

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

In the Matter of Permit Amendment)
T-11407, Marion County) FINAL ORDER
) APPROVING A CHANGE IN POINT OF
) APPROPRIATION

Authority

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicants

ARTHUR AND MARY B SPADA
FELLER FARM LLC
FELLER-NYQUIST LLC
C/O ANGELO SPADA, MANAGER
PO BOX 157
ST PAUL, OR 97137

Findings of Fact

Background

1. On April 20, 2012, ARTHUR AND MARY B SPADA, FELLER FARM LLC, AND FELLER-NYQUIST LLC, filed an application to change the point of appropriation under Permit G-16044. The Department assigned the application number T-11407.
2. On December 7, 2009, the Department approved an assignment of the permit to Arthur and Mary B. Spada, Feller Farm LLC, and Feller-Nyquist LLC.
3. On March 18, 2011, the Department approved an extension of time for complete application of water to October 1, 2015.
4. Permit Amendment Application T-11407 proposes to move the authorized points of appropriation between approximately 100, 900, and 1450 feet from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	1 W	WM	19	NW NE	48	WELL 2B - 1200 FEET SOUTH AND 1165 FEET EAST FROM THE NW CORNER OF DLC 48

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. Notice of the application for the permit amendment was published in the Department's weekly notice on April 24, 2012, and in the Woodburn Independent newspaper on March 27 and April 3, 2013, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

Permit Amendment Review Criteria

6. The change would not result in injury to other water rights.
7. The change does not enlarge the permit.
8. The change does not alter any other terms of the permit.

Conclusions of Law

The change in point of appropriation proposed by Permit Amendment Application T-11407 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in point of appropriation proposed by Permit Amendment Application T-11407 is approved.
2. Permit G-16976, in the names of Arthur and Mary B. Spada - Feller Farm LLC, and Arthur and Mary B. Spada - Feller-Nyquist LLC, is issued to replace Permit G-16044, and incorporates the amendments approved by this order, the assignment, and the extension of time. Permit G-16044, in the names of Arthur and Mary B. Spada - Feller Farm LLC, and Arthur and Mary B. Spada - Feller-Nyquist LLC, is no longer of any force or effect.
3. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original points of appropriation.
4. Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, and shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

The permittee 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.
5. Water shall be acquired from the same aquifer as the original points of appropriation.

6. All other terms and conditions of Permit G-16976 remain the same.

Dated at Salem, Oregon this 3 day of May, 2013.


Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing Date: May 13 2013

