

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

In the Matter of Transfer Application) FINAL ORDER APPROVING OF A
T-13169, Benton County) CHANGE IN POINT OF
) APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

Applicant

PINOT GRIS WATER COMPANY
CHRIS LORENZEN
4941 NE VINIFERA ST
CORVALLIS, OR 97330

Findings of Fact

1. On April 22, 2019, PINOT GRIS WATER COMPANY and CHRIS LORENZEN filed an application to change the point of appropriation under Certificate 93711. The Department assigned the application number T-13169.
2. Notice of the application for transfer was published on April 30, 2019, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On June 21, 2019, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13169 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 21, 2019, 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.

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.

4. On October 1, 2019 the Department issued a Preliminary Determination proposing to approve Transfer Application T-13169 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on October 1, 2019, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
5. The right to be transferred is as follows:

Certificate: 93711 in the name of PINOT GRIS WATER COMPANY (perfected under Permit G-17087)

Use: GROUP DOMESTIC EXPANDED FOR FOURTEEN HOUSEHOLDS

Priority Date: FEBRUARY 8, 2001

Rate: 0.04 CUBIC FOOT PER SECOND

Period of Use: YEAR ROUND

Source: A WELL, within the WILLAMETTE RIVER BASIN

Authorized Point of Appropriation:

| Twp | Rng | Mer | Sec | Q-Q | DLC | Measured Distances |
|------|-----|-----|-----|-------|-----|---|
| 11 S | 4 W | WM | 18 | SW NW | 52 | POA #1 - NORTH 75 DEGREES 23 MINUTES EAST AND 418 FEET FROM THE SE CORNER OF DLC 40 |

Authorized Place of Use:

| Twp | Rng | Mer | Sec | Q-Q | DLC | LOT # |
|------|-----|-----|-----|-------|-----|--------------------------------------|
| 11 S | 5 W | WM | 13 | NENE | 52 | 11, 12, 13, 14, 15 |
| 11 S | 5 W | WM | 13 | NW NE | 52 | 1, 2, 3, 4, 5, 6, 7, 8, 9, 11 and 12 |

6. Transfer Application T-13169 proposes to move the authorized point of appropriation approximately 70 feet from the existing point of appropriation to:

| Twp | Rng | Mer | Sec | Q-Q | DLC | Measured Distances |
|------|-----|-----|-----|-------|-----|---|
| 11 S | 4 W | WM | 18 | SW NW | 52 | POA #2 - 160 FEET NORTH AND 400 FEET EAST FROM SE CORNER DLC 40 |

Transfer Review Criteria (OAR 690-380-4010)

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A pump, pipeline, and delivery system 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-13169.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.
11. All other application requirements are met.

Conclusions of Law

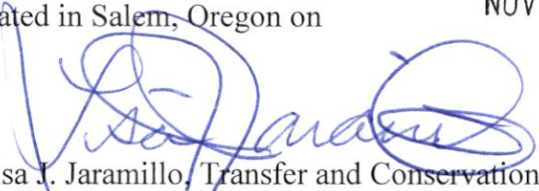
The change in point of appropriation proposed in Transfer Application T-13169 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of appropriation proposed in Transfer Application T-13169 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 93711 and any related decree.
3. Water right Certificate 93711 is cancelled.
4. The quantity of water diverted at the new point of appropriation (POA #2) shall not exceed the quantity of water lawfully available at the original point of appropriation (POA #1).
5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
7. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

NOV 12 2019


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

NOV 13 2019

Mailing date: _____