



5. On May 22, 2017, the Department received a letter from the applicant requesting the Department to remove POA #4 (UMAT 6053/6366) from this transfer application.
6. On May 25, 2017, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12592 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 22, 2017, 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.
7. On June 27, 2017, the Department issued a Preliminary Determination proposing to approve Transfer T-12592 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 July 4, 2017, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

8. The first right to be transferred is as follows:

**Certificate:** 91384 in the name of CAYUSE VINEYARDS LLC  
(perfected under Permit G-13656)

**Use:** SUPPLEMENTAL IRRIGATION of 9.6 ACRES

**Priority Date:** SEPTEMBER 1, 1998

**Rate:** 0.127 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

**Period of Use:** APRIL 1 THROUGH OCTOBER 31

**Source:** WELL 1 in the WALLA WALLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	35 E	WM	34	SW NW	POA 3 (WELL 1) - 30 FEET NORTH AND 1335 FEET WEST FROM THE C1/4 CORNER OF SECTION 34

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	34	SW NW	9.6

9. Transfer Application T-12592 proposes additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from original well location measured in feet (ft)
6 N	35 E	WM	34	SW NW	POA 1 – 25 FEET NORTH AND 640 FEET EAST FROM THE W1/4 CORNER OF SECTION 34	640
6 N	35 E	WM	34	SW NW	POA 2 - 40 FEET NORTH AND 640 FEET EAST FROM THE W1/4 CORNER OF SECTION 34	640

10. The second right to be transferred is as follows:

**Certificate:** 92380 in the name of CAYUSE VINEYARDS LLC  
(perfected under Permit G-13683)

**Use:** SUPPLEMENTAL IRRIGATION of 7.2 ACRES

**Priority Date:** OCTOBER 1, 1998

**Rate:** 0.09 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Period of Use:** MARCH 1 THROUGH OCTOBER 31

**Source:** A WELL in the GOODMAN SPRINGS AND EAST MUD CREEK SPRINGS BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	35 E	WM	34	SW NW	POA 1 - 25 FEET NORTH AND 640 FEET EAST FROM THE W1/4 CORNER OF SECTION 34

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	34	SW NW	7.2

11. Transfer Application T-12592 proposes additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from original well location measured in feet (ft)
6 N	35 E	WM	34	SW NW	POA 2 - 40 FEET NORTH AND 640 FEET EAST FROM THE W1/4 CORNER OF SECTION 34	15
6 N	35 E	WM	34	SW NW	POA 3 - 40 FEET NORTH AND 1280 FEET EAST FROM THE W1/4 CORNER OF SECTION 34	640

***Transfer Review Criteria (OAR 690-380-4010)***

12. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
13. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12592.
14. The proposed change would not result in enlargement of the rights.
15. The proposed change would not result in injury to other water rights.
16. All other application requirements are met.

**Conclusions of Law**

The additional points of appropriation proposed in Transfer Application T-12592 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

**Now, therefore, it is ORDERED:**

1. The additional points of appropriation proposed in Transfer Application T-12592 are 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 Certificates 91384 and 92380 and any related decree.
3. Water right Certificates 91384 and 92380 are cancelled.
4. The quantity of water diverted at the new points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. 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 point of appropriation (new and existing).
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2018**. 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 changes and full beneficial use of the water.
8. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 3<sup>rd</sup> day of August, 2017.

  
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Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

Mailing date: AUG 08 2017