

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

In the Matter of Transfer Application            )  
T-10960, Jackson County                        )  
  )  
  )  
  )  
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  )

FINAL ORDER APPROVING AN  
ADDITIONAL POINT OF DIVERSION  
AND CHANGES IN PLACE OF USE  
AND CHARACTER OF USE, AND  
PARTIAL CANCELLATION OF A  
WATER RIGHT AND PERMIT

**Authority**

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

ORS 540.510 establishes the process in which the Department may cancel a supplemental water right not included as part of the transfer application.

**Applicant**  
MEDFORD IRRIGATION DISTRICT  
PO BOX 70  
JACKSONVILLE, OR 97530

**Receiving Water Right Holder**  
CITY OF EAGLE POINT  
P.O. BOX 779  
EAGLE POINT, OR 97524

**Findings of Fact**

**Background**

1. On October 1, 2009, MEDFORD IRRIGATION DISTRICT filed an application for an additional point of diversion and to change the place of use and character of use under Certificates 83381, 83383 and 80578 and Permit S-4951. The Department assigned the application number T-10960. Carol Bradford is the applicant’s agent.
2. The City of Eagle point is the receiving water right holder and will be responsible for completion of the proposed changes after the final order is issued.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

3. On March 17, 2010, the applicant submitted a letter requesting to remove Permit S-4951 from the transfer application.
4. On March 24, 2010, the applicant submitted revised tables, additional ownership documentation and a revised map.
5. On November 9, 2010, Medford Irrigation District submitted a request via e-mail to remove 1.65 acres of rights in the NW NW of Section 15, T 38 S, R 1 W from the transfer, due to the possibility that the transferred rights may be layered with Certificates 15896 and 15898.
6. On November 22, 2010, Medford Irrigation District requested via e-mail to remove Certificate 80578 from the transfer, stating that the District cannot deliver that water to the City and does not plan to pipe it there.
7. 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 141.38 ACRES

**Priority Date:** JULY 23, 1909

**Rate:** 1.03 CUBIC FEET PER SECOND (CFS) into Medford Canal at Bradshaw Drop. 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 diversion from North Fork Little Butte Creek shall not exceed 125 cfs at any one time. Total diversion from South Fork Little Butte Creek shall not exceed 100 cfs at any one time.

**Limit/Duty:** The amount of water used for irrigation is limited to an amount actually used beneficially and shall not exceed 1/100<sup>th</sup> of one cubic foot per second or its equivalent for each acre irrigated, during the irrigation season.

**Source:** NORTH AND SOUTH FORKS OF LITTLE BUTTE CREEK, TRIBUTARY TO LITTLE BUTTE CREEK

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	1 E	WM	8	SW SW	BRADSHAW DROP: COORDINATES NOT SPECIFIED
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
36 S	1 W	WM	27	SE NW	15.00
37 S	1 W	WM	8	NE NW	3.31
37 S	1 W	WM	9	SW SE	1.26
37 S	1 W	WM	16	SW NE	0.70
37 S	1 W	WM	16	SE NW	14.95
37 S	1 W	WM	16	NW SE	1.31
37 S	1 W	WM	20	NE NE	0.34
37 S	1 W	WM	20	NW NE	1.26
37 S	1 W	WM	21	NW NE	3.60
37 S	1 W	WM	21	NE NW	0.50
37 S	1 W	WM	21	NW NW	0.38
37 S	1 W	WM	21	NW SW	3.61
37 S	1 W	WM	31	SW SW	2.34
37 S	1 W	WM	31	SE SE	0.20
37 S	1 W	WM	32	SW SW	0.15
37 S	1 W	WM	32	SE SW	0.68
37 S	1 W	WM	34	NW NW	6.68
37 S	2 W	WM	23	SW SE	2.34
37 S	2 W	WM	23	SE SE	4.53
37 S	2 W	WM	24	SW SW	0.47
37 S	2 W	WM	26	NW NE	1.39
37 S	2 W	WM	26	SW NE	1.83
37 S	2 W	WM	26	NE SE	2.70
37 S	2 W	WM	26	NW SE	1.76
37 S	2 W	WM	32	NE NE	0.39
37 S	2 W	WM	35	SE NE	3.75
37 S	2 W	WM	35	NE NW	1.51
37 S	2 W	WM	35	NE SE	2.12
37 S	2 W	WM	35	NW SE	4.48
37 S	2 W	WM	35	SW SE	2.31
37 S	2 W	WM	35	SE SE	5.08
37 S	2 W	WM	36	SW NE	1.81
37 S	2 W	WM	36	SE NE	4.19
37 S	2 W	WM	36	NW NW	0.30
37 S	2 W	WM	36	SW NW	1.23
37 S	2 W	WM	36	NW SW	5.15
37 S	2 W	WM	36	SE SW	0.40
37 S	2 W	WM	36	NE SE	9.23
37 S	2 W	WM	36	NW SE	1.23
37 S	2 W	WM	36	SE SE	4.27
38 S	1 W	WM	5	NE NW	1.90
38 S	1 W	WM	5	SE NW	1.00
38 S	1 W	WM	5	NE SW	0.81
38 S	1 W	WM	5	NW SW	0.30
38 S	1 W	WM	6	SW NW	0.39
38 S	1 W	WM	8	NE NE	0.58
38 S	1 W	WM	9	NW NW	0.93
38 S	1 W	WM	9	NW SE	0.10
38 S	1 W	WM	9	SE SE	1.07

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	2 W	WM	1	NW NE	2.45
38 S	2 W	WM	1	NE SW	0.56
38 S	2 W	WM	2	NE NE	12.55
TOTAL					141.38

8. 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 141.38 ACRES

**Priority Date:** MARCH 31, 1910

**Rate:** 1.03 CUBIC FEET PER SECOND into Medford Irrigation District Canal at Bradshaw Drop, or its equivalent in case of rotation, measured at the point of diversion from the source. Water is conveyed from Four Mile Lake via the Cascade Canal, and held, and stored in Fish Lake. Water is rediverted and released into the Main Canal shared by Rogue River Valley and Medford Irrigation Districts. At Bradshaw Drop the water is split between the Hopkins Canal and the Medford Canal. Total diversions through the Main Canal from North Fork and South Fork of Little Butte Creek shall not exceed 140 cfs at any one time.

**Limit/Duty:** The amount of water used for irrigation is limited to an amount actually used beneficially and shall not exceed ONE EIGHTIETH of one cubic foot per second or its equivalent for each acre irrigated during the irrigation season.

**Source:** FOURMILE LAKE RESERVOIR, within the KLAMATH RIVER BASIN; and water draining or flowing into the CASCADE CANAL; and FISH LAKE RESERVOIR, within the ROGUE RIVER BASIN as constructed under PERMIT R-50.

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	1 E	WM	8	SW SW	BRADSHAW DROP: COORDINATES NOT SPECIFIED
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	WM	9	NW SW	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
36 S	1 W	WM	27	SE NW	15.00
37 S	1 W	WM	8	NE NW	3.31
37 S	1 W	WM	9	SW SE	1.26

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	1 W	WM	16	SW NE	0.70
37 S	1 W	WM	16	SE NW	14.95
37 S	1 W	WM	16	NW SE	1.31
37 S	1 W	WM	20	NE NE	0.34
37 S	1 W	WM	20	NW NE	1.26
37 S	1 W	WM	21	NW NE	3.60
37 S	1 W	WM	21	NE NW	0.50
37 S	1 W	WM	21	NW NW	0.38
37 S	1 W	WM	21	NW SW	3.61
37 S	1 W	WM	31	SW SW	2.34
37 S	1 W	WM	31	SE SE	0.20
37 S	1 W	WM	32	SW SW	0.15
37 S	1 W	WM	32	SE SW	0.68
37 S	1 W	WM	34	NW NW	6.68
37 S	2 W	WM	23	SW SE	2.34
37 S	2 W	WM	23	SE SE	4.53
37 S	2 W	WM	24	SW SW	0.47
37 S	2 W	WM	26	NW NE	1.39
37 S	2 W	WM	26	SW NE	1.83
37 S	2 W	WM	26	NE SE	2.70
37 S	2 W	WM	26	NW SE	1.76
37 S	2 W	WM	32	NE NE	0.39
37 S	2 W	WM	35	SE NE	3.75
37 S	2 W	WM	35	NE NW	1.51
37 S	2 W	WM	35	NE SE	2.12
37 S	2 W	WM	35	NW SE	4.48
37 S	2 W	WM	35	SW SE	2.31
37 S	2 W	WM	35	SE SE	5.08
37 S	2 W	WM	36	SW NE	1.81
37 S	2 W	WM	36	SE NE	4.19
37 S	2 W	WM	36	NW NW	0.30
37 S	2 W	WM	36	SW NW	1.23
37 S	2 W	WM	36	NW SW	5.15
37 S	2 W	WM	36	SE SW	0.40
37 S	2 W	WM	36	NE SE	9.23
37 S	2 W	WM	36	NW SE	1.23
37 S	2 W	WM	36	SE SE	4.27
38 S	1 W	WM	5	NE NW	1.90
38 S	1 W	WM	5	SE NW	1.00
38 S	1 W	WM	5	NE SW	0.81
38 S	1 W	WM	5	NW SW	0.30
38 S	1 W	WM	6	SW NW	0.39
38 S	1 W	WM	8	NE NE	0.58
38 S	1 W	WM	9	NW NW	0.93
38 S	1 W	WM	9	NW SE	0.10
38 S	1 W	WM	9	SE SE	1.07
38 S	2 W	WM	1	NW NE	2.45
38 S	2 W	WM	1	NE SW	0.56
38 S	2 W	WM	2	NE NE	12.55
TOTAL					141.38

9. The applicants are not the owners of the lands to which the water right described in Findings of Fact #7 and #8 is appurtenant. Water right conveyance agreements have been completed and interest in the portions of the rights to be transferred has been conveyed to Medford Irrigation District from each landowner described in the table below. The portions of these rights to be transferred were appurtenant to lands owned by the identified landowners at the time interest in the water right was conveyed through a Quit Claim (QC) or other water right conveyance agreement.

QC	Landowner	Twp	Rng	Sec	¼ ¼	Tax Lot at time Conveyed	Current Tax Lot(s)	acres
1	Sanh Di Ton	36 S	1 W	27	SE NW	1300	1300	15.00
2	John Hinkle & Lawrence Hinkle	37 S	1 W	8	NE NW	700	700	3.31
3	John H. & Tamara L. Slocum	37 S	1 W	9	SW SE	3500	1600	0.50
4	Remington Enterprises, Inc.	37 S	1 W	9	SW SE	3600	1700	0.76
5	Monty R. & Theresa L. Jantzer	37 S	1 W	16	SE NW	1001	300	4.10
6	Monty R. & Theresa L. Jantzer	37 S	1 W	16	SE NW	1002	400	1.48
7	Mary Longbine	37 S	1 W	16	SE NW	500	500	0.97
8	Craig & Mary Jane Horton	37 S	1 W	16	SW NE	1400	1400	0.70
9	Monty R. & Theresa L. Jantzer	37 S	1 W	16	SE NW	200	200	8.40
10	Clifford T. & Marianne F. Fowler	37 S	1 W	16	NW SE	6700	6700	1.31
11	Charles S. & Pamela L. Lang	37 S	1 W	20	NW NE	2600	2600	0.39
12	Michael & Carol Pagnini	37 S	1 W	20	NW NE	400	303 & 304	0.27
13	Joan Wessling	37 S	1 W	20	NW NE	3700	3700	0.60
14	Frank S. & Cheryl J. Scarlata/Neil Scheuneman	37 S	1 W	21	NW NE	1202	600	3.60
15	Don A. & Mary L. Knapp	37 S	1 W	20	NE NE	900	900	0.34
16	Blackwell Road Enterprises, Inc.	37 S	1 W	21	NE NW	600	600	0.50
17	Paul D. & Leona L. Ferris	37 S	1 W	21	NW NW	2500	2500	0.32
18	Briarwood Village	37 S	1 W	21	NW SW	3800	3800, 3805-3813	3.61
19	C.A. Galpin, Gregg Adams & Kokanee Investments, LLC	37 S	1 W	34	NW NW	700	2900-3016	2.92
20	Adderson Builders & Mark DeBoer Construction	37 S	1 W	34	NW NW	1900	3100-3123	3.76
21	Donald & Carolina Senestrano	37 S	1 W	31	SW SW	500	500	2.34
22	Lois Swaser	37 S	1 W	31	SE SE	1500	1500	0.20
23	Patricia & Michael Johnson	37 S	1 W	32	SW SW	4000	4000	0.37
24	Patricia & Michael Johnson	37 S	1 W	32	SE SW	4100	4100	0.31
25	Carol Lackey Robertson	37 S	2 W	23	SE SE	7600	7600	0.37
26	Heritage Classic Properties, LLC	37 S	2 W	23	SW SE	2100	2122-2124, 2126-2134, 2138-2140	2.34
27	Gary T. Fitzsimmons & Sherry Latimer	37 S	2 W	23	SE SE	200	200	0.68
28	Ron Horton	37 S	2 W	23	SE SE	400	404-415	2.00
29	Mary A. Gulrich	37 S	2 W	23	SE SE	800	800	0.22
30	Peter & Deborah Pollard	37 S	2 W	23	SE SE	1600	1600	0.67
31	Steven F. & Carolyn S. West/Arlene W. & Robert J. Leufgen	37 S	2 W	23	SE SE	1800	1800	0.59
32	Frederick R. Morey	37 S	2 W	24	SW SW	1300	1300	0.37

QC	Landowner	Twp	Rng	Sec	¼ ¼	Tax Lot at time Conveyed	Current Tax Lot(s)	acres
33	Neil H. & Barbara Arsnpiger	37 S	2 W	24	SW SW	2100	2100	0.10
35	Diana & Clyde Bilyeu	37 S	2 W	26	SW NE	1500	1500	1.00
36	Arvid F. Forsyth	37 S	2 W	26	SW NE	1900	1900	0.44
37	Arvid F. Forsyth	37 S	2 W	26	SW NE	1800	1800	0.39
38	Denise Abroe & Pamela Householder	37 S	2 W	26	NE SE	1500	1500	2.70
40	West Medford Enterprises	37 S	2 W	26	NW SE	3600	3600	0.49
41	West Medford Enterprises	37 S	2 W	26	NW SE	3700	3700	0.89
42	Jose De Jesus Rodriguez	37 S	2 W	26	NW SE	3500	3500	0.22
43	Barclay Bryant Brown	37 S	2 W	26	NW SE	4600	4600	0.16
44	Michael A. & Diana L. Bauer	37 S	2 W	32	NE NE	1800	1800	0.17
45	Timothy Allen Yost	37 S	2 W	32	NE NE	2300	2300	0.22
46	Floyd L. Ebnother Family Trust	37 S	2 W	35	SE NE	600	600	0.31
47	Rita Sullivan & Roger Hassenpflug/Tracking Opportunities, LLC	37 S	2 W	35	SE NE	1200 & 1300	1200	3.38
49	Thomas M. & Diane L. Dorigan	37 S	2 W	35	NE NW	800	800	1.51
50	Dolores M. Schwalb	37 S	2 W	35	NE SE	200	200	1.29
51	Thomas Lagune Estates, LLC	37 S	2 W	35	NW SE	800	800 & 801	2.61
52	Thomas Lagune Estates, LLC	37 S	2 W	35	NW SE & SW SE	2500	2500, 2501	3.47
53	Jo Helena Albright	37 S	2 W	35	SE SE	100	100	0.60
54	Jo Helena Albright	37 S	2 W	35	SE SE	200	200	1.32
55	Larry Kellems -- Mt. Valley Assoc., LLC	37 S	2 W	35	SE SE	400	400	1.75
56	Sharon R. Blevins & Angela M. Miller	37 S	2 W	35	SE SE	1100	1100	0.20
57	Charles T. & Evelyn J. Sears	37 S	2 W	35	SE SE	2100	2100	0.60
58	Michael Davin & Mark S. Ivers – Solid Ground Dev.	37 S 38 S	2 W 2 W	35 2	SE SE NE NE	3400 3400	3400 3400	0.61 0.86
60	George Cota – Cota Homes, LLC	37 S	2 W	36	SW NE  SE NE	600  600	600, 11600, 11700, 11800, 11900, 12000, 12100  5500-5505	0.92  1.90
62	Ronald J. Taranto	37 S	2 W	36	SW NE	1200	1200	0.44
63	Travis D. & Sharon C. Benson	37 S	2 W	36	SW NE  SE NE	3300  3300	11400, 11500  3300-3308	0.21  2.29
64	Margarito S. & Janie Hernandez	37 S	2 W	36	NW NW	2600	2600	0.30
66	Jose S. & Josefina Martin	37 S	2 W	36	SW NW	5800	5800	0.38
67	David P. & Brenda S. Cirillo	37 S	2 W	36	SW NW	5900	5900	0.50
68	Mathew & Patricia Sellars	37 S	2 W	36	SE SW	1000	600	0.40
69	Darrell Walker	37 S	2 W	36	NW SW	3000	14700	0.79
70	Stephen Jones	37 S	2 W	36	NW SW	3200	14500	0.77
71	William & Darlene Rector	37 S	2 W	36	NW SW	3400	13204-13212, 14000	1.24

QC	Landowner	Twp	Rng	Sec	¼ ¼	Tax Lot at time Conveyed	Current Tax Lot(s)	acres
72	William & Darlene Rector	37 S	2 W	36	NW SW	3500	13900	0.24
73	Steven L. & Sherry L. Tarr	37 S	2 W	36	NW SW	3600	14100, 13202- 13204, 13213- 13215	1.10
74	Mark & Barbara Collins	37 S	2 W	36	NW SW	3700	14200	0.30
75	Larry Kellems – Mt. Valley Assoc., LLC	37 S	2 W	36	NW SW	3800	13201- 13202, 13215- 13216	0.06
76	Larry Kellems – Mt. Valley Assoc., LLC	37 S	2 W	36	NW SW	3900	13201- 13202, 13216- 13217, 14300	0.63
77	Rogue Valley Christian Church	37 S	2 W	36	NE SE	500	500	2.76
78	Daphine A. Wilkins	37 S	2 W	36	NE SE	1000	1000	0.27
79	Hilda E. Nougquier & Michael T. Mahar	37 S	2 W	36	NE SE	1100	1101, 1103- 1110, 1112- 1120	3.40
80	Clarence & Laura Swing	37 S	2 W	36	NE SE	1300	1300-1311	1.64
81	Donald & Cheri Longan	37 S	2 W	36	NE SE	1400	1400	0.20
82	Miguel Castillo	37 S	2 W	36	NE SE	3000	3000	0.24
83	William D. & Linda C. Shuster	37 S	2 W	36	NE SE	3700	3700	0.72
84	Curtis O. & Susan M. Vandagriff	37 S	2 W	36	NW SE	400	400	0.22
86	Marthanne G. Dedrick	37 S	2 W	36	NW SE	900	905	0.74
87	Keith D. & Christie M. Thomas & Johnetta Esselstrom	37 S	2 W	36	NW SE	1500	1500	0.10
88	Ronald O. & Deborah L. Crouse	37 S	2 W	36	NW SE	200	200	0.17
89	Dennis B. & Diane K. Sullivan	37 S	2 W	36	SE SE	100	100	2.39
90	James V. & Tracy Lee Hassler	37 S	2 W	36	SE SE	300	300	0.91
91	Dennis B. & Diane K. Sullivan	37 S	2 W	36	SE SE	1300	1300	0.97
92	Ernest L. & Erma L. Cauthon	38 S	1 W	5	SE NW	3800	1600	1.00
93	Jerry & Suzanne Watkins	38 S	1 W	5	NW SW	5200	900	0.30
94	Robert L. & Constance J. Seus	38 S	1 W	5	NE NW	700	700	1.90
95	Gary A. & Debra A. Holt	38 S	1 W	6	SW NW	805	900	0.39
96	Russell & Lori Braughton	38 S	1 W	8	NE NE	601	601	0.20
97	Eveleio M. & Marialena Viramontes	38 S	1 W	8	NE NE	602	602	0.18
98	Susanna D. Amejjide	38 S	1 W	8	NE NE	800	800	0.20
99	William B. Jr. & Linda Sue Boylan	38 S	1 W	9	NW NW	3100	3100	0.60
100	Billy W. Hogue & Jack H. Adams	38 S	1 W	9	NW NW	3300	3300, 3400	0.33
101	Jeanie L. Learn	38 S	1 W	9	NW SE	1000	9500	0.10
102	Marvin W. & Bernice Rawstern	38 S	1 W	9	SE SE	3800	3800	0.32
103	Cheri Fannin	38 S	1 W	9	SE SE	4100	4100	0.12
104	Thurl W. & Elnora T. Moore	38 S	1 W	9	SE SE	4200	4200	0.17
105	Jeronimo & Amelia Gonzalez	38 S	1 W	9	SE SE	4301	4301	0.14
106	Jeffrey L. Ebnother	38 S	1 W	9	SE SE	7400	7400	0.15



QC	Landowner	Twp	Rng	Sec	¼ ¼	Tax Lot at time Conveyed	Current Tax Lot(s)	acres
107	Roseanne D. Green	38 S	1 W	9	SE SE	8500	8500	0.17
111	Clinton W. Haines	38 S	2 W	1	NW NE	10402	1400	0.65
112	Reeder, Knouff, McKennell, LLC	38 S	2 W	1	NW NE	1000	1000-1011	1.80
113	Amos G. & Judy Linda Cates	38 S	2 W	1	NE SW	1800	1800	0.36
114	Ronald & Terri Holzhauser	38 S	2 W	1	NE SW	502	1700	0.20
115	Michael T. & Bonnie Malespy/John T. Sr. & Jeanette P. Logston/James D. & Woodra A. Roberts	38 S	2 W	2	NE NE	201	4700, 4800, 4900, 5000, 5100, 5200, 5300, 5400, 5500, 5600, 5700, 5800, 5900, 6000, 6100, 6200, 6300, 6400, 6500, 6600, 6700, 6800, 6900, 7000, 7100, 7200, 7300, 7400, 7500, 7600, 7700, 7800, 7900, 8000, 8100, 8200, 8300, 8400, 8500, 8600, 8700	10.89
116	Walter L. & Leah Ann Bird	38 S	2 W	2	NE NE	202	10100, 10101	0.80
117	Lewis E. & Lisa A. Severson	37 S	2 W	36	SW NE	2900	2900	0.24
200	James P. & M. Kathryn Adams	38 S	1 W	5	NE SW	3500	200	0.81

10. Transfer Application T-10960 proposes to add an authorized point of diversion approximately 16 miles downstream from the closest existing POD associated with the portion of the certificates proposed for transfer (North Fork Little Butte Creek POD). The proposed additional POD is the Medford Water Commission Duff Treatment Plant, located:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured distances
36 S	2 W	WM	13	SW NW	41	3,961.8 FEET SOUTH AND 1,883.3 FEET EAST FROM THE NE CORNER OF DLC 42 IN SEC. 11 (ALSO DESCRIBED AS SOUTH 25°25'28" EAST 4,385.6 FEET FROM THE NE CORNER OF DLC 41 IN SECTION 11)

11. Transfer Application T-10960 proposes to change the character of use for the above portions of both of the rights to Municipal Use for the City of Eagle Point. The season of use under the rights will continue to be limited to the irrigation season.
12. Application T-10960 also proposes to change the place of use of the rights to the city limits of the City of Eagle Point, which includes:

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
35 S	1 W	WM	34	SE ¼ NE ¼
35 S	1 W	WM	34	SW ¼ NE ¼
35 S	1 W	WM	34	SE ¼ NW ¼
35 S	1 W	WM	34	NE ¼ SW ¼
35 S	1 W	WM	34	SE ¼ SW ¼
35 S	1 W	WM	34	SE ¼
35 S	1 W	WM	35	SW ¼ NW ¼
35 S	1 W	WM	35	NW ¼ SW ¼
35 S	1 W	WM	35	SW ¼ SW ¼
36 S	1 W	WM	2	NW ¼ NW ¼
36 S	1 W	WM	2	SW ¼ NW ¼
36 S	1 W	WM	2	SE ¼ NW ¼
36 S	1 W	WM	2	SW ¼
36 S	1 W	WM	3	ALL
36 S	1 W	WM	4	SE ¼ NE ¼
36 S	1 W	WM	4	NE ¼ SE ¼
36 S	1 W	WM	4	SE ¼ SE ¼
36 S	1 W	WM	9	NE ¼ NE ¼
36 S	1 W	WM	9	SE ¼ NE ¼
36 S	1 W	WM	10	N ½
36 S	1 W	WM	10	NE ¼ SW ¼
36 S	1 W	WM	10	NW ¼ SW ¼
36 S	1 W	WM	11	NW ¼ NE ¼
36 S	1 W	WM	11	SW ¼ NE ¼
36 S	1 W	WM	11	NW ¼
36 S	1 W	WM	11	NE ¼ SW ¼
36 S	1 W	WM	11	NW ¼ SW ¼
36 S	1 W	WM	11	NW ¼ SE ¼

13. Notice of the application for transfer was published on October 6, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
14. On February 10, 2010, the Department sent a letter to the applicant indicating that Permit S-4951 was not a right subject to transfer for a character of use change, noting several discrepancies in the water right conveyance agreements, maps and the cancellation affidavits. The letter requested resolution of the deficiencies by March 15, 2010.
15. On March 17, 2010, a letter was received from Carol Bradford of Medford Irrigation District, requesting to remove Permit S-4951 from Transfer Application T-10960.
16. On March 24, 2010, responses to the Department's letter dated February 10, 2010 and revised maps were received.
17. Review of the additional materials indicated further questions regarding the water right conveyance and ownership documents for a few properties and the acreage included. On October 14, 2010, the Department notified Medford Irrigation District by e-mail of the questions, and offered clarification of the future status of the portion of Permit S-4951 on the lands involved in the transfer.

18. On October 14, 2010, answers to the questions in the previous e-mail, including revised tables and ownership maps, were received from Aleta Milam of Medford Irrigation District by e-mail.
19. On November 3, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10960 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 3, 2010, for the applicant to respond. The applicant requested to remove 1.65 acres in NW NW of Section 15, T 38 S, R 1 W that may be layered with other rights, and submitted a letter from Rogue River Valley Irrigation District consenting to cancellation of the portion of Permit S-4951 on same lands as the transferred water rights. The applicant requested that the Department proceed with issuance of a Preliminary Determination.
20. On November 9, 2010, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10960 and mailed a copy to the applicant and receiving municipality. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on November 16, 2010, and in the Upper Rogue Independent newspaper on November 16, 23 and 30, 2010, pursuant to ORS 540.520 and OAR 690-380-4020.
21. Shortly thereafter, the Department became aware of an error in the total diversion rate, and an inadvertent omission in the Preliminary Determination to spell out the limits of the transferred portion of each right (in addition to stating the aggregate limitations for both rights in combination as given in Finding of Fact #26 of the original Preliminary Determination). In addition, the rate and volume limitations should have been repeated in the italicized section at the end of the document. The irrigation season stated in the original Preliminary Determination was also incorrect. No protests were filed in response to the notices.
22. On November 22, 2010, Medford Irrigation District withdrew Certificate 80578 from the transfer application.
23. On November 22, 2010, the Department issued an Amended Preliminary Determination to supersede the original Preliminary Determination and to adjust the water rights included in T-10960, to clarify the limits on the transferred portions of the rights by including the findings and conditions that had been inadvertently omitted, and to correct the stated irrigation season. Additionally, notice of the amended Preliminary Determination for the transfer application was published on the Department's weekly notice on November 23, 2010, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
24. 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. The

fish screen at the Duff Treatment Plant is in the process of being updated to meet ODFW requirements.

25. Certificate 83383 is supplemental to Certificate 83381 on the lands proposed for transfer. The total diversion for all the rights appurtenant to 141.38 acres with Certificates 83381 and 83383 has been limited to a rate of 1/80 cfs per acre from all sources. Thus, the combined theoretical maximum diversion rate from all the rights being transferred is 141.38 acres x 1/80 cfs per acre = 1.77 cfs.
26. The maximum annual volume that could be diverted and beneficially used for irrigation is considered by the Department to be the lesser of the face value rate and duty of the right, or the amount that the best available research indicates would be needed to be diverted to raise the most water-intensive crop that could realistically be raised during at least 8 out of 10 years in this climate region. The best currently available data (from *Oregon Crop Water Use and Irrigation Requirements*, OSU Extension Service publication 8530, reprinted 1999) indicates a water-intensive crop of apples in the Medford-Grants Pass area would require a net irrigation requirement of 3.35 acre-feet in 8 out of 10 years. Adding a 10% loss factor to cover inefficiencies in system delivery of water to the crop would equal a maximum annual diversion of 3.68 acre-feet of water per acre for each acre irrigated.
27. To avoid enlargement of the rights, the maximum annual volume of water that could be diverted for municipal use from the transferred portions of all the rights in combination would thus be 3.68 acre-feet per acre x 141.38 acres = 520.3 acre-feet per year.
28. The season of delivery and use of water under these rights is the irrigation season, being April 1 to October 1 for the right from North and South Forks of Little Butte Creek (evidenced by Certificate 83381), and April 1 through October 31 of each year for the right evidenced by Certificate 83383.

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

29. Water has been used within the last five years according to the terms and conditions of the right and under a number of instream leases. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
30. A diversion structure and ditch 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-10960.

31. The proposed changes would not result in enlargement of the rights, provided the diversion rate and annual volume for municipal use do not exceed a total of 1.77 cfs and 520.3 acre-feet, respectively, during the irrigation season of each year. Of the total rate and volume, the maximum that can be diverted from each of the transferred rights without enlargement is:

Current Certificate	Maximum Instantaneous Diversion Rate from Individual Right	Total Combined Rate from All Rights	Maximum Annual Volume from Individual Right	Total Combined Annual Volume from All Rights
83381	1.03 cfs	1.77 cfs	520.3 acre-feet	520.3 acre-feet
83383	1.03 cfs		520.3 acre-feet	

32. The proposed changes, as conditioned, would not result in injury to other water rights.

***Partial Cancellation of a Water Right***

33. There is an existing supplemental permit, S-4951, and a portion of Certificate 80578 appurtenant to the lands on which Certificate 83381 is proposed for transfer to municipal use. The applicant withdrew Permit S-4951 and the layered portion of Certificate 80578 from the transfer application.

34. Supplemental water rights (layered water rights) must be included in a transfer application or be cancelled.

35. Consistent with OAR 690-380-2250, the Department provided notice (as part of the draft Preliminary Determination) to the applicant of the Department’s intent to cancel the portion of the supplemental permit described below unless within 30 days of the date of notification, the applicant modified the application to include the supplemental right or withdrew the application.

36. Both Medford Irrigation District and Rogue River Valley Irrigation District have acknowledged and consented to cancellation of the portion of the permit as listed below, effective upon issuance of a Final Order approving T-10960.

37. That portion of the supplemental permit to be cancelled is as follows:

**Permit:** S-4951 in the name of Medford and Rogue River Valley Irrigation Districts

**Use:** Supplemental Irrigation of 141.38 acres

**Priority Date:** June 18, 1920

**Source:** LAKE CREEK, tributary to the ROGUE RIVER

**Authorized PODs:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
36 S	1 E	WM	19	SE SE		NONE GIVEN
36 S	1 E	WM	25	NE NW		NONE GIVEN
36 S	1 E	WM	29	NW		NONE GIVEN
36 S	1 E	WM	30	SW NE		SOUTH 24 DEGREES 30 MINUTES WEST 980 FEET FROM THE NE CORNER OF SWNW IN

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
						SECTION 30
36 S	1 E	WM	31	SE		NONE GIVEN
36 S	1 W	WM	3			NORTH 2000 FEET FROM THE E1/4 CORNER OF SECTION 3
36 S	1 W	WM	10	SW SW		NONE GIVEN
36 S	1 W	WM	23	SE		NONE GIVEN
36 S	1 W	WM	36	SE		NONE GIVEN
36 S	2 E	WM	30	NE		NONE GIVEN
36 S	2 W	WM	29			NORTH 2060 FEET FROM THE SW CORNER OF DLC 66
36 S	2 W	WM	32	NE SW		NONE GIVEN
36 S	2 W	WM	33	NE SE		NONE GIVEN
36 S	2 W	WM	34	SE SW		NONE GIVEN
37 S	1 W	WM	19			NORTH 45 DEGREES EAST 1400 FEET FROM THE SW CORNER OF SECTION 19
37 S	1 W	WM	30	NE NW		445 FEET NORTH AND 135 FEET EAST FROM THE SW CORNER OF NENW IN SECTION 30
37 S	2 W	WM	2			NORTH 87 DEGREES 15 MINUTES WEST 1335 FEET FROM THE E1/4 CORNER OF SECTION 2
37 S	2 W	WM	16	NE NE		NONE GIVEN
37 S	2 W	WM	21	NW NW		NONE GIVEN
37 S	2 W	WM	29	SE		NONE GIVEN
38 S	1 W	WM	9	SE SW		NONE GIVEN
38 S	1 W	WM	15	NE SW		NONE GIVEN
38 S	1 W	WM	23	SW NE		NORTH 24 DEGREES 46 MINUTES EAST, 716 FEET FROM THE CENTER OF SECTION 23
38 S	2 W	WM	2		4	NONE GIVEN
38 S	2 W	WM	2			NORTH 22 DEGREES 30 MINUTES WEST, 1965 FEET FROM THE SE CORNER OF DLC 66

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	1 W	WM	27	SE NW	15.00
37 S	1 W	WM	8	NE NW	3.31
37 S	1 W	WM	9	SW SE	1.26
37 S	1 W	WM	16	SW NE	0.70
37 S	1 W	WM	16	SE NW	14.95
37 S	1 W	WM	16	NW SE	1.31
37 S	1 W	WM	20	NE NE	0.34
37 S	1 W	WM	20	NW NE	1.26
37 S	1 W	WM	21	NW NE	3.60
37 S	1 W	WM	21	NE NW	0.50
37 S	1 W	WM	21	NW NW	0.38
37 S	1 W	WM	21	NW SW	3.61
37 S	1 W	WM	31	SW SW	2.34
37 S	1 W	WM	31	SE SE	0.20
37 S	1 W	WM	32	SW SW	0.15
37 S	1 W	WM	32	SE SW	0.68
37 S	1 W	WM	34	NW NW	6.68
37 S	2 W	WM	23	SW SE	2.34

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	2 W	WM	23	SE SE	4.53
37 S	2 W	WM	24	SW SW	0.47
37 S	2 W	WM	26	NW NE	1.39
37 S	2 W	WM	26	SW NE	1.83
37 S	2 W	WM	26	NE SE	2.70
37 S	2 W	WM	26	NW SE	1.76
37 S	2 W	WM	32	NE NE	0.39
37 S	2 W	WM	35	SE NE	3.75
37 S	2 W	WM	35	NE NW	1.51
37 S	2 W	WM	35	NE SE	2.12
37 S	2 W	WM	35	NW SE	4.48
37 S	2 W	WM	35	SW SE	2.31
37 S	2 W	WM	35	SE SE	5.08
37 S	2 W	WM	36	SW NE	1.81
37 S	2 W	WM	36	SE NE	4.19
37 S	2 W	WM	36	NW NW	0.30
37 S	2 W	WM	36	SW NW	1.23
37 S	2 W	WM	36	NW SW	5.15
37 S	2 W	WM	36	SE SW	0.40
37 S	2 W	WM	36	NE SE	9.23
37 S	2 W	WM	36	NW SE	1.23
37 S	2 W	WM	36	SE SE	4.27
38 S	1 W	WM	5	NE NW	1.90
38 S	1 W	WM	5	SE NW	1.00
38 S	1 W	WM	5	NE SW	0.81
38 S	1 W	WM	5	NW SW	0.30
38 S	1 W	WM	6	SW NW	0.39
38 S	1 W	WM	8	NE NE	0.58
38 S	1 W	WM	9	NW NW	0.93
38 S	1 W	WM	9	NW SE	0.10
38 S	1 W	WM	9	SE SE	1.07
38 S	2 W	WM	1	NW NE	2.45
38 S	2 W	WM	1	NE SW	0.56
38 S	2 W	WM	2	NE NE	12.55
TOTAL					141.38

38. Consistent with OAR 690-380-2250, the Department provided notice (as part of the amended Preliminary Determination) to the applicant of the Department's intent to cancel the portion of the supplemental water right described below, unless within 30 days of the date of notification, the applicant modified the application to include the supplemental right or withdrew the application. The applicant did not request to include the supplemental right or to withdraw the application.

39. The portion of the certificated supplemental water right to be canceled is as follows:

**Certificate:** 80578 in the name of MEDFORD IRRIGATION DISTRICT (perfected under Permit S-2382 as amended by orders of the State Water Board February 26, 1921 and June 14, 1921, in Record of Proceedings of the State Water Board Volume 1, pages 379 and 406.)

**Use:** SUPPLEMENTAL IRRIGATION of 95.16 ACRES  
**Priority Date:** MARCH 1, 1915  
**Rate:** 0.75 CUBIC FOOT PER SECOND  
**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 cfs per acre, or its equivalent, for each acre irrigated during the irrigation season of each year.  
**Source:** BEAR CREEK, tributary to ROGUE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
38 S	1 W	WM	23	SW NE	59	PHOENIX CANAL: 1500 FEET NORTH AND 100 FEET EAST FROM THE SE CORNER OF DLC 59

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	1 W	WM	31	SW SW	2.34
37 S	1 W	WM	31	SE SE	0.20
37 S	1 W	WM	32	SW SW	0.15
37 S	1 W	WM	32	SE SW	0.68
37 S	1 W	WM	34	NW NW	6.68
37 S	2 W	WM	23	SW SE	2.34
37 S	2 W	WM	23	SE SE	4.53
37 S	2 W	WM	24	SW SW	0.47
37 S	2 W	WM	26	NW NE	1.39
37 S	2 W	WM	26	SW NE	1.83
37 S	2 W	WM	26	NE SE	2.70
37 S	2 W	WM	26	NW SE	1.76
37 S	2 W	WM	32	NE NE	0.39
37 S	2 W	WM	35	SE NE	3.75
37 S	2 W	WM	35	NE NW	1.51
37 S	2 W	WM	35	NE SE	2.12
37 S	2 W	WM	35	NW SE	4.48
37 S	2 W	WM	35	SW SE	2.31
37 S	2 W	WM	35	SE SE	5.08
37 S	2 W	WM	36	SW NE	1.81
37 S	2 W	WM	36	SE NE	4.19
37 S	2 W	WM	36	NW NW	0.30
37 S	2 W	WM	36	SW NW	1.23
37 S	2 W	WM	36	NW SW	5.15
37 S	2 W	WM	36	SE SW	0.40
37 S	2 W	WM	36	NE SE	9.23
37 S	2 W	WM	36	NW SE	1.23
37 S	2 W	WM	36	SE SE	4.27
38 S	1 W	WM	5	NE NW	1.90
38 S	1 W	WM	5	SE NW	1.00
38 S	1 W	WM	5	NE SW	0.81
38 S	1 W	WM	5	NW SW	0.30
38 S	1 W	WM	6	SW NW	0.39



SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	1 W	WM	8	NE NE	0.58
38 S	1 W	WM	9	NW NW	0.93
38 S	1 W	WM	9	NW SE	0.10
38 S	1 W	WM	9	SE SE	1.07
38 S	2 W	WM	1	NW NE	2.45
38 S	2 W	WM	1	NE SW	0.56
38 S	2 W	WM	2	NE NE	12.55
TOTAL					95.16

40. On October 1, 2009, an affidavit requesting cancellation of a portion of a water right DURING THE IRRIGATION SEASON ONLY was received from Robert E. Russell and Deborah S. Russell, conditional upon successful transfer to the City of Eagle Point of the portion of the Medford Irrigation District water rights as proposed in Transfer Application T-10960. The portion of the right to be cancelled (during the irrigation season only, April 1 through October 31) is as follows:

**Certificate:** 50492 in the name of PETER B. and CORA D. CRANDALL (confirmed by Little Butte Creek (F) decree)  
**Use:** POWER DEVELOPMENT  
**Priority Date:** 1872  
**Rate:** 1.77 CUBIC FEET PER SECOND (or the equivalent of the rate of the rights being transferred by T-10960)  
**Period of Use:** April 1 through October 31 the above cfs is to be cancelled, (leaving the remaining 22.63 cfs during April 1 through October 31 in effect, and the full 24.4 cfs in effect during the remainder of the year)  
**Source:** LITTLE BUTTE CREEK, tributary to the ROGUE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
35 S	1 W	WM	35	SW SW	90 FEET NORTH AND 1150 FEET EAST FROM THE SW CORNER OF SECTION 35

**Authorized Place of Use of the Rate to be Cancelled:**

POWER DEVELOPMENT					
Twp	Rng	Mer	Sec	Q-Q	Location Description
36 S	1 W	WM	3	NE NE	BUTTE CREEK OR DALEY FLOURING MILL AT EAGLE POINT, OREGON

41. To be consistent with the rate of water being transferred, the partial cancellation of Certificate 50492 should be equal to 1.77 cfs during the irrigation season, leaving 22.63 cfs during the irrigation season unaffected by the cancellation.

**Conclusions of Law**

The additional point of diversion and change in place of use and change in character of use proposed in Transfer Application T-10960 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the abandoned portions of rights should be cancelled.

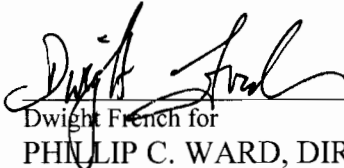
**Now, therefore, it is ORDERED:**

1. The additional point of diversion and change in place of use and change in character of use proposed in application T-10960 are approved. The portions of Certificates 80578, 50492 and Permit S-4951 that have been abandoned are cancelled.
2. Water right certificates 83381, 83383 and 80578 are modified. The Department will issue superseding certificates describing the portions of the rights not affected by this transfer when it determines that is necessary for record keeping.
3. A new certificate will be issued to describe the portion of Certificate 50492 not cancelled by this order.
4. The portion of Permit S-4951 listed in Finding of Fact #37 may not be perfected on those lands from which T-10960 has removed the irrigation rights.
5. 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 and 83383 and any related decree, as modified by provisions of this order.
6. 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, further limited as follows:
  - a) The transferred portion of the right evidenced by current Certificate 83381 shall be limited to a maximum diversion of 1.03 cfs, limited to an annual volume of 520.3 acre-feet during the period April 1 to October 1 of each year, and further limited, in combination with the transferred portions of the right evidenced by current Certificate 83383 to a maximum aggregate diversion of 1.77 cfs and an annual volume of 520.3 acre-feet from the two rights.
  - b) The transferred portion of the right evidenced by current Certificate 83383 shall be limited to a maximum diversion of 1.03 cfs, limited to an annual volume of 520.3 acre-feet during the period April 1 through October 31 of each year, and further limited, in combination with the transferred portions of the right evidenced by current Certificate 83381 to a maximum aggregate diversion of 1.77 cfs and an annual volume of 520.3 acre-feet from the two rights.
7. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department. The Lake Creek gaging station on Little Butte Creek (Station number 14346700) is the measuring point for these rights.
8. The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.
9. 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. (Note: the additional POD is the Duff Treatment Plant which is in the process of updating its screen to meet ODFW requirements.)

10. The former place of use of the transferred rights shall no longer receive irrigation water under the remaining irrigation portions of the rights.
11. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2016**. 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.
12. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 30th day of December, 2010 at 5:15 PM.

  
Dwight French for  
PHILLIP C. WARD, DIRECTOR

Mailing date: JAN 06 2011