

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

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-13577, Jackson County) A DISTRICT PERMANENT TRANSFER FOR
) PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 540.570 to 540.580 establish the process in which a district may submit a request to transfer a water right within district boundaries. Oregon Administrative Rule (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
PO BOX 70
JACKSONVILLE, OR 97530

Findings of Fact

1. On December 20, 2020, Medford Irrigation District (MID) filed a district transfer application to permanently change the place of use under Certificates 83381, 83383, and Permit S-4951. The Department assigned the application number T-13577.
2. Notice of the District Permanent Transfer Application was published on December 29, 2020, 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: PRIMARY IRRIGATION OF 75.97 ACRES
Priority Date: JULY 23, 1909
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 diversion from North Fork Little Butte Creek shall not exceed 125 CFS at any one time. Total diversion from South Fork Little Butte Creek shall not exceed 100 CFS at any one time. The amount of water used for

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

Within 20 days after this final order is issued (i.e., mailing date), the district or any protestant may file with the commission exceptions to the final order. The commission shall issue an order granting or denying the exceptions within 30 days after receiving the exceptions. ORS 540.580(10).

irrigation is limited to a diversion of ONE-HUNDREDTH of one cubic foot per second or its equivalent for each acre irrigated during the season.

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

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	1 E	WM	8	SW SW	BRADSHAW DROP - 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

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
37 S	1 W	WM	9	SW NE	1.90	2600	MID	2020-02
37 S	1 W	WM	9	SW NW	5.00	2600	MID	2020-02
37 S	1 W	WM	9	SE NW	7.10	2600	MID	2020-02
37 S	1 W	WM	9	NE SW	30.78	2600	MID	2020-02
37 S	1 W	WM	9	NW SW	8.45	2600	MID	2020-02
37 S	1 W	WM	9	SW SW	0.25	2700	MID	2020-02
37 S	1 W	WM	9	NW SE	3.64	2600	MID	2020-02
37 S	1 W	WM	16	NE SW	16.85	2200	MID	2020-02
37 S	1 W	WM	17	SW NE	0.80	400	MID	2020-01
37 S	1 W	WM	17	SE NW	0.70	400	MID	2020-01
38 S	1 W	WM	10	NW NW	0.50	400	MID	2020-01
Total:					75.97			

4. Transfer Application T-13577 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
36 S	1 W	WM	33	SE NE	2.00	101	BERGER	2020-01
37 S	2 W	WM	35	SW NW	6.87	3400	HULL RANCH LLC	2020-02
37 S	2 W	WM	35	SE NW	22.40	3400	HULL RANCH LLC	2020-02
37 S	2 W	WM	35	NE SW	28.20	200	HULL RANCH LLC	2020-02
37 S	2 W	WM	35	NW SW	12.30	200	HULL RANCH LLC	2020-02
37 S	2 W	WM	35	SW SW	1.30	200	HULL RANCH LLC	2020-02
37 S	2 W	WM	35	SE SW	2.90	200	HULL RANCH LLC	2020-02
Total:					75.97			

5. 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 75.95 ACRES

Priority Date: MARCH 31, 1910

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. The amount of water used for irrigation is limited to ONE-EIGHTIETH of one cubic foot per second or its equivalent for each acre irrigated during the season.

Source: FOUR MILE LAKE RESERVOIR (constructed under Permit R-50), within the KLAMATH RIVER BASIN; and WATERS DRAINING OR FLOWING INTO CASCADE CANAL; and FISH LAKE RESERVOIR (constructed under Permit R-50), within the ROGUE RIVER BASIN [Water is conveyed from Four Mile Lake via the Cascade Canal and held and stored in Fish Lake. Water is re-diverted and released into the Main Canal shared by Rogue River Valley and Medford Irrigation Districts. At Bradshaw Drop the water is split between the Hopkins Canal and the Medford Canal.]

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36S	1E	WM	8	SW SW	BRADSHAW DROP - 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
36S	5E	WM	9	SW NW	FOUR MILE LAKE DAM – 3600 FEET NORTH AND 4200 FEET EAST FROM THE SW CORNER OF SECTION 9
37S	4E	WM	4	SE SE	FISH LAKE DAM – 4000 FEET SOUTH AND 600 FEET EAST FROM THE NE CORNER OF SECTION 4

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
37 S	1 W	WM	9	SW NE	1.90	2600	MID	2020-02
37 S	1 W	WM	9	SW NW	5.00	2600	MID	2020-02
37 S	1 W	WM	9	SE NW	7.10	2600	MID	2020-02
37 S	1 W	WM	9	NE SW	30.78	2600	MID	2020-02
37 S	1 W	WM	9	NW SW	8.45	2600	MID	2020-02
37 S	1 W	WM	9	SW SW	0.25	2700	MID	2020-02
37 S	1 W	WM	9	NW SE	3.64	2600	MID	2020-02
37 S	1 W	WM	16	NE SW	16.85	2200	MID	2020-02
37 S	1 W	WM	17	SW NE	0.80	400	MID	2020-01
37 S	1 W	WM	17	SE NW	0.70	400	MID	2020-01
38 S	1 W	WM	10	NW NW	0.50	400	MID	2020-01
Total:					75.97			

6. Transfer Application T-13577 proposes to change the place of use to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
36 S	1 W	WM	33	SE NE	2.00	101	BERGER	2020-01
37 S	2 W	WM	35	SW NW	6.87	3400	HULL RANCH LLC	2020-02
37 S	2 W	WM	35	SE NW	22.40	3400	HULL RANCH LLC	2020-02
37 S	2 W	WM	35	NE SW	28.20	200	HULL RANCH LLC	2020-02
37 S	2 W	WM	35	NW SW	12.30	200	HULL RANCH LLC	2020-02
37 S	2 W	WM	35	SW SW	1.30	200	HULL RANCH LLC	2020-02

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
37 S	2 W	WM	35	SE SW	2.90	200	HULL RANCH LLC	2020-02
Total:					75.97			

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

Permit: S-4951 in the names of MEDFORD IRRIGATION DISTRICT and ROGUE RIVER IRRIGATION DISTRICT

Use: SUPPLEMENTAL IRRIGATION of 75.95 ACRES

Priority Date: JUNE 18, 1920

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.

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, S407 and R-50.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Lot	Measured Distances
36 S	1 W	WM	3	-- --	--	AGATE CANAL (LITTLE BUTTE CREEK):2000 FEET NORTH FROM THE E¼ CORNER OF SECTION 3.
36 S	1 W	WM	10	SW SW	--	AGATE CANAL (ANTELOPE CREEK): <i>MEASURED DISTANCES 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>MEASURED DISTANCES NOT SPECIFIED.</i>
36 S	1 W	WM	36	SE	--	DISTRICT CANAL (DRY CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>
36 S	1 E	WM	29	NW	--	DISTRICT CANAL (YANKEE CREEK): <i>MEASURED DISTANCES 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 NE¼ OF SECTION 30.
36 S	1 W	WM	23	SE	--	HOPKINS CANAL (DRY CREEK): <i>MEASURED DISTANCES 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>MEASURED DISTANCES 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>MEASURED DISTANCES NOT SPECIFIED.</i>

Twp	Rng	Mer	Sec	Q-Q	Lot	Measured Distances
36 S	1 E	WM	19	SE SE	--	HOPKINS CANAL (YANKEE CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>
37 S	2 W	WM	2	-- --	--	JUNCTION CANAL (BEAR CREEK):NORTH 87 DEGREES 15 MINUTES WEST 1335 FEET FROM THE E¼ CORNER OF SECTION 2.
36 S	2 E	WM	30	NE	--	LITTLE BUTTE CANAL (LAKE CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>
36 S	1 E	WM	25	NE NW	--	LITTLE BUTTE CANAL (OSBORNE CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>
37 S	2 W	WM	2	-- --	--	OAKLEIGH CANAL (BEAR CREEK):NORTH 87 DEGREES 15 MINUTES WEST 1335 FEET FROM THE E¼ 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 NE¼ NW¼ OF SECTION 30.
36 S	2 W	WM	34	SE SW	--	OAKLEIGH CANAL (GRIFFIN CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>
36 S	2 W	WM	33	NE SE	--	OAKLEIGH CANAL (JACKSON CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>
38 S	1 W	WM	15	NE SW	--	PHOENIX CANAL (ANDERSON CREEK): <i>MEASURED DISTANCES 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.
38 S	1 W	WM	9	SE SW	--	PHOENIX CANAL (COLEMAN CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>
38 S	2 W***	WM	2	-- --	4	PHOENIX CANAL (GRIFFIN CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>
37 S	2 W	WM	21	NW NW	--	PHOENIX CANAL (HORN CREEK): <i>MEASURED DISTANCES NOT SPECIFIED.</i>
37 S	2 W	WM	29	NE SE	--	PHOENIX CANAL (JACKSON CREEK): <i>MEASURED DISTANCES 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 the authorized point of diversion.						

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
37 S	1 W	WM	9	SW NE	1.90	2600	MID	2020-02
37 S	1 W	WM	9	SW NW	5.00	2600	MID	2020-02
37 S	1 W	WM	9	SE NW	7.10	2600	MID	2020-02
37 S	1 W	WM	9	NE SW	30.78	2600	MID	2020-02
37 S	1 W	WM	9	NW SW	8.45	2600	MID	2020-02
37 S	1 W	WM	9	SW SW	0.25	2700	MID	2020-02
37 S	1 W	WM	9	NW SE	3.64	2600	MID	2020-02
37 S	1 W	WM	16	NE SW	16.85	2200	MID	2020-02
37 S	1 W	WM	17	SW NE	0.80	400	MID	2020-01

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
37 S	1 W	WM	17	SE NW	0.70	400	MID	2020-01
38 S	1 W	WM	10	NW NW	0.50	400	MID	2020-01
Total:					75.97			

8. Transfer Application T-13577 proposes to change the place of use to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
36 S	1 W	WM	33	SE NE	2.00	101	BERGER	2020-01
37 S	2 W	WM	35	SW NW	6.87	3400	HULL RANCH LLC	2020-02
37 S	2 W	WM	35	SE NW	22.40	3400	HULL RANCH LLC	2020-02
37 S	2 W	WM	35	NE SW	28.20	200	HULL RANCH LLC	2020-02
37 S	2 W	WM	35	NW SW	12.30	200	HULL RANCH LLC	2020-02
37 S	2 W	WM	35	SW SW	1.30	200	HULL RANCH LLC	2020-02
37 S	2 W	WM	35	SE SW	2.90	200	HULL RANCH LLC	2020-02
Total:					75.97			

9. The Department finds that the district permanent transfer application was submitted according to ORS 540.580 and OAR 690-385-4000, contains the information required under OARs 690-385-4200 and 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.
10. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
11. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
12. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
13. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

Conclusions of Law

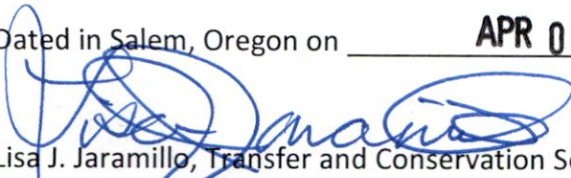
The proposed changes in place of use as proposed in Transfer Application T-13577 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

Now, therefore, it is ORDERED:

1. The proposed changes in place of use to the water rights evidenced by Certificates 83381, 83383, and Permit S-4951 are approved.
2. The places of use from which the water rights are transferred off by Transfer T-13577 shall no longer be irrigated, and are cancelled from Certificates 83381 and 83383.

3. The right to the use of the water at the places of use NOT modified by this order is restricted to beneficial and is subject to all other conditions and limitations contained in Certificates 83381, and 83383, and Permit S-4951.
4. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. A Claim of Beneficial Use shall be submitted by MID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. Water right Certificates 83381, 83383, and Permit S-4951 are modified. After satisfactory proof of completion has been determined by the Department, superseding water right certificates will be issued when the Department determines it is necessary for record keeping.

Dated in Salem, Oregon on APR 07 2021



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

APR 09 2021

Mailing Date: _____