



# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
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503-986-0900  
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April 2, 2014

VIA E-MAIL

A & R SPADA FARMS  
PO BOX 157  
SAINT PAUL, OR 97137

SUBJECT: Ground Water Registration Modification T-11555

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11555. 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 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 Department's notice.

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 [Tracy.L.Fox@wrdd.state.or.us](mailto:Tracy.L.Fox@wrdd.state.or.us) or 503 986-0827 if I may be of assistance.

Sincerely,



Ms. Tracy Fox  
Transfer Specialist

Transfer and Conservation Section

cc: T-11555  
Mike L. McCord, District 16 Watermaster (*via e-mail*)  
Jeanne Boatwright, Agent for the applicant (*via e-mail*)  
Corbey Boatwright, CWRE #206  
W.O. and Frances Wildman, partial GR 190 landowners

enclosures

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

In the Matter of Ground Water	)	PRELIMINARY DETERMINATION
Registration Modification Application	)	PROPOSING APPROVAL OF A
T-11555, Marion County	)	MODIFICATION IN POINT OF
	)	APPROPRIATION

**Authority**

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.

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**

A & R SPADA FARMS  
PO BOX 157  
SAINT PAUL, OR 97137

**Findings of Fact**

1. On March 26, 2013, A & R SPADA FARMS, LLC. filed a ground water registration modification application to modify the point of appropriation under Registration Application GR-190 (Certificate of Registration GR-176). The Department assigned the application number T-11555.
2. On December 22, 1960, Registration Application GR-190 (Certificate of Registration GR-176) was assigned from Melvin R. DuRette to W. O. and FRANCES L. WILDMAN.
3. On March 26, 2013, a portion of Registration Application GR-190 (Certificate of Registration GR-176) was assigned from W. O. and FRANCES L. WILDMAN to A & R SPADA FARMS, LLC., ANGELO SPADA, MANAGER.
4. Notice of the application for ground water registration modification was published on April 2, 2013, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
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

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.

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. 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

7. 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

8. Ground Water Registration Modification Application T-11555 proposes a modification in the point of appropriation, to serve lands described in Finding #6, 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)]***

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

**Determination and Proposed Action**

The modification in point of appropriation proposed in Ground Water Registration Modification T-11555 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 690-380-4030, the modification will be approved.

*If Ground Water Registration Modification T-11555 is approved, the final order will include the following:*

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.*

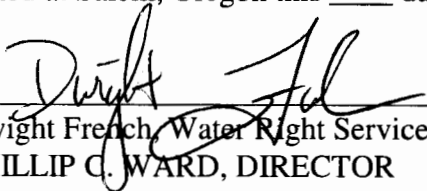
6. *Water use measurement conditions:*

*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 2 day of April 2014.

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

This Preliminary Determination was prepared by Tracy Fox. If you have questions about the information in this document, you may reach me at 503 986-0827 or Tracy.L.Fox@ wrd.state.or.us.

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