BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

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In the Matter of Transfer Application T-11945, Jackson County FINAL ORDER APPROVING A DISTRICT PERMANENT TRANSFER AND PARTIAL DIMINUTION OF A GROUNDWATER REGISTRATION

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 19, 2014, Rogue River Valley Irrigation District (RRVID) filed a district Transfer Application to permanently change the place of use under Certificates 85288, 80576, 85876, and 85877. The Department assigned the application number T-11945.
- 2. Notice of the application for transfer was published on December 30, 2014, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
- 3. 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 31.8 acres

Priority Date: July 23, 1909

Duty/Limit: The total diversions though the Main Canal from North Fork and South Fork of the Little Butte Creek shall not exceed 140 cubic feet per second 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 $1/100^{\text{th}}$ of one cubic foot per second or its equivalent for each acre irrigated during the season.

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
36 S	1 E	WM	8	SW SW	BRADSHAW DROP - MEASURED DISTANCE NOT SPECIFIED ON CERTIFICATE

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.

Тwp	Rng	Mer	Sec	Q-Q	Measured Distance
36 S	2 E	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
36 S	2 E	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

Authorized Place of Use:

					PRIM	IARY IRRI	GATION		
POD #	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
1	36 S	1 W	WM	28	NE NE	200	3.10	RRVID	14-01
1	36 S	1 W	WM	29	SE NW	3000	0.50	RRVID	14-01
1	36 S	1 W	WM	31	SE SW	3400	2.00	RRVID	14-01
1	36 S	2 W	WM	35	NE SE	400	1.70	RRVID	14-01
1	36 S	2 W	WM	35	NE SE	1300	0.80	RRVID	14-01
1	36 S	2 W	WM	35	NW SE	2602	0.20	RRVID	14-01
1	36 S	2 W	WM	36	SE NW	2104	0.90	RRVID	14-01
1	36 S	2 W	WM	36	NE SE	102	1.50	RRVID	14-01
1	36 S	2 W	WM	36	NW SE	102	11.30	RRVID	14-01
1	37 S	1 W	WM	5	SW SW	1600	4.90	RRVID	14-01
1	37 S	1 W	WM	18	SE SW	3200	0.10	RRVID	14-01
1	37 S	2 W	WM	1	SW NE	1400	0.20	RRVID	14-01
1	37 S	2 W	WM	1	NE NW	2600	2.00	RRVID	14-01
1	37 S	2 W	WM	1	SE NW	2600	2.60	RRVID	14-01
						Total	31.80		

4. Transfer Application T-11945 proposes to change the place of use of the above described right to:

	PRIMARY IRRIGATION												
POD #	Tw	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #				
1	36	2 W	WM	26	SW SW	2002	15.50	HORTON	14-01				
1	36	2 W	WM	26	SE SW	2002	2.90	HORTON	14-01				
1	36	2 W	WM	27	SE SE	2002	0.60	HORTON	14-01				
1	36	2 W	WM	34	SE SE	600	1.31	JACKSON COUNTY	14-02				
1	36	2 W	WM	35	SW SW	600	4.99	JACKSON COUNTY	14-02				
1	37	2 W	WM	2	NE NW	600	0.24	JACKSON COUNTY	14-02				
1	37	2 W	WM	2	NW NW	600	4.23	JACKSON COUNTY	14-02				
1	37	2 W	WM	3	NE NE	600	2.03	JACKSON COUNTY	14-02				
			Т	otal			31.80						

Proposed Place of Use:

5. 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 31.80 acres **Priority Date:** September 6, 1915 **Source:** A gate Reservoir (constructed under Permite P. 4563 and P. 6175) and

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
36 S	1 W	WМ	25	NW NW	AGATE DAM on DRY CREEK – 1090 FEET SOUTH AND 1250 FEET EAST FROM THE NW CORNER OF SECTION 25

Authorized Place of Use:

					PRIMARY	(IRRIGAT	ION		
POD #	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
1	36 S	1 W	WM	28	NE NE	200	3.10	RRVID	14-01
1	36 S	1 W	WM	29	SE NW	3000	0.50	RRVID	14-01
1	36 S	1 W	WM	31	SE SW	3400	2.00	RRVID	14-01
1	36 S	2 W	WM	35	NE SE	400	1.70	RRVID	14-01
1	36 S	2 W	WM	35	NE SE	1300	0.80	RRVID	14-01
1	36 S	2 W	WM	35	NW SE	2602	0.20	RRVID	14-01
1	36 S	2 W	WM	36	SE NW	2104	0.90	RRVID	14-01
1	36 S	2 W	WM	36	NE SE	102	1.50	RRVID	14-01
1	36 S	2 W	WM	36	NW SE	102	11.30	RRVID	14-01
1	37 S	1 W	WM	5	SW SW	1600	4.90	RRVID	14-01
1	37 S	1 W	WM	18	SE SW	3200	0.10	RRVID	14-01
1	37 S	2 W	WM	1	SW NE	1400	0.20	RRVID	14-01
1	37 S	2 W	WM	1	NE NW	2600	2.00	RRVID	14-01
1	37 S	2 W	WM	1	SE NW	2600	2.60	RRVID	14-01
						Total	31.80		

6. Transfer Application T-11945 proposes to change the place of use of the above described right to:

Proposed	Place o	f Use:

					PRIMAR	Y IRRIGA'	ΓΙΟΝ		
POD #	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
1	36 S	2 W	WM	26	SWSW	2002	15.50	HORTON	14-01
1	36 S	2 W	WM	26	SE SW	2002	2.90	HORTON	14-01
1	36 S	2 W	WM	27	SE SE	2002	0.60	HORTON	14-01
1	36 S	2 W	WM	34	SE SE	600	1.31	JACKSON COUNTY	14-02
1	36 S	2 W	WM	35	SW SW	600	4.99	JACKSON COUNTY	14-02
1	37 S	2 W	WM	2	NE NW	600	0.24	JACKSON COUNTY	14-02
1	37 S	2 W	WM	2	NWNW	600	4.23	JACKSON COUNTY	14-02
1	37 S	2 W	WM	3	NE NE	600	2.03	JACKSON COUNTY	14-02
			Т	otal	• • • • • • • • • • • • • • • • • • • •		31.80		

7. 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	WМ	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

Authorized Places of Use:

					PRIMAR	Y IRRIGA	TION		· · ·
POD #	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
1	36 S	1 W	WM	28	NE NE	200	3.10	RRVID	14-01
1	36 S	1 W	WM	29	SE NW	3000	0.50	RRVID	14-01
1	36 S	1 W	WM	31	SE SW	3400	2.00	RRVID	14-01
1	36 S	2 W	WM	35	NE SE	400	1.70	RRVID	14-01
1	36 S	2 W	WM	35	NE SE	1300	0.80	RRVID	14-01
1	36 S	2 W	WM	35	NW SE	2602	0.20	RRVID	14-01
1	36 S	2 W	WM	36	SE NW	2104	0.90	RRVID	14-01
1	36 S	2 W	WM	36	NE SE	102	1.50	RRVID	14-01
1	36 S	2 W	WM	36	NW SE	102	11.30	RRVID	14-01
1	37 S	1 W	WM	5	SW SW	1600	4.90	RRVID	14-01
1	37 S	1 W	WM	18	SE SW	3200	0.10	RRVID	14-01
1	37 S	2 W	WM	1	SW NE	1400	0.20	RRVID	14-01
1	37 S	2 W	WM	1	NE NW	2600	2.00	RRVID	14-01
1	37 S	2 W	WM	1	SE NW	2600	2.60	RRVID	14-01
						Total	31.80		

8. Transfer Application T-11945 proposes to change the place of use of the above described right to:

Proposed Place of Use:

					PRIMAR	IY IRRIGA	TION		
POD #	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
1	36 S	2 W	WM	26	SWSW	2002	15.50	HORTON	14-01
1	36 S	2 W	WM	26	SE SW	2002	2.90	HORTON	14-01
1	36 S	2 W	WM	27	SE SE	2002	0.60	HORTON	14-01
1	36 S	2 W	WM	34	SE SE	600	1.31	JACKSON COUNTY	14-02
1	36 S	2 W	WM	35	SW SW	600	4.99	JACKSON COUNTY	14-02
1	37 S	2 W	WM	2	NE NW	600	0.24	JACKSON COUNTY	14-02
1	37 S	2 W	WM	2	NWNW	600	4.23	JACKSON COUNTY	14-02
1	37 S	2 W	WM	3	NE NE	600	2.03	JACKSON COUNTY	14-02
		-			•	Total	31.80		

 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.

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
36 S	2 E	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
36 S	5 E	WМ	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	WМ	4	SE SE	FISH LAKE DAM – 4000 FEET SOUTH AND 600 FEET EAST FROM THE NE CORNER OF SECTION 4

Authorized Points of Diversion:

Authorized Place of Use:

	PRIMARY IRRIGATION									
POD #	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #	
1	36 S	1 W	WM	28	NE NE	200	3.10	RRVID	14-01	
1	36 S	1 W	WM	29	SE NW	3000	0.50	RRVID	14-01	
1	36 S	1 W	WM	31	SE SW	3400	2.00	RRVID	14-01	
1	36 S	2 W	WM	35	NE SE	400	1.70	RRVID	14-01	
1	36 S	2 W	WM	35	NE SE	1300	0.80	RRVID	14-01	
1	36 S	2 W	WM	35	NW SE	2602	0.20	RRVID	14-01	
1	36 S	2 W	WM	36	SENW	2104	0.90	RRVID	14-01	
1	36 S	2 W	WM	36	NE SE	102	1.50	RRVID	14-01	
1	36 S	2 W	WM	36	NW SE	102	11.30	RRVID	14-01	
1	37 S	1 W	WM	5	SW SW	1600	4.90	RRVID	14-01	
1	37 S	1 W	WM	18	SE SW	3200	0.10	RRVID	14-01	
1	37 S	2 W	WM	1	SW NE	1400	0.20	RRVID	14-01	
1	37 S	2 W	WM	1	NE NW	2600	2.00	RRVID	14-01	
1	37 S	2 W	WM	1	SE NW	2600	2.60	RRVID	14-01	

10. Transfer Application T-11945 proposes to change the place of use of the above described right to:

Proposed Place of Use:

PRIMARY IRRIGATION									
POD #	POD # Twp Rng Mer Sec Q-Q Tax Lot Acres Water User								
1	36 S	2 W	WM	26	SW SW	2002	15.50	HORTON	14-01
1	36 S	2 W	WM	26	SE SW	2002	2.90	HORTON	14-01
1	36 S	2 W	WM	27	SE SE	2002	0.60	HORTON	14-01
1	36 S	2 W	WM	34	SE SE	600	1.31	JACKSON COUNTY	14-02
1	36 S	2 W	WM	35	SW SW	600	4.99	JACKSON COUNTY	14-02
1	37 S	2 W	WM	2	NE NW	600	0.24	JACKSON COUNTY	14-02
1	37 S	2 W	WM	2	NWNW	600	4.23	JACKSON COUNTY	14-02
1	37 S	2 W	WM	3	NE NE	600	2.03	JACKSON COUNTY	14-02
	•		To	tal	31.80				

11. 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-Q	Measured Distance
36 S	1 E	WМ	30	SW NE	HOPKINS CANAL - 770 FEET NORTH AND 1650 FEET WEST FROM THE E1/4 CORNER OF SECTION 30

PRIMARY IRRIGATION Tax Lot Water User Notice # POD # Twp Rng Mer Sec 0-0 Acres NE NE 200 3.10 RRVID 14-01 36 S 1 W WM 28 29 SE NW 3000 0.50 RRVID 14-01 36 S 1 W WM 1 1 W WM 31 SE SW 3400 2.00 RRVID 14-01 1 36 S 1.70 RRVID 14-01 1 36 S 2 W WM 35 NE SE 400 1 36 S 2 W WM 35 NE SE 1300 0.80 RRVID 14-01 0.20 14-01 36 S 2 W WM 35 NW SE 2602 RRVID 1 1 36 S 2 W WM 36 SE NW 2104 0.90 RRVID 14-01 14-01 WM NE SE 102 1.50 RRVID 36 S 2 W 36 1 11.30 14-01 1 36 S 2 W WM 36 NW SE 102 RRVID RRVID 14-01 1 37 S 1 W WM 5 SW SW 1600 4.90 14-01 WM 18 SE SW 3200 0.10 RRVID 1 37 S | 1 W 37 S 2 W WM SW NE 1400 0.20 RRVID 14-01 1 1 1 2600 2.00 RRVID 14-01 1 37 S 2 W WM NE NW 1 37 S 2 W WM 1 SE NW 2600 2.60 RRVID 14-01 Total 31.80

Authorized Place of Use:

12. Transfer Application T-11945 proposes to change the place of use of the above described right to

Proposed	Place of Use:
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	PRIMARY IRRIGATION									
POD #	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice	
1	36 S	2 W	WM	26	SW SW	2002	15.50	HORTON	14-01	
1	36 S	2 W	WM	26	SE SW	2002	2.90	HORTON	14-01	
1	36 S	2 W	WM	27	SE SE	2002	0.60	HORTON	14-01	
1	36 S	2 W	WM	34	SE SE	600	1.31	JACKSON COUNTY	14-02	
1	36 S	2 W	WM	35	SW SW	600	4.99	JACKSON COUNTY	14-02	
1	37 S	2 W	WM	2	NE NW	600	0.24	JACKSON COUNTY	14-02	
1	37 S	2 W	WM	2	NW NW	600	4.23	JACKSON COUNTY	14-02	
1	37 S	2 W	WM	3	NE NE	600	2.03	JACKSON COUNTY	14-02	
			Tota	31.80						

- 13. Groundwater Registration GR-491 exists on some of the same lands as proposed to receive RRVID primary irrigation water rights.
- 14. The Department has instructed the groundwater registration holder (Jackson County) to file a groundwater modification application to avoid un-layering the groundwater claim from the newly approved place of use identified above.
- 15. A representative of Jackson County has stated that the county will be filing a Groundwater Modification Application to remove the use of primary irrigation under GR-491 on the relevant property.
- 16. The irrigation use under GR-491 shall not be used on the parcels receiving RRVID primary irrigation water. The District and Jackson County do not, in any way, intend on layering GR-491 and the incoming District water rights.
- 17. Based on the findings above, the Department has determined the district water and the groundwater have not been used conjunctively.
- 18. 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.
- 19. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
- 20. The proposed change in place of use would not result in enlargement of the rights.
- 21. The proposed change in place of use will not result in injury to other water rights.

Diminution of a Groundwater Registration

On 0.1 0 1 2015 the applicant submitted a notarized statement requesting diminution of Ground Water Registration GR-729. The portion of the registration to be diminished is as follows:

GR Claim: GR-729 in the name of Arthur F. Schmock (Groundwater Registration Certificate GR-705)

Use: Irrigation of 18.60 acres. Tentative Priority Date: March 8, 1955 Source: a sump, within the Rogue River basin Rate: 110.42 gallons per minute

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance				
36 S	2 W	WM	26	SW SW	815 FEET NORTH AND 598 FEET WEST FROM THE NE CORNER OF DLC 56				

Authorized Place of Use to be Diminished:

Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	2 W	WM	26	SW SW	15.5
36 S	2 W	WM	26	SE SW	2.90

Conclusions of Law

The change in place of use proposed in Transfer Application T-11945 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, 80576, 85876 and 85877 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, 2016. 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, 80576, 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 $1 - \frac{1}{2}$ day of November, 2015.

Dwight French, Water Right Services Administrator for THOMAS M. BYLER, DIRECTOR

Mailing date: NOV 1 9 2015