

Source: UNNAMED STREAM AND RESERVOIR CONSTRUCTED UNDER PERMIT R-5104, tributary to JUMP-OFF-JOE CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
35 S	6 W	WM	9	SE NW	120 FEET NORTH & 220 FEET WEST FROM THE CENTER OF SECTION 9

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
35 S	6 W	WM	9	NW SE	6.50

3. Application T-6826 proposes to change the character of use of the above portion of the right under Certificate 39886 to Reservoir (Pond) Maintenance, and to change the place of use to the reservoir constructed under Permits R-5104 and R-5413:

Twp	Rng	Mer	Sec	Q-Q
35 S	6 W	WM	9	SE NW

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

Certificate: 39871 in the name of U.S. BUREAU OF LAND MANAGEMENT (perfected under Permit G-4488)

Use: SUPPLEMENTAL IRRIGATION of 6.50 ACRES

Priority Date: JANUARY 15, 1969

Rate: 0.06 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.50 acre-feet per acre per year (total of 16.25 acre-feet)

Source: WELL #1 IN THE JUMP-OFF-JOE CREEK BASIN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
35 S	6 W	WM	9	SE NW	120 FEET NORTH & 70 FEET WEST FROM THE CENTER OF SECTION 9

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
35 S	6 W	WM	9	NW SE	6.50

5. Application T-6826 proposes to change the character of use of the above portion of the right under Certificate 39871 to Reservoir (Pond) Maintenance and to change the place of use to the reservoir constructed under Permits R-5104 and R-5413:

Twp	Rng	Mer	Sec	Q-Q
35 S	6 W	WM	9	SE NW

6. The third right to be transferred is as follows:

Certificate: 39885 in the name of U.S. BUREAU OF LAND MANAGEMENT (perfected under Permit R-5104)

Use: STORAGE FOR IRRIGATION USE

Priority Date: OCTOBER 20, 1967

Quantity: 4.72 ACRE FEET

Source: UNNAMED STREAM, tributary to JUMP-OFF JOE CREEK

Authorized Place of Use (MERLIN SEED ORCHARD RESERVOIR, currently known as Charles A. Sprague Seed Orchard Reservoir, or Lake CASSO):

Twp	Rng	Mer	Sec	Q-Q
35 S	6 W	WM	9	SE NW

7. Application T-6826 proposes to change the character of use of the right under Certificate 39885 to Multi-purpose storage.

8. The fourth right to be transferred is as follows:

Certificate: 39887 in the name of U.S. BUREAU OF LAND MANAGEMENT (perfected under Permit R-5413)

Use: STORAGE FOR SUPPLEMENTAL IRRIGATION USE

Priority Date: JANUARY 15, 1969

Quantity: 11.50 ACRE FEET

Source: UNNAMED STREAM, tributary to JUMP-OFF-JOE CREEK

Authorized Place of Use (MERLIN SEED ORCHARD RESERVOIR, currently known as Charles A. Sprague Seed Orchard Reservoir, or Lake CASSO):

Twp	Rng	Mer	Sec	Q-Q
35 S	6 W	WM	9	SE NW

9. Application T-6826 proposes to change the character of use of the right under Certificate 39887 to Multi-purpose storage.

10. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.

11. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

12. Pumps, pipelines, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.

13. The proposed changes would not result in enlargement of the rights.

14. The proposed changes would not result in injury to other water rights.

Partial Cancellation of Water Rights

15. Affidavits requesting partial cancellation of water rights were received on April 28, 2003 from Mary L. Smelcer, BLM Medford District Manager as follows.

16. The portion of the first right to be cancelled is:

Certificate: 39871 in the name of U.S. BUREAU OF LAND MANAGEMENT (perfected under Permit G-4488)

Use: SUPPLEMENTAL IRRIGATION of 3.2 ACRES

Priority Date: JANUARY 15, 1969

Rate: 0.03 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.50 acre-feet per acre per year

Source: WELL #1 IN THE JUMP-OFF-JOE CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
35 S	6 W	WM	9	SE NW	120 FEET NORTH & 70 FEET WEST FROM THE CENTER OF SECTION 9

Authorized Place of Use to be Cancelled:

Twp	Rng	Mer	Sec	Q-Q	Acres
35 S	6 W	WM	9	NW SE	3.20

17. The portion of the second right to be cancelled is:

Certificate: 39886 in the name of U.S. BUREAU OF LAND MANAGEMENT (perfected under Permit S-33008)

Use: IRRIGATION of 3.2 ACRES

Priority Date: OCTOBER 20, 1967

Rate: 0.04 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 4.50 acre-feet per acre per year

Source: UNNAMED STREAM AND RESERVIOR CONSTRUCTED UNDER PERMIT R-5104, tributary to JUMP-OFF-JOE CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
35 S	6 W	WM	9	SE NW	120 FEET NORTH & 220 FEET WEST FROM THE CENTER OF SECTION 9

Authorized Place of Use to be Cancelled:

Twp	Rng	Mer	Sec	Q-Q	Acres
35 S	6 W	WM	9	NW SE	3.20

18. The portion of the third right to be cancelled is:

Certificate: 39888 in the name of U.S. BUREAU OF LAND MANAGEMENT (perfected under Permit S-34095)

Use: SUPPLEMENTAL IRRIGATION of 3.2 ACRES

Priority Date: JANUARY 15, 1969

Quantity: 1.1 ACRE FEET

Source: RESERVOIR CONSTRUCTED UNDER PERMIT R-5413, tributary to JUMP-OFF-JOE CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
35 S	6 W	WM	9	SE NW	120 FEET NORTH & 220 FEET WEST FROM THE CENTER OF SECTION 9

Authorized Place of Use to be Cancelled:

Twp	Rng	Mer	Sec	Q-Q	Acres
35 S	6 W	WM	9	NW SE	3.20

19. The portion of the fourth right to be cancelled is:

Certificate: 47288 in the name of U.S. BUREAU OF LAND MANAGEMENT (perfected under Permit G-5299)

Use: SUPPLEMENTAL IRRIGATION of 0.60 ACRE

Priority Date: NOVEMBER 19, 1970

Rate: 0.01 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.50 acre-feet per acre per year

Source: WELL #2 in the JUMPOFF JOE CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
35 S	6 W	WM	9	NW SE	230 FEET NORTH & 430 FEET WEST FROM THE SE CORNER OF THE NW¼ SE¼, SECTION 9

Authorized Place of Use to be Cancelled:

Twp	Rng	Mer	Sec	Q-Q	Acres
35 S	6 W	WM	9	NW SE	0.60

Conclusions of Law

The changes in character of use and place of use proposed in application T-6826 are consistent with the requirements of ORS 537.705, 540.505 to 540.580, and OAR 690-380-5000. The requests for voluntary cancellation of water rights listed in Findings of Fact #15 through #19 are authorized under ORS 540.621.

Now, therefore, it is ORDERED:

1. The changes proposed in T-6826 are approved.
2. Water right certificates 39886, 39871, 39885 and 39887 are cancelled.

3. The right to 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 39871, 39885, 39886, 39887 and any related decree.
4. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2007**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
5. The former place of use of the transferred water shall no longer receive water as part of these rights.
6. When required by the Department, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. The portions of Certificates 39871, 39886, 39888 and 47288 listed in Findings of Fact #15-#19 are cancelled.
8. New certificates will be issued describing the portions of the rights evidenced by Certificates 39886, 39871, 39888 and 47288 not transferred or cancelled by this order.
9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 22nd day of January 2006.

Debbie Colles

For Phillip C. Ward, Director

Mailing Date FEB 27 2006