

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

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-13338, 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

ROGUE RIVER VALLEY IRRIGATION DISTRICT
3139 MERRIMAN RD
MEDFORD, OR 97501

Findings of Fact

1. On December 30, 2019, Rogue River Valley Irrigation District (RRVID) filed a district transfer application to permanently change the place of use under Certificates 85288, 80575, 80576, 80577, 85876, 85877, and 83729. The Department assigned the application number T-13338.
2. Notice of the District Permanent Transfer Application was published on January 7, 2020, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The U.S. Bureau of Reclamation was notified of the transfer application on January 7, 2020, no comments were received within 90 days of the notification.
4. On February 13, 2020, RRVID submitted two revised maps to clarify the supplemental water rights layered with primary water rights, and one replacement map to correct the location of authorized acres. On March 3, 2020, RRVID submitted two more revised maps to correct scrivener’s errors.

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).

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

Certificate: 85288 in the name of ROGUE RIVER VALLEY IRRIGATION DISTRICT (perfected under Permit E-19)

Use: PRIMARY IRRIGATION OF 64.2 ACRES

Priority Date: JULY 23, 1909

Limit/Duty: 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 North Fork Little Butte Creek shall not exceed 125 CFS at any one time. 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 ONE-HUNDREDTH of one cubic foot per second or its equivalent for each acre irrigated during the season of each year.

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
36 S	2 W	WM	27	SW NW	5.6	2600	RRVID	19-02
36 S	2 W	WM	27	NE SW	2.2	2600	RRVID	19-02
36 S	2 W	WM	27	NE SW	1.6	500	RRVID	19-02
36 S	2 W	WM	27	NW SW	4.3	2600	RRVID	19-02
36 S	2 W	WM	28	SE NE	4.3	2600	RRVID	19-02
36 S	2 W	WM	28	NE SE	0.6	2600	RRVID	19-02
36 S	2 W	WM	32	SW SW	1.7	100	RRVID	19-04
36 S	2 W	WM	36	SW SE	11.8	1300	RRVID	19-02
36 S	2 W	WM	36	SE SE	1.0	1300	RRVID	19-02
36 S	2 W	WM	36	SE SE	1.2	1300	RRVID	19-05
37 S	1 W	WM	8	NW NW	1.2	301	RRVID	19-05
37 S	2 W	WM	2	NE NE	2.6	2700	RRVID	19-02
37 S	2 W	WM	2	SE NE	15.2	2700	RRVID	19-02
37 S	2 W	WM	2	NE SE	0.3	2200	RRVID	19-05
37 S	2 W	WM	2	SE SE	0.3	2200	RRVID	19-05
37 S	2 W	WM	3	SE SW	8.0	202	RRVID	19-01
37 S	2 W	WM	12	SW NE	2.1	503	RRVID	19-01
37 S	2 W	WM	12	SE NE	0.2	503	RRVID	19-01
Total:					64.2			

6. Transfer Application T-13338 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	16	SE NE	2.3	500	FREEMAN	19-03
36 S	2 W	WM	15	SW SW	3.0	709	WHITEHEAD	19-05
36 S	2 W	WM	27	SW NW	1.3	2600	HILTON	19-02
36 S	2 W	WM	27	NW SW	2.1	2600	HILTON	19-02
36 S	2 W	WM	27	NW SW	17.7	400	HILTON	19-02
36 S	2 W	WM	27	NW SW	0.6	400	HILTON	19-02
36 S	2 W	WM	27	SW SW	20.4	400	HILTON	19-02
36 S	2 W	WM	27	NW SE	5.3	3600	HILTON	19-02
36 S	2 W	WM	27	NW SE	1.3	500	HILTON	19-02
36 S	2 W	WM	28	SW SW	1.7	4300	SIEBERT	19-04
36 S	2 W	WM	28	NE SE	0.5	400	HILTON	19-02
36 S	2 W	WM	33	SE SE	7.5	1100	BURSON	19-01
36 S	2 W	WM	34	SW SW	0.5	1100	BURSON	19-01
Total:					64.2			

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

Certificate: 80575 in the name of ROGUE RIVER VALLEY IRRIGATION DISTRICT (perfected under Permit 1706 as amended by T-7439 to move the point of diversion)

Use: SUPPLEMENTAL IRRIGATION of 9.7 ACRES

Priority Date: JUNE 24, 1913

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.

Source: BEAR CREEK, tributary of the ROGUE RIVER

Authorized Point 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

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
36 S	2 W	WM	32	SW SW	1.7	100	RRVID	19-04
37 S	2 W	WM	3	SE SW	8.0	202	RRVID	19-01
Total:					9.7			

8. Transfer Application T-13338 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	2 W	WM	28	SW SW	1.7	4300	SIEBERT	19-04
36 S	2 W	WM	33	SE SE	7.5	1100	BURSON	19-01
36 S	2 W	WM	34	SW SW	0.5	1100	BURSON	19-01
Total:					9.7			

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

Certificate: 80576 in the name of ROGUE RIVER VALLEY IRRIGATION DISTRICT (perfected under Permits S-30364 and S-38230)

Use: SUPPLEMENTAL IRRIGATION of 64.2 ACRES

Priority Date: SEPTEMBER 6, 1915

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.

Source: AGATE RESERVOIR (constructed under Permits R-4563 and R-6175) AND DRY CREEK, tributaries of LITTLE BUTTE CREEK

Authorized Point 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

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
36 S	2 W	WM	27	SW NW	5.6	2600	RRVID	19-02
36 S	2 W	WM	27	NE SW	2.2	2600	RRVID	19-02
36 S	2 W	WM	27	NE SW	1.6	500	RRVID	19-02
36 S	2 W	WM	27	NW SW	4.3	2600	RRVID	19-02
36 S	2 W	WM	28	SE NE	4.3	2600	RRVID	19-02
36 S	2 W	WM	28	NE SE	0.6	2600	RRVID	19-02
36 S	2 W	WM	32	SW SW	1.7	100	RRVID	19-04
36 S	2 W	WM	36	SW SE	11.8	1300	RRVID	19-02
36 S	2 W	WM	36	SE SE	1.0	1300	RRVID	19-02
36 S	2 W	WM	36	SE SE	1.2	1300	RRVID	19-05
37 S	1 W	WM	8	NW NW	1.2	301	RRVID	19-05
37 S	2 W	WM	2	NE NE	2.6	2700	RRVID	19-02
37 S	2 W	WM	2	SE NE	15.2	2700	RRVID	19-02
37 S	2 W	WM	2	NE SE	0.3	2200	RRVID	19-05
37 S	2 W	WM	2	SE SE	0.3	2200	RRVID	19-05

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
37 S	2 W	WM	3	SE SW	8.0	202	RRVID	19-01
37 S	2 W	WM	12	SW NE	2.1	503	RRVID	19-01
37 S	2 W	WM	12	SE NE	0.2	503	RRVID	19-01
Total:					64.2			

10. Transfer Application T-13338 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	16	SE NE	2.3	500	FREEMAN	19-03
36 S	2 W	WM	15	SW SW	3.0	709	WHITEHEAD	19-05
36 S	2 W	WM	27	SW NW	1.3	2600	HILTON	19-02
36 S	2 W	WM	27	NW SW	2.1	2600	HILTON	19-02
36 S	2 W	WM	27	NW SW	17.7	400	HILTON	19-02
36 S	2 W	WM	27	NW SW	0.6	400	HILTON	19-02
36 S	2 W	WM	27	SW SW	20.4	400	HILTON	19-02
36 S	2 W	WM	27	NW SE	5.3	3600	HILTON	19-02
36 S	2 W	WM	27	NW SE	1.3	500	HILTON	19-02
36 S	2 W	WM	28	SW SW	1.7	4300	SIEBERT	19-04
36 S	2 W	WM	28	NE SE	0.5	400	HILTON	19-02
36 S	2 W	WM	33	SE SE	7.5	1100	BURSON	19-01
36 S	2 W	WM	34	SW SW	0.5	1100	BURSON	19-01
Total:					64.2			

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

Certificate: 80577 in the name of ROGUE RIVER VALLEY IRRIGATION DISTRICT (perfected under Permit S-2993)

Use: SUPPLEMENTAL IRRIGATION of 9.7 ACRES

Priority Date: MAY 10, 1916

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.

Source: GRIFFIN CREEK AND JACKSON CREEK, tributaries of BEAR CREEK

Authorized Point 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

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax	Water User	Notice
36 S	2 W	WM	32	SW SW	1.7	100	RRVID	19-04
37 S	2 W	WM	3	SE SW	8.0	202	RRVID	19-01
Total:					9.7			

12. Transfer Application T-13338 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	2 W	WM	28	SW SW	1.7	4300	SIEBERT	19-04
36 S	2 W	WM	33	SE SE	7.5	1100	BURSON	19-01
36 S	2 W	WM	34	SW SW	0.5	1100	BURSON	19-01
Total:					9.7			

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

Certificate: 85876 in the name of ROGUE RIVER VALLEY IRRIGATION DISTRICT (perfected under Permit S-407)

Use: SUPPLEMENTAL IRRIGATION of 64.2 ACRES

Priority Date: MARCH 31, 1910

Limit/Duty: Total diversions 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 ONE-EIGHTIETH of one cubic foot per second (or its equivalent) for each acre irrigated during the season of each year.

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 North Fork Little Butte Creek, and is re-diverted 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 Point 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 SE 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
36 S	2 W	WM	27	SW NW	5.6	2600	RRVID	19-02
36 S	2 W	WM	27	NE SW	2.2	2600	RRVID	19-02
36 S	2 W	WM	27	NE SW	1.6	500	RRVID	19-02
36 S	2 W	WM	27	NW SW	4.3	2600	RRVID	19-02
36 S	2 W	WM	28	SE NE	4.3	2600	RRVID	19-02
36 S	2 W	WM	28	NE SE	0.6	2600	RRVID	19-02
36 S	2 W	WM	32	SW SW	1.7	100	RRVID	19-04
36 S	2 W	WM	36	SW SE	11.8	1300	RRVID	19-02
36 S	2 W	WM	36	SE SE	1.0	1300	RRVID	19-02
36 S	2 W	WM	36	SE SE	1.2	1300	RRVID	19-05
37 S	1 W	WM	8	NW NW	1.2	301	RRVID	19-05
37 S	2 W	WM	2	NE NE	2.6	2700	RRVID	19-02
37 S	2 W	WM	2	SE NE	15.2	2700	RRVID	19-02
37 S	2 W	WM	2	NE SE	0.3	2200	RRVID	19-05
37 S	2 W	WM	2	SE SE	0.3	2200	RRVID	19-05
37 S	2 W	WM	3	SE SW	8.0	202	RRVID	19-01
37 S	2 W	WM	12	SW NE	2.1	503	RRVID	19-01
37 S	2 W	WM	12	SE NE	0.2	503	RRVID	19-01
Total:					64.2			

14. Transfer Application T-13338 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	16	SE NE	2.3	500	FREEMAN	19-03
36 S	2 W	WM	15	SW SW	3.0	709	WHITEHEAD	19-05
36 S	2 W	WM	27	SW NW	1.3	2600	HILTON	19-02
36 S	2 W	WM	27	NW SW	2.1	2600	HILTON	19-02
36 S	2 W	WM	27	NW SW	17.7	400	HILTON	19-02
36 S	2 W	WM	27	NW SW	0.6	400	HILTON	19-02
36 S	2 W	WM	27	SW SW	20.4	400	HILTON	19-02
36 S	2 W	WM	27	NW SE	5.3	3600	HILTON	19-02
36 S	2 W	WM	27	NW SE	1.3	500	HILTON	19-02
36 S	2 W	WM	28	SW SW	1.7	4300	SIEBERT	19-04
36 S	2 W	WM	28	NE SE	0.5	400	HILTON	19-02
36 S	2 W	WM	33	SE SE	7.5	1100	BURSON	19-01
36 S	2 W	WM	34	SW SW	0.5	1100	BURSON	19-01
Total:					64.2			

15. The portion of the sixth right to be transferred is as follows:

Certificate: 85877 in the name of ROGUE RIVER VALLEY IRRIGATION DISTRICT (perfected under Permit S-1705)

Use: SUPPLEMENTAL IRRIGATION of 64.2 ACRES

Priority Date: JUNE 24, 1913

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.

Source: ANTELOPE CREEK, tributary to LITTLE BUTTE CREEK

Authorized Point of Diversion:

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

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
36 S	2 W	WM	27	SW NW	5.6	2600	RRVID	19-02
36 S	2 W	WM	27	NE SW	2.2	2600	RRVID	19-02
36 S	2 W	WM	27	NE SW	1.6	500	RRVID	19-02
36 S	2 W	WM	27	NW SW	4.3	2600	RRVID	19-02
36 S	2 W	WM	28	SE NE	4.3	2600	RRVID	19-02
36 S	2 W	WM	28	NE SE	0.6	2600	RRVID	19-02
36 S	2 W	WM	32	SW SW	1.7	100	RRVID	19-04
36 S	2 W	WM	36	SW SE	11.8	1300	RRVID	19-02
36 S	2 W	WM	36	SE SE	1.0	1300	RRVID	19-02
36 S	2 W	WM	36	SE SE	1.2	1300	RRVID	19-05
37 S	1 W	WM	8	NW NW	1.2	301	RRVID	19-05
37 S	2 W	WM	2	NE NE	2.6	2700	RRVID	19-02
37 S	2 W	WM	2	SE NE	15.2	2700	RRVID	19-02
37 S	2 W	WM	2	NE SE	0.3	2200	RRVID	19-05
37 S	2 W	WM	2	SE SE	0.3	2200	RRVID	19-05
37 S	2 W	WM	3	SE SW	8.0	202	RRVID	19-01
37 S	2 W	WM	12	SW NE	2.1	503	RRVID	19-01
37 S	2 W	WM	12	SE NE	0.2	503	RRVID	19-01
Total:					64.2			

16. Transfer Application T-13338 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	16	SE NE	2.3	500	FREEMAN	19-03
36 S	2 W	WM	15	SW SW	3.0	709	WHITEHEAD	19-05
36 S	2 W	WM	27	SW NW	1.3	2600	HILTON	19-02
36 S	2 W	WM	27	NW SW	2.1	2600	HILTON	19-02
36 S	2 W	WM	27	NW SW	17.7	400	HILTON	19-02
36 S	2 W	WM	27	NW SW	0.6	400	HILTON	19-02
36 S	2 W	WM	27	SW SW	20.4	400	HILTON	19-02
36 S	2 W	WM	27	NW SE	5.3	3600	HILTON	19-02
36 S	2 W	WM	27	NW SE	1.3	500	HILTON	19-02
36 S	2 W	WM	28	SW SW	1.7	4300	SIEBERT	19-04
36 S	2 W	WM	28	NE SE	0.5	400	HILTON	19-02

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
36 S	2 W	WM	33	SE SE	7.5	1100	BURSON	19-01
36 S	2 W	WM	34	SW SW	0.5	1100	BURSON	19-01
Total:					64.2			

17. The portion of the seventh right to be transferred is as follows:

Certificate: 83729 in the name of U.S. BUREAU OF RECLAMATION (perfected under Permit S-25915)

Use: SUPPLEMENTAL IRRIGATION of 9.7 ACRES

Priority Date: JUNE 8, 1953 for Soda and Little Beaver Creeks; SEPTEMBER 6, 1915 for all other streams

Limit/Duty: Limited to not more than the rate specified by source. 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-FORTHIETH of one cubic foot per second (or its equivalent), and 4.5 acre-feet per acre irrigated during the irrigation season of each year, provided that the combined uses of water under permits 25915 and 25916, and all certificates issued in respect thereto, shall not exceed the maximum rate listed for each source below, at any one point in time.

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; Dead 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 Point 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 SE $\frac{1}{4}$ 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 S $\frac{1}{4}$ 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 S $\frac{1}{4}$ 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.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	4 E	WM	32	SW	GRIZZLY CREEK AND HOWARD PRAIRIE RESERVOIR: ½ 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 AT HYATT 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 RE-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 AT KEEN CREEK DIVERSION DAM: 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.

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
36 S	2 W	WM	32	SW SW	1.7	100	RRVID	19-04
37 S	2 W	WM	3	SE SW	8.0	202	RRVID	19-01
Total:					9.7			

18. Transfer Application T-13338 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	2 W	WM	28	SW SW	1.7	4300	SIEBERT	19-04
36 S	2 W	WM	33	SE SE	7.5	1100	BURSON	19-01
36 S	2 W	WM	34	SW SW	0.5	1100	BURSON	19-01
Total:					9.7			

19. 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.

20. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.

21. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).

22. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).

23. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

Partial Diminutions of Certificates

24. A portion of water right Certificate 48360 is appurtenant to a portion of the proposed place of use under Certificate 85288. Therefore, to avoid layering of two primary water rights for irrigation, a portion of the lands under Certificate 48360 will be diminished to supplemental irrigation as a result of this order.
25. On December 30, 2019, Gary Whitehead and Patricia Whitehead, owners of land to which a portion of Certificate 48360 is appurtenant, submitted an affidavit requesting a portion of Certificate 48360 be diminished from primary irrigation to supplemental irrigation. The portion to be diminished is described as follows:

Certificate: 48360 in the name of W. G. MAYFIELD (perfected under Permit S-2282)

Use: IRRIGATION of 3.0 ACRE

Priority Date: November 30, 1914

Rate: 0.037 CUBIC FOOT PER SECOND

Source: ROGUE RIVER, tributary of the PACIFIC OCEAN

Place of Use to be diminished:

DIMINUTION FROM PRIMARY TO SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot
36 S	2 W	WM	15	SW SW	3.0	709

Partial Diminution of Certificate 44951

26. A portion of water right Certificate 44951 is appurtenant to a portion of the proposed place of use under Certificate 85288. Therefore, to avoid layering of two primary water rights for irrigation, a portion of the lands under Certificate 48360 will be diminished to supplemental irrigation as a result of this order.
27. On February 28, 2020, Gary Whitehead and Patricia Whitehead, owners of land to which a portion of Certificate 44951 is appurtenant, submitted an affidavit requesting a portion of Certificate 44951 be diminished from primary irrigation to supplemental irrigation. The portion to be diminished is described as follows:

Certificate: 44951 in the name of HELEN MACE (perfected under Permit S-10001)

Use: IRRIGATION of 3.0 ACRE

Priority Date: DECEMBER 29, 1930 and FEBRUARY 6, 1931

Rate: 0.037 CUBIC FOOT PER SECOND

Source: AGATE SLOUGH, tributary of the ROGUE RIVER

Place of Use to be diminished:

DIMINUTION FROM PRIMARY TO SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot
36 S	2 W	WM	15	SW SW	3.0	709

Conclusions of Law

The proposed changes in place of use as proposed in Transfer Application T-13338 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500, and the portions of the rights requested to be diminished from primary to supplemental irrigation should be diminished.

Now, therefore, it is ORDERED:

1. The proposed changes in place of use to the water rights evidenced by Certificates 85288, 85286, 80575, 80576, 80577, 85876, 85877, and 83729 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use not modified by this order and is subject to all other conditions and limitations contained in Certificates 85288, 80575, 80576, 80577, 85876, 85877, and 83729, and any related decree.
3. The place of use from which the water right is removed by T-13338 shall no longer be irrigated under the transferred right.
4. The portion of the water right for the use of 0.037 cfs for irrigation on 3.0 acres, as described by Certificate 48360, is diminished from a right for primary irrigation to a right for supplemental irrigation. The Department shall issue a new and superseding certificate to describe the partial diminution of the right.
5. The portion of the water right for the use of 0.037cfs for irrigation on 3.0 acres, as described by Certificate 44951, is diminished from a right for primary irrigation to a right for supplemental irrigation. The Department shall issue a new and superseding certificate to describe the partial diminution of the right.
6. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. A Claim of Beneficial Use shall be submitted by RRVID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
8. Water right Certificates 85288, 80575, 80576, 80577, 85876, 85877, and 83729 are modified. After satisfactory proof of completion has been determined by the Department, superseding confirming-remaining water right certificates will be issued when the Department determines it is necessary for record keeping.

Dated in Salem, Oregon on APR 29 2020


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

Mailing Date: APR 30 2020