

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

In the Matter of Permit G-16156,	)	FINAL ORDER
Klamath County	)	APPROVING ASSIGNMENT OF A
	)	WATER RIGHT PERMIT AND
	)	ISSUANCE OF REPLACEMENT
	)	WATER RIGHT PERMITS

**Authority**

ORS 537.225 establishes the process in which a water right permit holder may submit a request for full or partial assignment of a water right permit and issuance of replacement permits. OAR Chapter 690, Division 325 establishes the requirements and procedures to be used by the Department to evaluate an application by a landowner of record holding a water right permit for irrigation, nursery, temperature control, stock watering or agricultural water use to assign all or part of the water right permit and to issue replacement permits to reflect an assignment from the current permit holder to one or more additional permit holders.

**Applicant**

MLM PROPERTY, LLC  
PO BOX 195  
MERRILL, OR 97633

**Findings of Fact**

**Background**

1. On January 14, 2020, MLM PROPERTY LLC, filed an application for partial assignment of Water Right Permit G-16156 and requested issuance of replacement permits. The Department assigned the application number T-13375.
2. On February 12, 2018, the Department approved a partial assignment of Permit G-16156 from Daniel Chin to Gregory Drew Heaton, Scott Bedford, MLM Property, LLC, and Wong Potatoes, Inc.
3. On July 26, 2019, the Department approved an extension of time for complete application of water to October 1, 2024.
4. Notice of the application for transfer was published on March 17, 2020, pursuant to OAR 690-325-0080. No comments were filed in response to the notice.

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 137-004-080 and OAR 690-01-005 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.

5. The Permit to be modified and assigned is as follows:

**Permit:** G-16156 in the names of DANIEL CHIN, WONG POTATOES, INC., MLM PROPOERTY, LLC, GREGORY DREW HEATON, SCOTT BEDFORD

**Use:** SUPPLEMENTAL IRRIGATION USE ON 315.05 ACRES

**Priority Date:** MARCH 1, 2005

**Quantity:** MAXIMUM RATE: 3.94 CUBIC FEET PER SECOND (CFS), BEING 3.23 CFS FROM WELL 1 FOR SUPPLEMENTAL IRRIGATION ON 258.4 ACRES AND 0.71 CFS FROM WELL 2 FOR SUPPLEMENTAL IRRIGATION ON 56.65 ACRES

**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 a diversion of ONE-EIGHTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

**Period of Use:** APRIL 1 THROUGH OCTOBER 31

**Source:** WELL 1 (KLAM 53043) IN DODDS HOLLOW BASIN; WELL 2 (KLAM 10518) IN LOST RIVER BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	10 E	WM	29	SW NW	WELL 2 - 1420 FEET SOUTH AND 20 FEET EAST FROM THE NW CORNER OF SECTION 29
41 S	11 E	WM	7	SW NE	WELL 1 - 1360 FEET SOUTH AND 1860 FEET WEST FROM THE NE CORNER OF SECTION 7

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
40 S	10 E	WM	7	NE NW	1	14.55
40 S	10 E	WM	7	NW NW		10.3
40 S	10 E	WM	7	SW NW		10.2
40 S	10 E	WM	7	SE NW		21.6
41 S	11 E	WM	11	SW SW		7.2
41 S	11 E	WM	14	NE NW	3	19.6
41 S	11 E	WM	14	NE NW		14.5
41 S	11 E	WM	14	NW NW		12.2
41 S	11 E	WM	14	NW NW	4	16.8
41 S	11 E	WM	14	SW NW		5.6
41 S	11 E	WM	14	SE NW		5.6
41 S	11 E	WM	15	NE NW	6	13.4
41 S	11 E	WM	15	NW NW	7	13.3
41 S	11 E	WM	15	SW NW	8	37.2
41 S	11 E	WM	15	SE NW	9	37.7
41 S	11 E	WM	15	NE SW		7.9
41 S	11 E	WM	15	NW SW	15	9.9
41 S	11 E	WM	16	NE NE	6	15.2
41 S	11 E	WM	16	NW NE		6.4
41 S	11 E	WM	16	SW NE		1.7
41 S	11 E	WM	16	SE NE	10	32.7
41 S	11 E	WM	16	NE SE		1.5
Total						315.05

6. The Applicants request Permit G-16156 be split and replacement permits be issued as follows:

**Permit A: MLM PROPERTY, LLC**

**Use:** SUPPLEMENTAL IRRIGATION USE ON 57.5 ACRES  
**Priority Date:** MARCH 1, 2005  
**Quantity:** MAXIMUM RATE: 0.72 CUBIC FOOT PER SECOND (CFS), BEING 0.72 CFS FROM WELL 1 FOR SUPPLEMENTAL IRRIGATION ON 57.5 ACRES AND 0.71 CFS FROM WELL 2 FOR SUPPLEMENTAL IRRIGATION ON 56.65 ACRES  
**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 a diversion of ONE-EIGHTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.  
**Period of Use:** APRIL 1 THROUGH OCTOBER 31  
**Source:** WELL 1 (KLAM 53043) IN DODDS HOLLOW BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	10 E	WM	29	SW NW	WELL 2 - 1420 FEET SOUTH AND 20 FEET EAST FROM THE NW CORNER OF SECTION 29
41 S	11 E	WM	7	SW NE	WELL 1 - 1360 FEET SOUTH AND 1860 FEET WEST FROM THE NE CORNER OF SECTION 7

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
41 S	11 E	WM	16	NE NE	1	7.4
41 S	11 E	WM	16	NE NE	6	7.8
41 S	11 E	WM	16	NW NE	2	4.6
41 S	11 E	WM	16	NW NE	9	1.8
41 S	11 E	WM	16	SW NE	9	1.7
41 S	11 E	WM	16	SE NE	10	32.7
41 S	11 E	WM	16	NE SE	11	1.5
Total						57.5

**Permit B: DANIEL CHIN, WONG POTATOES, INC., GREGORY DREW HEATON, AND SCOTT BEDFORD**

**Use:** SUPPLEMENTAL IRRIGATION USE ON 257.55 ACRES  
**Priority Date:** MARCH 1, 2005  
**Quantity:** MAXIMUM RATE: 3.22 CUBIC FOOT PER SECOND (CFS), BEING 2.51 CFS FROM WELL 1 FOR SUPPLEMENTAL IRRIGATION ON 200.9 ACRES AND 0.71 CFS FROM WELL 2 FOR SUPPLEMENTAL IRRIGATION ON 56.65 ACRES  
**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 a diversion of ONE-EIGHTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.  
**Period of Use:** APRIL 1 THROUGH OCTOBER 31  
**Source:** WELL 1 (KLAM 53043) IN DODDS HOLLOW BASIN; WELL 2 (KLAM 10518) IN LOST RIVER BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	10 E	WM	29	SW NW	WELL 2 - 1420 FEET SOUTH AND 20 FEET EAST FROM THE NW CORNER OF SECTION 29
41 S	11 E	WM	7	SW NE	WELL 1 - 1360 FEET SOUTH AND 1860 FEET WEST FROM THE NE CORNER OF SECTION 7

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
40 S	10 E	WM	7	NE NW	1	14.55
40 S	10 E	WM	7	NW NW		10.3
40 S	10 E	WM	7	SW NW		10.2
40 S	10 E	WM	7	SE NW		21.6
41 S	11 E	WM	11	SW SW		7.2
41 S	11 E	WM	14	NE NW	3	19.6
41 S	11 E	WM	14	NE NW		14.5
41 S	11 E	WM	14	NW NW		12.2
41 S	11 E	WM	14	NW NW	4	16.8
41 S	11 E	WM	14	SW NW		5.6
41 S	11 E	WM	14	SE NW		5.6
41 S	11 E	WM	15	NE NW	2	0.6
41 S	11 E	WM	15	NE NW	6	12.8
41 S	11 E	WM	15	NW NW	3	3.9
41 S	11 E	WM	15	NW NW	7	9.4
41 S	11 E	WM	15	SW NW	8	37.2
41 S	11 E	WM	15	SE NW	9	37.7
41 S	11 E	WM	15	NE SW		7.9
41 S	11 E	WM	15	NW SW	15	9.9
					Total	257.55

7. Notice of the application for the assignment of the water right permit and request for issuance of replacement water right permits was published in the Department's weekly notice on September 1, 2020, pursuant to ORS 537.325(3)(e) and OAR 690-325-0080. No comments were filed in response to the notice. In addition, the Department provided copies of the draft Proposed Final Order, draft replacement permits, the application, map, and existing water right permit to each owner of land upon which the water right permit is appurtenant.
8. On February 18, 2021, the Department issued a Proposed Final Order considering any comments received, and sent a copy to the applicant, each owner of land upon which the water right permit is appurtenant. Notice of the Proposed Final Order was published in the Department's weekly notice on February 23, 2020. No protests were filed in response to the notice.

***Split a Permit Review Criteria***

9. The Department has verified the mailing address of each owner of the authorized place of use identified on the map contained in the application as follows:

Name and Address	Acres	Proportionate Rate (cfs)	Twp	Rng	Mer	Sec	Q-Q	Tax Lot
Wong Potatoes Inc. 17817 Cheyne Road Klamath Falls, OR 97603	257.55	3.22 CFS	41 S	10 E	WM	7	Multiple	500 and 900
Daniel Chin 17817 Cheyne Road Klamath Falls, OR 97603								800
Gregory Drew Heaton PO Box 210 Merrill, OR 97633			41 S	11 E	WM	11, 14, and 15		400
Scott Bedford 1231 Tulloch Drive Tracy, CA 95377								

10. The deeds supplied with the application, match the properties proposed for assignment.
11. The applicant affirmed the most recent water use under the permit has been exercised within the relevant terms and conditions of the water right permit.
12. The assignment and issuance of replacement permits would not result in injury to other water right holders.
13. The assignment and issuance of replacement permits would not result in enlargement of the permit.
14. The assignment and issuance of replacement permits does not alter any other terms of Permit G-16156.

**Conclusions of Law**

The assignment and issuance of replacement permits proposed by Application T-13375 are consistent with the requirements of ORS 537.225 and OAR Chapter 690, Division 325.

**Now, therefore, it is ORDERED**

1. The assignment and issuance of replacement permits proposed by Application T-13375 are approved.
2. Permit G-18390, in the name of MLM Property, LLC, and Permit G-18391, in the names of Daniel Chin, Wong Potatoes, Inc., Gregory Drew Heaton, and Scott Bedford are issued to supersede Permit G-16156 (original permit). Permit G-16156 (original permit) is no longer of any force or affect.
3. All other terms and conditions under Permit G-16156 (original permit) are incorporated into Permits G-18390 and G-18391 (superseding permits).

Dated in Salem, Oregon on **APR 07 2021**



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

Mailing Date: APR 09 2021