

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF PARTIAL PERFECTION OF)
WATER RIGHT PERMIT S-20177 IN THE NAME)
OF THE CITY OF MEDFORD)

ORDER

STATEMENT

On January 5, 2011, the Water Resources Department received a request from the City of Medford to partially perfect the use of water under water right permit S-20177.

FINDINGS OF FACT

Permit S-20177 allows for the use of 102 cubic feet per second (cfs), being 7.0 cfs from Big Butte Springs for municipal use and not to exceed 95.0 cfs from storage in Willow Creek Reservoir, constructed under Permit R-1118, measured at diversion point at reservoir, released at reservoir and carried down stream to diversion point of Eagle Point Irrigation District Canal used in compensating for water diverted from Big Butte Springs by City of Medford, under this right and other rights.

The City of Medford has requested partial perfection of Permit S-20177 and issuance of a water right certificate. The request was accompanied by the survey required under ORS 537.230(4). The survey shows, to the satisfaction of the Director, that the appropriation has been partially perfected in accordance with the provision of the Water Rights Act.

ORS 537.260 allows, without loss of priority or cancellation to the permit, the incremental perfection of the water right permit in an amount of not less than 25 percent, pursuant to ORS 537.260 and OAR 690-320-0040.

The Department finds that the City of Medford has perfected 46.5 cfs. The quantity of water is equal or greater than the 25 percent of the original quantity of water allowed under permit S-20177.

**NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW OR
RECONSIDERATION**

This is a final order in other than 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 either 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.

OAR 690-320-0040(5) allows municipal suppliers that incrementally perfect less than the full quantity of water to request further extension of time to complete construction and apply water to beneficial use for the remaining, unperfected quantity of water.

As of the date of this order, the City of Medford has a pending permit extension of time.

ULTIMATE FINDING OF FACT

The City of Medford is now entitled to a certificate in the amount of 46.5 cfs. The Director has determined the permittee has complied with the requirements to partially perfect permit S-20177 pursuant to ORS 537.250 and 537.260.

ORDER

The Department finds that there is 55.5 cfs remaining to be perfected and that a certificate in the amount of 46.5 cfs be issued to the City of Medford.

Dated APR 14 2011



Dwight W. French
Administrator Water Rights and Adjudications, for
Phillip C. Ward, Director
Water Resources Department