

5. On January 21, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11555 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of February 24, 2014, 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 Groundwater Registration Modification.
6. On April 2, 2014, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11555 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the Groundwater Registration Modification application was published on the Department's weekly notice on April 15, 2014, pursuant to ORS 540.520 and OAR 690-382-0800. No protests were filed in response to the notice.
7. The portion of the ground water registration to be modified is as follows:

Registration: Application GR-190 (Certificate of Registration GR-176), in the name of A & R SPADA FARMS, LLC., ANGELO SPADA, MANAGER

Use: IRRIGATION of 143.2 ACRES

Tentative Priority Date: APRIL 21, 1953

Quantity: 425 GALLONS PER MINUTE

Source: A WELL within the CHAMPOEG CREEK BASIN

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	2 W	WM	15	SE NW	WELL 1: NORTH 47 DEGREES 35 MINUTES WEST 750 FEET FROM THE SE CORNER OF PAPIN DLC

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	2 W	WM	15	NW NE	5.5
4 S	2 W	WM	15	SW NE	22.9
4 S	2 W	WM	15	NE NW	25.2
4 S	2 W	WM	15	SW NW	26.7
4 S	2 W	WM	15	SE NW	35.1
4 S	2 W	WM	15	NE SW	21.5
4 S	2 W	WM	15	NW SE	3.0
4 S	2 W	WM	15	NW SE	3.3
Total					143.2

8. The Groundwater Registration Map varies from the Groundwater Registration Modification Application. The place of use applied for in Modification Application T-11555 is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	2 W	WM	15	NW NE	5.5
4 S	2 W	WM	15	SW NE	22.9
4 S	2 W	WM	15	NE NW	25.2
4 S	2 W	WM	15	SW NW	26.7
4 S	2 W	WM	15	SE NW	35.1
4 S	2 W	WM	15	NE SW	21.5
4 S	2 W	WM	15	NW SW	3.0
4 S	2 W	WM	15	NW SE	3.3
4 S	2 W	WM	15	NWNW	3.6
Total					146.8

9. Ground Water Registration Modification Application T-11555 proposes a modification in the point of appropriation, to serve lands described in Finding #7, approximately 35 feet North and 40 feet East from the original well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	2 W	WM	15	SE NW	WELL 3: 1355 FEET NORTH AND 4180 FEET WEST OF THE NE CORNER OF DLC 84

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

10. The proposed modification would not result in enlargement of the ground water registration.
11. 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.
12. The proposed modification would not result in injury to other water rights.

Conclusions of Law

The modification in point of appropriation proposed in Ground Water Registration Modification T-11555 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-190 (Certificate of Registration GR-176) proposed in Ground Water Registration Modification Application T-11555 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-190 (Certificate of Registration GR-176) and any related decree.
3. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
4. Water shall no longer be appropriated from the original point of appropriation as part of this ground water certificate of registration.
5. The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
6. 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 new 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 29 day of May, 2014.



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

Mailing Date: JUN 06 2014