

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, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: ROGUE RIVER, tributary to the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
35 S	1 W	WM	31	NW SE	4	1650 FEET NORTH AND 2050 FEET WEST FROM SE CORNER OF SECTION 31

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
35 S	1 W	WM	31	NE SW		2.25
35 S	1 W	WM	31	NW SW		0.19
35 S	1 W	WM	31	NW SE	4	0.31

4. Transfer Application T-10664 proposes an additional point of diversion approximately one mile downstream, located at:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
36 S	1 W	WM	6	NW SW	5	668.4 FEET SOUTH AND 224.4 FEET EAST FROM THE W¼ CORNER OF SECTION 6

5. Transfer Application T-10664 also proposes to change the place of use of the right under Certificate 65021 to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
35 S	1 W	WM	31	NE SW	0.85	
35 S	1 W	WM	31	NW SW	0.36	
36 S	2 W	WM	1	SW SE	1.54	

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

Certificate: 65061 in the name of JIMMIE D. and PHYLLIS WRAY (perfected under Permit S-9600)

Use: IRRIGATION of 1.29 ACRES

Priority Date: MARCH 29, 1930

Rate: 0.014 CUBIC FOOT PER SECOND

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, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: ROGUE RIVER, tributary to the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
35 S	1 W	WM	31	NWSE	4	1650 FEET NORTH AND 2050 FEET WEST FROM THE SE CORNER OF SECTION 31

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
35 S	1 W	WM	31	NE SW	1.29

7. Transfer Application T-10664 proposes an additional point of diversion approximately one mile downstream located at:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	1 W	WM	6	NW SW	668.4 FEET SOUTH AND 224.4 FEET EAST FROM THE W¼ CORNER OF SECTION 6

8. Transfer Application T-10664 also proposes to change the place of use of the right under Certificate 65061 to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
35 S	1 W	WM	31	NE SW	0.07
36 S	2 W	WM	1	SW SE	1.22

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

Certificate: 84147 in the name of RRIP, LLC (perfected under Permit S-19294)

Use: IRRIGATION of 1.45 ACRES

Priority Date: MARCH 10, 1950

Rate: 0.02 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION LOCATED IN THE NE¼ NW¼, SECTION 6, T 36 S, R 1 W, W.M.

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, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season from APRIL 2 TO OCTOBER 31, of each year; provided further that the amount of water allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed the limitation allowed herein.

Source: ROGUE RIVER, tributary to the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
36 S	1 W	WM	6	NW SW	5	668 FEET SOUTH AND 224 FEET EAST FROM THE W¼ CORNER OF SECTION 6

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	2 W	WM	1	NE SE	1.45

10. Transfer Application T-10664 proposes to change the place of use of the right under Certificate 84147 to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	2 W	WM	1	SW SE	1.45

11. The portion of the fourth right to be transferred is as follows:

Certificate: 84267 in the name of RRIP, LLC (perfected under Permit S-53688)
Use: SUPPLEMENTAL IRRIGATION of 1.45 ACRES
Priority Date: APRIL 26, 1999
Rate: 4.15 ACRE-FEET
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 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: LOST CREEK RESERVOIR, CONSTRUCTED UNDER PERMIT R-8142, tributary of the ROGUE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
36 S	1 W	WM	6	NW SW	5	668.4 FEET SOUTH AND 224.4 FEET EAST FROM THE W ¹ / ₄ CORNER OF SECTION 6

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	2 W	WM	1	NE SE	1.45

12. Transfer Application T-10664 proposes to change the place of use of the right under Certificate 84267 to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	2 W	WM	1	SW SE	1.45

13. The portion of the fifth right to be transferred is as follows:

Certificate: 51195 in the name of STEVEN SHAPIRO (perfected under Permit S-9600)
Use: IRRIGATION of 2.22 ACRES
Priority Date: MARCH 29, 1930
Rate: 0.03 CUBIC FOOT PER SECOND

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, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: ROGUE RIVER, tributary to the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
35 S	1 W	WM	31	NW SE	4	240 FEET NORTH AND 470 FEET EAST FROM THE SW CORNER OF LOT 4

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
35 S	1 W	WM	31	NE SW		1.68
35 S	1 W	WM	31	NW SW		0.40
35 S	1 W	WM	31	NW SE	4	0.14

14. Transfer Application T-10664 proposes an additional point of diversion approximately one mile downstream located at:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
36 S	1 W	WM	6	NW SW	5	668.4 FEET SOUTH AND 224.4 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 6

15. Transfer Application T-10664 also proposes to change the place of use of the right under Certificate 51195 to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
35 S	1 W	WM	31	NE SW		0.28
36 S	2 W	WM	1	SW SE		1.94

16. Notice of the application for transfer was published on July 8, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
17. On March 12, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10664 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 15, 2010, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
18. On April 23, 2010, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10664 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on April 27, 2010, and in the Medford Mail Tribune newspaper

on May 12, 19, and 26, 2010, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

19. 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.

Transfer Review Criteria [OAR 690-380-4010(2)]

20. Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
21. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-10664.
22. The proposed changes would not result in enlargement of the rights.
23. The proposed changes would not result in injury to other water rights.

Conclusions of Law

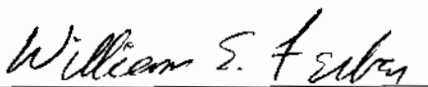
The additional point of diversion and changes in place of use proposed in Transfer Application T-10664 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional point of diversion and changes in place of use proposed in Transfer Application T-10664 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 65021, 65061, 84147, 84267, and 51195 and any related decree.
3. Water right certificates 65021, 65061, 84147, 84267, and 51195 are cancelled. New certificates will be issued describing that portion of the rights not affected by this transfer.
4. The quantity of water diverted at the additional point of diversion, together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.

5. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Prior to diverting water, 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 screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. 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.
7. The former places of use of the transferred rights shall no longer receive water under the rights.
8. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. A Claim of Beneficial Use prepared by a Certified Water Right 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.
9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 28th day of June 2010.


R- Phillip C. Ward, Director

Mailing date: JUN 30 2010