

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

In the Matter of the Completion of a Change)
in Place of Use Under Transfer Application)
T-11702, Jackson County) **DETERMINATION OF SATISFACTORY
PROOF OF COMPLETION FOR A
PERMANENT 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

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

Findings of Fact

1. On April 18, 2014, the Department signed a final order, which was mailed on April 28, 2014, and recorded in Special Order Volume 92, Pages 209-217, approving Transfer Application T-11702 involving Certificates 85288, 85714, 85876, 85877, 80575, 80576, 80577, and 83729. The final order established October 1, 2015, as the date for completion of the authorized changes in place of use.
2. On March 20, 2017, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-11702 satisfying the requirements for proof of use under OAR 690-385-7400.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

3. On September 11, 2018, the Department received a corrected table listing the legal description of the authorized places of use being confirmed in T-11702.
4. The Department reviewed the CBU and map(s) submitted by the applicant for Transfer Application T-11702.
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 as approved the final order for Transfer Application T-11702, and as recorded in Special Order Volume 92, Pages 209-2017 is shown in Table 1, below:

Table 1:

PRIMARY IRRIGATION UNDER CERTIFICATE 85288								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
37S	1W	WM	6	NW SE	2700	16.50	LITHIA REAL ESTATE	13-01
37S	1W	WM	6	SW SE	2700	2.50	LITHIA REAL ESTATE	13-01
36S	2W	WM	25	NW NW	201	21.70	SERRANO/MENDEZ	13-02
Total:						40.70		
PRIMARY IRRIGATION UNDER CERTIFICATE 85714								
Twp	Rn	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
37S	1W	WM	6	SW SE	2700	2.00	LITHIA REAL ESTATE	13-01
SUPPLEMENTAL IRRIGATION UNDER CERTIFICATE 85876								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
37S	1W	WM	6	NW SE	2700	16.50	LITHIA REAL ESTATE	13-01
37S	2W	WM	6	SW SE	2700	4.50	LITHIA REAL ESTATE	13-01
36S	2W	WM	25	NW NW	201	21.70	SERRANO/MENDEZ	13-02
Total:						42.70		
SUPPLEMENTAL IRRIGATION UNDER CERTIFICATE 85877								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
37S	1W	WM	6	NW SE	2700	16.50	LITHIA REAL ESTATE	13-01
37S	2W	WM	6	SW SE	2700	4.50	LITHIA REAL ESTATE	13-01
36S	2W	WM	25	NW NW	201	21.70	SERRANO/MENDEZ	13-02
Total:						42.70		
SUPPLEMENTAL IRRIGATION UNDER CERTIFICATE 80575								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
37S	1W	WM	6	NW SE	2700	1.10	LITHIA REAL ESTATE	13-02
36S	2W	WM	25	NW NW	201	21.70	SERRANO/MENDEZ	13-02
Total:						22.80		

SUPPLEMENTAL IRRIGATION UNDER CERTIFICATE 80576								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
37S	1W	WM	6	NW SE	2700	1.10	LITHIA REAL ESTATE	13-01
37S	1W	WM	6	NW SE	2700	15.40	LITHIA REAL ESTATE	13-01
37S	1W	WM	6	SW SE	2700	4.50	LITHIA REAL ESTATE	13-01
36S	2W	WM	25	NW NW	2700	21.70	SERRANO/MENDEZ	13-02
Total:						42.70		
SUPPLEMENTAL IRRIGATION UNDER CERTIFICATE 80577								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
36S	2W	WM	25	NW NW	201	21.70	SERRANO/MENDEZ	13-02
SUPPLEMENTAL IRRIGATION UNDER CERTIFICATE 83729								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
37S	1W	WM	6	NW SE	2700	1.10	LITHIA REAL ESTATE	13-01
36S	2W	WM	25	NW NW	2700	21.70	SERRANO/MENDEZ	13-02
Total:						22.80		

7. 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-11702 was completed to the extent authorized in the transfer as described in Table 1, above.

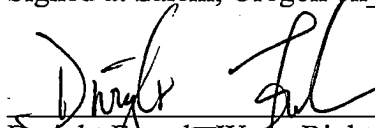
Conclusions of Law

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 Table 1, above.
3. The applicant has demonstrated proof of completion under T-11702 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-11702 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

Water right Certificates 85288, 85714, 85876, 85877, 80575, 80576, 80577, and 83729 are modified as shown in Table 1, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on JAN 03 2019


 Dwight French, Water Right Services Administrator for
 Thomas M. Byler, Director
 Oregon Department of Water Resources

Mailing date: JAN 04 2019