

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A DISTRICT
T-11702, Jackson County) 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

Rogue River Valley Irrigation District
3139 Merriman Rd.
Medford, OR 97501

Findings of Fact

1. On December 23, 2013, Rogue River Valley Irrigation District (RRVID) filed a district Transfer Application to permanently change the place of use under Certificates 85288, 85714, 80575, 80576, 80577, 85876, 85877, 83729 and S-4951. The Department assigned the application number T-11702.
2. Notice of the application for transfer was published on December 31, 2013, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. On April 4, 2014, the applicant provided revised application maps for portions of the rights to be transferred.
4. On April 17, 2014, the applicant requested that Water Use Permit S-4951 be removed from this application.
5. The portion of the first right to be transferred is as follows:
Certificate: 85288, in the name of Rogue River Valley Irrigation District (perfected under Permit E-19).
Use: Primary Irrigation of 40.70 acres
Priority Date: July 23, 1909
Duty/ Limit: 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 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.

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.

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

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
36S	1E	WM	8	SW SW	BRADSHAW DROP - MEASURED DISTANCE NOT SPECIFIED ON CERTIFICATE
36S	2E	WM	20	SE NE	NORTH FORK LITTLE BUTTE CREEK – 40 FEET NORTH AND 620 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 20
36S	2E	WM	29	NE SE	SOUTH FORK LITTLE BUTTE CREEK – 780 FEET SOUTH AND 400 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 29

6. The authorized places of use for the above certificate are:

Authorized Place of Use:

PRIMARY IRRIGATION									
POD#	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
1	37S	2W	WM	13	SE NW	3300	1.10	RRVID	13-01
1	37S	1W	WM	5	NW NW	300	17.90	RRVID	13-01
1	36S	2W	WM	32	NW SW	1500	21.70	RRVID	13-02
Total							40.70		

7. Transfer Application T-11702 proposes to change the place of use of the above described right to:

Proposed Place of Use:

PRIMARY IRRIGATION									
POD #	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
1	37S	1W	WM	6	NW SE	2700	16.50	LITHIA REAL ESTATE	13-01
1	37S	1W	WM	6	SW SE	2700	2.50	LITHIA REAL ESTATE	13-01
1	36S	2W	WM	25	NW NW	201	21.70	SERRANO/MENDEZ	13-02
Total							40.70		

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

Certificate: 85714, in the names of Rogue River Valley Irrigation District and Medford Irrigation District (confirmed by Little Butte Creek Decree).

Use: Primary Irrigation of 2.00 acres.

Priority Date: September 14, 1899

Duty /Limit: The amount of water is limited to the total cubic foot per second for the right, measured at the head of the ditch or the point where the same leaves the natural stream.

Source: North and South Forks Little Butte Creek, tributary to Little Butte Creek

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	O-O	Measured Distance
36S	2E	WM	20	SE NE	NORTH FORK-40 FEET NORTH AND 620 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 20
36S	2E	WM	29	NE SE	SOUTH FORK-780 FEET SOUTH AND 400 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 29

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

Authorized Place of Use:

PRIMARY IRRIGATION									
POD#	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
2	37S	1W	WM	9	NW NW	300	2.00	RRVID	13-01

10. Transfer Application T-11702 proposes to change the place of use of the above described right to:

Proposed Place of Use:

PRIMARY IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #	
37S	1W	WM	6	SW SE	2700	2.00	LITHIA REAL ESTATE INC	13-01	

11. The portions of the first supplemental right to be transferred are as follows:

Certificate: 80575, in the name of Rogue River Valley Irrigation District (perfected under Permit 1706)

Use: Supplemental Irrigation of 22.80 acres.

Priority Date: June 24, 1913

Source: Bear Creek, tributary of the Rogue River

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 ONE-EIGHTIETH of one cubic foot per second (or its equivalent) for each acre irrigated during the irrigation season of each year.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
37S	1W	WM	30	NE NW	870 FEET SOUTH AND 1460 FEET EAST FROM THE NW CORNER OF SECTION 30

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

Authorized Places of Use:

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #	
37S	2W	WM	13	SE NW	3300	1.10	RRVID	13-01	
36S	2W	WM	32	NW SW	1500	21.70	RRVID	13-01	
Total						22.80			

13. Transfer Application T-11702 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	Tax Lot	Acres	Water User	Notice #	
37S	1W	WM	6	NW SE	2700	1.10	LITHIA REAL ESTATE INC	13-02	
36S	2W	WM	25	NW NW	201	21.70	SERRANO/MENDEZ	13-02	
Total						22.80			

14. The portions of the second right to be transferred are as follows:

Certificate: 80576, in the name of Rogue River Valley Irrigation District

Use: Supplemental Irrigation of 42.70 acres

Priority Date: September 6, 1915

Source: Agate Reservoir (constructed under Permits R-4563 and R-6175) and Dry Creek, tributaries of Little Butte Creek.

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 4.5 acre-feet for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36S	1W	WM	25	NW NW	AGATE DAM on DRY CREEK – 1090 FEET SOUTH AND 1250 FEET EAST FROM THE NW CORNER OF SECTION 25

15. The authorized places of use for the above certificate are:

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
37S	2W	WM	13	SE NW	3300	1.10	RRVID	13-01
37S	1W	WM	5	NW NW	300	17.90	RRVID	13-01
37S	1W	WM	5	NW NW	300	2.00	RRVID	13-01
36S	2W	WM	32	NW SW	1500	21.70	RRVID	13-02
Total						42.70		

16. Transfer Application T-11702 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	Tax Lot	Acres	Water User	Notice
37S	1W	WM	6	NW SE	2700	1.10	LITHIA REAL ESTATE INC	13-01
37S	1W	WM	6	NW SE	2700	15.40	LITHIA REAL ESTATE INC	13-01
37S	1W	WM	6	SW SE	2700	4.50	LITHIA REAL ESTATE INC	13-01
36S	2W	WM	25	NW NW	2700	21.70	SERRANO/MENDEZ	13-02
Total						42.70		

17. The portions of the next right to be transferred are as follows:

Certificate: 80577, in the name of Rogue River Valley Irrigation District

Use: Supplemental Irrigation of 21.70 acres

Priority Date: September 6, 1915

Source: Griffin Creek and Jackson Creek, tributaries of Bear Creek.

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 during the irrigation season of each year.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
37 S	2 W	WM	15	SW NE	GRIFFIN CREEK INTO HOPKINS CANAL – 2700 FEET NORTH AND 2050 FEET WEST FROM THE SE CORNER OF SECTION 15
37 S	2 W	WM	15	SW NW	JACKSON CREEK INTO HOPKINS CANAL – 3000 FEET NORTH AND 4000 FEET WEST FROM THE SE CORNER OF SECTION 15

18. The authorized places of use for the above certificate are:

Authorized Places of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
36S	2W	32	9	NW SW	1500	21.70	RRVID	13-02

19. Transfer Application T-11702 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	Tax	Acres	Water User	Notice #
36S	2W	WM	25	NW NW	201	21.70	SERRANO/MENDEZ	13-02

20. The portion of the next supplemental right to be transferred is as follows

Certificate: 85876 in the name of Rogue River Valley Irrigation District

Use: Supplemental Irrigation of 42.70 acres.

Priority Date: March 31, 1910

Limit/Duty: Total diversion through the Main Canal from North Fork and South Fork Little Butte Creek shall not exceed 140 cfs at any one time. The amount of water used for irrigation is limited to a diversion of ONE-EIGHTIETH of one cfs (or its equivalent) 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
36S	2E	WM	8	SW SW	BRADSHAW DROP - NOT SPECIFIED ON CERTIFICATE
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
36S	5E	WM	9	SW NW	FOUR MILE LAKE DAM – 3600 FEET NORTH AND 4200 FEET EAST FROM THE SW CORNER OF SECTION 9
37S	4E	WM	4	SE SE	FISH LAKE DAM – 4000 FEET SOUTH AND 600 FEET EAST FROM THE NE CORNER OF SECTION 4

The authorized place of use for the above certificate is:

Authorized Places of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
37S	2W	WM	13	SE NW	3300	1.10	RRVID	13-01
37S	1W	WM	05	NW NW	300	19.90	RRVID	13-01
36S	2W	WM	32	NW SW	1500	21.70	RRVID	13-02
Total						42.70		

21. Transfer Application T-11702 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	Tax Lot	Acres	Water User	Notice #
37S	1W	WM	6	NW SE	2700	16.50	LITHIA REAL ESTATE INC	13-01
37S	2W	WM	6	SW SE	2700	4.50	LITHIA REAL ESTATE INC	13-01
36S	2W	WM	25	NW NW	201	21.70	SERRANO/MENDEZ	13-02
Total						42.70		

22. The portions of the next right to be transferred are as follows:

Certificate: 85877, in the name of Rogue River Valley Irrigation District

Use: Supplemental Irrigation of 42.70 acres.

Priority Date: June 24, 1913

Source: Antelope Creek, tributary to Little Butte Creek

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other prior 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 during the irrigation season of each year.

Authorized Point of Diversion:

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

23. The authorized places of use for the above certificate are:

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
37S	2W	WM	13	SE NW	3300	1.10	RRVID	13-01
37S	1W	WM	05	NW NW	300	19.90	RRVID	13-01
36S	2W	WM	32	NW SW	1500	21.70	RRVID	13-02
Total						42.70		

24. Transfer Application T-11702 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	Tax Lot	Acres	Water User	Notice #
37S	1W	WM	6	NW SE	2700	16.50	LITHIA REAL ESTATE INC	13-01
37S	2W	WM	6	SW SE	2700	4.50	LITHIA REAL ESTATE INC	13-01
36S	2W	WM	25	NW NW	201	21.70	SERRANO/MENDEZ	13-02
Total						42.70		

25. The portions of the next right to be transferred are as follows:

Certificate: 83729, in the name of U. S. Bureau of Reclamation

Use: Supplemental Irrigation of 22.80 acres

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.

Sources: 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
37S	4E	WM	16	SE SE	SOUTH FORK LITTLE BUTTE CREEK: 1240 FEET NORTH AND 1100 FEET WEST OF THE SE¼ CORNER OF SECTION 16.
37S	4E	WM	28	SE NW	POLE BRIDGE CREEK: 1380 FEET SOUTH AND 2000 FEET EAST FROM THE NW CORNER OF SECTION 28.
37S	4E	WM	34	SW SE	DALEY CREEK: 750 FEET NORTH AND 480 FEET EAST FROM THE S¼ CORNER OF SECTION 34.
38S	3E	WM	9	SW SW	CONDE CREEK: 1320 FEET NORTH AND 600 FEET EAST FROM THE SW CORNER OF SECTION 9.
38S	3E	WM	15	SE SW	DEAD INDIAN CREEK: 1310 FEET NORTH AND 1100 FEET WEST FROM THE S¼ CORNER OF SECTION 15.
38S	4E	WM	4	NE SW	BEAVER DAM CREEK: 2000 FEET NORTH AND 1800 FEET EAST OF THE SW CORNER OF SECTION 4.
38S	4E	WM	6	NE SE	DEADWOOD CREEK: NO MEASURED DISTANCES SPECIFIED.
38S	4E	WM	32	SW	GRIZZLY CREEK AND HOWARD PRAIRIE RESERVOIR: E½ OF THE SW¼.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39S	2E	WM	20	SE SE	EMIGRANT RESERVOIR DIVERSION IS LOCATED AT THE OUTLET.
39S	3E	WM	16	SE SE	KEENE CREEK AND KEENE CREEK RESERVOIR: 15 FEET NORTH AND 1200 FEET WEST OF THE SE CORNER OF SECTION 16.
39S	3E	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.
39S	3E	WM	33	SW SW	KEENE CREEK AND KEENE CREEK RESERVOIR: 1200 FEET NORTH AND 1200 FEET EAST OF SW THE CORNER OF SECTION 33.
39S	4E	WM	8	SW NW	SODA CREEK - 2200 FEET SOUTH AND 60 FEET EAST OF THE NW CORNER OF SECTION 8.
39S	4E	WM	19	SE SW	LITTLE BEAVER CREEK - 600 FEET NORTH AND 1930 FEET EAST FROM THE SW CORNER OF SECTION 19.

26. The authorized places of use for the above certificate are:

Authorized Places of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
37S	2W	WM	13	SE NW	3300	1.10	RRVID	13-01
36S	2W	WM	32	NW SW	1500	21.70	RRVID	13-02
Total						22.80		

27. Transfer Application T-11702 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	Tax Lot	Acres	Water User	Notice #
37S	1W	WM	6	NW SE	2700	1.10	LITHIA REAL ESTATE INC	13-01
36S	2W	WM	25	NW NW	2700	21.70	SERRANO/MENDEZ	13-02
Total						22.80		

28. 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.

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

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

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

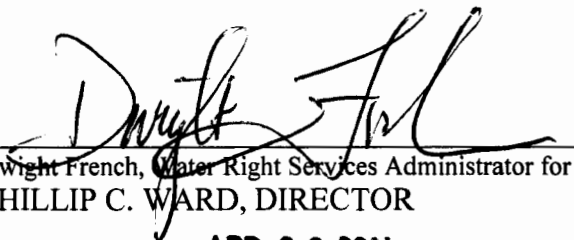
Conclusions of Law

The change in place of use proposed in Transfer Application T-11702 satisfies the requirements of ORS 540.574(3) and 540.580

Now, therefore, it is ORDERED:

1. The proposed change to the water rights evidenced by Certificates 85288, 85876, 85877, 80575, 80576, 80577 and 83729 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 Certificates 85288, 85714, 80575, 80576, 80577, 83729, 85876 and 85877, and any related decree.
3. The former places of use shall no longer be irrigated as part of these water rights.
4. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2015. A Claim of Beneficial Use shall be submitted to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
5. Certificates 85288, 85714, 80575, 80576, 80577, 83729, 85876, and 85877 are modified. The Department will issue superseding certificates describing the rights when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 18 day of April, 2014.


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

Mailing date: APR 28 2014