

**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-10519, 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

MEDFORD IRRIGATION DISTRICT
PO BOX 70
JACKSONVILLE, OR 97530

Findings of Fact

1. On November 24, 2009, the Department signed a final order, which was mailed on December 11, 2009, and recorded in Special Order Volume 79, Pages 203-209, approving Transfer Application T-10519 involving Certificates 83381, 83383, 80578 and Permit S-4951. The final order established October 1, 2011, as the date for completion of the authorized changes in place of use.
2. On September 26, 2012, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-10519.

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 26, 2017, the Department received an amended map and site report from the applicant for one of the parcels for Transfer Application T-10519, thus satisfying all the requirements for proof under OAR 6902-385-7400.
4. The Department reviewed the CBU and map(s) submitted by the applicant for Transfer Application T-10519.
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-10519, and as recorded in Special Order Volume 79, Pages 203-209 is shown in the table below:

Table 1:

IRRIGATION AND SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User Name	Notice	Right/Permit affected
36 S	1 E	WM	03	SW SW ¹	3.00	1400	SUTTON	07-01	83381, 83383, S-4951
36 S	1 W	WM	34	NE SW	1.80	400	BOSSARD	07-05	83381, 83383, S-4951
36 S	1 W	WM	34	SE SW	3.20	400	BOSSARD	07-05	83381, 83383, S-4951
37 S	1 W	WM	03	NW SW ¹	1.00	1402	HAYDEN	07-02	83381, 83383, S-4951
37 S	2 W	WM	29	SW NE	8.20	1700 ²	HECKERT	07-03	83381, 83383, 80578, S-4951
37 S	2 W	WM	29	SE NE	0.30	400	HECKERT	07-03	83381, 83383, 80578, S-4951
37 S	2 W	WM	33	NE SW	8.66	900	ADAIR	07-04	83381, 83383, 80578, S-4951
37 S	2 W	WM	33	SE SW	0.90	900	ADAIR	07-04	83381, 83383, 80578, S-4951
Total:					27.06				

¹This quarter-quarter was incorrectly identified in the transfer final order; it is shown correctly here.

²This tax lot number changed since the transfer final order was issued; it has been updated here to reflect the change as shown in the CBU.

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-10519 was completed to the extent authorized in the transfer as described in Table 1, above.

Conclusions of Law

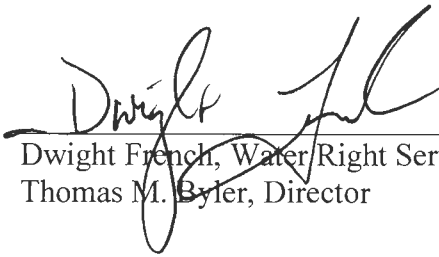
1. The Applicant has submitted proof of use pursuant to OAR 690-385-7400.
2. Application of water to a beneficial use under the terms of the transfer final order has been made to the extent shown in Tables 1, above.
3. The applicant has demonstrated proof of completion under T-10519 to the satisfaction of the department.

4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-10519 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

Water right Certificates 83381, 83383, 80578 and Permit S-4951 are modified as shown in Tables 1, above. The Department will issue superseding certificates and permit describing these rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon this 29 day of September, 2017.



Dwight French, Water Right Services Administrator for
Thomas M. Byler, Director

Mailing date: OCT 04 2017