

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

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-13073, 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

EAGLE POINT IRRIGATION DISTRICT
PO BOX 157
EAGLE POINT, OR 97524

Findings of Fact

- 1. On December 6, 2018, Eagle Point Irrigation District (EPID) filed a district transfer application to permanently change the place of use under Certificate 89373. The Department assigned the application number T-13073. -
- 2. Notice of the District Permanent Transfer Application was published on December 11, 2018, 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: 89373 in the name of EAGLE POINT IRRIGATION DISTRICT (perfected under Permit S-6396)

Use: PRIMARY IRRIGATION OF 3.9 ACRES

Priority Date: AUGUST 21, 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 a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

This is an 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.

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).

Source: BIG BUTTE CREEK, TRIBUTARY TO ROGUE RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
35 S	2 E	WM	3	NW NW	4	1030 FEET SOUTH AND 290 FEET EAST FROM THE NW CORNER OF SECTION 3
35 S	2 E	WM	10	NE NE		1130 FEET SOUTH AND 700 FEET WEST FROM THE NE CORNER OF SECTION 10

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
35 S	1 E	WM	4	NE NE	1.90	100	ROSENDAHL	2018-001
35 S	1 E	WM	4	SE NE	2.00	100	ROSENDAHL	2018-001
Total:					3.90			

- Transfer Application T-13073 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
35 S	1 E	WM	4	NE NE	3.23	100	ROSENDAHL	2018-001
35 S	1 E	WM	4	SE NE	0.67	100	ROSENDAHL	2018-001
Total:					3.90			

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

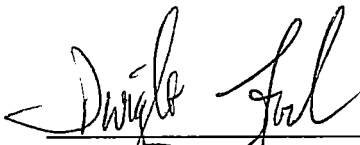
Conclusions of Law

The proposed changes in place of use as proposed in Transfer Application T-13073 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

Now, therefore, it is ORDERED:

1. The proposed change in place of use to the water rights evidenced by Certificate 89373 is 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 Certificate 89373.
3. The place of use from which the water right is removed by T-13073 shall no longer be irrigated under the transferred right.
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, 2020**. A Claim of Beneficial Use shall be submitted by EPID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. Water right Certificate 89373 is modified. After satisfactory proof of completion has been determined by the Department, a superseding confirming-remaining water right certificate will be issued when the Department determines it is necessary for record keeping.

Signed at Salem, Oregon on FEB 19 2019



Dwight French, Water Right Services Administrator for
THOMAS M. BYLER, DIRECTOR
Oregon Department of Water Resources

Mailing Date: FEB 20 2019