

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

In the Matter of Ground Water)	FINAL ORDER APPROVING
Registration Modification Application)	RECOGNITION OF A MODIFICATION
T-11880, Jackson County)	IN CHARACTER OF USE

Authority

Oregon Revised Statute (ORS) 537.610, 537.705 and 540.505 to 540.580 establish the process in which the holder of a certificate of registration may submit a request for recognition of modifications to the place of use, character of use or point of appropriation under a ground water certificate of registration.

Oregon Administrative Rule (OAR) Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating ground water registration modification applications.

Applicant

MARTIN FARMS PROPERTIES LLC
PO BOX 3187
CENTRAL POINT, OR 97502

Findings of Fact

1. On August 18, 2014, MARTIN FARMS PROPERTIES LLC filed a ground water registration modification application to modify the character of use under Registration Application GR-2241 (Certificate of Registration GR-2142). The Department assigned the application number T-11880.
2. On August 25, 2014, Registration Application GR-2241 (Certificate of Registration GR-2142) was assigned from ROY V. MARTIN to MARTIN FARMS PROPERTIES LLC.
3. Notice of the application for ground water registration modification was published on September 2, 2014, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
4. On January 16, 2015, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11880 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of February 15, 2015, for the applicant to

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may 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.

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.

5. On March 4, 2015, the Department issued a Preliminary Determination proposing to approve Transfer T-11880 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on March 10, 2015, and in the Medford Mail Tribune newspaper on March 12 and 19, 2015 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

6. The ground water registration to be modified is as follows:

Registration: Registration Application GR-2241 (Certificate of Registration GR-2142), in the name of ROY V. MARTIN (*assigned to* MARTIN FARMS PROPERTIES LLC)

Use: SUPPLEMENTAL IRRIGATION of 8.0 ACRES

Tentative

Priority Date: 1953

Quantity: 20 GALLONS PER MINUTE

Source: PUMP WELL within the BEAR CREEK WATERSHED

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
37 S	2 W	WM	33	NW SW	95	19 FEET SOUTH AND 1221 FEET EAST FROM THE NW CORNER OF DLC 95

Original Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
37 S	2 W	WM	33	SW SW	95	8.0

7. Ground Water Registration Modification Application T-11880 proposes to modify the character of use under the ground water registration to supplemental irrigation and agriculture, including but not limited to supplemental irrigation and agriculture, dust and frost control and fire suppression.

Review Criteria for Ground Water Registration Modification Applications [OAR 690-382-0700(2)]

- 8. The proposed modification would not result in enlargement of the ground water registration.
- 9. The proposed modification would not result in a state Scenic Waterway not receiving previously available water during periods in which streamflows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
- 10. The proposed modification would not result in injury to other water rights.

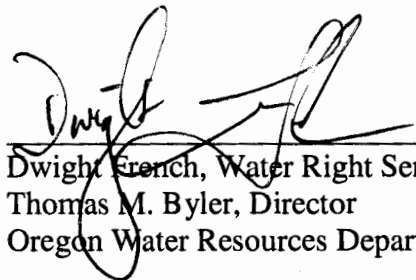
Conclusions of Law

The modification in character of use proposed in Ground Water Registration Modification T-11880 is consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

Now, therefore, it is ORDERED:

1. The modification to Registration Application GR-2241 (Certificate of Registration GR-2142) proposed in Ground Water Registration Modification Application T-11880 is recognized. Recognition of the modification shall not be construed as a final determination of the right to appropriate ground water under the certificate of registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.
2. 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 Registration Application GR-2241 (Certificate of Registration GR-2142) and any related decree.
3. Water shall no longer be appropriated for the former character of use as part of this ground water certificate of registration.
4. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation.
 - b. The water user shall maintain the meter or measuring device in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.

Dated at Salem, Oregon this 20 day of April, 2015.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: APR 23 2015

