



**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	1 E	WM	8	SW SW	BRADSHAW DROP: NONE GIVEN
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

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	1 W	WM	9	SW SE	9.0
37 S	1 W	WM	9	SE SE	37.4
37 S	1 W	WM	10	SW SW	32.5
37 S	1 W	WM	15	NW NW	40.0
37 S	1 W	WM	15	SW NW	35.8

3. Application T-10120 proposes an additional point of diversion for the portion of the right described in Finding #2 approximately 16 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	2 W	WM	13	SW NW	SOUTH 25 DEGREES 25 MINUTES 28 SECONDS EAST, 4385.6 FEET FROM THE NE CORNER OF DLC 42

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

**Certificate:** 80572 in the name of MEDFORD IRRIGATION DISTRICT (perfected under Permit S-407)

**Use:** SUPPLEMENTAL IRRIGATION of 154.7 ACRES

**Priority Date:** MARCH 31, 1910

**Rate:** 1.13 CUBIC FEET PER SECOND (cfs)

**Limit/Duty:** ONE-EIGHTIETH of one cfs per acre per year

**Source:** FOURMILE LAKE RESERVOIR, within the Klamath River Basin, CASCADE CANAL, AND FISH LAKE RESERVOIR, constructed under Permit R-50, within the Rogue River Basin

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	1 E	WM	8	SW SW	BRADSHAW DROP: NO COORDINATES GIVEN
36 S	2 E	WM	20	SE NE	NORTH FORK: 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 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

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	1 W	WM	9	SW SE	9.0
37 S	1 W	WM	9	SE SE	37.4
37 S	1 W	WM	10	SW SW	32.5
37 S	1 W	WM	15	NW NW	40.0
37 S	1 W	WM	15	SW NW	35.8

5. Application T-10120 proposes an additional point of diversion for the right described in Finding #4 approximately 29 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	2 W	WM	13	SW NW	SOUTH 25 DEGREES 25 MINUTES 28 SECONDS EAST, 4385.6 FEET FROM THE NE CORNER OF DLC 42

6. Application T-10120 proposes to change the character of use of the rights described in Findings #2 and #4 to Municipal and Industrial.
7. Application T-10120 proposes that the rights described in Findings #2 and #4 be transferred to the City of Central Point, which will be responsible for completion of all changes.
8. Application T-10120 also proposes to change the place of use of the rights described in Findings #2 and #4 to:

**Proposed Place of Use:**

Twp	Rng	Mer	Sec	Q-Q
36 S	2 W	WM	34	NE SW
36 S	2 W	WM	34	SE SW
36 S	2 W	WM	34	NE SE
36 S	2 W	WM	34	NW SE
36 S	2 W	WM	34	SW SE
36 S	2 W	WM	34	SE SE
36 S	2 W	WM	35	SW SW
36 S	2 W	WM	35	SE SE
36 S	2 W	WM	36	SE NW
36 S	2 W	WM	36	NE SW
36 S	2 W	WM	36	SW SW
36 S	2 W	WM	36	SE SW
37 S	2 W	WM	1	NE NW
37 S	2 W	WM	1	NW NW
37 S	2 W	WM	1	SW NW
37 S	2 W	WM	1	SE NW
37 S	2 W	WM	1	NE SW
37 S	2 W	WM	1	NW SW
37 S	2 W	WM	1	SW SW
37 S	2 W	WM	1	SE SW
37 S	2 W	WM	2	NE NE
37 S	2 W	WM	2	SE NE
37 S	2 W	WM	2	NW NW
37 S	2 W	WM	2	SW NW
37 S	2 W	WM	2	SE NW
37 S	2 W	WM	2	NE SW
37 S	2 W	WM	2	NW SW
37 S	2 W	WM	2	SW SW
37 S	2 W	WM	2	SE SW
37 S	2 W	WM	2	NE SE
37 S	2 W	WM	2	NW SE
37 S	2 W	WM	2	SW SE
37 S	2 W	WM	2	SE SE
37 S	2 W	WM	3	NE NE
37 S	2 W	WM	3	NW NE
37 S	2 W	WM	3	SW NE
37 S	2 W	WM	3	SE NE
37 S	2 W	WM	3	NE NW
37 S	2 W	WM	3	NW NW
37 S	2 W	WM	3	SW NW
37 S	2 W	WM	3	SE NW
37 S	2 W	WM	3	NE SW
37 S	2 W	WM	3	NW SW
37 S	2 W	WM	3	SW SW
37 S	2 W	WM	3	SE SW

Twp	Rng	Mer	Sec	Q-Q
37 S	2 W	WM	3	NE SE
37 S	2 W	WM	3	NW SE
37 S	2 W	WM	3	SW SE
37 S	2 W	WM	3	SE SE
37 S	2 W	WM	10	NE NE
37 S	2 W	WM	10	NW NE
37 S	2 W	WM	10	SW NE
37 S	2 W	WM	10	SE NE
37 S	2 W	WM	10	NE NW
37 S	2 W	WM	10	NW NW
37 S	2 W	WM	10	SW NW
37 S	2 W	WM	10	SE NW
37 S	2 W	WM	10	NE SW
37 S	2 W	WM	10	NW SW
37 S	2 W	WM	10	SW SW
37 S	2 W	WM	10	SE SW
37 S	2 W	WM	10	NE SE
37 S	2 W	WM	10	NW SE
37 S	2 W	WM	10	SW SE
37 S	2 W	WM	10	SE SE
37 S	2 W	WM	11	NE NE
37 S	2 W	WM	11	NW NE
37 S	2 W	WM	11	SW NE
37 S	2 W	WM	11	SE NE
37 S	2 W	WM	11	NE NW
37 S	2 W	WM	11	NW NW
37 S	2 W	WM	11	SW NW
37 S	2 W	WM	11	SE NW
37 S	2 W	WM	11	NE SW
37 S	2 W	WM	11	NW SW
37 S	2 W	WM	11	SW SW
37 S	2 W	WM	11	SE SW
37 S	2 W	WM	11	NE SE
37 S	2 W	WM	11	NW SE
37 S	2 W	WM	11	SW SE
37 S	2 W	WM	11	SE SE
37 S	2 W	WM	12	NE NW
37 S	2 W	WM	12	NW NW
37 S	2 W	WM	12	SW NW
37 S	2 W	WM	12	SE NW
37 S	2 W	WM	12	NE SW
37 S	2 W	WM	12	NW SW
37 S	2 W	WM	12	SW SW
37 S	2 W	WM	12	SE SW

9. Notice of the application for transfer was published on April 4, 2006, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.

10. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds. However, funds may not be currently available.
11. On September 11, 2006, a draft Preliminary Determination was issued and a copy was mailed to the applicants. On October 2, 2006 by fax, and October 5, 2006 by mail, comments on the draft were received from Medford Irrigation District, requesting that the original points of diversion remain as the measuring points for delivery, requesting clarification of the date by which the approved changes (including ODFW approval of the screens and by-pass devices) needed to be completed, and also requesting to be allowed to "perfect" the changes prior to the new fish facilities being installed so that the City could then have the option of putting the water instream.
12. Consultations between the representatives of the Oregon Water Resources Department, ODFW and other stakeholders resulted in agreement to modify the conditions for fish screening, water measurement, and perfection of the changes, as reflected in this document.
13. On March 15, 2007, the Department issued a Preliminary Determination proposing to approve Transfer T-10120 and mailed a copy to the applicants. Additionally, notice of the preliminary determination for the transfer application was published on the Department's weekly notice on March 20, 2007, and in the Medford Mail Tribune newspaper on April 5, 12 and 19, 2007, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
14. Water right Certificates 80570 and 80572 were issued less than 5 years prior to the filing of the T-10120 application, confirming the rights, and no there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
15. Diversion structures and ditches as well as a pump, pipeline and sprinklers sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Application T-10210.
16. The proposed changes would not result in enlargement of the rights so long as the use of water continues to be limited to the irrigation season, being April 1 to October 1 of each year.
17. The proposed changes would not result in injury to other water rights.

### **Conclusions of Law**

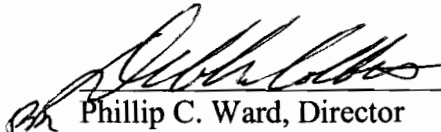
The proposed changes in place of use, character of use and an additional point of diversion in application T-10120 are consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The changes in place of use, character of use and an additional point of diversion proposed in T-10120 are approved.
2. Water right certificates 80570 and 80572 are cancelled. New certificates will be issued describing those portions of the rights not modified by this transfer.
3. 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 in Certificates 80570 and 80572 and any related decree.
4. The quantity of water diverted at the additional point of diversion, together with that diverted at the original points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
5. Municipal use of water shall be limited to the irrigation season, being April 1 to October 1 of each year.
6. The former place of use of the transferred water shall no longer receive water as part of these rights.
7. Prior to diverting water, the water user shall install and maintain a suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The Lake Creek gaging station on Little Butte Creek (Station number 14346700) is an acceptable measuring point for use in fulfillment of this requirement.
8. The water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required fish screening and/or by-pass device meets ODFW's criteria. The water user may withdraw water at the new point of diversion without an adequate fish screening or by-pass device for one continuous four hour period between September 1 and October 1, 2007, for the purposes of proving up the transfer. After October 1, 2007, no further diversion of water will be allowed until adequate fish screening and/or by-pass devices have been installed and approved by ODFW. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
9. The approved changes associated with Transfer T-10120 shall be completed and full beneficial use of the water shall be made on or before October 1, 2012. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

10. If a claim of beneficial use is submitted prior to installation of an approved fish screening and/or by-pass device, the confirming certificate will be conditioned to require installation of a fish screening and/or by-pass device prior to diversion of any water under the certificate.
11. If a claim of beneficial use is submitted prior to installation of an approved fish screening and/or by-pass device, the confirming certificate will be conditioned to require that the water right be leased instream prior to diversion of any water.
12. If a claim of beneficial use is submitted after the installation of an approved fish screening and/or by-pass device, the confirming certificate will be conditioned to require operation and maintenance of the fish screen consistent with ODFW standards.
13. When satisfactory proof of the completed changes is received, new certificates confirming the rights will be issued.

Dated at Salem, Oregon this 31<sup>st</sup> day of May 2007.

  
Phillip C. Ward, Director

Mailing date: JUN 04 2007

