

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-12391, Jackson, Josephine County)	A DISTRICT PERMANENT
)	TRANSFER AND THE PARTIAL
)	DIMINISHMENT OF WATER RIGHTS

Authority

ORS 540.570 and 540.580 establishes the process in which a district may submit a request to transfer a water right within district boundaries. OAR Chapter 690, Division 385 implements the statutes and provides the Department's procedures and criteria for evaluating district transfer applications.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or portion thereof, has been abandoned and to voluntarily request that it be cancelled.

Applicant

GRANTS PASS IRRIGATION DISTRICT
200 FRUITDALE DR
GRANTS PASS, OR 97526

Findings of Fact

1. On May 19, 2016, Grants Pass Irrigation District filed an application change the place of use under Certificate 80971. The Department assigned the application number T-12391.
2. On November 13, 2015, a new confirming Certificate 90759 was issued to replace Certificate 80971.
3. Notice of the application for transfer was published on May 31, 2016, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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

Certificate: 90759 in the name of GRANTS PASS IRRIGATION DISTRICT (perfected under Permit S-8853 and S-50957)

Use: IRRIGATION of 28.0 ACRES

Priority Date: SEPTEMBER 29, 1916

Limit/Duty: The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 112.598 cubic foot per second (cfs) from all sources, or the equivalent in case of rotation, measured at the point of diversion from the source. The maximum allowable diversion from the Rogue River under the September 29, 1916 priority date is 73.144 cfs. Provided further, this right to use water shall be in addition to the

quantity of water allowed by Certificate 80972 (or its replacement), State Record of Water Right Certificates, for a total diversion not to exceed 148.766 cfs.

Source: ROGUE RIVER, tributary to the PACIFIC OCEAN

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
36 S	5 W	WM	24	SE SE		925 FEET NORTH AND 100 FEET WEST FROM THE SE CORNER OF SECTION 24
36 S	5 W	WM	24	SE SE	8	550 FEET NORTH AND 320 FEET WEST FROM THE SE CORNER OF SECTION 24

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Taxlot	Acres	Water User	DINN
36 S	5 W	WM	29	NE NW	1400	0.20	Permenter	2012-13
36 S	5 W	WM	29	SE NW	315	0.20	Ashley Living Trust	2013-18
36 S	6 W	WM	25	NE NE	1201	0.16	Jones	2014-05
36 S	6 W	WM	25	SE SE	1801	0.03	City of Grants Pass	2014-06
36 S	6 W	WM	26	NE NW	600	5.00	Oregon Ponderosa, LLC	2013-09
36 S	6 W	WM	26	NE NW	700	1.10	Oregon Ponderosa, LLC	2013-10
36 S	6 W	WM	26	NW NW	700	3.93	Oregon Ponderosa, LLC	2013-10
36 S	6 W	WM	5	NE NW	502	2.78	Parris & Roche	2012-30
36 S	6 W	WM	5	NW NW	*500/502	3.75	Parris & Roche	2012-30
36 S	6 W	WM	5	NW NW	502	0.50	Parris & Roche	2012-30
36 S	6 W	WM	5	SW NW	*502/504	4.11	Parris & Roche	2012-30
36 S	6 W	WM	5	SW NW	*900/502	2.71	Parris & Roche	2012-30
36 S	6 W	WM	5	SE NW	502	3.53	Parris & Roche	2012-30
* Some of the tax lot numbers have changed. In the table above the tax lot numbers as authorized are listed before the more current tax lot number.						Total:	28.00	

5. Transfer Application T-12391 proposes to change the place of use of the above described right to:

Proposed Place of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Gov-lot	Acres	Water User	DINN
36 S	6 W	WM	20	NW NE	500	MR	0.08	Copeland Paving, Inc.	2016-01
36 S	6 W	WM	20	NW NE	600	12	0.43	Copeland Paving, Inc.	2016-01
36 S	6 W	WM	20	NW NE	600	MR	2.76	Copeland Paving, Inc.	2016-01
36 S	6 W	WM	20	SW NE	500	12	0.02	Copeland Paving, Inc.	2016-01
36 S	6 W	WM	20	SW NE	600	12	10.59	Copeland Paving, Inc.	2016-01
36 S	6 W	WM	20	SW NE	600	MR	0.45	Copeland Paving, Inc.	2016-01
36 S	6 W	WM	20	NE NW	500	3	0.71	Copeland Paving, Inc.	2016-01
36 S	6 W	WM	20	NE SW	500	-	0.09	Copeland Paving, Inc.	2016-01
36 S	6 W	WM	20	NW NW	500	4	0.09	Copeland Paving, Inc.	2016-01
36 S	6 W	WM	20	SE NW	500	3	0.07	Copeland Paving, Inc.	2016-01
36 S	6 W	WM	20	SE NW	500	6	2.05	Copeland Paving, Inc.	2016-01
36 S	6 W	WM	20	SE NW	500	13	0.28	Copeland Paving, Inc.	2016-01
36 S	6 W	WM	20	SE NW	600	13	0.56	Copeland Paving, Inc.	2016-01
36 S	6 W	WM	20	NE SW	500	-	0.13	Copeland Paving, Inc.	2016-01
36 S	6 W	WM	20	NW SW	500	-	6.17	Copeland Paving, Inc.	2016-01
36 S	6 W	WM	20	NW SW	1100	-	3.52	ABAR, LLC	2016-01
Total:							28.00		

6. 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.
7. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
8. The proposed change in place of use would not result in enlargement of the rights.
9. The proposed change in place of use will not result in injury to other water rights.

Partial Diminution of Water Rights

10. On June 10, 2016, an affidavit certifying that a portion of the water right under Certificate 37382 has been diminished to supplemental use was received from Copeland Paving Inc. Robert Copeland President.

The first right to be diminished is as follows:

Certificate: 37382 in the name of Horace R. Moses, c/o F. A. Williams (perfected under Permit E-85)
Use: IRRIGATION of 3.27 ACRES
Priority Date: October 25, 1910
Rate: 0.04 CUBIC FOOT PER SECOND
Source: Applegate River, tributary to the Rogue River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	6 W	WM	31	NE SW	300 FEET SOUTH AND 200 FEET WEST FROM THE CENTER OF SECTION 31

Authorized Place of Use to be Diminished:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Gov lot	Acres
36 S	6 W	WM	20	NW NE	500	12	3.27

11. On June 10, 2016, an affidavit certifying that a portion of the water right under Certificate 5561 has been diminished to supplemental use was received from Copeland Paving, Inc., Robert Copeland President.

The portion of the second right to be diminished is as follows:

Certificate: 5561 in the name of Leonard Estate Company (perfected under Permit S-3798)
Use: IRRIGATION of 0.63 ACRES
Priority Date: May 11, 1918
Rate: 0.01 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent in case of rotation.
Source: Rogue River, tributary to the Pacific Ocean

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	6 W	WM	21	NW NW	NOT DESCRIBED ON CERTIFICATE

Authorized Place of Use to be Diminished:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
36 S	6 W	WM	20	SE NW	500	0.07
36 S	6 W	WM	20	SE NW	600	0.56
Total:						0.63

12. On June 10, 2016, an affidavit certifying that a portion of the water right under Certificate 7548 has been diminished to supplemental use was received from Copeland Paving Inc., Robert Copeland President.

The portion of the third right to be diminished is as follows:

Certificate: 7548 in the name of J. W. Stringer (perfected under Permit S-7141)

Use: IRRIGATION of 3.19 ACRES

Priority Date: January 22, 1926

Rate: 0.04 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated in case of rotation.

Source: Rogue River, tributary to the Pacific Ocean

Authorized Point of Diversion: Not described on the Certificate

Authorized Place of Use to be Diminished:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	6 W	WM	20	NW NE	3.19

13. On June 10, 2016, an affidavit certifying that a portion of the water right under Certificate 11167 has been diminished to supplemental use was received from Copeland Paving Inc., Robert Copeland President.

The portion of the fourth right to be diminished is as follows:

Certificate: 11167 in the name of Howard W. Pealer (perfected under Permit S-11261)

Use: IRRIGATION of 3.75 ACRES

Priority Date: May 15, 1934

Rate: 0.05 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to diversion of ONE-EIGHTIETH of one cubic foot per second per acre.

Source: The Drain, tributary to the Rogue River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	6 W	WM	20	SW NE	NONE GIVEN

Authorized Place of Use to be Diminished:

IRRIGATION						
Twp	Rng	Mer	Sec	Tax Lot	Q-Q	Acres
36 S	6 W	WM	20	500	NW NE	0.43
36 S	6 W	WM	20	600	NW NE	2.76
36 S	6 W	WM	20	600	SE NW	0.56
Total:						3.75

14. On June 10, 2016, an affidavit certifying that a portion of the water right under Certificate 13336 has been diminished to supplemental use was received from Copeland Paving Inc., Robert Copeland President.

The portion of the fifth right to be diminished is as follows:

Certificate: 13336 in the name of D. A. Elmore (perfected under Permit S-12418)
Use: IRRIGATION of 3.52 ACRES
Priority Date: October 26, 1936
Rate: 0.04 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated.
Source: The Canyon, tributary to the Rogue River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	6 W	WM	20	NE SW	NONE GIVEN

Authorized Place of Use to be Diminished:

IRRIGATION						
Twp	Rng	Mer	Sec	Tax lot	Q-Q	Acres
36 S	6 W	WM	20	500	NW SW	3.52

Conclusions of Law

The changes in place of use as proposed in Transfer Application T-12391 satisfies the requirements of ORS 540.574(3) and 540.580.

Now, therefore it is ORDERED:

1. The change in place of use as proposed in Transfer Application T-12391 to the water right evidenced by Certificate 90759 is approved.
2. The Portions of water right Certificates 5561, 11167, 7548, 13336, and 37382 as described in this Order, have been diminished to supplemental use.

3. 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 Certificate 90759 and any related decree.
4. The former place of use of the transferred right shall no longer receive water under the right.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2017**. A Claim of Beneficial Use shall be submitted by Grants Pass Irrigation District 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 90759 is modified. The Department will issue a superseding certificate describing the right when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 17 day of October 2016.



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

Mailing date: OCT 17 2016