COORDINATES NOT SPECIFIED.</i>
36 S	1 E	WM	25	NE NW	LITTLE BUTTE CANAL (OSBORNE CREEK): <i>COORDINATES 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>COORDINATES NOT SPECIFIED.</i>
36 S	2 W	WM	33	NE SE	OAKLEIGH CANAL (JACKSON CREEK): <i>COORDINATES NOT SPECIFIED.</i>
38 S	1 W	WM	15	NE SW	PHOENIX CANAL (ANDERSON CREEK): <i>COORDINATES 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>COORDINATES NOT SPECIFIED.</i>
38 S	2 W***	WM	2	-- --	PHOENIX CANAL (GRIFFIN CREEK): <i>COORDINATES NOT SPECIFIED.</i>
37 S	2 W	WM	21	NW NW	PHOENIX CANAL (HORN CREEK): <i>COORDINATES NOT SPECIFIED.</i>
37 S	2 W	WM	29	NE SE	PHOENIX CANAL (JACKSON CREEK): <i>COORDINATES NOT SPECIFIED.</i>

8. The authorized places of use for Certificates **83381, 83383, 80578**, and water use Permit **S-4951** are:

IRRIGATION AND SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax lot	User Name	Notice	Right/Permit affected
37 S	1 W	WM	16	SW NE	0.40	900	TORANO	07-05	83381, 83383, S-4951
37 S	1 W	WM	16	NE NW	3.60	8900	BECHTEL	07-05	83381, 83383, S-4951
37 S	1 W	WM	16	SE SW	0.70	5900	FITCH INVEST. PROP.	07-05	83381, 83383, S-4951
37 S	1 W	WM	20	SW NE	3.00	1700	WYNDHAVEN, LLC	07-01	83381, 83383, S-4951
37 S	1 W	WM	20	SW NE	1.00	1700	WYNDHAVEN, LLC	07-02	83381, 83383, S-4951
37 S	1 W	WM	20	SE NE	0.30	1800	FORSYTH	07-05	83381, 83383, S-4951
37 S	1 W	WM	31	NE SE	3.43	2501	KOGAP	07-04	83381, 83383, 80578, S-4951
37 S	2 W	WM	23	NW NW	0.50	2000	HANSON	07-04	83381, 83383, 80578, S-4951
37 S	2 W	WM	23	SE SE	1.50	900	GROW	07-03	83381, 83383, 80578, S-4951

IRRIGATION AND SUPPLEMENTAL IRRIGATION									
Twp	Rng		Sec	Q-Q	Acres	Tax lot	User Name	Notice	Right/Permit affected
37 S	2 W	WM	23	SE SE	2.00	500	MCDANIEL	07-03	83381, 83383, 80578, S-4951
37 S	2 W	WM	35	SW NE	0.20	3300	BROWER	07-04	83381, 83383, 80578, S-4951
37 S	2 W	WM	35	SE NE	2.40	1400	ON TRACK, INC	07-03	83381, 83383, 80578, S-4951
37 S	2 W	WM	35	NE SE	1.98	300	MT VALLEY ASSOC.	07-03	83381, 83383, 80578, S-4951
37 S	2 W	WM	35	NE SE	0.02	300	MT VALLEY ASSOC.	07-03	83381, 83383, 80578, S-4951
37 S	2 W	WM	35	NE SE	0.43	3100	WISNOVSKY	07-04	83381, 83383, 80578, S-4951
37 S	2 W	WM	36	NW NW	0.50	2500	HOBSON	07-04	83381, 83383, 80578, S-4951
37 S	2 W	WM	36	NW SW	0.83	3100	WINOVSKY	07-04	83381, 83383, 80578, S-4951
37 S	2 W	WM	36	NE SE	1.87	700	HAYS	07-04	83381, 83383, 80578, S-4951
38 S	1 W	WM	9	NW NW	1.20	2800	ALTUNEL	07-04	83381, 83383, 80578, S-4951
38 S	1 W	WM	15	NW NW	0.50	6700	KOHN	07-03	83381, 83383, 80578, S-4951
38 S	1 W	WM	15	NW NW	0.10	6802	WISE ASSETS, LLC	07-03	83381, 83383, 80578, S-4951
38 S	2 W	WM	1	NW NE	0.60	500	ANDERSON-MERRYMAN	07-04	83381, 83383, 80578, S-4951
Total:					27.06				

9. Transfer Application T-10519 proposes to change the place of use for Certificates **83381, 83383, 80578** and Permit **S-4951** to:

IRRIGATION AND SUPPLEMENTAL IRRIGATION									
Twp	Rng		Sec	Q-Q	Acres	Tax lot	User Name	Notice	Right/Permit affected
36 S	1 E	WM	3	SW NE	3.00	1400	SUTTON	07-01	83381, 83383, S-4951
36 S	1 W	WM	34	NE SW	1.80	400	BOSSARD	07-05	83381, 83383, S-4951
36 S	1 W	WM	34	SE SW	3.20	400	BOSSARD	07-05	83381, 83383,

IRRIGATION AND SUPPLEMENTAL IRRIGATION									
Twp	Rng		Sec	Q-Q	Acres	Tax lot	User Name	Notice	Right/Permit affected
									S-4951
37 S	1 W	WM	3	SW NW	1.00	1402	HAYDEN	07-02	83381, 83383, S-4951
37 S	2 W	WM	29	SW NE	8.20	400	HECKERT	07-03	83381, 83383, 80578, S-4951
37 S	2 W	WM	29	SE NE	0.30	400	HECKERT	07-03	83381, 83383, 80578, S-4951
37 S	2 W	WM	33	NE SW	8.66	900	ADAIR	07-04	83381, 83383, 80578, S-4951
37 S	2 W	WM	33	SE SW	0.90	900	ADAIR	07-04	83381, 83383, 80578, S-4951
Total:					27.06				

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

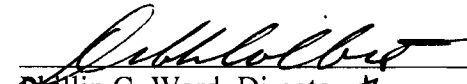
Conclusions of Law

The proposed change in place of use in application T-10519 satisfies the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The proposed changes to the water rights evidenced by Certificates **83381, 83383, 80578,** and **Permit S-4951** 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 **83381, 83383, 80578** and **Permit S-4951**. The former place of use shall no longer be irrigated as part of this water right.
3. The proposed change shall be completed on or before October 1, 2011.
4. A Claim of Beneficial Use shall be submitted by the applicant to the Department by October 1, 2012.
5. The Department shall issue a water right certificate on a determination that it is necessary to produce certificates describing the water rights.

Dated at Salem, Oregon this 24th day of November, 2009.



Phillip C. Ward, Director *h*

Mailing date: DEC 11 2009