

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

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-13075, 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 17, 2018, Rogue River Valley Irrigation District (RRVID) filed a district transfer application to permanently change the place of use under Certificates 85288, 80576, 85876, and 85877. The Department assigned the application number T-13075.
2. Notice of the District Permanent Transfer Application was published on January 1, 2019, 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: 85288 in the name of ROGUE RIVER VALLEY IRRIGATION DISTRICT (perfected under Permit E-19)
Use: PRIMARY IRRIGATION OF 41.1 ACRES
Priority Date: JULY 23, 1909
Limit/Duty: Total diversions though 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

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).

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	1 W	WM	30	SW SE	3.3	2901	ROGUE RIVER VALLEY ID	18-01
36 S	1 W	WM	31	NW NE	5.7	201	ROGUE RIVER VALLEY ID	18-01
36 S	1 W	WM	31	SE SW	2.1	3400	ROGUE RIVER VALLEY ID	18-03
37 S	2 W	WM	1	SW NE	0.9	8100	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	1	SW NE	0.9	8400	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	1	SW NE	2.2	8602	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	1	NW SW	1.0	600	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	1	NW SW	1.0	700	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	1	NW SE	7.6	300	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	12	NE SE	0.5	100	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	12	NW SE	15.9	100	ROGUE RIVER VALLEY ID	18-02
Total:					41.1			

4. Transfer Application T-13075 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	30	NE SW	5.0	3400	GUTCHES	18-01
36 S	1 W	WM	30	NW SW	4.0	3400	GUTCHES	18-01
36 S	2 W	WM	35	NW NE	20.5	300	CENTRAL POINT PROPERTIES LLC	18-02
36 S	2 W	WM	35	NE NW	9.5	300	CENTRAL POINT PROPERTIES LLC	18-02
36 S	2 W	WM	35	NE SW	2.1	800	CENTRAL POINT PROPERTIES LLC	18-03
Total:					41.1			

5. The portion of the second 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 41.1 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	1 W	WM	30	SW SE	3.3	2901	ROGUE RIVER VALLEY ID	18-01
36 S	1 W	WM	31	NW NE	5.7	201	ROGUE RIVER VALLEY ID	18-01
36 S	1 W	WM	31	SE SW	2.1	3400	ROGUE RIVER VALLEY ID	18-03
37 S	2 W	WM	1	SW NE	0.9	8100	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	1	SW NE	0.9	8400	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	1	SW NE	2.2	8602	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	1	NW SW	1.0	600	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	1	NW SW	1.0	700	ROGUE RIVER VALLEY ID	18.02
37 S	2 W	WM	1	NW SE	7.6	300	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	12	NE SE	0.5	100	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	12	NW SE	15.9	100	ROGUE RIVER VALLEY ID	18-02
Total:					41.1			

6. Transfer Application T-13075 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	30	NE SW	5.0	3400	GUTCHES	18-01
36 S	1 W	WM	30	NW SW	4.0	3400	GUTCHES	18-01
36 S	2 W	WM	35	NW NE	20.5	300	CENTRAL POINT	18-02
36 S	2 W	WM	35	NE NW	9.5	300	CENTRAL POINT	18-02
36 S	2 W	WM	35	NE SW	2.1	800	CENTRAL POINT	18-03
Total:					41.1			

7. The portion of the third 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 41.1 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	1 W	WM	30	SW SE	3.3	2901	ROGUE RIVER VALLEY ID	18-01
36 S	1 W	WM	31	NW NE	5.7	201	ROGUE RIVER VALLEY ID	18-01
36 S	1 W	WM	31	SE SW	2.1	3400	ROGUE RIVER VALLEY ID	18-03
37 S	2 W	WM	1	SW NE	0.9	8100	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	1	SW NE	0.9	8400	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	1	SW NE	2.2	8602	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	1	NW SW	1.0	600	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	1	NW SW	1.0	700	ROGUE RIVER VALLEY ID	18.02
37 S	2 W	WM	1	NW SE	7.6	300	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	12	NE SE	0.5	100	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	12	NW SE	15.9	100	ROGUE RIVER VALLEY ID	18-02
Total:					41.1			

8. Transfer Application T-13075 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	30	NE SW	5.0	3400	GUTCHES	18-01
36 S	1 W	WM	30	NW SW	4.0	3400	GUTCHES	18-01
36 S	2 W	WM	35	NW NE	20.5	300	CENTRAL POINT	18-02
36 S	2 W	WM	35	NE NW	9.5	300	CENTRAL POINT	18-02
36 S	2 W	WM	35	NE SW	2.1	800	CENTRAL POINT	18-03
Total:					41.1			

9. The portion of the fourth 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 41.1 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	1 W	WM	30	SW SE	3.3	2901	ROGUE RIVER VALLEY ID	18-01
36 S	1 W	WM	31	NW NE	5.7	201	ROGUE RIVER VALLEY ID	18-01
36 S	1 W	WM	31	SE SW	2.1	3400	ROGUE RIVER VALLEY ID	18-03
37 S	2 W	WM	1	SW NE	0.9	8100	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	1	SW NE	0.9	8400	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	1	SW NE	2.2	8602	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	1	NW SW	1.0	600	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	1	NW SW	1.0	700	ROGUE RIVER VALLEY ID	18.02
37 S	2 W	WM	1	NW SE	7.6	300	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	12	NE SE	0.5	100	ROGUE RIVER VALLEY ID	18-02
37 S	2 W	WM	12	NW SE	15.9	100	ROGUE RIVER VALLEY ID	18-02
Total:					41.1			

10. Transfer Application T-13075 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	30	NE SW	5.0	3400	GUTCHES	18-01
36 S	1 W	WM	30	NW SW	4.0	3400	GUTCHES	18-01
36 S	2 W	WM	35	NW NE	20.5	300	CENTRAL POINT	18-02
36 S	2 W	WM	35	NE NW	9.5	300	CENTRAL POINT	18-02
36 S	2 W	WM	35	NE SW	2.1	800	CENTRAL POINT	18-03
Total:					41.1			

11. 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.

12. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
13. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
14. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
15. 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-13075 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

Now, therefore, it is ORDERED:

1. The proposed changes in place of use to the water rights evidenced by Certificates 85288, 80576, 85876, and 85877 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, 80576, 85876, and 85877, and any related decree.
3. The place of use from which the water right is removed by T-13075 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 RRVID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. Water right Certificates 85288, 80576, 85876, and 85877 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.

Signed at Salem, Oregon this 4th day of April, 2019.



Lisa J. Jaramillo
Transfer and Conservation Section Manager, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: APR 05 2019