

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-10024, Jackson County)	CHANGES IN POINTS OF
)	APPROPRIATION AND PLACE OF
)	USE

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

CITY OF ROGUE RIVER
PO BOX 1137
ROGUE RIVER OR 97537-1137

Findings of Fact

1. The City of Rogue River filed an application to transfer the place of use and change points of appropriation under Certificates 28916 and 57266. The Department assigned the application number T-10024.
2. The first right to be transferred is as follows:

Certificate: 28916 in the name of CITY OF ROGUE RIVER (perfected under Permit G-1471)

Use: MUNICIPAL USES

Priority Date: SEPTEMBER 30, 1959

Rate: 0.58 CUBIC FOOT PER SECOND

Source: Rogue River Water Works Well in the Rogue River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Described:
36 S	4 W	WM	16	SE SE	LOT 16, BLOCK 2, BERGLUND ADDITION

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 183.484. 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.

Authorized Place of Use:**MUNICIPAL USES**

Twp	Rng	Mer	Sec	Q-Q
36 S	4 W	WM	15	SW NW
36 S	4 W	WM	15	NW SW
36 S	4 W	WM	15	SW SW
36 S	4 W	WM	15	SE SW
36 S	4 W	WM	16	SE NE
36 S	4 W	WM	16	NE SE
36 S	4 W	WM	16	SE SE
36 S	4 W	WM	21	NE NE
36 S	4 W	WM	22	NE NW
36 S	4 W	WM	22	NW NW
36 S	4 W	WM	22	SW NW
36 S	4 W	WM	22	SE NW

3. The second right to be transferred is as follows:

Certificate: 57266 in the name of CITY OF ROGUE RIVER (perfected under Permit G-3387)

Use: MUNICIPAL USES

Priority Date: AUGUST 1, 1966

Rate: 0.40 CUBIC FOOT PER SECOND

Source: Well #5 in the Evans Creek Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	4 W	WM	16	NE SE	2360 FEET NORTH & 200 FEET WEST FROM SE CORNER OF SECTION 16

Authorized Place of Use:**MUNICIPAL USES**

Twp	Rng	Mer	Sec	Q-Q	GLot
36 S	4 W	WM	15	SW NW	
36 S	4 W	WM	15	NW SW	
36 S	4 W	WM	15	SW SW	
36 S	4 W	WM	15	SE SW	
36 S	4 W	WM	16	SE NE	
36 S	4 W	WM	16	NE SE	
36 S	4 W	WM	16	SE SE	1
36 S	4 W	WM	21	NE NE	1
36 S	4 W	WM	22	NE NW	
36 S	4 W	WM	22	NW NW	1
36 S	4 W	WM	22	SW NW	2
36 S	4 W	WM	22	SE NW	

4. Application T-10024 proposes to move the authorized points of appropriation approximately 1/3 mile east from the existing points of appropriation in the Rogue River basin to:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
36	S	4	W	W.M.	15	SE SW	Well 3-A- 920 feet North & 1245 feet West from S¼ corner of Section 15
36	S	4	W	W.M.	15	SE SW	Well 3-B- 915 feet North & 1175 feet West from S¼ corner of Section 15
36	S	4	W	W.M.	15	SE SW	Well 3-C- 790 feet North & 1272 feet West from S¼ corner of Section 15
36	S	4	W	W.M.	15	SE SW	Well 4-A- 980 feet North & 838 feet West from S ¼ corner of Section 15
36	S	4	W	W.M.	15	SE SW	Well 5-A- 890 feet North & 27 feet West from S¼ corner of Section 15
36	S	4	W	W.M.	15	SE SW	Well 6- 880 feet. North & 1050 feet West from S¼ corner of Section 15 (Proposed well)
36	S	4	W	W.M.	15	SE SW	Well 7- 720 feet North & 35 feet West from S¼ corner of Section 15 (Proposed well)

5. Application T-10024 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼
36	S	4	W	W.M.	9	SW NE
36	S	4	W	W.M.	9	SE NE
36	S	4	W	W.M.	9	All SE
36	S	4	W	W.M.	10	SW NW
36	S	4	W	W.M.	10	NW SW
36	S	4	W	W.M.	10	SW SW
36	S	4	W	W.M.	14	NW SW
36	S	4	W	W.M.	14	SW SW
36	S	4	W	W.M.	15	NW NW
36	S	4	W	W.M.	15	SW NW
36	S	4	W	W.M.	15	SE NW
36	S	4	W	W.M.	15	All SW
36	S	4	W	W.M.	15	All SE
36	S	4	W	W.M.	16	All NE
36	S	4	W	W.M.	16	SE NW
36	S	4	W	W.M.	16	SW SW

Township		Range		Meridian	Sec	¼ ¼
36	S	4	W	W.M.	16	SE SW
36	S	4	W	W.M.	16	All SE
36	S	4	W	W.M.	21	NE NE
36	S	4	W	W.M.	21	NW NE
36	S	4	W	W.M.	21	SE NE
36	S	4	W	W.M.	21	NE NW
36	S	4	W	W.M.	21	NW NW
36	S	4	W	W.M.	21	SW NW
36	S	4	W	W.M.	21	NE SE
36	S	4	W	W.M.	22	NW NE
36	S	4	W	W.M.	22	All NW
36	S	4	W	W.M.	22	NE SW
36	S	4	W	W.M.	22	NW SW
36	S	4	W	W.M.	22	SE SW
36	S	4	W	W.M.	22	SW SE

6. 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.
7. 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.
8. A distribution system sufficient to use the full amount of water allowed under the existing rights is present.
9. The proposed change would not result in enlargement of the rights.
10. The proposed change would not result in injury to other water rights.
11. Notice of the Preliminary Determination was published pursuant to OAR 690-380-4020 in the Department's Weekly Public Notice on April 18, 2006 and in the Rogue River Press newspaper on May 3, 10 and 17, 2006. No protests were filed in response to the notice.

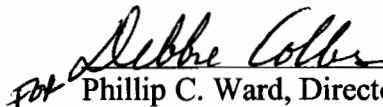
Conclusions of Law

The change in place of use and change in points of appropriation proposed in application T-10024 appear to be consistent with the requirements of ORS 537.705, 540.505 to 540.580, and OAR 690-380-5000.

1. The changes proposed in T-10024 are approved.
2. 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 28916, 57266, and any related decree.

3. Water right certificates 28916 and 57266 shall be cancelled.
4. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
5. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. 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.
6. The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original points of appropriation (total of 0.98 cfs for the two rights).
7. Prior to diverting water at the new points of appropriation, the water user shall install and maintain an in-line flow meter(s) or other suitable device(s) for measuring and recording the quantity of water appropriated. The type and plans of the measuring device(s) must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
8. When satisfactory proof of the completed changes is received, new certificates will be issued.

Dated at Salem, Oregon this 21ST day of June 2006.


for Phillip C. Ward, Director

Mailing Date JUN 23 2006