

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-10993, Jackson County) DISTRICT PERMANENT TRANSFER

Authority

ORS 540.570 and 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

Rogue River Valley Irrigation District
3139 Merriman Rd.
Medford, OR 97501

Findings of Fact

1. On December 17, 2009, Rogue River Valley Irrigation District (RRVID) filed a district transfer application to permanently change the place of use under Certificates 80569, 80571, 80574, 80575, 80576, 80577 and 83729. The Department assigned the application number T-10993.
2. Certificates 80569, 80571, and 80574 have been superseded as indicated in the table below:

Previous Certificate #	Superseding Certificate #
80569	85288
80571	85876
80574	85877

3. Notice of the application for transfer was published on December 29, 2009, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
4. Final amendments and clarification to the application were received by the Department on October 5, 2010.
5. The portions of the first right to be transferred is as follows:

This is a final 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.

Certificate: 85288 (formerly Certificate 80569), in the name of Rogue River Valley Irrigation District

Use: Primary Irrigation of 91.30 acres.

Priority Date: July 23, 1909

Source: North and South Forks Little Butte Creek, tributaries of Little Butte Creek

Limit/Duty: 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.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distance
36 S	1 E	WM	8	SW SW	BRADSHAW DROP; Measured distance not specified on certificate
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

6. The authorized places of use for the above certificate are:

Authorized Place of Use-

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
36 S	1 W	WM	31	NW SW	4.10	100	RRVID	09-01
36 S	1 W	WM	31	NW SW	1.30	1100	RRVID	09-05
36 S	1 W	WM	32	SW SE	1.50	1300	RRVID	09-04
36 S	1 W	WM	32	SW SE	1.70	1300	RRVID	09-05
36 S	2 W	WM	23	SE SE	15.40	601	RRVID	09-02
36 S	2 W	WM	23	SE SE	8.40	601	RRVID	09-02
36 S	2 W	WM	31	SE SE	1.80	1500	RRVID	09-08
36 S	2 W	WM	32	SW SW	0.50	1500	RRVID	09-06
36 S	2 W	WM	32	SE SW	0.20	1500	RRVID	09-06
36 S	2 W	WM	34	NE SE	0.40	231	RRVID	09-03
36 S	2 W	WM	35	NW SE	1.80	2602	RRVID	09-03
36 S	2 W	WM	35	SW SE	3.60	2608	RRVID	09-02
36 S	2 W	WM	35	SW SE	1.60	2608	RRVID	09-02
37 S	2 W	WM	1	SW SW	1.90	200	RRVID	09-02
37 S	2 W	WM	1	SE SW	3.30	200	RRVID	09-02
37 S	2 W	WM	3	SW NW	3.00	1600	RRVID	09-07
37 S	2 W	WM	4	NW SE	0.20	2900	RRVID	09-08
37 S	2 W	WM	9	NE NE	0.40	400	RRVID	09-06
37 S	2 W	WM	10	NW NW	0.90	400	RRVID	09-06
37 S	2 W	WM	12	NE NW	29.00	200	RRVID	09-02
37 S	2 W	WM	12	NW NW	10.30	200	RRVID	09-02
Total:					91.30			

7. Transfer Application T-10993 proposes to change the place of use of the above described right to:

Proposed place of use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax lot	Owner Name	Notice
36 S	1 W	WM	15	NW SE	2.20	402	GUILL	09-03
36 S	1 W	WM	24	NE SE	3.00	1000	ZEPEDA	09-05
36 S	1 W	WM	29	NE NE	1.50	206	MITCHELL	09-04
36 S	1 W	WM	30	NW SE	0.80	700	GUTCHES	09-02
36 S	1 W	WM	30	NE SE	1.00	700	GUTCHES	09-02
36 S	1 W	WM	30	SW SE	12.00	2900	GUTCHES	09-02
36 S	1 W	WM	30	SW SE	0.87	700	GUTCHES	09-02
36 S	1 W	WM	30	SE SE	3.40	2900	GUTCHES	09-02
36 S	1 W	WM	30	SE SE	1.60	1300	GUTCHES	09-02
36 S	1 W	WM	30	SE SE	0.93	700	GUTCHES	09-02
36 S	1 W	WM	31	NE NW	4.10	100	ARRASMITH	09-01
36 S	1 W	WM	31	NW NE	37.90	200	GUTCHES	09-02
36 S	1 W	WM	31	NE NE	15.00	200	GUTCHES	09-02
37 S	2 W	WM	5	NE SW	2.00	1000	ROCKWELL	09-06
37 S	2 W	WM	5	NE SW	2.95	607	SALYER	09-07
37 S	2 W	WM	5	SE NW	0.05	607	SALYER	09-07
37 S	2 W	WM	5	SE NW	1.95	603	OH	09-08
37 S	2 W	WM	5	NE SW	0.05	603	OH	09-08
Total:					91.30			

8. The portions of the third supplemental right to be transferred are as follows:

Certificate: 85876, (formerly 80571) in the name of Rogue River Valley Irrigation District

Use: Supplemental Irrigation of 91.30 acres.

Priority Date: March 31, 1910

Limit/Duty: Total diversion through the Main Canal from North Fork and South Fork Little Butte Creek shall not exceed 140 cfs at any one time. The amount of water used for irrigation is limited to a diversion of ONE-EIGHTIETH of one cfs (or its equivalent) 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 Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distance
36 S	2 E	WM	8	SW SW	Not specified on certificate
36 S	2 E	WM	20	SE NE	40 FEET NORTH AND 620 FEET WEST FROM THE E1/4 CORNER OF SECTION 20
36 S	5 E	WM	9	SW NW	3600 FEET NORTH AND 4200 FEET EAST FROM THE SW CORNER OF SECTION 9
37 S	4 E	WM	4	SE SE	4000 FEET SOUTH AND 600 FEET EAST FROM THE NE CORNER OF SECTION 4

9. The authorized places of use for the above certificate are:

Authorized Place of Use-

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
36 S	1 W	WM	31	NW SW	4.10	100	RRVID	09-01
36 S	1 W	WM	31	NW SW	1.30	1100	RRVID	09-05
36 S	1 W	WM	32	SW SE	1.50	1300	RRVID	09-04
36 S	1 W	WM	32	SW SE	1.70	1300	RRVID	09-05
36 S	2 W	WM	23	SE SE	15.40	601	RRVID	09-02
36 S	2 W	WM	23	SE SE	8.40	601	RRVID	09-02
36 S	2 W	WM	31	SE SE	1.80	1500	RRVID	09-08
36 S	2 W	WM	32	SW SW	0.50	1500	RRVID	09-06
36 S	2 W	WM	32	SE SW	0.20	1500	RRVID	09-06
36 S	2 W	WM	34	NE SE	0.40	231	RRVID	09-03
36 S	2 W	WM	35	NW SE	1.80	2602	RRVID	09-03
36 S	2 W	WM	35	SW SE	3.60	2608	RRVID	09-02
36 S	2 W	WM	35	SW SE	1.60	2608	RRVID	09-02
37 S	2 W	WM	1	SW SW	1.90	200	RRVID	09-02
37 S	2 W	WM	1	SE SW	3.30	200	RRVID	09-02
37 S	2 W	WM	3	SW NW	3.00	1600	RRVID	09-07
37 S	2 W	WM	4	NW SE	0.20	2900	RRVID	09-08
37 S	2 W	WM	9	NE NE	0.40	400	RRVID	09-06
37 S	2 W	WM	10	NW NW	0.90	400	RRVID	09-06
37 S	2 W	WM	12	NE NW	29.00	200	RRVID	09-02
37 S	2 W	WM	12	NW NW	10.30	200	RRVID	09-02
Total:					91.30			

10. Transfer Application T-10993 proposes to change the place of use of the above described right to:

Proposed place of use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax lot	Owner Name	Notice
36 S	1 W	WM	15	NW SE	2.20	402	GUILL	09-03
36 S	1 W	WM	24	NE SE	3.00	1000	ZEPEDA	09-05
36 S	1 W	WM	29	NE NE	1.50	206	MITCHELL	09-04
36 S	1 W	WM	30	NW SE	0.80	700	GUTCHES	09-02
36 S	1 W	WM	30	NE SE	1.00	700	GUTCHES	09-02
36 S	1 W	WM	30	SW SE	12.00	2900	GUTCHES	09-02
36 S	1 W	WM	30	SW SE	0.87	700	GUTCHES	09-02
36 S	1 W	WM	30	SE SE	3.40	2900	GUTCHES	09-02
36 S	1 W	WM	30	SE SE	1.60	1300	GUTCHES	09-02
36 S	1 W	WM	30	SE SE	0.93	700	GUTCHES	09-02
36 S	1 W	WM	31	NE NW	4.10	100	ARRASMITH	09-01
36 S	1 W	WM	31	NW NE	37.90	200	GUTCHES	09-02
36 S	1 W	WM	31	NE NE	15.00	200	GUTCHES	09-02
37 S	2 W	WM	5	NE SW	2.00	1000	ROCKWELL	09-06
37 S	2 W	WM	5	NE SW	2.95	607	SALYER	09-07
37 S	2 W	WM	5	SE NW	0.05	607	SALYER	09-07
37 S	2 W	WM	5	SE NW	1.95	603	OH	09-08
37 S	2 W	WM	5	NE SW	0.05	603	OH	09-08
Total:					91.30			

11. The portions of the next right to be transferred are as follows:

Certificate: 85877, (formerly 80574) in the name of Rogue River Valley Irrigation District

Use: Supplemental Irrigation of 91.30 acres.

Priority Date: June 24, 1913

Source: Antelope Creek, tributary to Little Butte Creek

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 of one cubic foot per second (or its equivalent) for each acre irrigated during the irrigation season of each year.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distance
36 S	1 E	WM	30	SW NE	770 FEET NORTH AND 1650 FEET WEST FROM THE E1/4 CORNER OF SECTION 30

12. The authorized places of use for the above certificate are:

Authorized Place of Use-

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
36 S	1 W	WM	31	NW SW	4.10	100	RRVID	09-01
36 S	1 W	WM	31	NW SW	1.30	1100	RRVID	09-05
36 S	1 W	WM	32	SW SE	1.50	1300	RRVID	09-04
36 S	1 W	WM	32	SW SE	1.70	1300	RRVID	09-05
36 S	2 W	WM	23	SE SE	15.40	601	RRVID	09-02
36 S	2 W	WM	23	SE SE	8.40	601	RRVID	09-02
36 S	2 W	WM	31	SE SE	1.80	1500	RRVID	09-08
36 S	2 W	WM	32	SW SW	0.50	1500	RRVID	09-06
36 S	2 W	WM	32	SE SW	0.20	1500	RRVID	09-06
36 S	2 W	WM	34	NE SE	0.40	231	RRVID	09-03
36 S	2 W	WM	35	NW SE	1.80	2602	RRVID	09-03
36 S	2 W	WM	35	SW SE	3.60	2608	RRVID	09-02
36 S	2 W	WM	35	SW SE	1.60	2608	RRVID	09-02
37 S	2 W	WM	1	SW SW	1.90	200	RRVID	09-02
37 S	2 W	WM	1	SE SW	3.30	200	RRVID	09-02
37 S	2 W	WM	3	SW NW	3.00	1600	RRVID	09-07
37 S	2 W	WM	4	NW SE	0.20	2900	RRVID	09-08
37 S	2 W	WM	9	NE NE	0.40	400	RRVID	09-06
37 S	2 W	WM	10	NW NW	0.90	400	RRVID	09-06
37 S	2 W	WM	12	NE NW	29.00	200	RRVID	09-02
37 S	2 W	WM	12	NW NW	10.30	200	RRVID	09-02
Total:					91.30			

13. Transfer Application T-10993 proposes to change the place of use of the above described right to:

Proposed place of use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax lot	Owner Name	Notice
36 S	1 W	WM	15	NW SE	2.20	402	GUILL	09-03
36 S	1 W	WM	24	NE SE	3.00	1000	ZEPEDA	09-05

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax lot	Owner Name	Notice
36 S	1 W	WM	29	NE NE	1.50	206	MITCHELL	09-04
36 S	1 W	WM	30	NW SE	0.80	700	GUTCHES	09-02
36 S	1 W	WM	30	NE SE	1.00	700	GUTCHES	09-02
36 S	1 W	WM	30	SW SE	12.00	2900	GUTCHES	09-02
36 S	1 W	WM	30	SW SE	0.87	700	GUTCHES	09-02
36 S	1 W	WM	30	SE SE	3.40	2900	GUTCHES	09-02
36 S	1 W	WM	30	SE SE	1.60	1300	GUTCHES	09-02
36 S	1 W	WM	30	SE SE	0.93	700	GUTCHES	09-02
36 S	1 W	WM	31	NE NW	4.10	100	ARRASMITH	09-01
36 S	1 W	WM	31	NW NE	37.90	200	GUTCHES	09-02
36 S	1 W	WM	31	NE NE	15.00	200	GUTCHES	09-02
37 S	2 W	WM	5	NE SW	2.00	1000	ROCKWELL	09-06
37 S	2 W	WM	5	NE SW	2.95	607	SALYER	09-07
37 S	2 W	WM	5	SE NW	0.05	607	SALYER	09-07
37 S	2 W	WM	5	SE NW	1.95	603	OH	09-08
37 S	2 W	WM	5	NE SW	0.05	603	OH	09-08
Total:					91.30			

14. The portions of the next right to be transferred are as follows:

Certificate: 80575, in the name of Rogue River Valley Irrigation District

Use: Supplemental Irrigation of 7.00 acres.

Priority Date: June 24, 1913

Source: Bear Creek, tributary of the Rogue River

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 ONE-EIGHTIETH of one cubic foot per second (or its equivalent) for each acre irrigated during the irrigation season of each year.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
37 S	1 W	WM	30	NE NW	870 FEET SOUTH AND 1460 FEET EAST FROM THE NW CORNER OF SECTION 30

15. The authorized places of use for the above certificate are:

Authorized Places of Use

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
36 S	2 W	WM	31	SE SE	1.80	1500	RRVID	09-08
36 S	2 W	WM	32	SW SW	0.50	1500	RRVID	09-06
36 S	2 W	WM	32	SE SW	0.20	1500	RRVID	09-06
37 S	2 W	WM	3	SW NW	3.00	1600	RRVID	09-07
37 S	2 W	WM	4	NW SE	0.20	2900	RRVID	09-08
37 S	2 W	WM	9	NE NE	0.40	400	RRVID	09-06
37 S	2 W	WM	10	NW NW	0.90	400	RRVID	09-06
Total:					7.00			

16. Transfer Application T-10993 proposes to change the place of use of the above described right to:

Proposed place of use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
37 S	2 W	WM	5	SE NW	1.95	603	OH	09-08
37 S	2 W	WM	5	SE NW	0.05	607	SALYER	09-07
37 S	2 W	WM	5	NE SW	0.05	603	OH	09-08
37 S	2 W	WM	5	NE SW	2.95	607	SALYER	09-07
37 S	2 W	WM	5	NE SW	2.00	1000	ROCKWELL	09-06
Total:					7.00			

17. The portions of the next right to be transferred are as follows:

Certificate: 80576, in the name of Rogue River Valley Irrigation District

Use: Supplemental Irrigation of 91.30 acres

Priority Date: September 6, 1915

Source: Agate Reservoir (constructed under Permits R-4563 and R-6175) and Dry Creek, tributaries of Little Butte Creek.

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 4.5 acre-feet for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
36 S	1 W	WM	25	NW NW	AGATE DAM on DRY CREEK – 1090 FEET SOUTH AND 1250 FEET EAST FROM THE NW CORNER OF SECTION 25

18. The authorized places of use for the above certificate are:

Authorized Place of Use-

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
36 S	1 W	WM	31	NW SW	4.10	100	RRVID	09-01
36 S	1 W	WM	31	NW SW	1.30	1100	RRVID	09-05
36 S	1 W	WM	32	SW SE	1.50	1300	RRVID	09-04
36 S	1 W	WM	32	SW SE	1.70	1300	RRVID	09-05
36 S	2 W	WM	23	SE SE	15.40	601	RRVID	09-02
36 S	2 W	WM	23	SE SE	8.40	601	RRVID	09-02
36 S	2 W	WM	31	SE SE	1.80	1500	RRVID	09-08
36 S	2 W	WM	32	SW SW	0.50	1500	RRVID	09-06
36 S	2 W	WM	32	SE SW	0.20	1500	RRVID	09-06
36 S	2 W	WM	34	NE SE	0.40	231	RRVID	09-03
36 S	2 W	WM	35	NW SE	1.80	2602	RRVID	09-03
36 S	2 W	WM	35	SW SE	3.60	2608	RRVID	09-02
36 S	2 W	WM	35	SW SE	1.60	2608	RRVID	09-02
37 S	2 W	WM	1	SW SW	1.90	200	RRVID	09-02
37 S	2 W	WM	1	SE SW	3.30	200	RRVID	09-02
37 S	2 W	WM	3	SW NW	3.00	1600	RRVID	09-07
37 S	2 W	WM	4	NW SE	0.20	2900	RRVID	09-08

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
37 S	2 W	WM	9	NE NE	0.40	400	RRVID	09-06
37 S	2 W	WM	10	NW NW	0.90	400	RRVID	09-06
37 S	2 W	WM	12	NE NW	29.00	200	RRVID	09-02
37 S	2 W	WM	12	NW NW	10.30	200	RRVID	09-02
Total:					91.30			

19. Transfer Application T-10993 proposes to change the place of use of the above described right to:

Proposed place of use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax lot	Owner Name	Notice
36 S	1 W	WM	15	NW SE	2.20	402	GULL	09-03
36 S	1 W	WM	24	NE SE	3.00	1000	ZPEDA	09-05
36 S	1 W	WM	29	NE NE	1.50	206	MITCHELL	09-04
36 S	1 W	WM	30	NW SE	0.80	700	GUTCHES	09-02
36 S	1 W	WM	30	NE SE	1.00	700	GUTCHES	09-02
36 S	1 W	WM	30	SW SE	12.00	2900	GUTCHES	09-02
36 S	1 W	WM	30	SW SE	0.87	700	GUTCHES	09-02
36 S	1 W	WM	30	SE SE	3.40	2900	GUTCHES	09-02
36 S	1 W	WM	30	SE SE	1.60	1300	GUTCHES	09-02
36 S	1 W	WM	30	SE SE	0.93	700	GUTCHES	09-02
36 S	1 W	WM	31	NE NW	4.10	100	ARRASMITH	09-01
36 S	1 W	WM	31	NW NE	37.90	200	GUTCHES	09-02
36 S	1 W	WM	31	NE NE	15.00	200	GUTCHES	09-02
37 S	2 W	WM	5	NE SW	2.00	1000	ROCKWELL	09-06
37 S	2 W	WM	5	NE SW	2.95	607	SALYER	09-07
37 S	2 W	WM	5	SE NW	0.05	607	SALYER	09-07
37 S	2 W	WM	5	SE NW	1.95	603	OH	09-08
37 S	2 W	WM	5	NE SW	0.05	603	OH	09-08
Total:					91.30			

20. The portions of the next right to be transferred are as follows:

Certificate: 80577, in the name of Rogue River Valley Irrigation District

Use: Supplemental Irrigation of 7.00 acres

Priority Date: September 6, 1915

Source: Griffin Creek and Jackson Creek, tributaries of Bear Creek.

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 during the irrigation season of each year.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
37 S	2 W	WM	15	SW NE	GRIFFIN CREEK INTO HOPKINS CANAL - 2700 FEET NORTH AND 2050 FEET WEST FROM THE SE CORNER OF SECTION 15
37 S	2 W	WM	15	SW NW	JACKSON CREEK INTO HOPKINS CANAL - 3000 FEET NORTH AND 4000 FEET WEST FROM THE SE CORNER OF SECTION 15

21. The authorized places of use for the above certificate are:

Authorized Places of Use

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
36 S	2 W	WM	31	SE SE	1.80	1500	RRVID	09-08
36 S	2 W	WM	32	SW SW	0.50	1500	RRVID	09-06
36 S	2 W	WM	32	SE SW	0.20	1500	RRVID	09-06
37 S	2 W	WM	3	SW NW	3.00	1600	RRVID	09-07
37 S	2 W	WM	4	NW SE	0.20	2900	RRVID	09-08
37 S	2 W	WM	9	NE NE	0.40	400	RRVID	09-06
37 S	2 W	WM	10	NW NW	0.90	400	RRVID	09-06
Total:					7.00			

22. Transfer Application T-10993 proposes to change the place of use of the above described right to:

Proposed place of use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
37 S	2 W	WM	5	SE NW	1.95	603	OH	09-08
37 S	2 W	WM	5	SE NW	0.05	607	SALYER	09-07
37 S	2 W	WM	5	NE SW	0.05	603	OH	09-08
37 S	2 W	WM	5	NE SW	2.95	607	SALYER	09-07
37 S	2 W	WM	5	NE SW	2.00	1000	ROCKWELL	09-06
Total:					7.00			

23. The portions of the next right to be transferred are as follows:

Certificate: 83729, in the name of U. S. Bureau of Reclamation

Use: Supplemental Irrigation of 7.00 acres

Priority Date: June 8, 1953 for Soda and Little Beaver Creeks and September 6, 1915 for all other streams.

Limit/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.

Sources: Emigrant Creek and Emigrant Reservoir, tributaries of Bear Creek; South Fork Little Butte Creek, a tributary of Little Butte Creek; Conde Creek, a tributary of South Fork Little Butte Creek; Dean Indian Creek, a tributary of South Fork Little Butte Creek; Daley Creek, a tributary of the South Fork Little Butte Creek, Beaver Dam Creek, a tributary of the South Fork Little Butte Creek; Pole Bridge Creek, a tributary of the South Fork Little Butte Creek; Deadwood Creek, a tributary of the South Fork Little Butte Creek; Keene Creek and Keene Creek Reservoir, tributaries of Jenny Creek, Grizzly Creek and Howard Prairie Reservoir, tributaries of Jenny Creek, Soda Creek, a tributary of Grizzly Creek; Little Beaver Creek, a tributary of Jenny Creek.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
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

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
					2000 FEET EAST FROM THE NW CORNER OF SECTION 28.
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 MEASURED DISTANCES 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.

24. The authorized places of use for the above certificate are:

Authorized Places of Use

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
36 S	2 W	WM	31	SE SE	1.80	1500	RRVID	09-08
36 S	2 W	WM	32	SW SW	0.50	1500	RRVID	09-06
36 S	2 W	WM	32	SE SW	0.20	1500	RRVID	09-06
37 S	2 W	WM	3	SW NW	3.00	1600	RRVID	09-07
37 S	2 W	WM	4	NW SE	0.20	2900	RRVID	09-08
37 S	2 W	WM	9	NE NE	0.40	400	RRVID	09-06
37 S	2 W	WM	10	NW NW	0.90	400	RRIVD	09-06
Total:					7.00			

25. Transfer Application T-10993 proposes to change the place of use of the above described right to:

Proposed place of use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
37 S	2 W	WM	5	SE NW	1.95	603	OH	09-08
37 S	2 W	WM	5	SE NW	0.05	607	SALYER	09-07
37 S	2 W	WM	5	NE SW	0.05	603	OH	09-08
37 S	2 W	WM	5	NE SW	2.95	607	SALYER	09-07
37 S	2 W	WM	5	NE SW	2.00	1000	ROCKWELL	09-06
Total:					7.00			

26. 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.
27. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
28. The proposed change in place of use would not result in enlargement of the rights.
29. The proposed change in place of use will not result in injury to other water rights.

Conclusions of Law

The change in place of use proposed in Transfer Application T-10993 satisfies the requirements of ORS 540.574(3) and 540.580

Now, therefore, it is ORDERED:

1. The proposed change to the water rights evidenced by Certificates 85288, 85876, 85877, 80575, 80576, 80577 and 83729 and are approved.
2. The right to the use of water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 85288, 85876, 85877, 80575, 80576, 80577 and 83729, any related decree and the Final Order approving T-10993.
3. The former places of use shall no longer be irrigated as part of these water rights.
4. The approved change shall be completed and full beneficial use of the water shall be made on or before October 1, 2012.
5. A Claim of Beneficial Use (COBU) shall be submitted by Rogue River Valley Irrigation District to the Department by October 1, 2013.
6. Certificates 85288, 85876, 85877, 80575, 80576, 80577 and 83729 are modified. The Department will issue a superseding certificate describing the rights when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 6 day of October, 2010.



Dwight French for
PHILLIP C. WARD, DIRECTOR

Mailing date: OCT 08 2010