

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

IN THE MATTER OF A LOSS OF RIGHT DUE TO)
FAILURE TO APPLY WATER TO BENEFICIAL USE)
UNDER THE TERMS OF AN ORDER APPROVING) FINAL ORDER
T-8175, JOSEPHINE COUNTY)

Authority

Oregon Administrative Rule 690-380-6010(2) provides that any part of a transferred water use that is not applied to beneficial use under the terms of the transfer order for a change in use or place of use, or within any extension of time allowed for completion, is lost.

Applicant

BOB KERIVAN
BRIDGEVIEW VINEYARDS WINERY
4210 HOLLAND LOOP ROAD
CAVE JUNCTION, OR 97523

Current Landowner

BRIDGEVIEW VINEYARDS INC.
PO BOX 609
CAVE JUNCTION, OR 97523

Findings of Fact

1. On January 29, 1999, BOB KERIVAN, BRIDGEVIEW VINEYARDS WINERY filed an application for change in and to change the place of use under Certificate 79836. The Department assigned the application number T-8175.
2. On March 16, 2005, Transfer Application T-8175 was approved and the order is recorded in Special Order Volume 63, Page 454. Certificate 79836 was cancelled and the right is considered inchoate.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a 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 137-004-0080, 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.

3. The final order set a date of OCTOBER 1, 2006, for the changes to be completed. The claim of beneficial use was due OCTOBER 1, 2007.
4. On December 7, 2020, the Department contacted the applicant by certified mail, notifying them of an incomplete transfer, and that the rights involved with the transfer could be lost if a Claim of Beneficial Use or an Application for Extension of Time on Transfer T-8175 is not received. The Department requested a response by January 8, 2021. The Department did not receive a response.
5. On May 3, 2021, the Department contacted the current landowner as identified by the Josephine County Assessor's office, by certified mail, notifying them of an incomplete transfer, and that the rights involved with the transfer could be lost if a Claim of Beneficial Use or an Application for Extension of Time on Transfer T-8175 is not received. The Department requested a response by June 2, 2021.
6. On May 12, 2021, the Department received the signed certified mailing card, but the Department did not received any further response to the incomplete transfer.
7. As of September 15, 2021, no Claim of Beneficial Use showing beneficial use of the inchoate water has been filed with the Department.

8. A description of the inchoate right that is lost is as follows:

Certificate: 79836 in the name of H. B. REED (SUCCESSOR IN INTEREST TO SAMUEL MILLER AND HATTIE MILLER) (confirmed by SUCKER CREEK (F)(S) and SUCKER CREEK(F) Decrees)

Use: IRRIGATION of 67.8 ACRES, BEING 55.5 ACRES FOR TRACT 1 AND 12.3 ACRES FOR TRACT 2

Priority Date: 1872 FOR TRACT 1 AND 1908 FOR TRACT 2

Rate/Duty: 1.11 CUBIC FEET PER SECOND (CFS) FOR TRACT 1 AND 0.15 CFS FOR TRACT 2, or its equivalent in case of rotation, measured at the point of diversion from the source, and that the use of water for irrigation purposes shall be confined to the season April 1 to October 31 of each year.

Source: SUCKER CREEK; a tributary of EAST FORK ILLINOIS RIVER

Authorized Point of Diversion:

Certificate 79836 does not specify the authorized point of diversion, however the Sucker Creek Decree mentions that water is diverted into the Trumble Ditch.

Authorized Place of Use:

IRRIGATION - TRACT 1					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	8 W	WM	36	SW SW	15.5
39 S	8 W	WM	36	SE SW	26.0
40 S	8 W	WM	1	NE NW	7.0
40 S	8 W	WM	1	NW NW	7.0
Total:					55.5

IRRIGATION - TRACT 2					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	8 W	WM	36	SW SE	2.0
40 S	8 W	WM	1	NE NW	10.3
Total:					12.3

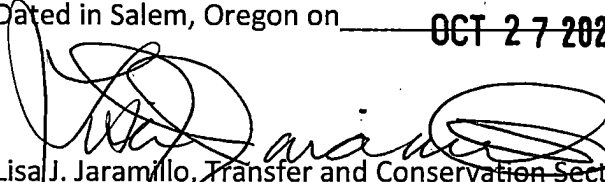
Conclusions of Law

The loss of right described above is consistent with the requirements of OAR 690-380-6010(2).

Now, therefore, it is ORDERED:

1. The inchoate right under Transfer Application T-8175 is lost, and is of no further force or effect.

Dated in Salem, Oregon on OCT 27 2021


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

OCT 28 2021

Mailing date: _____