

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

In the Matter of Transfer) FINAL ORDER APPROVING A DISTRICT PERMANENT
Application T-14387,) TRANSFER FOR PLACE OF USE, PARTIAL DIMINUTION
Umatilla County) OF A GROUND WATER REGISTRATION, PARTIAL
) ABANDONMENT OF A GROUND WATER REGISTRATION,
) AND CANCELLATION OF A WATER RIGHT CERTIFICATE

Authority

Oregon Revised Statutes (ORS) 540.570 to 540.580 establish the process in which a district may submit a request to transfer a water right within district boundaries. Oregon Administrative Rule (OAR) Chapter 690, Division 385 implements the statutes and provides the Department’s procedures and criteria for evaluating district transfer applications.

Oregon Revised Statute 540.621 and Oregon Administrative Rules 690-17-0100 direct the Commission to enter an order canceling a water right whenever the owner of a perfected and developed water right certifies under oath to the Commission that the water right has been abandoned and the owner desires to cancel the right.

Applicant

WALLA WALLA RIVER IRRIGATION DISTRICT
PO BOX 248
MILTON-FREEWATER, OR 97862

Findings of Fact

1. On January 23, 2024, Walla Walla River Irrigation District (WWRID) filed a district transfer application to permanently change the places of use under Certificates 92511, 91617, 93544, and 92592. The Department assigned the application number T-14387.
2. Notice of the District Permanent Transfer Application was published on January 30, 2024, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the first right to be transferred is as follows:
Certificate: 92511 in the name of Robert Brinker (confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County)

This final order in a contested case and 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(2) 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.

Within 20 days after this final order is issued (i.e., mailing date), the district or any protestant may file with the commission exceptions to the final order. The commission shall issue an order granting or denying the exceptions within 30 days after receiving the exceptions. ORS 540.580(10).

Use: IRRIGATION of 7.3 acres

Priority Date: 1885

Rate / Duty: 1.5 MINER'S INCHES PER ACRE, or 0.274 CUBIC FOOT PER SECOND

Source: LITTLE WALLA WALLA RIVER, tributary to the WALLA WALLA RIVER

Authorized Point of Diversion as corrected by Special Order Volume 104, Pages 890-892:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	12	SW NE	1030 FEET NORTH AND 900 FEET EAST FROM THE CENTER OF SECTION 12

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	DINN
6 N	35 E	WM	35	SW SE	7.3	3300	BENCHSTONE ESTATES LLC	2023-01

4. Transfer Application T-14387 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	DINN
6 N	35 E	WM	34	NW SW	7.3	900	CAYUSE WINERY LLC	2023-01

5. The proposed place of use for 7.3 acres under Certificate 92511 will become layered with supplemental irrigation under Certificate 88900 for supplemental irrigation. Certificate 88900 is not involved in this transfer.
6. The portion of the second right to be transferred is as follows:

Certificate: 91617 in the names of Cecil and Sally Carter (confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County)

Use: IRRIGATION of 4.0 acres

Priority Date: 1880

Rate / Duty: 1.0 MINERS INCHES PER ACRE, or 0.10 CUBIC FOOT PER SECOND.

Source: WALLA WALLA RIVER , a tributary of the COLUMBIA RIVER

Authorized Point of Diversion

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	12	SW NE	1030 FEET NORTH AND 900 FEET EAST FROM THE CENTER OF SECTION 12

Point of Rediversion

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	2	NE NE	PLEASANT VIEW DITCH – 650 FEET SOUTH AND 450 FEET WEST FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	DINN
5 N	35 E	WM	3	NE NW	4.0	1100	CARTER	2023-02

7. Transfer Application T-14387 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	DINN
6 N	35 E	WM	27	SE SW	4.0	1200	CAYUSE WINERY LLC	2023-02

8. The proposed place of use for 4.0 acres under Certificate 92511 will become layered with supplemental irrigation under Ground Water Registration GWR Statement No. GR-1241 / GWR Certificate No. GR-1199.

9. The portion of the third right to be transferred is as follows:

Certificate: 93544 in the name of Cayuse Winery, LLC (perfected under Permits E-170, S-1216 and S-26001)

Use: IRRIGATION and SUPPLEMENTAL IRRIGATION of 7.3 acres

Priority Dates: MARCH 25, 1912, FOR IRRIGATION and JANUARY 16, 1959, FOR SUPPLEMENTAL IRRIGATION

Rate: 0.27 CUBIC FOOT PER SECOND (CFS), being 0.09 CFS for IRRIGATION, and 0.18 CFS for SUPPLEMENTAL IRRIGATION

Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE -EIGHTIETH (1/80) of one cfs per acre for IRRIGATION, and is limited to 0.0375 cfs (3/80) per acre for SUPPLEMENTAL IRRIGATION, or its equivalent for each acre irrigated during the irrigation season of each year.

Source: LITTLE WALLA WALLA RIVER, tributary to the WALLA WALLA RIVER

Authorized Point of Diversion as corrected by Special Order Volume 104, Pages 890-892:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	12	SW NE	1030 FEET NORTH AND 900 FEET EAST FROM THE CENTER OF SECTION 12

Authorized Place of Use:

IRRIGATION AND SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	DINN
6 N	35 E	WM	34	NW SW	7.3	900	CAYUSE WINERY LLC	2023-03

10. Transfer Application T-14387 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION AND SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	DINN
6 N	35 E	WM	35	SW SE	7.3	3300	BENCHSTONE ESTATES LLC	2023-03

11. Primary irrigation under Certificate 88900 is layered with OFF lands under Certificate 93544. The applicant not to transfer the supplemental irrigation; as part of this transfer it will become layered with a different primary irrigation water right with similar reliability.

12. The portion of the fourth right to be transferred is as follows:

Certificate: 92592 in the name of Helen Chakos, c/o/ Stadelman Fruit, LLC (perfected under Permits S-1216 and S-26001)

Use: IRRIGATION and SUPPLEMENTAL IRRIGATION of 4.0 acres

Priority Dates: MARCH 25, 1912, FOR IRRIGATION and JANUARY 16, 1959, FOR SUPPLEMENTAL IRRIGATION

Rate: 0.15 CUBIC FOOT PER SECOND (CFS), being 0.05 CFS for IRRIGATION, and 0.10 CFS for SUPPLEMENTAL IRRIGATION

Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE -EIGHTIETH (1/80) of one cfs per acre for IRRIGATION, and is limited to 0.0375 cfs (3/80) per acre for SUPPLEMENTAL IRRIGATION, or its equivalent for each acre irrigated during the irrigation season of each year.

Source: LITTLE WALLA WALLA RIVER, tributary to the WALLA WALLA RIVER

Authorized Point of Diversion as corrected by Special Order Volume 104, Pages 890-892:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	12	SW NE	1030 FEET NORTH AND 900 FEET EAST FROM THE CENTER OF SECTION 12

Authorized Place of Use:

IRRIGATION AND SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	DINN
6 N	35 E	WM	27	SE SW	4.0	1200	CHAKOS	2023-04

13. Transfer Application T-14387 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION AND SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	DINN
5 N	35 E	WM	3	NE NW	4.0	1100	CLERGET	2023-04

14. The Department finds that the district permanent transfer application was submitted according to ORS 540.580 and OAR 690-385-4000, contains the information required under

OARs 690-385-4200 and 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.

15. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
16. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
17. The Watermaster’s review stated the proposed changes in places of use will not result in enlargement of the rights as defined in OAR 690-385-0100(4).
18. The proposed changes in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
19. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

Voluntary Diminution of Partial Groundwater Registration Certificate GR-1241 / GR-1199

20. A portion of primary irrigation under Ground Water Registration GWR Statement No. GR-1241 / GWR Certificate No. GR-1199 is layered with OFF lands under Certificate 92592. The applicant proposes to diminish the GWR from primary to supplemental irrigation and at the same location it will become layered with a different primary irrigation water right with similar reliability.
21. On January 23, 2024, the Department received an “AFFIDAVIT OF VOLUNTARY ABANDONMENT OR DIMINUTION (ENTIRE OR PARTIAL) OF A GROUNDWATER REGISTRATION STATEMENT” for a diminution of a portion of Ground Water Registration GWR Statement No. GR-1241 / GWR Certificate No. GR-1199 with supporting documentation. On February 26, 2024, the Department received a correction to the diminution rate on the affidavit and a map delineating the place of use diminished from primary irrigation to supplemental irrigation. The affidavit was signed by Christopher Baron, owner of Cayuse Vineyards, LLC (Affiant).
22. On March 5, 2024, an assignment of GWR Statement No. 1241 / GWR Certificate No. 1199 from L.R. Edwards to the Affiant, Christopher Baron, owner of Cayuse Vineyards, LLC , was recorded with the Department.
23. The entirety of GWR Statement No. 1241/ GWR Certificate No. 1199, located in Umatilla County, is for the use of 100 gallons per minute (gpm) of groundwater and 50 acre-feet per year for irrigation of 8 acres. Construction of the well began prior to 1914.
24. The affiant has stated that they have diminished 44.8 gpm of water from the pump well from primary irrigation to supplemental irrigation on 4.0 acres at the location shown below:

PORTION of GWR STATEMENT No. 1241 to be DIMINISHED from PRIMARY TO SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot
6 N	35 E	WM	27	SE SW	4.0	1200

25. The affidavit and all supporting documentation submitted for the diminution will be filed with the original Ground Water Registration Statement No. GR-1241 Ground Water Registration Statement No. GR-3299 and made available at the time of adjudication under ORS 537.670 to 537.695.
26. A certificate of groundwater registration may not be construed as a final determination of any matter stated in the certificate of registration. Such a determination will occur in an adjudication proceeding and is not final or conclusive until so determined and a ground water right certificate issued. See ORS 537.610

Voluntary Abandonment of Entirety Groundwater Registration No. GR-3935 / GR-3596

27. Irrigation under a portion of Ground Water Registration GWR Statement No. GR-3935 / GWR Certificate No. GR-3569 is layered with OFF lands under Certificate 93544. The applicant proposes to abandon the GWR.
28. On January 23, 2024, the Department received an "AFFIDAVIT OF VOLUNTARY ABANDONMENT OR DIMINUTION (ENTIRE OR PARTIAL) OF A GROUNDWATER REGISTRATION STATEMENT" for an abandonment of the entirety of Ground Water Registration GWR Statement No. GR-3935 / GWR Certificate No. GR-3569 with supporting documentation. The affidavit was signed by Christopher Baron, owner of Cayuse Vineyards, LLC (Affiant).
29. On March 5, 2024, an assignment of GWR Statement No. 3935 / GWR Certificate No. 3569 from Ross & Mina Moon to Christopher Baron, owner of Cayuse Vineyards, LLC , was recorded with the Department.
30. GWR Statement No. 3935/ GWR Certificate No. 3569, located in Umatilla County, is for the use of 400 gallons per minute and 68 acre-feet per year of groundwater for irrigation of 17.0 acres. Construction of the well began prior to 1915.
31. The affidavit states the use of water described in the GWR Statement No. 3965 / GWR Certificate No. 3569 as described above in Finding of Fact #30 has been abandoned, and at the following location:

ABANDONMENT OF GWR STATEMENT 3935 / CERT						
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot
6 N	35 E	WM	34	NW SW	17.00	1200

32. The affidavit and all supporting documentation submitted for the abandonment will be filed with the original request for GWR Statement No. 3935 and made available at the time of adjudication under ORS 537.670 to 537.695.

Voluntary Cancellation of Water Right Certificate 92824

33. Irrigation under Certificate 92824 is layered with OFF lands under Certificate 92592. The applicant proposes to cancel the entirety of this water right.
34. On January 23, 2024, Christopher Baron, owner of Cayuse Vineyards, LLC, owner of lands to which Certificate 92824 is appurtenant, submitted a voluntary cancellation affidavit meeting the requirements of ORS 540.621. The affiant identified a "layered" water right

on the "FROM" lands under Certificate 92592 and does not intend to transfer this water right with the primary water right. An affidavit was submitted requesting the cancellation for the entire water right described as follows:

Certificate: 92824 in the name of HELEN CHAKOS C/O STADELMAN FRUIT (perfected under Permits S-1216 AND S-26001)

Use: IRRIGATION on 0.23 ACRES and SUPPLEMENTAL IRRIGATION on 0.3 ACRES

Rate: 0.011 CUBIC FOOT PER SECOND (CFS), being 0.003 CFS for IRRIGATION, and 0.008 CFS for SUPPLEMENTAL IRRIGATION

Priority Date: MARCH 35, 1912, for IRRIGATION and JANUARY 16, 1959, for SUPPLEMENTAL IRRIGATION.

Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE -EIGHTIETH (1/80) of one cfs per acre for IRRIGATION, and is limited to 0.0375 cfs (3/80) per acre for SUPPLEMENTAL IRRIGATION, or its equivalent for each acre irrigated during the irrigation season of each year.

Source: LITTLE WALLA WALLA RIVER, tributary to the WALLA WALLA RIVER

Place of Use to be cancelled:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Priority	Prior Cert.
6 N	35 E	WM	27	SESW	0.23	1200	3/25/1912	86961 (90699)

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Priority	Prior Cert.
6 N	35 E	WM	27	SESW	0.30	1200	1/16/1959	86964 (90700)

Conclusions of Law


1. The proposed changes in place of use as proposed in Transfer Application T-43387 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.
2. A four (4) acres portion of Ground Water Registration GWR Statement No. GR-1241 / GWR Certificate No. GR-1199 was said to be diminished from primary irrigation to supplemental irrigation as described in Finding of Facts # 20-25.
3. The entirety of Ground Water Registration GWR Statement No. GR-3935 / GWR Certificate No. GR-3569 was said to be abandoned as described in Finding of Facts #27-31.
4. The Director of the Water Resources Department concludes the right evidenced by Certificate 92824 has been abandoned in accordance with the provisions of ORS 540.621 and should be cancelled.

Now, therefore, it is ORDERED:

1. The proposed changes in place of use to the water rights evidenced by Certificates 92511, 91617, 93544, and 92592 are approved.
2. The places of use from which the water rights are transferred off by Transfer T-14387 shall no longer be irrigated, and are cancelled from Certificates 92511, 91617, 93544, and 92592.

3. The right to the use of the water at the place of use NOT modified by this order is restricted to beneficial and is subject to all other conditions and limitations contained in Certificates 92511, 91617, 93544, and 92592, and any related decree.
4. Certificates 92511, 91617, 93544, and 92592 are cancelled. New certificates will be issued describing the portions of the certificates 93544, and 92592, NOT modified by this final order.
5. A four (4) acre portion of Ground Water Registration GWR Statement No. GR-1241 / GWR Certificate No. GR-1199 has been diminished from primary irrigation to supplemental irrigation as described in Finding of Facts # 20-25. A certificate of groundwater registration may not be construed as a final determination of any matter stated in the certificate of registration. Such a determination will occur in adjudication proceeding and is not final or conclusive until so determined and a ground water right certificate issued. See ORS 537.610
6. The entirety of Ground Water Registration GWR Statement No. GR-3935 / GWR Certificate No. GR-3569 has been abandoned.
7. Certificate 92814 is cancelled.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use shall be submitted by WWRID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. After satisfactory proof of completion has been determined by the Department, confirming water rights will be issued in the names of the landowners to which the lands are appurtenant.

Dated in Salem, Oregon on MAR 27 2024


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

Mailing Date: MAR 28 2024