

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

In the Matter of Transfer Application)	F I N A L O R D E R
T-10294, Jackson County)	APPROVING A DISTRICT
)	PERMANENT TRANSFER

Authority

ORS 540.570 to 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

MEDFORD IRRIGATION DISTRICT
1340 MYERS LANE
MEDFORD, OREGON 97501

Findings of Fact

1. On January 08, 2007 Medford Irrigation District filed a district transfer application to permanently change the place of use for Certificates 83381 (primary); and 83383, 80578, 83728 (supplemental) and Permit 4951. The Department assigned the application number T-10294.
2. On January 16, 2007 notice of the application for transfer was published 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: 83381 in the name of MEDFORD IRRIGATION DISTRICT (perfected under Permit E-19).
Use: IRRIGATION of 88.19 ACRES
Priority Date: JULY 23, 1909
Rate: 0.642 CUBIC FOOT PER SECOND (CFS)

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.

Limit/Duty: The amount of water to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 88.87 CUBIC FEET PER SECOND 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 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 1/100th of one cubic foot per second or its equivalent for each acre irrigated during the season.

Source: NORTH AND SOUTH FORKS OF LITTLE BUTTE CREEK, tributaries to LITTLE BUTTE CREEK.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	2 E	WM	20	SE NE	NORTH FORK LITTLE BUTTE CREEK: 40 FEET NORTH AND 620 FEET WEST FROM THE E ¼ 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 E ¼ CORNER OF SECTION 29.
36 S	1 E	WM	8	SW SW	BRADSHAW DROP: COORDINATES NOT SPECIFIED.

4. 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 88.19 ACRES

Priority Date: MARCH 31, 1910

Rate: 0.642 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water to which this right is entitled is limited to an amount actually used beneficially; and shall not exceed 88.87 CUBIC FEET PER SECOND INTO MEDFORD CANAL AT BRADSHAW DROP. Further, the amount of water is limited to ONE-EIGHTIETH of one cfs 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.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	1 E	WM	8	SW SW	BRADSHAW DROP: COORDINATES NOT SPECIFIED.
36 S	2 E	WM	20	SE NE	NORTH FORK: 40 FEET NORTH AND 620 FEET WEST FROM THE E¼ CORNER OF SECTION 20.
36 S	5 E	WM	9	SW NW	FOUR MILE LAKE DAM: 3600 FEET NORTH AND 4200 FEET EAST FROM THE SW CORNER OF SECTION 9.

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
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.

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

Certificate: 80578 in the name of MEDFORD IRRIGATION DISTRICT (perfected under Permit S 2382).

Use: SUPPLEMENTAL IRRIGATION of 88.19 ACRES

Priority Date: MARCH 1, 1915

Rate: 0.688 CUBIC FOOT PER SECOND

Limit/Duty: This right is limited to 60.0 CUBIC FEET PER SECOND, MEASURED AT THE POINT OF DIVERSION. Further, the amount of water is limited to ONE-EIGHTIETH of one cfs per acre for each acre irrigated during the irrigation season

Source BEAR CREEK a tributary to the ROGUE RIVER.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
38 S	1 W	WM	23	SW NE	PHOENIX CANAL: 1500 FEET NORTH AND 100 FEET EAST FROM THE SE CORNER OF DLC59.

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

Certificate: 83728 in the name of U.S. BUREAU OF RECLAMATION (perfected under Permit S-25915).

Use: SUPPLEMENTAL IRRIGATION of 88.19 ACRES

Split Priority Dates: JUNE 8, 1953 SODA CREEK and LITTLE BEAVER CREEK; SEPTEMBER 6, 1915 FOR ALL OTHER STREAMS.

Rate & Duty: LIMITED TO NOT MORE THAN THE RATE SPECIFIED BY SOURCE. MAXIMUM OF 1/40 CFS PER ACRE IRRIGATED AND 4.5 ACRE FEET PER ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR.

Source: EMIGRANT CREEK and RESERVOIR tributaries to BEAR CREEK.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
37 S	4 E	WM	16	SE SE	SOUTH FORK, LITTLE BUTTE CREEK: 1240 FEET NORTH AND 1100 FEET WEST OF THE SE¼ CORNER OF SECTION 16.
37 S	4 E	WM	28	SE NW	POLE BRIDGE CREEK: 1380 FEET SOUTH AND 2000 FEET EAST FROM THE NW CORNER OF SECTION 28.

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
37 S	4 E	WM	34	SW SE	DALEY CREEK: 750 FEET NORTH AND 480 FEET EAST FROM THE S¼ CORNER OF SECTION 34.
38 S	3 E	WM	9	SW SW	CONDE CREEK: 1320 FEET NORTH AND 600 FEET EAST FROM THE SW CORNER OF SECTION 9.
38 S	3 E	WM	15	SE SW	DEAD INDIAN CREEK: 1310 FEET NORTH AND 1100 FEET WEST FROM THE S¼ CORNER OF SECTION 15.
38 S	4 E	WM	4	NE SW	BEAVER DAM CREEK: 2000 FEET NORTH AND 1800 FEET EAST OF THE SW CORNER OF SECTION 4.
38 S	4 E	WM	6	NE SE	DEADWOOD CREEK: NO SURVEY COORDINATES SPECIFIED.
38 S	4 E	WM	32	SW	GRIZZLY CREEK AND HOWARD PRAIRIE RESERVOIR: E½ OF THE SW¼.
39 S	2 E	WM	20	SE SE	EMIGRANT RESERVOIR DIVERSION IS LOCATED AT THE OUTLET.
39 S	3 E	WM	16	SE SE	KEENE CREEK AND KEENE CREEK RESERVOIR: 15 FEET NORTH AND 1200 FEET WEST OF THE SE CORNER OF SECTION 16.
39 S	3 E	WM	20	SE SE	KEENE CREEK AND KEENE CREEK RESERVOIR (LITTLE HYATT POOL DIVERSION): 800 FEET NORTH AND 750 FEET WEST OF THE SE CORNER OF SECTION 20.
39 S	3 E	WM	33	SW SW	KEENE CREEK AND KEENE CREEK RESERVOIR: 1200 FEET NORTH AND 1200 FEET EAST OF SW THE CORNER OF SECTION 33.
39 S	4 E	WM	8	SW NW	SODA CREEK: 2200 FEET SOUTH AND 60 FEET EAST OF THE NW CORNER OF SECTION 8.
39 S	4 E	WM	19	SE SW	LITTLE BEAVER CREEK: 600 FEET NORTH AND 1930 FEET EAST FROM THE SW CORNER OF SECTION 19.

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

Permit: S-4951 in the name of ROGUE RIVER VALLEY IRRIGATION DISTRICT and MEDFORD IRRIGATION DISTRICT (submitted under Application S-7352), as previously amended by Special Order Volume 49, Page 401.

Use: SUPPLEMENTAL IRRIGATION of 88.19 ACRES

Priority Date: JUNE 18, 1920

Rate: 0.166 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH of one cfs for each acre irrigated

Source: The source of the proposed appropriation is waste, return, seepage, spring, underflow, storm waters arising or which may in the future arise on lands lying above each of the following canals: Little Butte, District, Phoenix, Hopkins, Oakleigh, Junction, Agate, Bear Creek, and from all sources of supply referred to in Permits E-19, S-407 and R-50.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Lot	Survey Coordinates
36 S	1 W	WM	3	-- --	--	AGATE CANAL (LITTLE BUTTE CREEK): 2000 FEET NORTH FROM THE E $\frac{1}{4}$ CORNER OF SECTION 3.
36 S	1 W	WM	10	SW SW	--	AGATE CANAL (ANTELOPE CREEK): <i>COORDINATES NOT SPECIFIED</i>
37 S	1 W	WM	19	-- --	--	BEAR CREEK CANAL (BEAR CREEK): NORTH 45 DEGREES EAST 1400 FEET FROM THE SW CORNER OF SECTION 19.
36 S	1 E	WM	31	SE	--	DISTRICT CANAL (ANTELOPE CREEK): <i>COORDINATES NOT SPECIFIED.</i>
36 S	1 W	WM	36	SE	--	DISTRICT CANAL (DRY CREEK): <i>COORDINATES NOT SPECIFIED.</i>
36 S	1 E	WM	29	NW	--	DISTRICT CANAL (YANKEE CREEK): <i>COORDINATES NOT SPECIFIED.</i>
36 S	1 E	WM	30	SW NE*	--	HOPKINS CANAL (ANTELOPE CREEK): SOUTH 24 DEGREES 30 MINUTES WEST 980 FEET FROM THE CENTER OF THE NE $\frac{1}{4}$ OF SECTION 30.
36 S	1 W	WM	23	SE	--	HOPKINS CANAL (DRY CREEK): <i>COORDINATES NOT SPECIFIED.</i>
38 S*	2 W*	WM	2*	-- --	--	HOPKINS CANAL (GRIFFIN CREEK): NORTH 22 DEGREES 30 MINUTES WEST 1965 FEET FROM THE SE CORNER OF DLC 66.
37 S	2 W	WM	16	NE NE	--	HOPKINS CANAL (HORN CREEK): <i>COORDINATES NOT SPECIFIED.</i>
36 S*	2 W*	WM	29*	-- --	--	HOPKINS CANAL (JACKSON CREEK): 2060 FEET NORTH FROM THE SW CORNER OF DLC 66.
36 S	2 W	WM	32	NE SW	--	HOPKINS CANAL (WILLOW CREEK): <i>COORDINATES NOT SPECIFIED.</i>
36 S	1 E	WM	19	SE SE	--	HOPKINS CANAL (YANKEE CREEK): <i>COORDINATES NOT SPECIFIED.</i>
37 S	2 W	WM	2	-- --	--	JUNCTION CANAL (BEAR CREEK): NORTH 87 DEGREES 15 MINUTES WEST 1335 FEET FROM THE E $\frac{1}{4}$ CORNER OF SECTION 2.
36 S	2 E	WM	30	NE	--	LITTLE BUTTE CANAL (LAKE CREEK): <i>COORDINATES NOT SPECIFIED.</i>
36 S	1 E	WM	25	NE NW	--	LITTLE BUTTE CANAL (OSBORNE CREEK): <i>COORDINATES NOT SPECIFIED.</i>
37 S	2 W	WM	2	-- --	--	OAKLEIGH CANAL (BEAR CREEK): NORTH 87 DEGREES 15 MINUTES WEST 1335 FEET FROM THE E $\frac{1}{4}$ CORNER OF SECTION 2.
37 S	1 W	WM	30	NE NW	--	**OAKLEIGH CANAL (BEAR CREEK): 445 FEET NORTH AND 135 FEET EAST FROM THE SW CORNER OF THE NE $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 30.
36 S	2 W	WM	34	SE SW	--	OAKLEIGH CANAL (GRIFFIN CREEK): <i>COORDINATES NOT SPECIFIED.</i>
36 S	2 W	WM	33	NE SE	--	OAKLEIGH CANAL (JACKSON CREEK): <i>COORDINATES NOT SPECIFIED.</i>
38 S	1 W	WM	15	NE SW	--	PHOENIX CANAL (ANDERSON CREEK): <i>COORDINATES NOT SPECIFIED.</i>
38 S	1 W	WM	23	SW NE*	--	PHOENIX CANAL (BEAR CREEK): NORTH 24 DEGREES 46 MINUTES EAST, 716 FEET FROM THE CENTER OF SECTION 23.

Twp	Rng	Mer	Sec	Q-Q	Lot	Survey Coordinates
38 S	1 W	WM	9	SE SW	--	PHOENIX CANAL (COLEMAN CREEK): <i>COORDINATES NOT SPECIFIED.</i>
38 S	2 W***	WM	2	-- --	4	PHOENIX CANAL (GRIFFIN CREEK): <i>COORDINATES NOT SPECIFIED.</i>
37 S	2 W	WM	21	NW NW	--	PHOENIX CANAL (HORN CREEK): <i>COORDINATES NOT SPECIFIED.</i>
37 S	2 W	WM	29	NE SE	--	PHOENIX CANAL (JACKSON CREEK): <i>COORDINATES NOT SPECIFIED.</i>
*Denotes information not specified in Permit S-4951, but included by the Department to better describe the location of this authorized point of diversion.						
**Denotes the point of diversion added to Permit S-4951 through a permit amendment (T-7439) approved on November 8, 1995 by Special Order Volume 49 at Pages 401-402.						
***Permit S-4951 indicates Range 1 west; however, the Department determined that the application map, which indicates Range 2 west, more accurately depicts the location of this authorized point of diversion.						

8. The authorized places of use for Certificates **83381, 83383, 80578, 83728** and Permit **4951** are:

Authorized Place of Use

PRIMARY AND SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User	Notice #	Certificates Affected
37 S	2 W	WM	23	SW SE	Multiple	4.50	MEDFORD ID	06-04	83381, 83383, 80578, P4951
37 S	2 W	WM	22	NE NW	1700	0.99	MEDFORD ID	06-05	83381, 83383, 80578, P4951
37 S	2 W	WM	34	NE NW	1300	0.18	WILLIAMS	06-07	83381, 83383, 80578, 83728, P4951
37 S	2 W	WM	35	NE SE	500	2.32	COX	06-07	83381, 83383, 80578, 83728, P4951
36 S	1 W	WM	36	SE NE	1500	2.10	MEDFORD ID	06-10	83381, 83383, P4951
38 S	1 W	WM	15	NW NW	5800	0.16	MEDFORD ID	06-11	83381, 83383, 80578, P4951
37 S	1 W	WM	32	SW SW	2400	10.07	MEDFORD ID	06-12	83381, 83383, 80578, P4951
37 S	1 W	WM	31	SE SE	2400	2.48	MEDFORD ID	06-12	83381, 83383, 80578, P4951
38 S	1 W	WM	06	NE NE	2400	0.09	MEDFORD ID	06-12	83381, 83383, 80578, P4951
38 S	1 W	WM	05	NW NW	2400	6.33	MEDFORD ID	06-12	83381, 83383, 80578, P4951
38 S	1 W	WM	05	SE NW	2400	2.53	MEDFORD ID	06-12	83381, 83383, 80578, P4951
38 S	1 W	WM	05	SW NW	2400	0.69	MEDFORD ID	06-12	83381, 83383, 80578, P4951
38 S	1 W	WM	05	NW NW	2500	3.85	MEDFORD ID	06-12	83381, 83383, 80578, P4951
38 S	1 W	WM	05	SE NW	1300	2.41	MEDFORD ID	06-12	83381, 83383, 80578, P4951
38 S	1 W	WM	06	NE NE	100	16.45	MEDFORD ID	06-12	83381, 83383, 80578, P4951
37 S	2 W	WM	35	NE SE	2219	1.32	MEDFORD ID	06-12	83381, 83383, 80578, P4951
37 S	2 W	WM	35	SE SE	2219	3.94	MEDFORD ID	06-12	83381, 83383, 80578, P4951
37 S	1 W	WM	31	SW NE	2801	1.68	MEDFORD ID	06-12	83381, 83383, 80578, P4951

37 S	1 W	WM	31	SW NE	2803	1.00	MEDFORD ID	06-12	83381, 83383, 80578, P4951	
37 S	1 W	WM	31	SE NW	2803	0.36	MEDFORD ID	06-12	83381, 83383, 80578, P4951	
37 S	1 W	WM	31	SW NE	2804	1.20	MEDFORD ID	06-12	83381, 83383, 80578, P4951	
37 S	1 W	WM	31	NE SE	2800	3.62	MEDFORD ID	06-12	83381, 83383, 80578, P4951	
37 S	1 W	WM	31	NW SE	2800	0.57	MEDFORD ID	06-12	83381, 83383, 80578, P4951	
37 S	1 W	WM	31	NE SE	5502	0.18	MEDFORD ID	06-12	83381, 83383, 80578, P4951	
37 S	1 W	WM	32	NW SW	3000	0.79	MEDFORD ID	06-12	83381, 83383, 80578, P4951	
37 S	1 W	WM	31	SE SE	5502	1.05	MEDFORD ID	06-12	83381, 83383, 80578, P4951	
37 S	1 W	WM	32	SW SW	5502	1.94	MEDFORD ID	06-12	83381, 83383, 80578, P4951	
37 S	1 W	WM	32	SW SW	5400	9.45	MEDFORD ID	06-12	83381, 83383, 80578, P4951	
37 S	2 W	WM	26	NE NE	1400	1.17	MEDFORD ID	06-14	83381, 83383, 80578, P4951	
37 S	1 W	WM	08	NE NW	600	4.77	MEDFORD ID	06-16	83381, 83383, P4951	
TOTAL:						88.19				

9. Application T-10294 proposes to change the place of use for Certificates **83381, 83383, 80578, 83728** and Permit **4951** to:

PRIMARY AND SUPPLEMENTAL IRRIGATION										
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User	Notice	Certificates Affected	
37 S	2 W	WM	17	SE SE	3604	4.50	AYERS	06-04	83381, 83383, 80578, P4951	
37 S	2 W	WM	17	NE SE	3605	0.49	EKERSON	06-05	83381, 83383, 80578, P4951	
37 S	2 W	WM	17	SE SE	3605	0.50	EKERSON	06-05	83381, 83383, 80578, P4951	
37 S	2 W	WM	34	SW NE	3800	2.02	LDS CHURCH	06-07	83381, 83383, 80578, P4951	
37 S	2 W	WM	34	NW SE	3800	0.34	LDS CHURCH	06-07	83381, 83383, 80578, 83728, P4951	
37 S	2 W	WM	34	NE SW	3800	0.06	LDS CHURCH	06-07	83381, 83383, 80578, 83728, P4951	
37 S	2 W	WM	34	SE NW	3800	0.08	LDS CHURCH	06-07	83381, 83383, 80578, 83728, P4951	
36 S	1 W	WM	36	NE NE	1300	2.10	SPAHN	06-10	83381, 83383, P4951	
38 S	1 W	WM	15	SW NW	1100	0.16	FIPPS	06-11	83381, 83383, 80578, P4951	
37 S	2 W	WM	33	SW NE	300	9.30	CRATER VIEW RANCH, LLC	06-12	83381, 83383, 80578, P4951	
37 S	2 W	WM	33	NW SE	300	1.70	CRATER VIEW RANCH, LLC	06-12	83381, 83383, 80578, P4951	
37 S	2 W	WM	33	NW NW	300	13.50	CRATER VIEW RANCH, LLC	06-12	83381, 83383, 80578, P4951	
37 S	2 W	WM	33	NE NW	300	11.00	CRATER VIEW RANCH, LLC	06-12	83381, 83383, 80578, P4951	
37 S	2 W	WM	33	SW NW	300	21.30	CRATER VIEW RANCH, LLC	06-12	83381, 83383, 80578, P4951	
37 S	2 W	WM	33	SE NW	300	0.90	CRATER VIEW RANCH, LLC	06-12	83381, 83383, 80578, P4951	
37 S	2 W	WM	33	NE SW	300	8.30	CRATER VIEW RANCH, LLC	06-12	83381, 83383, 80578, P4951	
37 S	2 W	WM	33	NW SW	300	6.00	CRATER VIEW RANCH, LLC	06-12	83381, 83383, 80578, P4951	
37 S	2 W	WM	27	NW SW	700	1.17	WARD	06-14	83381, 83383, 80578, 83383, P4951	
36 S	1 W	WM	36	SE SE	1800	4.77	BLANCHARD	06-16	83381, 83383, P4951	
TOTAL:						88.19				

10. 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.
11. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
12. The proposed change in place of use will not result in enlargement of the right.
13. The proposed change in the place of use will not result in injury to other water rights.

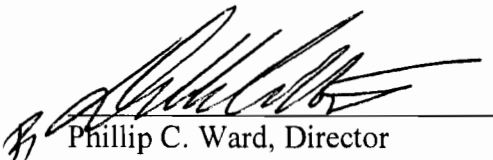
Conclusions of Law

The proposed change in place of use in application T-10294 satisfies the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The proposed changes to the water rights evidenced by Certificates **83381, 83383, 80578, 83728** and **Permit 4951** 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 **83381, 83383, 80578, 83728** and **Permit 4951**. The former place of use shall no longer be irrigated as part of this water right.
3. The proposed change shall be completed on or before October 1, 2009.
4. A Claim of Beneficial Use shall be submitted by the applicant to the Department by October 1, 2010.
5. The Department shall issue a water right certificate on a determination that it is necessary to produce certificates describing the water rights.

Dated at Salem, Oregon this 31st day of March, 2008.


 Phillip C. Ward, Director

Mailing date: APR 11 2008