

6. 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: IRRIGATION of 22.83 ACRES

Priority Date: JULY 23, 1909

Rate: 0.166 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-HUNDRETH cfs per acre, or its equivalent, during the irrigation season each year

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

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	2 E	WM	20	SE NE	North Fork Little Butte Creek: 40 feet North and 620 feet West from the East 1/4 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 East 1/4 corner of Section 29
36 S	1 E	WM	8	SW SW	Bradshaw Drop: <i>Coordinates not specified</i>

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User	Notice #
37 S	1 W	WM	4	SE SW	1001	0.01	LOONEY TRUST	04-1
37 S	1 W	WM	4	SE SW	1100	1.01	LOONEY TRUST	04-1
37 S	1 W	WM	8	NE NW	4200	1.75	J. TONKIN	04-1
37 S	1 W	WM	16	NW SE	400	0.62	R. HASKETT	04-1
37 S	1 W	WM	20	NW NE	300	0.77	M. HADLEY	04-1
37 S	1 W	WM	20	SW NE	1200	0.20	S. BENNETT	04-1
Subtotal						4.36		
37 S	1 W	WM	20	SE NE	5600	0.17	D. HILL	04-2
37 S	1 W	WM	20	SE NE	6400	0.25	J. GEAR	04-2
37 S	1 W	WM	21	NE NW	400	0.31	P. JOURDAN	04-2
37 S	2 W	WM	9	NW SE	3908	0.29	J. M. BAUER	04-2
Subtotal						1.02		
37 S	1 W	WM	20	SE NE	7000	0.20	J. TURCKE	04-3
37 S	1 W	WM	21	NE NW	501	4.31	CITY OF MEDFORD	04-3
37 S	1 W	WM	21	NW NE	1300	10.86	CITY OF MEDFORD	04-3
37 S	1 W	WM	21	NW NE	1201	1.32	F. SCARLATA	04-3
37 S	1 W	WM	21	NW NE	500	0.69	M. RICHARD TRUST	04-3
37 S	1 W	WM	21	SW NE	500	0.07	M. RICHARD TRUST	04-3
Subtotal						17.45		
Total						22.83		

7. Application T-10054 proposes to change the place of use to:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User	Notice #
36 S	1 W	WM	36	NE SE	2300	4.36	R. BROWN	04-1
37 S	1 W	WM	9	SE NE	2700	1.02	K. SILVEY	04-2
37 S	1 W	WM	3	SW NW	1100	17.45	M. FOLSOM	04-3
Total						22.83		

8. 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 22.83 ACRES

Priority Date: MARCH 31, 1910

Rate: 0.166 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH of one cfs per acre for each acre irrigated during the irrigation season of each year

Source: FOUR MILE LAKE RESERVOIR, within the Klamath River Basin; and WATERS DRAINING OR FLOWING INTO THE CASCADE CANAL; and FISH LAKE RESERVOIR (constructed under Permit R-50), within the Rogue River Basin

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	1 E	WM	8	SW SW	Bradshaw Drop: <i>Coordinates not specified</i>
36 S	2 E	WM	20	SE NE	North Fork: 40 feet North and 620 feet West from the East 1/4 corner of Section 20
36 S	5 E	WM	9	SW NW	Four Mile Lake Dam: 3600 feet North and 4200 feet East from the SW corner of Section 9
37 S	4 E	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	Tax Lot	Acres	User	Notice #
37 S	1 W	WM	4	SE SW	1001	0.01	LOONEY TRUST	04-1
37 S	1 W	WM	4	SE SW	1100	1.01	LOONEY TRUST	04-1
37 S	1 W	WM	8	NE NW	4200	1.75	J. TONKIN	04-1
37 S	1 W	WM	16	NW SE	400	0.62	R. HASKETT	04-1
37 S	1 W	WM	20	NW NE	300	0.77	M. HADLEY	04-1
37 S	1 W	WM	20	SW NE	1200	0.20	S. BENNETT	04-1
Subtotal						4.36		
37 S	1 W	WM	20	SE NE	5600	0.17	D. HILL	04-2
37 S	1 W	WM	20	SE NE	6400	0.25	J. GEEAR	04-2
37 S	1 W	WM	21	NE NW	400	0.31	P. JOURDAN	04-2
37 S	2 W	WM	9	NW SE	3908	0.29	J. M. BAUER	04-2
Subtotal						1.02		
37 S	1 W	WM	20	SE NE	7000	0.20	J. TURCKE	04-3
37 S	1 W	WM	21	NE NW	501	4.31	CITY OF MEDFORD	04-3
37 S	1 W	WM	21	NW NE	1300	10.86	CITY OF MEDFORD	04-3
37 S	1 W	WM	21	NW NE	1201	1.32	F. SCARLATA	04-3
37 S	1 W	WM	21	NW NE	500	0.69	M. RICHARD TRUST	04-3
37 S	1 W	WM	21	SW NE	500	0.07	M. RICHARD TRUST	04-3
Subtotal						17.45		
Total						22.83		

9. Application T-10054 also proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User	Notice #
36 S	1 W	WM	36	NE SE	2300	4.36	R. BROWN	04-1
37 S	1 W	WM	9	SE NE	2700	1.02	K. SILVEY	04-2
37 S	1 W	WM	3	SW NW	1100	17.45	M. FOLSOM	04-3
Total						22.83		

10. The portion of the third water use permit to be transferred is as follows:

Permit: S-4951 in the name of ROGUE RIVER VALLEY IRRIGATION DISTRICT and MEDFORD IRRIGATION DISTRICT (submitted under Application S-7352), as previously amended by Special Order Volume 49, Page 401 and Special Order Volume 74, Page 469.

Use: SUPPLEMENTAL IRRIGATION of 22.83 ACRES

Priority Date: JUNE 18, 1920

Rate: 0.166 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH of one cfs for each acre irrigated

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, S-407 and R-50

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Lot	Survey Coordinates
36 S	1 W	WM	3	---	--	Agate Canal (Little Butte Cr): 2000 feet North from the East ¼ corner of Section 3
36 S	1 W	WM	10	SW SW	--	Agate Canal (Antelope Cr): <i>Coordinates not specified</i>
37 S	1 W	WM	19	---	--	Bear Cr Canal (Bear Cr): North 45 degrees East 1400 feet from the SW corner of Section 19
36 S	1 E	WM	31	SE	--	District Canal (Antelope Cr): <i>Coordinates not specified</i>
36 S	1 W	WM	36	SE	--	District Canal (Dry Cr): <i>Coordinates not specified</i>
36 S	1 E	WM	29	NW	--	District Canal (Yankee Cr): <i>Coordinates not specified</i>
36 S	1 E	WM	30	SW NE*	--	Hopkins Canal (Antelope Cr): South 24 degrees 30 minutes West 980 feet from the center of the NE ¼ of Section 30
36 S	1 W	WM	23	SE	--	Hopkins Canal (Dry Cr): <i>Coordinates not specified</i>
38 S*	2 W*	WM	2*	---	--	Hopkins Canal (Griffin Cr): 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 Cr): <i>Coordinates not specified</i>
36 S*	2 W*	WM	29*	---	--	Hopkins Canal (Jackson Cr): 2060 feet North from the SW corner of DLC 66
36 S	2 W	WM	32	NE SW	--	Hopkins Canal (Willow Cr): <i>Coordinates not specified</i>
36 S	1 E	WM	19	SE SE	--	Hopkins Canal (Yankee Cr): <i>Coordinates not specified</i>
37 S	2 W	WM	2	---	--	Junction Canal (Bear Cr): North 87 degrees 15 minutes West 1335 feet from the East 1/4 corner of Section 2
36 S	2 E	WM	30	NE	--	Little Butte Canal (Lake Cr): <i>Coordinates not specified</i>
36 S	1 E	WM	25	NE NW	--	Little Butte Canal (Osborne Cr): <i>Coordinates not specified</i>
37 S	2 W	WM	2	---	--	Oakleigh Canal (Bear Cr): North 87 degrees 15 minutes West 1335 feet from the East ¼ corner of Section 2
37 S	1 W	WM	30	NE NW	--	**Oakleigh Canal (Bear Cr): 445 feet North & 135 feet East from the SW corner of the NE ¼ NW ¼ of Section 30

Twp	Rng	Mer	Sec	Q-Q	Lot	Survey Coordinates
36 S	2 W	WM	34	SE SW	--	Oakleigh Canal (Griffin Cr): Coordinates not specified
36 S	2 W	WM	33	NE SE	--	Oakleigh Canal (Jackson Cr): Coordinates not specified
38 S	1 W	WM	15	NE SW	--	Phoenix Canal (Anderson Cr): Coordinates not specified
38 S	1 W	WM	23	SW NE*	--	Phoenix Canal (Bear Cr): 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 Cr): Coordinates not specified
38 S	2 W***	WM	2	-- --	4	Phoenix Canal (Griffin Cr): Coordinates not specified
37 S	2 W	WM	21	NW NW	--	Phoenix Canal (Horn Cr): Coordinates not specified
37 S	2 W	WM	29	NE & SE	--	Phoenix Canal (Jackson Cr): Coordinates not specified

*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, 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 this authorized point of diversion.

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User	Notice #
37 S	1 W	WM	4	SE SW	1001	0.01	LOONEY TRUST	04-1
37 S	1 W	WM	4	SE SW	1100	1.01	LOONEY TRUST	04-1
37 S	1 W	WM	8	NE NW	4200	1.75	J. TONKIN	04-1
37 S	1 W	WM	16	NW SE	400	0.62	R. HASKETT	04-1
37 S	1 W	WM	20	NW NE	300	0.77	M. HADLEY	04-1
37 S	1 W	WM	20	SW NE	1200	0.20	S. BENNETT	04-1
Subtotal						4.36		
37 S	1 W	WM	20	SE NE	5600	0.17	D. HILL	04-2
37 S	1 W	WM	20	SE NE	6400	0.25	J. GEEAR	04-2
37 S	1 W	WM	21	NE NW	400	0.31	P. JOURDAN	04-2
37 S	2 W	WM	9	NW SE	3908	0.29	J. M. BAUER	04-2
Subtotal						1.02		
37 S	1 W	WM	20	SE NE	7000	0.20	J. TURCKE	04-3
37 S	1 W	WM	21	NE NW	501	4.31	CITY OF MEDFORD	04-3
37 S	1 W	WM	21	NW NE	1300	10.86	CITY OF MEDFORD	04-3
37 S	1 W	WM	21	NW NE	1201	1.32	F. SCARLATA	04-3
37 S	1 W	WM	21	NW NE	500	0.69	M. RICHARD TRUST	04-3
37 S	1 W	WM	21	SW NE	500	0.07	M. RICHARD TRUST	04-3
Subtotal						17.45		
Total						22.83		

11. Application T-10054 proposes to change the place of use of the water use permit to:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User	Notice #
36 S	1 W	WM	36	NE SE	2300	4.36	R. BROWN	04-1
37 S	1 W	WM	9	SE NE	2700	1.02	K. SILVEY	04-2
37 S	1 W	WM	3	SW NW	1100	17.45	M. FOLSOM	04-3
Total						22.83		

12. The district permanent transfer application satisfies the criteria of OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
13. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
14. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is currently equipped with an appropriate fish screening and/or by-pass device.
15. The proposed change in place of use would not result in enlargement of the rights.
16. The proposed change in place of use would not result in injury to other water rights.

Conclusions of Law

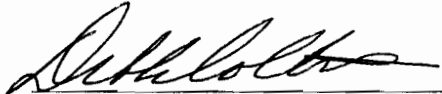
The change in place of use proposed in application T-10054 satisfies the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The proposed change in place of use to the water rights evidenced by Certificates 83381 and 83383 and to water use Permit S-4951 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 83381 and 83383, water use Permit S-4951, and any related decree.
3. The former place of use shall no longer be irrigated as part of these water rights or water use permit.
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. The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.
6. The proposed changes shall be completed on or before October 1, 2009.
7. A Claim of Beneficial Use shall be submitted by the applicant to the Department by October 1, 2010.
8. Certificates 83381 and 83383 are modified. The Department will issue superseding water right certificates on a determination that it is necessary to produce certificates describing the water rights.

9. Permit S-4951, in the names of Rogue River Valley Irrigation District and Medford Irrigation District, is amended as described herein.

Dated at Salem, Oregon this 22nd day of April, 2008.


Phillip C. Ward, Director

Mailing date: APR 25 2008