



**Oregon**  
Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

March 4, 2015

VIA E-MAIL

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

SUBJECT: Water Right Transfer Application T-11880

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11880. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Medford Mail Tribune newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 503-986-0890 or [Sarah.A.Henderson@ wrd.state.or.us](mailto:Sarah.A.Henderson@ wrd.state.or.us) if I may be of assistance.

Sincerely,

*Sarah Henderson*

Transfer Specialist  
Transfer and Conservation Section

cc: T-11880  
Travis Kelly, District 13 Watermaster (*via e-mail*)  
Mike Montero, Agent for the applicant (*via e-mail*)

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

In the Matter of Ground Water	)	PRELIMINARY DETERMINATION
Registration Modification Application	)	PROPOSING APPROVAL OF
T-11880, Jackson County	)	RECOGNITION OF A MODIFICATION
	)	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 respond. The applicant requested that the Department proceed with issuance of a

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.
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Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

- 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

- 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)]***

- The proposed modification would not result in enlargement of the ground water registration.
- 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.
- The proposed modification would not result in injury to other water rights.


**Determination and Proposed Action**

The modification in character of use proposed in Ground Water Registration Modification T-11880 appears to be consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000. If protests are not filed pursuant to OAR 690-382-0900, the modification will be approved.

*If Ground Water Registration Modification T-11880 is approved, the final order will include the following:*

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 4 day of March, 2015.

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

This Preliminary Determination was prepared by Sarah Henderson. If you have questions about the information in this document, you may reach me at 503-986-0890 or [Sarah.A.Henderson@wr.d.state.or.us](mailto:Sarah.A.Henderson@wr.d.state.or.us).

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