

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

In the Matter of the Completion of a Change) DETERMINATION OF SATISFACTORY PROOF
in Place of Use Under Transfer Application) OF COMPLETION FOR A PERMANENT
T-12769, Jackson County) 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

ROGUE RIVER VALLEY IRRIGATION DISTRICT
3139 MERRIMAN ROAD
MEDFORD, OR 97501

Findings of Fact

1. On January 26, 2018, the Department signed a final order, which was mailed on January 26, 2018, and recorded in Special Order Volume 107, Pages 500-510, approving Transfer Application T-12769 involving Certificates 85286, 85288, 80575, 80576, 80577, 85876, 85877 and 83729. The final order established October 1, 2019, as the date for completion of the authorized changes in place of use.
2. On April 29, 2020, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-12769 satisfying the requirements for proof of use under OAR 690-385-7400.

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 June 9, 2020, the District submitted a revised map to clarify a place of use associated with this transfer.
4. The Department reviewed the CBU and map(s) submitted by the applicant for Transfer Application T-12769.
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-12769, and as recorded in Special Order Volume 107, Pages 500-510 is shown in Table 1, below:

Table 1:

PRIMARY IRRIGATION UNDER CERTIFICATE 85286								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acre	Water User	Notice #
36 S	1 W	WM	30	NW SE	200	0.7	YOUNG	17-02
PRIMARY IRRIGATION UNDER CERTIFICATE 85288								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
36 S	1 W	WM	30	NW SE	200	0.8	YOUNG	17-02
36 S	1 W	WM	30	SW SE	200	1.1	YOUNG	17-02
36 S	2 W	WM	35	SW NE	601	28.4	STRAUS	17-03
36 S	2 W	WM	35	NE SE	200	2.0	LACEY	17-04
37 S	2 W	WM	4	SW SE	3200	0.3	KINDERMAN	17-01
37 S	2 W	WM	4	SE SE	3200	0.9	KINDERMAN	17-01
37 S	2 W	WM	4	SE SE	3200	1.1	KINDERMAN	17-01
Total:						34.6		
SUPPLEMENTAL IRRIGATION UNDER CERTIFICATE 85288								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acre	Water User	Notice #
36 S	1 W	WM	30	NW SE	200	0.7	YOUNG	17-02
SUPPLEMENTAL IRRIGATION UNDER CERTIFICATE 80575								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
37 S	2 W	WM	4	SW SE	3200	0.3	KINDERMAN	17-01
37 S	2 W	WM	4	SE SE	3200	1.1	KINDERMAN	17-01
37 S	2 W	WM	4	SE SE	3200	0.9	KINDERMAN	17-01
Total						2.3		
SUPPLEMENTAL IRRIGATION UNDER CERTIFICATE 80576								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
36 S	1 W	WM	30	NW SE	200	0.8	YOUNG	17-02
36 S	1 W	WM	30	NW SE	200	0.7	YOUNG	17-02
36 S	1 W	WM	30	SW SE	200	1.1	YOUNG	17-02

36 S	2 W	WM	35	SW NE	601	28.4	STRAUS	17-03
36 S	2 W	WM	35	NE SE	200	2.0	LACEY	17-04
37 S	2 W	WM	4	SW SE	3200	0.3	KINDERMAN	17-01
37 S	2 W	WM	4	SE SE	3200	0.9	KINDERMAN	17-01
37 S	2 W	WM	4	SE SE	3200	1.1	KINDERMAN	17-01
Total:						35.3		
SUPPLEMENTAL IRRIGATION UNDER CERTIFICATE 80577								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
37 S	2 W	WM	4	SW SE	3200	0.3	KINDERMAN	17-01
37 S	2 W	WM	4	SE SE	3200	1.1	KINDERMAN	17-01
Total:						1.4		
SUPPLEMENTAL IRRIGATION UNDER CERTIFICATE 85876								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
36 S	1 W	WM	30	NW SE	200	0.8	YOUNG	17-02
36 S	1 W	WM	30	NW SE	200	0.7	YOUNG	17-02
36 S	1 W	WM	30	SW SE	200	1.1	YOUNG	17-02
36 S	2 W	WM	35	SW NE	601	28.4	STRAUS	17-03
36 S	2 W	WM	35	NE SE	200	2.0	LACEY	17-04
37 S	2 W	WM	4	SW SE	3200	0.3	KINDERMAN	17-01
37 S	2 W	WM	4	SE SE	3200	0.9	KINDERMAN	17-01
37 S	2 W	WM	4	SE SE	3200	1.1	KINDERMAN	17-01
Total:						35.3		
SUPPLEMENTAL IRRIGATION UNDER CERTIFICATE 85877								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
36 S	1 W	WM	30	NW SE	200	0.8	YOUNG	17-02
36 S	1 W	WM	30	NW SE	200	0.7	YOUNG	17-02
36 S	1 W	WM	30	SW SE	200	1.1	YOUNG	17-02
36 S	2 W	WM	35	SW NE	601	28.4	STRAUS	17-03
36 S	2 W	WM	35	NE SE	200	2.0	LACEY	17-04
37 S	2 W	WM	4	SW SE	3200	0.3	KINDERMAN	17-01
37 S	2 W	WM	4	SE SE	3200	0.9	KINDERMAN	17-01
37 S	2 W	WM	4	SE SE	3200	1.1	KINDERMAN	17-01
Total						35.3		
SUPPLEMENTAL IRRIGATION UNDER CERTIFICATE 83729								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
37 S	2 W	WM	4	SW SE	3200	0.3	KINDERMAN	17-01
37 S	2 W	WM	4	SE SE	3200	1.1	KINDERMAN	17-01
Total:						1.4		

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-12769 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 Table 1, above.
3. The applicant has demonstrated proof of completion under T-12769 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-12769 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

1. Water right Certificates 85286, 85288, 80575, 80576, 80577, 85876, 85877, and 83729 are modified as shown in Table 1, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on JUN 30 2020


Lisa J. Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: JUL 01 2020