

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	2 E	WM	19	SE SE	3.0

3. Certificate 17227 does not describe the point of diversion; however, information available from the Certified Water Right Examiner’s map accompanying Transfer Application T-11117 indicates that the point of diversion is located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	2 E	WM	29	NE SE	780 FEET SOUTH AND 400 FEET WEST FROM THE E¼ CORNER OF SECTION 29

4. Transfer Application T-11117 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	2 E	WM	30	SE NE	3.0

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

Certificate: 83349 in the name of CASCADE RANCH (perfected under Permit S-31268)
Use: IRRIGATION of 50.8 ACRES
Priority Date: JULY 5, 1966
Rate: 2.18 CUBIC FEET PER SECOND AND 21.7 ACRE FEET
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed 4.5 acre-feet for each acre irrigated during the irrigation season of each year from April 2 to October 31 from direct flow and storage.
Sources: LOST, HARRISON, CHARLEY and COON CREEKS, and 21.7 ACRE FEET FROM BRADSHAW RESERVOIR, CONSTRUCTED UNDER PERMIT R-4747, tributaries of the SOUTH FORK LITTLE BUTTE CREEK

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Source	Measured Distances
37 S	1 E	WM	1	NW SW	BRADSHAW RESERVOIR	650 FEET SOUTH AND 1130 FEET EAST FROM THE W¼ CORNER OF SECTION 1
37 S	2 E	WM	20	SE NE	COON CR	400 FEET NORTH FROM THE E¼ CORNER OF SECTION 20
37 S	2 E	WM	27	SW NE	LOST CR	1650 FEET SOUTH AND 2650 FEET EAST FROM THE NW CORNER OF SECTION 27
37 S	2 E	WM	28	NE NE	HARRISON CR	980 FEET SOUTH AND 450 FEET WEST FROM THE NW CORNER OF SECTION 27
37 S	2 E	WM	28	NE NW	CHARLEY CR	50 FEET SOUTH AND 850 FEET WEST FROM THE N¼ CORNER OF SECTION 28

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	1 E	WM	36	SW SW	3.4
36 S	1 E	WM	36	SE SW	25.4
36 S	1 E	WM	36	SW SE	21.0
36 S	1 E	WM	36	SE SE	1.0
Total					50.8

6. Transfer Application T-11117 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	2 E	WM	19	SW NW	7.0
36 S	2 E	WM	19	NE SW	2.4
36 S	2 E	WM	19	NW SE	13.0
36 S	2 E	WM	19	SW SE	4.2
36 S	2 E	WM	19	SE SE	7.5
36 S	2 E	WM	30	NE NE	11.5
36 S	2 E	WM	30	NW NE	4.9
36 S	2 E	WM	30	SE NE	0.3
Total					50.8

7. The portion of the third right to be transferred is as follows:

Certificate: 85714 in the names of ROGUE RIVER VALLEY IRRIGATION DISTRICT and MEDFORD IRRIGATION DISTRICT (confirmed by Little Butte Creek Decree)

Use: IRRIGATION of 18.0 ACRES

Priority Date: SEPTEMBER 14, 1899

Rate: 0.13 CUBIC FOOT PER SECOND MEASURED AT THE HEAD OF THE DITCH OR THE POINT WHERE THE SAME LEAVES THE NATURAL STREAM

Period of use: APRIL 1 TO OCTOBER 1

Sources: NORTH AND SOUTH FORKS LITTLE BUTTE CREEK, tributaries to LITTLE BUTTE CREEK

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Source	Measured Distances
36 S	2 E	WM	20	SE NE	NORTH FORK	40 FEET NORTH AND 620 FEET WEST FROM THE E¼ CORNER OF SECTION 20
36 S	2 E	WM	29	NE SE	SOUTH FORK	780 FEET SOUTH AND 400 FEET WEST FROM THE E¼ CORNER OF SECTION 29

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	2 E	WM	30	NE NE	18.0

8. Transfer Application T-11117 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	2 E	WM	19	NE SW	2.5
36 S	2 E	WM	19	NE SE	1.6
36 S	2 E	WM	19	NW SE	12.0
36 S	2 E	WM	19	SW SE	0.1
36 S	2 E	WM	19	SE SE	1.8
Total					18.0

9. Notice of the application for transfer was published on August 17, 2010, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
10. On September 22, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11117 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 20, 2010, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Transfer Review Criteria [OAR 690-380-4010(2)]

11. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-11117.
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.

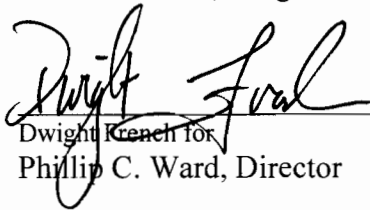
Determination and Proposed Action

The change in place of use proposed in Transfer Application T-11117 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-11117 is approved, the final order will include the following:

- 1. The change in place of use proposed in Transfer Application T-11117 is approved.*
- 2. The right to the 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 Certificate 17227, 83349 and 85714, and any related decree.*
- 3. Water right certificates 17227 and 83349 are cancelled. New certificates will be issued describing the portion of the rights not affected by this transfer.*
- 4. Water right certificate 85714 is modified. The Department will issue a superseding certificate describing the right when it determines that is necessary for record keeping.*
- 5. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.*
- 6. The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.*
- 7. The former place of use of the transferred rights shall no longer receive water under the rights.*
- 8. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2012**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
- 9. When satisfactory proof of the completed change is received, new certificates confirming the rights transferred under Certificates 17227 and 83349 will be issued.*

Dated at Salem, Oregon this 22 day of October, 2010.


Dwight Krench for
Phillip C. Ward, Director

This Preliminary Determination was prepared by Teri Hranac. If you have questions about the information in this document, you may reach me at 503-986-0881 or Teri.K.Hranac@wrdd.state.or.us

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.