

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

In the Matter of the Completion of a Change ) DETERMINATION OF SATISFACTORY PROOF  
in Place of Use Under Transfer Application ) OF COMPLETION FOR A PERMANENT  
T-10757, Jackson County ) DISTRICT TRANSFER

**Authority**

Oregon Administrative Rule (OAR) 690-385-7400 describes the documentation the district must file with the Department in order to provide proof of use.

OAR 690-385-7600 provides in pertinent part that satisfactory proof shall be (a) a determination by the Department that application of water to beneficial use under the terms of the transfer final order was completed to the extent authorized, or (b) a determination by the Department that the application of water to a beneficial use under the terms of the transfer final order was completed to an extent less than authorized.

Oregon Revised Statute (ORS) 540.530(2)(a) and OAR 690-385-7600 authorize the Department to issue or modify a certificate of water right upon satisfactory proof of completion of the change or changes authorized by a final order approving a permanent district transfer.

**Applicant**

MEDFORD IRRIGATION DISTRICT  
PO.BOX 70  
JACKSONVILLE, OR 97530

**Findings of Fact**

1. On January 8, 2010, the Department signed a final order, which was mailed on January 19, 2010, and recorded in Special Order Volume 80, Pages 18-28, approving Transfer Application T-10757 involving Certificates 83381, 83383, 80578, 83728, 85288, 85876, 85877, and Permit S-4951. The final order established October 1, 2011, as the date for completion of the authorized changes in place of use.
2. On February 5, 2010, the Department signed an amended final order which was mailed on February 10, 2010, and recorded in Special Order Volume 80, Pages 212-225. The amended order was issued to clarify and supersede the original order.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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 September 26, 2012, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-10757.
4. On September 30, 2019, the Department received two new maps to correct scrivener's errors. On November 27, 2019, the Department received a map to describe the separation between in a place of use between two different primary certificates, thereby satisfying the requirements for proof under OAR 6902-385-7400.
5. When reviewing the CBU, the Department discovered the omission of one primary and its layered certificates, and scrivener's errors in the amended final order recorded in Special Order Volume 80, Pages 212-225. On December 9, 2019, the Department signed a superseding correcting order involving Certificates 83381, 83383, 80578, 83728, 85286, 85288, 85876, 85877, and Permit S-4951, which was mailed on December 10, 2019, and recorded in Special Order Volume 114, Pages 540-555.
6. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-10757.
7. The CBU did not contain a map of the point of diversion from the source. However, since the transfer involved the transfer of places of use only within an irrigation district and did not involve a change in the point of diversion, the existing maps on file with the Department are sufficient to identify the point of diversion from the source.
8. The proposed place of use for primary irrigation under Certificate 83381, and supplemental irrigation under Certificate 83383 and Permit S-4951, as approved the correcting superseding final order for Transfer Application T-11673, and as recorded in Special Order Volume 114, Pages 540-555 is shown in Table 1, below:

**Table 1:**

PRIMARY AND SUPPLEMENTAL IRRIGATION								
Twp	Rng		Sec	Q-Q	Acres	Taxlot	Owner Name	Notice
36 S	1 E	WM	5	SE SW	14.4	2403	MARTHA BROOKS FAMILY LLC	08-10
36 S	1 E	WM	5	SWSW	0.1	2403	MARTHA BROOKS FAMILY LLC	08-10
36 S	1 E	WM	18	SE NE	1.40	900	TRIPLE SPRINGS RANCH, LLC	08-01
36 S	1 E	WM	18	NE SE	19.80	900	TRIPLE SPRINGS RANCH, LLC	08-01
36 S	1 E	WM	31	NW NE	15.00	12900	ELLIOTT	08-04
36 S	1 E	WM	31	SW NE	31.28	12900	ELLIOTT	08-04
36 S	1 E	WM	31	SE NE	2.00	12900	ELLIOTT	08-04
36 S	1 W	WM	36	SW SE	7.00	1500	LAMBERT	08-02
36 S	1 W	WM	36	SE SW	5.00	414	LUEHRS	08-11
37 S	2 W	WM	17	NE SE	4.50	200*	MALOT	08-07
37 S	2 W	WM	17	NE SE	4.47	1300*	STEIGERWALD	08-08
37 S	2 W	WM	17	NE SE	4.05	100*	TURNER	08-06
37 S	2 W	WM	20	NE NE	2.54	300	RIBAL	08-03

PRIMARY AND SUPPLEMENTAL IRRIGATION								
Twp	Rng		Sec	Q-Q	Acres	Taxlot	Owner Name	Notice
37 S	2 W	WM	33	NE SE	5.82	700	BROWN	08-09
37 S	2 W	WM	33	NW SE	1.00	800	ANDERBERG	08-05
37 S	2 W	WM	33	SE SE	3.70	700	BROWN	08-09
<b>TOTAL:</b>					<b>122.06</b>			

\* New tax lot numbers have been assigned to these parcels. They have been updated here to reflect the changes as shown in the CBU.

9. The proposed place of use for Certificate 80578 as described in the superseding correcting order for Transfer Application T-10757, recorded in Special Order Volume Special Order Volume 114, Pages 540-555, is shown in Table 2, below:

**Table 2:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng		Sec	Q-Q	Acres	Taxlot	Owner Name	Notice
37 S	2 W	WM	17	NE SE	4.50	200*	MALOT	08-07
37 S	2 W	WM	17	NE SE	4.05	1300*	TURNER	08-06
37 S	2 W	WM	17	NE SE	4.47	100*	STEIGERWALD	08-08
37 S	2 W	WM	20	NE NE	2.54	300	RIBAL	08-03
37 S	2 W	WM	33	NE SE	5.82	700	BROWN	08-09
37 S	2 W	WM	33	NW SE	1.00	800	ANDERBERG	08-05
37 S	2 W	WM	33	SE SE	3.70	700	BROWN	08-09
36 S	1 E	WM	5	SE SW	2.12	2403	MARTHA BROOKS FAMILY LLC	08-10
<b>Total</b>					<b>28.20</b>			

\* New tax lot numbers have been assigned to these parcels. They have been updated here to reflect the changes as shown in the CBU.

10. The place of use for Certificate 83728 as described in the superseding correcting order for Transfer Application T-10757, recorded in Special Order Volume Special Order Volume 114, Pages 540-555, is shown in Table 3, below:

**Table 3:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name	Notice
37 S	2 W	WM	20	NE NE	2.54	300	RIBAL	08-03
37 S	2 W	WM	33	NE SE	5.82	700	BROWN	08-09
37 S	2 W	WM	33	SE SE	3.70	700	BROWN	08-09
<b>TOTAL:</b>					<b>12.06</b>			

11. The proposed place of use for primary irrigation under Certificate 85286, and supplemental irrigation under Certificates 85288, 85876 and 85877, as described in the superseding correcting order for Transfer Application T-10757, recorded in Special Order Volume Special Order Volume 114, Pages 540-555, is shown in Table 4, below:

**Table 4:**

PRIMARY AND SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name	Notice
36 S	1 E	WM	5	SE SW	6.5	2403	MARTHA BROOKS FAMILY, LLC	08-10

12. Based on the review of evidence submitted by the applicant, the Department finds that the application of water to beneficial use under the terms of the transfer final order for T-10757 was completed to the extent authorized in the transfer as described in Tables 1, 2, 3, and 4, above.

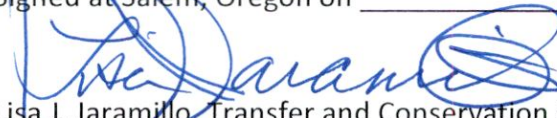
**Conclusions of Law**

1. The Applicant has submitted proof of use pursuant to OAR 690-385-7400.
2. Application of water to a beneficial use under the terms of the transfer final order has been made to the extent shown in Tables 1, 2, 3, and 4, above.
3. The applicant has demonstrated proof of completion under T-10757 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-10757 consistent with this determination of satisfactory proof of completion.

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

Water right Certificates 83381, 83383, 80578, 83728, 85286, 85288, 85876, 85877 and Permit S-4951 are modified as shown in Tables 1, 2, 3, and 4, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on APR 15 2020

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

Mailing Date: APR 16 2020