

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

In the Matter of Transfer Application) **FINAL ORDER APPROVING**
T-10418, Umatilla County) **A CHANGE IN PLACE OF USE**

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

Applicant

CAYUSE VINEYARDS
ATTN: CHRISTOPHE BARON
P.O. BOX 1602
WALLA WALLA, WA 99362

Findings of Fact

Background

1. On June 27, 2007, Christophe Baron of Cayuse Vineyards filed an application to change the place of use under Certificate 13259. The Department assigned the application number T-10418.
2. The portion of the right to be transferred is as follows:
Certificate: 13259 in the name of R. A. TRIBOU (confirmed by Walla Walla River decree)
Use: IRRIGATION of 3.6 ACRES
Priority Date: 1878
Limit/Duty: ONE AND ONE-HALF MINER’S INCHES per acre measured at the point of diversion (equivalent to 0.135 cubic foot per second)
Source: NORTH FORK WALLA WALLA RIVER, tributary to Walla Walla River

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
5 N	36 E	WM	21	SE NE	0.2
5 N	36 E	WM	22	SW NW	3.4

This final order 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 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.

- Based upon the Walla Walla River Decree and the associated adjudication map, the location description of the authorized point of diversion for Certificate 13259 is as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
5 N	36 E	WM	22	SE NW

- Transfer Application T-10418 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
5 N	36 E	WM	22	SW NW	2.4
5 N	36 E	WM	22	SE NW	1.2

- Notice of the application for transfer was published on July 3, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On March 24, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10418 to the applicant. The draft Preliminary Determination set forth a deadline of April 24, 2008, 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 transfer. The applicant also requested additional time through October 1, 2011 in which to complete the transfer, which will include complete development of the vineyard block and associated irrigation improvements. The Department approved the request for additional time.
- On April 30, 2008, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10418 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on May 6, 2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria [OAR 690-380-4010(2)]

- Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10418.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.

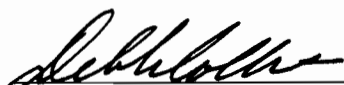
Conclusions of Law

The change in place of use proposed in Transfer Application T-10418 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-10418 is approved.
2. The right to 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 Certificate 13259 and any related decree.
3. Water right certificate 13259 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The former place of use of the transferred right shall no longer receive water under the right.
5. The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.
6. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
7. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
8. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 6th day of June 2008.


Phillip C. Ward, Director

Mailing date: JUN 20 2008