

STATE OF OREGON

COUNTY OF WASHINGTON

ORDER APPROVING TEMPORARY CHANGES IN PLACE OF USE

Pursuant to ORS 540.523, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TEMPORARY TRANSFER 8358 submitted by

TUALATIN VINEYARDS, INC.
10850 NW SEAVEY ROAD
FOREST GROVE, OREGON 97116.

The first right to be modified, as evidenced by a portion of Certificate 22015, was perfected under Permit 19613 with a date of priority of JULY 13, 1950. The right allows the use of an UNNAMED STREAM, a tributary of WEST DAIRY CREEK, for IRRIGATION of 39.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.28 cubic foot per second, if available at the authorized point of diversion: SE¼ NW¼, SECTION 3, T 1 N, R 4 W, WM, or its equivalent in case of rotation, measured at the point of diversion from the source.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

The amount of water used for irrigation, together with the amount secured under an other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre-feet for each acre irrigated during the irrigation season of each year.

The second right to be modified, as evidenced by a portion of Certificate 21970, was perfected under Permit 20602 with a date of priority of JULY 20, 1951. The right allows the use of a RESERVOIR constructed under Permit R-1232, a tributary of WEST DAIRY CREEK, for SUPPLEMENTAL IRRIGATION of 39.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.95 ACRE FEET, if available at the authorized point of diversion: SE¼ NE¼, SECTION 3, T 1 N, R 4 W, WM, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under an other right existing for the same lands, is limited to a diversion of the equivalent to 2½ acre-feet for each acre irrigated in any one irrigation season and shall be further limited to a total not to exceed 2.95 acre feet in any one irrigation season.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

NE¼ SW¼	13.3 ACRES
NW¼ SW¼	26.5 ACRES

SECTION 3

TOWNSHIP 1 NORTH, RANGE 4 WEST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described

The applicant proposes to change the place of use to 5.2 foot diameter circles around each grape plant, with 5.0 feet spacing between plants, and 7.5 feet spacing between rows of plants. The acreage will be as follows:

LOT 1 (NE¼ NE¼) 20.8 ACRES
LOT 2 (NW¼ NE¼) 19.0 ACRES

SECTION 4
TOWNSHIP 1 NORTH, RANGE 4 WEST, W.M.

THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The change is temporary. The change shall be effective upon issuance of this order.
2. Prior to the use of water, the water user shall reach an agreement with the Water Resources Department concerning how the use of water will be monitored to insure that water is applied only to the lands describe as the proposed place of use, and not applied to lands not described as the proposed place of use.
3. The former place of use shall not be irrigated as part of this water right during the 2000, 2001, 2002, 2003, and 2004 irrigation seasons.
4. The use shall revert to the authorized place of use at the end of the 2004 irrigation season.
5. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.

6. The use of the remaining water rights described by Certificates 22015 and 21970 shall continue to be in accordance with the terms and conditions of Certificates 22015 and 21970.

WITNESS the signature of the Water Resources Director,

affixed FEB 09 2000.


For Martha O. Pagel, Director