BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-13643, Jackson County)	A DISTRICT TEMPORARY TRANSFER
)	

Authority

Oregon Revised Statute (ORS) 540.570 establishes the process in which a district may submit a request to temporarily transfer a water right within district boundaries. Oregon Administrative Rule (OAR) Chapter 690, Division 385 implements the statutes and provides the Department's procedures and criteria for evaluating district transfer applications.

Applicant

EAGLE POINT IRRIGATION DISTRICT PO BOX 157 EAGLE POINT, OR 97524

Findings of Fact

- 1. On March 4, 2021, Eagle Point Irrigation District (EPID) filed a district transfer application to permanently change the place of use under Certificate 89373. The Department assigned the application number T-13643.
- 2. Notice of the application for transfer was published on March 23, 2021, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
- 3. The portion of the first right to be transferred is as follows:

Certificate: 89373 in the name of EAGLE POINT IRRIGATION DISTRICT (perfected under

Permit S-6396)

Use: PRIMARY IRRIGATION OF 9.4 ACRES

Priority Date: AUGUST 21, 1915

Rate: 0.11 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: BIG BUTTE CREEK, TRIBUTARY TO ROGUE RIVER

This is an 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.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
35 S	2 E	WM	3	NW NW	4	1030 FEET SOUTH AND 290 FEET EAST FROM THE NW CORNER OF SECTION 3
35 S	2 E	WM	10	NE NE		1130 FEET SOUTH AND 700 FEET WEST FROM THE NE CORNER OF SECTION 10

Authorized Place of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	
35 S	1 W	WM	27	NW SW	9.4	500,600	Rogue Family Farms	2021-001	

4. Transfer Application T-13643 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
35 S	1 W	WM	27	NW SW	5.1	500	Rogue Family Farms	2021-001
35 S	1 W	WM	28	NE SE	4.3	400	Rogue Family Farms	2021-001
				Total:	9.4			<u> </u>

- 5. The district temporary transfer application satisfies the criteria of ORS 540.570 and OAR 690-385-3000, contains the information required under OAR 690-385-3200, and includes a map meeting the requirements of OAR 690-385-3300.
- 6. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
- 7. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
- 8. Diversion structures, district canals, pumps, pump stations, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
- 9. The proposed change in place of use, as conditioned, will not result in enlargement of the rights as defined in OAR 690-385-0100(6).
- 10. The proposed change in place of use would not result in injury to other water rights as defined in OAR 690-385-0100(4).
- 11. All other applicable requirements for district temporary water right transfers are met.

Conclusions of Law

The temporary change in place of use proposed in Temporary Transfer Application T-13643 is consistent with the requirements of ORS 540.570 and OAR 690-385-3500.

Now, therefore, it is ORDERED:

- 1. The temporary change in place of use proposed in Transfer Application T-13643 is approved.
- 2. The lands from which the water right is removed under Certificate 89373 shall receive no water under the transferred right during the 2021 irrigation season.
- 3. The use shall revert to the authorized place of use after the 2021 irrigation season.
- 4. Any application for permanent transfer of Certificate 89373 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Divisions 380 or 385. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
- 5. The time during which water is used on the proposed lands under this approved temporary transfer does not apply toward a finding of forfeiture of Certificate 89373, under ORS 540.610.
- 6. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
- 7. The use of water under this temporary transfer may be conditioned or revoked at any time to the extent necessary to avoid injury if the Department finds the transfer causes injury to any existing water right.
- 8. Pursuant to ORS 536.900, a district and user may be subject to civil penalties for allowing the use of water on both the land from which water is transferred, and the lands to which the water is transferred, during the same irrigation season or calendar year.
- 9. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 89373.
- The use of the remaining water rights described by Certificate 89373 not involved in this transfer shall continue to be in accordance with the terms and conditions of Certificate 89373.

Lisa J Jaramillo Transfer and Conservation Section Manager for THOMAS M. BYLER, DIRECTOR
Oregon Department of Water Resources

Mailing Date: AUG 0 6 2021