

**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-11516, 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 March 21, 2013, the Department signed a final order, which was mailed on April 3, 2013, and recorded in Special Order Volume 89, Pages 160-172, approving Transfer Application T-11516 involving Certificates 83381, 83383, 80578, 83728, and Permit S-4951. The final order established October 1, 2014, as the date for completion of the authorized changes in place of use.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a final order in other than 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 either 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.

2. On January 9, 2020, the Department signed a correcting superseding final order (final order), which was mailed on January 10, 2020, and recorded in Special Order Volume 114, Pages 774-788, to correct errors in the final order recorded in Special Order Volume 89, Pages 160-172
3. On June 19, 2023, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-11516 satisfying the requirements for proof under OAR 6902-385-7400.
4. The Department reviewed the CBU and map(s) submitted by the applicant for Transfer Application T-11516.
5. 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.
6. The proposed place of use for Certificate 83381 as approved the final order for Transfer Application T-11516, and as recorded in Special Order Volume 114, Pages 774-788 is shown in Table 1, below:

Table 1:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User Name	Notice
37 S	2 W	WM	28	SE NW	0.50	3800	Cook	12-05
37 S	2 W	WM	28	NW SE	1.30	3800	Cook	12-05
37 S	2 W	WM	28	SW NE	3.07	3800	Cook	12-05
37 S	2 W	WM	28	NE SW	0.13	3800	Cook	12-05
37 S	2 W	WM	17	SE SE	0.77	4300	Sleutel	12-04
36 S	1 E	WM	19	NE NE	6.04	100	O'Donoghue	12-03
36 S	1 E	WM	19	NW NE	1.70	100	O'Donoghue	12-03
38 S	1 W	WM	15	NW NE	1.88	1500	Nelson	12-02
38 S	1 W	WM	10	SW SE	0.12	1500	Nelson	12-02
37 S	1 W	WM	31	SW NE	0.50	4000	KOGAP, Inc.	12-01
37 S	1 W	WM	31	NE SE	1.52	4000	KOGAP, Inc.	12-01
37 S	1 W	WM	31	NW SE	0.52	4000	KOGAP, Inc.	12-01
37 S	1 W	WM	31	SW NE	1.94	4000	KOGAP, Inc.	12-01
37 S	1 W	WM	31	SW NE	0.25	2802	KOGAP, Inc.	12-01
37 S	1 W	WM	31	SE NE	0.10	2802	KOGAP, Inc.	12-01
37 S	1 W	WM	31	NE SE	1.67	2802	KOGAP, Inc.	12-01
Total:					22.01			

7. The proposed place of use for Certificate 83383 as approved the final order for Transfer Application T-11516, and as recorded in Special Order Volume 114, Pages 774-788 is shown in Table 2, below:

Table 2:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User Name	Notice
37 S	2 W	WM	28	SE NW	0.50	3800	Cook	12-05
37 S	2 W	WM	28	NW SE	1.30	3800	Cook	12-05
37 S	2 W	WM	28	SW NE	3.07	3800	Cook	12-05
37 S	2 W	WM	28	NE SW	0.13	3800	Cook	12-05
37 S	2 W	WM	17	SE SE	0.77	4300	Sleutel	12-04
36 S	1 E	WM	19	NE NE	6.04	100	O'Donoghue	12-03
36 S	1 E	WM	19	NW NE	1.70	100	O'Donoghue	12-03
38 S	1 W	WM	15	NW NE	1.88	1500	Nelson	12-02
38 S	1 W	WM	10	SW SE	0.12	1500	Nelson	12-02
37 S	1 W	WM	31	SW NE	0.50	4000	KOGAP, Inc.	12-01
37 S	1 W	WM	31	NE SE	1.52	4000	KOGAP, Inc.	12-01
37 S	1 W	WM	31	NW SE	0.52	4000	KOGAP, Inc.	12-01
37 S	1 W	WM	31	SW NE	1.94	4000	KOGAP, Inc.	12-01
37 S	1 W	WM	31	SW NE	0.25	2802	KOGAP, Inc.	12-01
37 S	1 W	WM	31	SE NE	0.10	2802	KOGAP, Inc.	12-01
37 S	1 W	WM	31	NE SE	1.67	2802	KOGAP, Inc.	12-01
Total:					22.01			

8. The proposed place of use for Certificate 80578 as approved the final order for Transfer Application T-11516, and as recorded in Special Order Volume 114, Pages 774-788 is shown in Table 3, below:

Table 3:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User Name	Notice
37 S	2 W	WM	28	SE NW	0.50	3800	Cook	12-05
37 S	2 W	WM	28	NW SE	1.30	3800	Cook	12-05
37 S	2 W	WM	28	SW NE	3.07	3800	Cook	12-05
37 S	2 W	WM	28	NE SW	0.13	3800	Cook	12-05
37 S	2 W	WM	17	SE SE	0.77	4300	Sleutel	12-04
36 S	1 E	WM	19	NE NE	6.04	100	O'Donoghue	12-03
36 S	1 E	WM	19	NW NE	1.70	100	O'Donoghue	12-03
38 S	1 W	WM	15	NW NE	1.88	1500	Nelson	12-02
38 S	1 W	WM	10	SW SE	0.12	1500	Nelson	12-02
37 S	1 W	WM	31	SW NE	0.50	4000	KOGAP, Inc.	12-01
37 S	1 W	WM	31	NE SE	1.52	4000	KOGAP, Inc.	12-01
37 S	1 W	WM	31	NW SE	0.52	4000	KOGAP, Inc.	12-01
37 S	1 W	WM	31	SW NE	1.94	4000	KOGAP, Inc.	12-01
37 S	1 W	WM	31	SW NE	0.25	2802	KOGAP, Inc.	12-01
37 S	1 W	WM	31	SE NE	0.10	2802	KOGAP, Inc.	12-01
37 S	1 W	WM	31	NE SE	1.67	2802	KOGAP, Inc.	12-01
Total:					22.01			

9. The proposed place of use for Certificate 83728 as approved the final order for Transfer Application T-11516, and as recorded in Special Order Volume 114, Pages 774-788 is shown in Table 4, below:

Table 4:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User Name	Notice
37 S	2 W	WM	28	SE NW	0.50	3800	Cook	12-05
37 S	2 W	WM	28	NW SE	1.30	3800	Cook	12-05
37 S	2 W	WM	28	SW NE	3.07	3800	Cook	12-05
37 S	2 W	WM	28	NE SW	0.13	3800	Cook	12-05
37 S	2 W	WM	17	SE SE	0.77	4300	Sleutel	12-04
36 S	1 E	WM	19	NW NE	1.29	100	O'Donoghue	12-03
38 S	1 W	WM	15	NW NE	0.40	1500	Nelson	12-02
37 S	1 W	WM	31	SW NE	0.10	4000	KOGAP, Inc.	12-01
37 S	1 W	WM	31	NE SE	1.52	4000	KOGAP, Inc.	12-01
37 S	1 W	WM	31	NW SE	0.52	4000	KOGAP, Inc.	12-01
37 S	1 W	WM	31	SW NE	1.94	4000	KOGAP, Inc.	12-01
37 S	1 W	WM	31	SW NE	0.25	2802	KOGAP, Inc.	12-01
37 S	1 W	WM	31	SE NE	0.10	2802	KOGAP, Inc.	12-01
37 S	1 W	WM	31	NE SE	1.67	2802	KOGAP, Inc.	12-01
Total:					13.56			

10. The proposed place of use for Permit S-4951 as approved the final order for Transfer Application T-11516, and as recorded in Special Order Volume 114, Pages 774-788 is shown in Table 5, below:

Table 5:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User Name	Notice
37 S	2 W	WM	28	SE NW	0.50	3800	Cook	12-05
37 S	2 W	WM	28	NW SE	1.30	3800	Cook	12-05
37 S	2 W	WM	28	SW NE	3.07	3800	Cook	12-05
37 S	2 W	WM	28	NE SW	0.13	3800	Cook	12-05
37 S	2 W	WM	17	SE SE	0.77	4300	Sleutel	12-04
36 S	1 E	WM	19	NE NE	6.04	100	O'Donoghue	12-03
36 S	1 E	WM	19	NW NE	1.70	100	O'Donoghue	12-03
38 S	1 W	WM	15	NW NE	1.88	1500	Nelson	12-02
38 S	1 W	WM	10	SW SE	0.12	1500	Nelson	12-02
37 S	1 W	WM	31	SW NE	0.50	4000	KOGAP, Inc.	12-01
37 S	1 W	WM	31	NE SE	1.52	4000	KOGAP, Inc.	12-01
37 S	1 W	WM	31	NW SE	0.52	4000	KOGAP, Inc.	12-01
37 S	1 W	WM	31	SW NE	1.94	4000	KOGAP, Inc.	12-01
37 S	1 W	WM	31	SW NE	0.25	2802	KOGAP, Inc.	12-01
37 S	1 W	WM	31	SE NE	0.10	2802	KOGAP, Inc.	12-01
37 S	1 W	WM	31	NE SE	1.67	2802	KOGAP, Inc.	12-01
Total:					22.01			

11. 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-11516 was completed to the extent authorized in the transfer as described in Tables 1, 2, 3, 4, and 5, above.

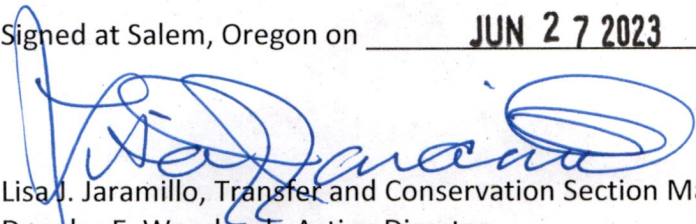
Conclusions of Law

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, 4, and 5, above.
3. The applicant has demonstrated proof of completion under T-11516 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-11516 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

Water right certificates 83381, 83383, 80578, and 83728 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. Permit S-4951 is modified as shown in Table 5, above.

Signed at Salem, Oregon on JUN 27 2023.


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

Mailing Date: JUN 28 2023

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