

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

In the Matter of Transfer Application) FINAL ORDER CORRECTING PLACE OF
T-10758, Jackson County) USE ERRORS

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 May 19, 2010, the Department signed an order approving Transfer Application T-10758 which was mailed on May 21, 2010. The order was recorded in Special Order Volume 80, Pages 1039-1066.
2. This order is issued to correct Findings of Fact # 20, 21, 22, 29, 30 and 31 as shown in the Final Order recorded at Special Order Volume 80, Pages 1039-1066. This correcting order is necessary to correct the authorized and proposed places of use for supplemental irrigation on Certificates 80875 and 83729. This order aligns the authorized and proposed places of use under Certificates 80875 and 83729 with places of use for the other primary and supplemental irrigation approved in T-10758 which have identical places of use at the locations applicable to the corrections being made.
3. Corrections the original findings of facts below are show in ~~strike through~~ text and in **bold**.

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.

Corrected Findings of Fact 20, 21, 22, 29, 30 and 31

20. 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 **98.2 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

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

Authorized Places of Use

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name	Notice
36 S	2 W	WM	36	NE SE	0.50	141	FRANKLIN AND ANNE BATEMAN	06-30
36 S	2 W	WM	36	NE SE	2.50	142	FRANKLIN AND ANNE BATEMAN	06-30
37 S	2 W	WM	3	SW NW	7.10	100	RRVID	06-22
37 S	2 W	WM	3	SW NW	8.00	100	RRVID	06-32
37 S	2 W	WM	3	SW NW	0.50	101	RRVID	06-22
37 S	2 W	WM	3	SE NW	7.70	100	RRVID	06-22
37 S	2 W	WM	3	NE SW	16.00	100	RRVID	06-22
37 S	2 W	WM	3	NW SW	9.40	100	RRVID	06-22
37 S	2 W	WM	3	NW SW	0.1	101	RRVID	06-22
37 S	2 W	WM	3	NW SW	2.30	101	RRVID	06-22
37 S	2 W	WM	3	NW SW	4.40	208	RRVID	06-22
37 S	2 W	WM	3	NW SW	1.20	102	RRVID	06-22
37 S	2 W	WM	3	SW SW	8.80	101	RRVID	06-22
37 S	2 W	WM	3	SW SW	2.50	208	RRVID	06-22
37 S	2 W	WM	10	NE SW	0.30	1900	RRVID	06-29
37 S	2 W	WM	10	NW SW	1.30	1900	RRVID	06-29
37 S	2 W	WM	10	NE SE	0.50	6500	RRVID	08-03
37 S	2 W	WM	10	SE SE	0.50	2200	RRVID	06-26
37 S	2 W	WM	13	NW NW	1.10	4900	RRVID	06-29
37 S	2 W	WM	13	SE NW	1.50	3401	RRVID	06-29
37 S	2 W	WM	13	SE NW	1.00	3100	RRVID	06-29
37 S	2 W	WM	13	NW SW	0.30	3500	RRVID	05-12
37 S	2 W	WM	13	NW SW	0.40	2500	RRVID	06-29
37 S	2 W	WM	14	NE SW	12.90	3300	MERLIN AND JOANN FJARLI	06-29
37 S	2 W	WM	14	SE SW	0.50	3300	MERLIN AND JOANN FJARLI	06-29

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name	Notice
37 S	2 W	WM	14	SE SW	4.30	402	MERLIN AND JOANN FJARLI	06-29
37 S	2 W	WM	14	NW SE	4.00	3300	MERLIN AND JOANN FJARLI	06-29
37 S	2 W	WM	14	SW SE	0.20	3300	MERLIN AND JOANN FJARLI	06-29
37 S	2 W	WM	14	SW SE	1.40	402	MERLIN AND JOANN FJARLI	06-29
					98.2			

22. Transfer Application T-10758 proposes to change the place of use of the above described right to:

Proposed place of use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name	Notice
36 S	2 W	WM	36	NE SE	1.20	102	BATEMAN	06-30
36 S	2 W	WM	21	NE SE	8.00	1204	THOMASSON	06-32
36 S	2 W	WM	36	NW SE	1.80	102	BATEMAN	06-30
37 S	2 W	WM	9	NE SE	0.50	2500	DEVRIES	06-26
37 S	2 W	WM	9	NW SE	0.50	2000	GIBSON	08-03
37 S	2 W	WM	9	SW SE	0.30	2400	WATSON	05-12
37 S	2 W	WM	23	SW NE	2.30	1900	FJARLI	06-29
37 S	2 W	WM	23	SW NE	22.70	1200	HOWARD MEMORIAL SPORTS PARK	06-22
37 S	2 W	WM	23	SW NE	3.30	1300	HOWARD MEMORIAL SPORTS PARK	06-22
37 S	2 W	WM	23	SE NE	3.10	1200	HOWARD MEMORIAL SPORTS PARK	06-22
37 S	2 W	WM	23	NE NW	7.00	1900	FJARLI	06-29
37 S	2 W	WM	23	NE NW	12.30	2200	FJARLI	06-29
37 S	2 W	WM	23	NW NW	1.00	1900	FJARLI	06-29
37 S	2 W	WM	23	NW NW	5.70	2200	FJARLI	06-29
37 S	2 W	WM	23	SW NW	0.60	1900	FJARLI	06-29
37 S	2 W	WM	23	SE NW	9.70	1300	HOWARD MEMORIAL SPORTS PARK	06-22
37 S	2 W	WM	23	NE SW	4.70	1300	HOWARD MEMORIAL SPORTS PARK	06-22
37 S	2 W	WM	23	NE SE	1.80	1200	HOWARD MEMORIAL SPORTS PARK	06-22
37 S	2 W	WM	23	NW SE	13.00	1200	HOWARD MEMORIAL SPORTS PARK	06-22
37 S	2 W	WM	23	NW SE	1.70	1300	HOWARD MEMORIAL SPORTS PARK	06-22
					98.2			

29. 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 **98.2 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 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.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
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.

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

Authorized places of use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name	Notice
36 S	2 W	WM	36	NE SE	0.50	141	BATEMAN	06-30
36 S	2 W	WM	36	NE SE	2.50	142	BATEMAN	06-30
37 S	2 W	WM	3	SW NW	7.10	100	RRVID	06-22
37 S	2 W	WM	3	SW NW	8.00	100	RRVID	06-32
37 S	2 W	WM	3	SW NW	0.50	101	RRVID	06-22
37 S	2 W	WM	3	SE NW	7.70	100	RRVID	06-22
37 S	2 W	WM	3	NE SW	16.00	100	RRVID	06-22
37 S	2 W	WM	3	NW SW	9.40	100	RRVID	06-22
37 S	2 W	WM	3	NW SW	0.10	101	RRVID	06-22
37 S	2 W	WM	3	NW SW	2.30	101	RRVID	06-22
37 S	2 W	WM	3	NW SW	4.40	208	RRVID	06-22
37 S	2 W	WM	3	NW SW	1.20	102	RRVID	06-22
37 S	2 W	WM	3	SW SW	8.80	101	RRVID	06-22
37 S	2 W	WM	3	SW SW	2.50	208	RRVID	06-22
37 S	2 W	WM	10	NE SW	0.30	1900	RRVID	06-29
37 S	2 W	WM	10	NW SW	1.30	1900	RRVID	06-29
37 S	2 W	WM	10	NE SE	0.50	6500	RRVID	08-03
37 S	2 W	WM	10	SE SE	0.50	2200	RRVID	06-26
37 S	2 W	WM	13	NW NW	1.10	4900	RRVID	06-29
37 S	2 W	WM	13	SE NW	1.50	3401	RRVID	06-29
37 S	2 W	WM	13	SE NW	1.00	3100	RRVID	06-29
37 S	2 W	WM	13	NW SW	0.30	3500	RRVID	05-12
37 S	2 W	WM	13	NW SW	0.40	2500	RRVID	06-29
37 S	2 W	WM	14	NE SW	12.90	3300	MERLIN AND JOANN FJARLI	06-29
37 S	2 W	WM	14	SE SW	0.50	3300	MERLIN AND JOANN FJARLI	06-29
37 S	2 W	WM	14	SE SW	4.30	402	MERLIN AND JOANN FJARLI	06-29
37 S	2 W	WM	14	NW SE	4.00	3300	MERLIN AND JOANN FJARLI	06-29
37 S	2 W	WM	14	SW SE	0.20	3300	MERLIN AND JOANN FJARLI	06-29
37 S	2 W	WM	14	SW SE	1.40	402	MERLIN AND JOANN FJARLI	06-29
TOTAL:					98.2			

31. Transfer Application T-10758 proposes to change the place of use of the above described right to:

Proposed place of use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name	Notice
36 S	2 W	WM	21	NE SE	8.00	1204	THOMASSON	06-32
36 S	2 W	WM	36	NE SE	1.20	102	BATEMAN	06-30
36 S	2 W	WM	36	NW SE	1.80	102	BATEMAN	06-30
37 S	2 W	WM	9	NE SE	0.50	2500	DEVRIES	06-26
37 S	2 W	WM	9	NW SE	0.50	2000	GIBSON	08-03
37 S	2 W	WM	9	SW SE	0.30	2400	WATSON	05-12
37 S	2 W	WM	23	SW NE	2.30	1900	FJARLI	06-29
37 S	2 W	WM	23	SW NE	22.70	1200	HOWARD MEMORIAL SPORTS PARK	06-22
37 S	2 W	WM	23	SW NE	3.30	1300	HOWARD MEMORIAL SPORTS PARK	06-22
37 S	2 W	WM	23	SE NE	3.10	1200	HOWARD MEMORIAL SPORTS PARK	06-22
37 S	2 W	WM	23	NE NW	7.00	1900	FJARLI	06-29
37 S	2 W	WM	23	NE NW	12.30	2200	FJARLI	06-29
37 S	2 W	WM	23	NW NW	1.00	1900	FJARLI	06-29
37 S	2 W	WM	23	NW NW	5.70	2200	FJARLI	06-29
37 S	2 W	WM	23	SW NW	0.60	1900	FJARLI	06-29
37 S	2 W	WM	23	SE NW	9.70	1300	HOWARD MEMORIAL SPORTS PARK	06-22
37 S	2 W	WM	23	NE SW	4.70	1300	HOWARD MEMORIAL SPORTS PARK	06-22
37 S	2 W	WM	23	NE SE	1.80	1200	HOWARD MEMORIAL SPORTS PARK	06-22
37 S	2 W	WM	23	NW SE	13.00	1200	HOWARD MEMORIAL SPORTS PARK	06-22
37 S	2 W	WM	23	NW SE	1.70	1300	HOWARD MEMORIAL SPORTS PARK	06-22
TOTAL:					98.2			

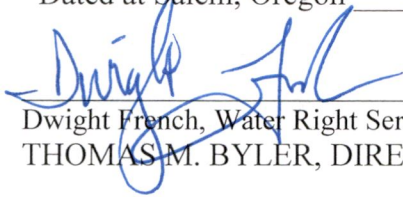
Conclusions of Law

The proposed corrections to the place of use for Certificates 80875 and 83729 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The order recorded in Special Order Volume 80, Pages 1039-1066 is corrected to describe the authorized and proposed places of use for supplemental irrigation on Certificates 80875 and 83729.
2. All other provisions of the order are unchanged.

Dated at Salem, Oregon JAN 30 2018



Dwight French, Water Right Services Administrator for
THOMAS M. BYLER, DIRECTOR

Mailing Date: JAN 30 2018