

T-8175 Bridgeview  
Vineyards  
Winery

T-8175

Name BRIDGEVIEW VINEYARDS INC

By \_\_\_\_\_  
Address 4210 HOLLAND LOOP ROAD  
CAVE JUNCTION OR 97523  
541-592-4688

Change in POD/POU  
Date filed 1/22/99

Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_

Date of order 3-16-05 Vol. 63, page 454

Date for application of water \_\_\_\_\_

Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

DESCRIPTION OF WATER RIGHT

Name of stream Sucker Creek  
Trib. of FFK Illinois River County of Josephine  
Use Irrigation

Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

Date of priority 1872 - 1908

In name of H B Reed  
Decree Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_

App. No. \_\_\_\_\_ Per. No. D7148 Cert. No. 7148 79836

Certificate cancelled \_\_\_\_\_

Notation made on record by \_\_\_\_\_  
in DB

FEES PAID

Date	Amount	Receipt No.
1-29-99	\$ 100.00	27461
1-29-99	\$ 400.00	27462
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

No ID / Gary D. Wicks CWRE # 194  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# Oregon

Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October 27, 2021

**Transfer 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

REFERENCE: Water Right Transfer T-8175

Enclosed is a copy of the loss of right order issued by the Department. This order has been issued in compliance with Oregon Administrative Rules 690-380-6010(2) which states, "Any part of a transferred water use that is not applied to beneficial use under the terms of the transfer order for change in use or place of use, or within any extension of time allowed for completion, is lost."

The change in place of use approved under Transfer T-8175 has not been carried out within the time period allowed under Transfer T-8175 or within any extension of time allowed for completion of Transfer T-8175.

If you have any questions regarding this order, you may contact your caseworker, Corey Courchane, by telephone at (503) 979-3917 or by e-mail at [corey.a.courchane@oregon.gov](mailto:corey.a.courchane@oregon.gov).

Sincerely,

Julie C. Baustian

Water Right Services Support

Transfers and Conservation Section

cc: Scott Ceciliani, Watermaster Dist. #14 (via email)

Enclosure

**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

Mailing date: OCT 28 2021

## Transfer Compliance Review Checklist

Transfer: T- 8175

Status Review Done by: Corey C

County/Watermaster District: \_\_\_\_\_

Date: 11/30/20

- Pull Transfer file
- POA/POD Change Only     POU/Type of USE Change Only     POA/POD **and** POU/Type of USE Change

Date most recent Final Order issued for Transfer: 3/16/2005

- Review Transfer C-Date and Transfer CBU Due Date

○ Transfer C-Date: 10/1/2006

○ CBU Due Date: 10/1/2007

Are dates expired?  Yes     No

**If one of the following applies, DO NOT SEND C-DATE REMINDER LETTER:**

Has the transfer been extended?  Yes  No, Expiration date of most recent Extension: \_\_\_\_\_

Is a new extension currently pending?  Yes  No

Is an assignment currently pending?  Yes  No, If yes, has an Extension or CBU also been submitted  
 Yes  No. If no, proceed to sending a 30 day letter.

Has a request for reversion or cancellation been received?  Yes  No

Has a COBU or a Form C been received?  Yes  No, If yes, Date Received: \_\_\_\_\_

Has a C-date reminder letter already been sent?  Yes  No, If yes, Date Sent: \_\_\_\_\_

Has a certified 30-Day Completeness letter been sent?  Yes  No, If yes, Date Sent: \_\_\_\_\_

Look up/research current owner of property for the To Lands:

<p><b>Applicant:</b>  <u>Bob Kerivan / Bridgeview Vineyards Winery</u>  <u>4210 Holland Loop Rd</u>  <u>Cave Junction, OR 97523</u></p> <p>Email: _____ Phone: _____</p> <p><b>Agent:</b> <input type="checkbox"/> N/A</p> <p>_____          _____</p> <p>Email: _____</p>	<p><b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A</p> <p>_____          _____</p> <p>Email: _____ Phone: _____</p> <p><b>Receiving Landowner:</b> <input type="checkbox"/> N/A</p> <p>_____          _____</p> <p>Email: _____</p>
--	--

Reviewed 9/21/21 by Joan  
 9/28/21 PKS

Send 30 Day Letter:  Yes  No

Date 30 Day Letter Sent: \_\_\_\_\_ (Certified Mail) 12/7/20 + 5/3/21  
Response due by: 1/9/21 + 6/2/21

Send email to Watermaster District to notify of files receiving letters in their region.

Date signed certified green card received: 2/10/21 + 5/12/21

Additional documents requested by/sent to Landowner: \_\_\_\_\_

Voluntary Cancellation Request Received: \_\_\_\_\_

**\*\*\*Make note to check back in 30 days on file – Refile file to keep desk cleared\*\*\***

Cancellation/Reversion Order:  Yes  No

Date Cancellation/Reversion Order Issued: \_\_\_\_\_ Sp. Or. Vol. \_\_\_\_\_ Page \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OUTCOME OF C-DATE REMINDER:**

<input type="checkbox"/>	Extension submitted	signed date:	Extended to:
<input type="checkbox"/>	Assignment submitted	signed date:	(go back to #2 when assignment complete)
<input type="checkbox"/>	Reversion requested	signed date:	mail date:
<input type="checkbox"/>	Cancellation requested	signed date:	mail date:
<input type="checkbox"/>	COBU submitted		
<input type="checkbox"/>	More time needed to submit COBU	Deadline:	
<input type="checkbox"/>	No Reply - send Certified Compliance letter	Letter date:	Deadline:

**OUTCOME OF CERTIFIED LETTER:**

<input type="checkbox"/>	No Reply – send cancellation/reverting order	signed date:	mail date:
<input type="checkbox"/>	Other		



# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October , 2021

### Transfer Applicant

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Julie C. Baustian

Water Right Services Support

Transfers and Conservation Section

cc: Scott Ceciliani, Watermaster Dist. #14 (via email)

Enclosure



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OF THE STATE OF OREGON**

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40 S	8 W	WM	1	NE NW	7.0
40 S	8 W	WM	1	NW NW	7.0
Total:					55.5

*I would describe this in a separate finding.*

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
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**Conclusions of Law**

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**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 \_\_\_\_\_

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

Mailing date: \_\_\_\_\_



# Oregon

Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

May 3, 2021

Certified mail number 7018 0680 0002 0041 7934

Return receipt requested

Bridgeview Vineyards Inc.  
PO Box 609  
Cave Junction, OR 97523

Reference: Transfer T-8175

Dear Transfer Applicant:

This letter is in regard to your water right Transfer Application as referenced above. The Final Order approving your transfer on March 16, 2005 required you to complete development of the changes to your water right by **October 1, 2006**. We have not yet received notification from you as to whether this was accomplished.

### **Why is this important?**

Failure to complete development of the changes under your transfer by the above date, or by the date authorized under a subsequent Transfer Extension of Time approval, will result in serious consequences to the water right:

- **Transfers involving Changes in Character of Use or Place of Use:** OAR 690.380.6010(2) *"Any part of a transferred water use that is not applied to beneficial use under the terms of the transfer order for change in use or place of use, or within any extension of time allowed for completion, is lost."*
- **Transfers involving Changes in Point of Diversion or Point of Appropriation:** OAR 690.380.6010(3) *"Non-completion of a change in point of diversion or appropriation does not forfeit the water use subject to transfer. However, upon expiration of the time allowed for completion, the water use shall again become subject to forfeiture pursuant to the provisions of ORS 540.610." (6) "If the change in point of diversion or appropriation is not completed, the point of diversion or appropriation shall revert to the last authorized point of diversion or appropriation prior to the transfer."*

**NOTE:** For transfers involving both a Change in Character of Use or Place of Use **and** a Change in Point of Diversion or Point of Appropriation for the same lands, be advised that only the point of diversion/appropriation may revert if the change is not completed within the authorized timeframe; any portion of a change in character of use or place of use not applied to beneficial use may be lost.

## What are my options?

You need to choose one of the following five options:

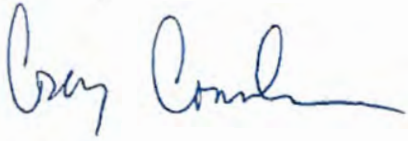
1. **File for a Transfer Extension of Time:** If you are not finished with the development of changes under your water right transfer, you need to file an Application for Extension of Time for Transfer of Water Right to complete your development. The fee for filing an extension of time is \$670.00.  
[https://www.oregon.gov/OWRD/WRDFormsPDF/extension\\_of\\_time.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/extension_of_time.pdf)
2. **Submit a Claim of Beneficial Use:** If you have completed development of the changes under your transfer prior to October 1, 2006, you are required by law to hire a certified water right examiner to prepare and submit a Claim of Beneficial Use report that includes a final proof survey map of the development. The map and claim of beneficial use report were to have been submitted to our Department within one year of October 1, 2006. The fee for submitting a claim of beneficial use for transfer of a water right having a priority date of July 9, 1987, or later, is \$200.00.  
[https://www.oregon.gov/OWRD/WRDFormsPDF/COBU Form Transfer POD.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/COBU_Form_Transfer_POD.pdf)
3. **Assign the file to a new landowner:** If you no longer wish to be the transfer holder of record, a Request for Assignment is needed to assign the transfer to a new transfer holder of record. Doing so results in this person becoming responsible for submitting the Claim of Beneficial Use report or Transfer Extension of Time application.  
<https://www.oregon.gov/OWRD/WRDFormsPDF/assign.pdf>
4. **Request a reversion of your change in Point of Appropriation or Point of Diversion:** If you do not intend to complete development of a change in point of appropriation or point of diversion and you wish the water right to revert to the last authorized point of appropriation or point of diversion, please send a letter addressed to the Transfer Section at the above address, stating that request. The department will then issue a Final Order and a new water right certificate, reverting to the last authorized point of appropriation or point of diversion prior to the transfer.
5. **Choose not to complete Character of Use or Place of Use change(s) and submit a Voluntary Cancellation request:** If you have not completed development of the Character of Use or Place of Use changes under your transfer, and you do not intend to do so in the future, please submit a request to voluntarily cancel the portion of the water right involved in the transfer.

## What happens if you don't choose one of the above options?

If you choose not to pursue one of the five options identified above within 30 days of the date of this letter (June 2, 2021) the Department may issue a Final Order cancelling or reverting the affected portion of your water right. If you need additional time to have a Claim of Beneficial Use prepared and submitted please call by the deadline listed above to halt the beginning of the cancellation or reversion proceedings.

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 986-0825, if I may be of assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Courchane". The signature is fluid and cursive, with a long horizontal stroke at the end.

Corey Courchane  
Transfer Specialist  
Transfer and Conservation Section

cc: File T-8175  
Scott Ceciliani, Watermaster District 14 (*via email*)



**Oregon**  
Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

December 7, 2020

Certified mail number 7018 0680 0002 0041 7255

Return receipt requested

Bob Kerivan / Bridgeview Vineyards Winery  
4210 Holland Loop Road  
Cave Junction, OR 97523

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**What are my options?**

You need to choose one of the following five options:

1. **File for a Transfer Extension of Time:** If you are not finished with the development of changes

under your water right transfer, you need to file an Application for Extension of Time for Transfer of Water Right to complete your development. The fee for filing an extension of time is \$670.00.

[https://www.oregon.gov/OWRD/WRDFormsPDF/extension\\_of\\_time.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/extension_of_time.pdf)

2. **Submit a Claim of Beneficial Use:** If you have completed development of the changes under your transfer prior to October 1, 2006, you are required by law to hire a certified water right examiner to prepare and submit a Claim of Beneficial Use report that includes a final proof survey map of the development. The map and claim of beneficial use report were to have been submitted to our Department within one year of October 1, 2006. The fee for submitting a claim of beneficial use for transfer of a water right having a priority date of July 9, 1987, or later, is \$200.00.  
[https://www.oregon.gov/OWRD/WRDFormsPDF/COBU\\_Form\\_Transfer\\_POD.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/COBU_Form_Transfer_POD.pdf)
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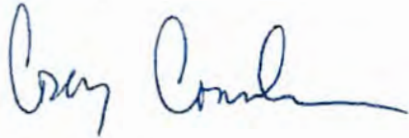
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Please do not hesitate to contact me, at [corey.a.courchane@oregon.gov](mailto:corey.a.courchane@oregon.gov) or (503) 986-0825, if I may be of assistance.

Sincerely,

A handwritten signature in blue ink that reads "Corey Courchane". The signature is fluid and cursive, with a long horizontal stroke at the end.

Corey Courchane  
Transfer Specialist  
Transfer and Conservation Section

cc: File T-8175  
Scott Ceciliani, Watermaster District 14 (*via email*)

STATE OF OREGON  
COUNTY OF JOSEPHINE  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

H. B. REED (SUCCESSOR IN INTEREST TO SAMUEL MILLER AND HATTIE MILLER)  
KERBY, OREGON 97531

confirms the right to use the waters of SUCKER CREEK, a tributary of  
EAST FORK ILLINOIS RIVER, for IRRIGATION of 32.7 acres, BEING 29.5  
ACRES FOR TRACT 1 AND 3.2 ACRES FOR TRACT 2.

This right was confirmed by decree of the Circuit Court of the State  
of Oregon for JOSEPHINE County. The decree is of record at Salem, in  
the Order Record of the Water Resources Director in Volumes 1 AND 5,  
at Pages 253 AND 398. The date of priority is 1872 FOR TRACT 1 (Note:  
This right is supplemented by water from Gravelly Slough under a  
priority date of 1903 and from springs in SE $\frac{1}{4}$  of Section 36, T 39S,  
R 8 W, W.M. under a priority date of 1878) AND 1908 FOR TRACT 2 (Note:  
this right is supplemented by water from Gravelly Slough under a  
priority date of 1908).

The amount of water to which this right is entitled is limited to an  
amount actually beneficially used, and shall not exceed 0.59 CUBIC  
FOOT PER SECOND FOR TRACT 1 and 0.04 CUBIC FOOT PER SECOND 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.

A description of the place of use to which this right is appurtenant  
is as follows:

	<u>TRACT 1</u>	<u>TRACT 2</u>
SW $\frac{1}{4}$ SW $\frac{1}{4}$	9.5 ACRES	
	SECTION 36	
TOWNSHIP 39 SOUTH, RANGE 8 WEST, W.M.		
NE $\frac{1}{4}$ NW $\frac{1}{4}$		1.7 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	20.0 ACRES	1.5 ACRES
	SECTION 1	
TOWNSHIP 40 SOUTH, RANGE 8 WEST, W.M.		

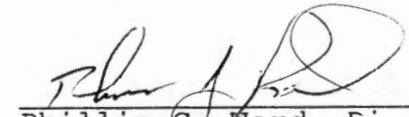
This certificate describes that portion of the water right confirmed

by Certificate 79836, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 16 2005, approving Transfer Application 8175.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director,  
affixed MARCH 16, 2005.

  
\_\_\_\_\_  
Phillip C. Ward, Director

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING CHANGE
T-8175, Josephine County	)	IN POINT OF DIVERSION AND
	)	PLACE OF USE

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**

Bob Kerivan / Bridgeview Vineyards Winery  
4210 Hollad Loop Road  
Cave Junction, OR 97523

**Findings of Fact**

1. Bob Kerivan / Bridgeview Vineyards Winery filed an application to transfer the point of diversion and place of use under Certificate 7148. The Department assigned the application number T-8175.
2. Certificate 7148 was subsequently canceled as a result of transfers 9071 and 9072. A remaining right, Certificate 79836, was issued January 2, 2003 which supercedes Certificate 7148.
3. The portion of the right to be transferred is as follows:

**Certificate:** 79836 in the name of H. B. REED (SUCCESSOR IN INTEREST TO SAMUEL MILLER AND HATTIE MILLER)  
**Use:** IRRIGATION  
**Priority Date:** 1872 FOR TRACT 1 AND 1908 FOR TRACT 2  
**Quantity:** 1.11 CFS FOR TRACT 1 AND 0.15 CFS FOR TRACT 2  
**Rate/Duty:** 1/50 cfs per acre TRACT 1 AND 1/80 cfs per acre TRACT 2  
**Acres:** 55.5 ACRES TRACT 1 AND 12.3 ACRES TRACT 2  
**Source:** SUCKER CREEK tributary to EAST FORK ILLINOIS RIVER

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 137-004-0080 you may either 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.

**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:**

Township		Range		Meridian	Sec	¼ ¼		Tract	Acres
39	S	8	W	W.M.	36	SW	SW	1	15.5
39	S	8	W	W.M.	36	SE	SW	1	26.0
39	S	8	W	W.M.	36	SW	SE	2	2.0
40	S	8	W	W.M.	1	NE	NW	1	7.0
40	S	8	W	W.M.	1	NE	NW	2	10.3
40	S	8	W	W.M.	1	NW	NW	1	7.0

4. Application T-8175 proposes to move the authorized point of diversion approximately 1/2 mile downstream in the source to:

Township		Range		Meridian	Sec	¼ ¼		POD #	Survey Coordinates
39	S	8	W	W.M.	36	SE	SW	POD 1	1211 ft. N. & 23 ft. W. from SE cor. of SE ¼ SW ¼ Sec. 36, T39S, 8W, W.M
39	S	8	W	W.M.	36	SE	SW	POD 2	1201 ft. N. & 21 ft. W. from SE cor. of SE ¼ SW ¼ Sec 36, T39S, R8W, W.M.

5. Application T-8175 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼		Priority Date	Acres
39	S	8	W	W.M.	36	SW	SW	1872	10.0
39	S	8	W	W.M.	36	SE	SW	1872	19.2
39	S	8	W	W.M.	36	SW	SE	1872	14.4
39	S	8	W	W.M.	36	SW	SE	1908	4.9
40	S	8	W	W.M.	1	NE	NW	1872	5.9
40	S	8	W	W.M.	1	NE	NW	1908	7.4
40	S	8	W	W.M.	1	NW	NW	1872	6.0

6. The applicant did not apply to transfer the supplemental portion of the right. The applicant was notified in the draft Preliminary Determination that the supplemental portion of the right would be cancelled pursuant to ORS 540.510(1) if not included in the transfer. The applicant chose not to include the supplemental portion of the right and it will be cancelled.
7. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon

Department of Fish and Wildlife did request inclusion of a condition requiring installation of proper fish screens.

8. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.

### **Conclusions of Law**

The proposed changes in point of diversion and place of use in application T-8175 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

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

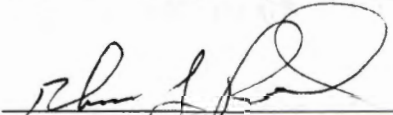
1. The changes in point of diversion and place of use proposed in application T-8175 are approved.
2. Water right certificate 79836 is cancelled. A new certificate will be issued describing that portion of the right not involved in this transfer.
3. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 79836 and any related decree.
4. The proposed change shall be completed on or before October 1, 2006.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
6. The right under Certificate 79836, which is supplemental to that portion of Certificate 79836, described in the Findings of fact, item 3, is canceled.
7. The quantity of water diverted shall not exceed the quantity of water lawfully available at the original point of diversion.
8. The former place of use shall no longer be irrigated as part of this water right.
9. Prior to diverting water from the new point of diversion, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring

device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

10. The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife. The water user may participate in the Department of Fish and Wildlife's cost-sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.
11. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

If approved, the change and subsequent use of water shall be subject to the following conditions:

Dated at Salem, Oregon this 16<sup>th</sup> day of March, 2005.

  
Phillip C. Ward  
Director

Mailing date: MAR 18 2005

A description of the place of use to which this right is appurtenant is as follows:

	<u>TRACT 1</u>	<u>TRACT 2</u>
SW $\frac{1}{4}$ SW $\frac{1}{4}$	25.00 ACRES	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	26.00 ACRES	
SW $\frac{1}{4}$ SE $\frac{1}{4}$		2.00 ACRES
	SECTION 36	

TOWNSHIP 39 SOUTH, RANGE 8 WEST, W.M.		
NE $\frac{1}{4}$ NW $\frac{1}{4}$	7.00 ACRES	12.00 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	27.00 ACRES	1.50 ACRES
	SECTION 1	

TOWNSHIP 40 SOUTH, RANGE 8 WEST, W.M.

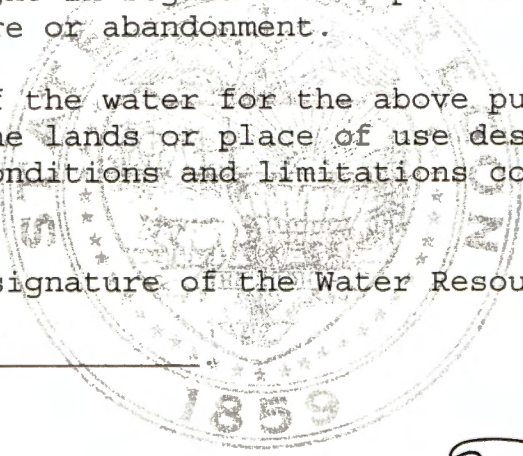
I      R.R.  
 15.5/  
 26.0/  
 0/2.0  
 9.5 (1872)  
 0  
 0  
 7.0/10.3    1/1.7 (1908)  
 7.0/P      20/1.5  
 1872 1908  
 55.5/R.3  
 1.11 / 0.15

This certificate describes that portion of the water right confirmed by Certificate 7148, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered \_\_\_\_\_, approving Transfer Applications 9071 AND 9072.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed JAN 0 2 2003



*[Signature]*  
Paul R. Cleary, Director

*Trumble*

Recorded in State Record of Water Right Certificates numbered 79836.



*Supersedes  
Certificate 1*

STATE OF OREGON  
COUNTY OF JOSEPHINE  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

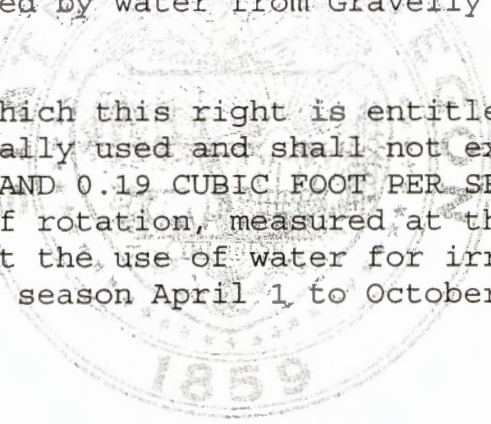
H. B. REED (SUCCESSOR IN INTEREST TO SAMUEL MILLER AND HATTIE MILLER)  
KERBY, OREGON 97531

confirms the right to use the waters of **SUCKER CREEK**, a tributary of  
EAST FORK ILLINOIS RIVER, for IRRIGATION OF 100.5 ACRES, BEING  
85.0 ACRES FOR TRACT 1 AND 15.5 ACRES FOR TRACT 2.

This right was confirmed by decree of the Circuit Court of the State  
of Oregon for JOSEPHINE County. The decree is of record at Salem, in  
the Order Record of the WATER RESOURCES DIRECTOR, in Volumes 1 AND 5,  
at Pages 253 AND 398. The date of priority is 1872 FOR TRACT 1 (Note:  
this right is supplemented by water from Gravelly Slough under a  
priority date of 1903 and from springs in SE $\frac{1}{4}$  of Section 36, T 39 S,  
R 8 W, W.M. under a priority date of 1878) AND 1908 FOR TRACT 2 (Note:  
this right is supplemented by water from Gravelly Slough under a  
priority date of 1908).

The amount of water to which this right is entitled is limited to an  
amount actually beneficially used and shall not exceed 1.7 CUBIC FEET  
PER SECOND FOR TRACT 1, AND 0.19 CUBIC FOOT PER SECOND 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.

*-0.02*



STATE OF OREGON  
COUNTY OF JOSEPHINE  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

H. B. REED (SUCCESSOR IN INTEREST TO SAMUEL MILLER AND HATTIE MILLER)  
KERBY, OREGON 97531

confirms the right to use the waters of SUCKER CREEK, a tributary of EAST FORK ILLINOIS RIVER, for IRRIGATION of ~~32.7~~ <sup>Should be 46.7 ac</sup> acres, BEING 29.5 ACRES FOR TRACT 1 AND ~~3.2~~ <sup>OK</sup> ACRES FOR TRACT 2.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JOSEPHINE County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volumes 1 AND 5, at Pages 253 AND 398. The date of priority is 1872 FOR TRACT 1 (Note: This right is supplemented by water from Gravelly Slough under a priority date of 1903 and from springs in SE $\frac{1}{4}$  of Section 36, T 39S, R 8 W, W.M. under a priority date of 1878) AND 1908 FOR TRACT 2 (Note: this right is supplemented by water from Gravelly Slough under a priority date of 1908).

OK The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.59 CUBIC FOOT PER SECOND FOR TRACT 1 and 0.04 CUBIC FOOT PER SECOND 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.

A description of the place of use to which this right is appurtenant is as follows:

	<u>TRACT 1</u>	<u>TRACT 2</u>
SW $\frac{1}{4}$ SW $\frac{1}{4}$	9.5 ACRES	
	SECTION 36	
TOWNSHIP 39 SOUTH, RANGE 8 WEST, W.M.		
NE $\frac{1}{4}$ NW $\frac{1}{4}$		1.7 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	20.0 ACRES	<del>X</del> 5.5 ACRES
	SECTION 1	<del>OK</del>
TOWNSHIP 40 SOUTH, RANGE 8 WEST, W.M.		

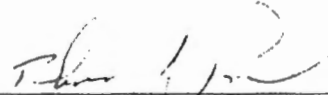
This certificate describes that portion of the water right confirmed

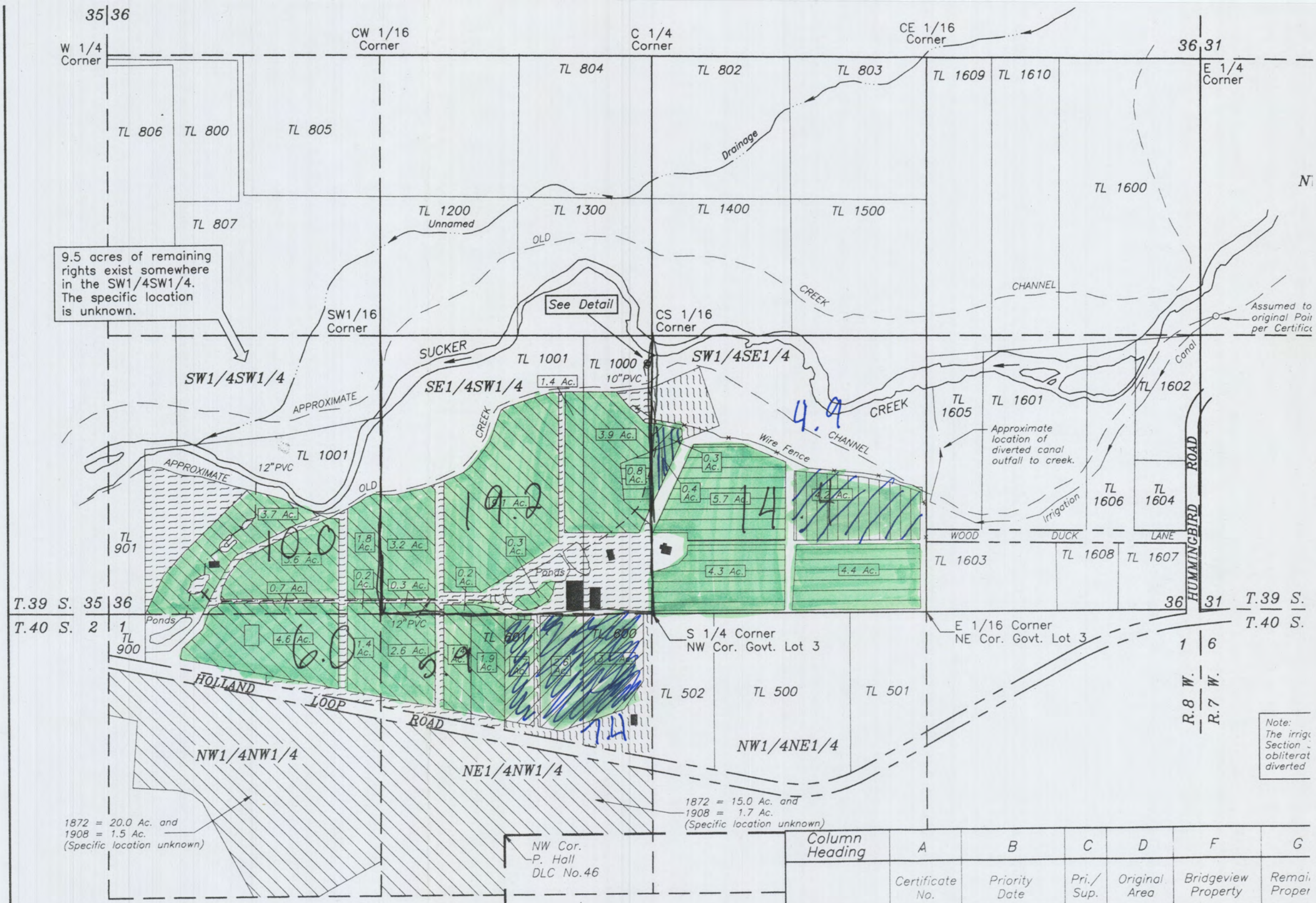
by Certificate 79836, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 16 2005, approving Transfer Application 8175.

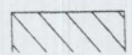

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director,  
affixed MARCH 16, 2005.

  
\_\_\_\_\_  
Phillip C. Ward, Director



**LEGEND:**  
 Existing Place of Use (100.0 Acres)  
 Certificate No. 714R (Priority Date = 1872)  
 Existing Building (Approximate location)

Column Heading	A	B	C	D	F	G
	Certificate No.	Priority Date	Pri./ Sup.	Original Area	Bridgeview Property	Remai. Proper
Section 36 T.39 S., R.8 W.						

Note:  
The irrig.  
Section -  
obliterated  
diverted

COPY

T-8175

RECEIVED

JAN 22 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

State of Oregon  
WATER RESOURCES DEPARTMENT  
APPLICATION FOR TRANSFER OF WATER RIGHT

Applicant: BOB KERIVAN / Bridgeview Vineyards Winery  
Mailing Address: 4210 Holland Loop Road  
Cave Junction Oregon 97523 541-592-4688  
City or town State Zip Phone  
Type of change: Point of Diversion and Place of Use  
(In point of diversion: place of use; use heretofore made of the water)

RECEIVED

1. WATER RIGHT

- A) Is the water right in your name? No If not, list name below:  
(Yes, No) H.B. Reed
- B) Was the water right determined by a court decree? Yes  
(Yes, No)
  - 1. If yes, list the title of the proceedings: Illinois River Decree
  - 2. Certificate No: 7148
- C) Was the water right acquired by a water permit? No  
(Yes, No)
  - 1. If yes, list the Permit No: \_\_\_\_\_
  - 2. Certificate No: \_\_\_\_\_
- D) Date of priority right: 1872 & 1908, 19\_\_\_\_
- E) What are your reasons for the proposed changes? Change the point of diversion and place of use as shown on accompanying map.
- F) The water will be completely applied to the proposed use on or before: March 31, 1999

JAN 29 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

2. LOCATION OF AUTHORIZED USE

A) What is the source of water (river, stream, well)? Sucker Creek

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
1420' N & 75' E from SW Cor of Sec. 31	NWSW	31	T39S	R7W

- C) What is the name of the ditch used? Trumble (Babcock & Gibbs)
- D) What is the use to which the water is applied? Irrigation

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
39 S	8 W	36	SWSW	15.5 (1872)
39 S	8 W	36	SESW	26.0 (1872)
39 S	8 W	36	SWSE	2.0 (1908)
40 S	8 W	1	NENW	7.0 (1872) 10.3 (1908)
40 S	8 W	1	NWNW	7.0 (1872)

- F) Is the land within an irrigation district? Yes \_\_\_ No X  
If Yes, which district? \_\_\_\_\_
- G) County Josephine

3. LOCATION OF PROPOSED USE:

NOTE: Answer question A only if the application is for a change in the point of diversion.

A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
23' W & 121' N of SW4 Cor of Sec. 36	SESW	36	T39S	R8W
21' W & 120' N of SW4 Cor of Sec. 36	SESW	36	T39S	R8W

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? No  
(Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount
1 <sup>st</sup> T. Deed	Home Valley Bank	277,000.00

D) What is the use to which the water will be applied? Irrigation

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
39 S	8 W	36	SWSW	10.0 (1872)
39 S	8 W	36	SESW	19.2 (1872)
39 S	8 W	36	SWSE	14.4 (1872) 4.9 (1908)
40 S	8 W	1	NENW	5.9 (1872) 7.4 (1908)
40 S	8 W	1	NWNW	6.0 (1872)

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

Rene Eichmann, 6220 Caves Hwy, Cave Junction, OR 97523

6. REMARKS: Rene Eichmann is Robert Kerivan's step son.

I (we) Bridgeron Vineyards, Inc. / Robert Kerivan, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 15<sup>th</sup> day of December, 1998.

[Signature]  
(Signature)

[Signature]  
(Signature)

Subscribed and sworn to before me

[Signature]  
Notary Public for Oregon

(Notarial Seal)



My commission expires: Aug. 25 2000

S1/2 Sec. 36, T.39 S.,R.8 W.,W.M.  
 N1/2NW1/4 Sec. 1, T.40 S.,R.8 W.,W.M.

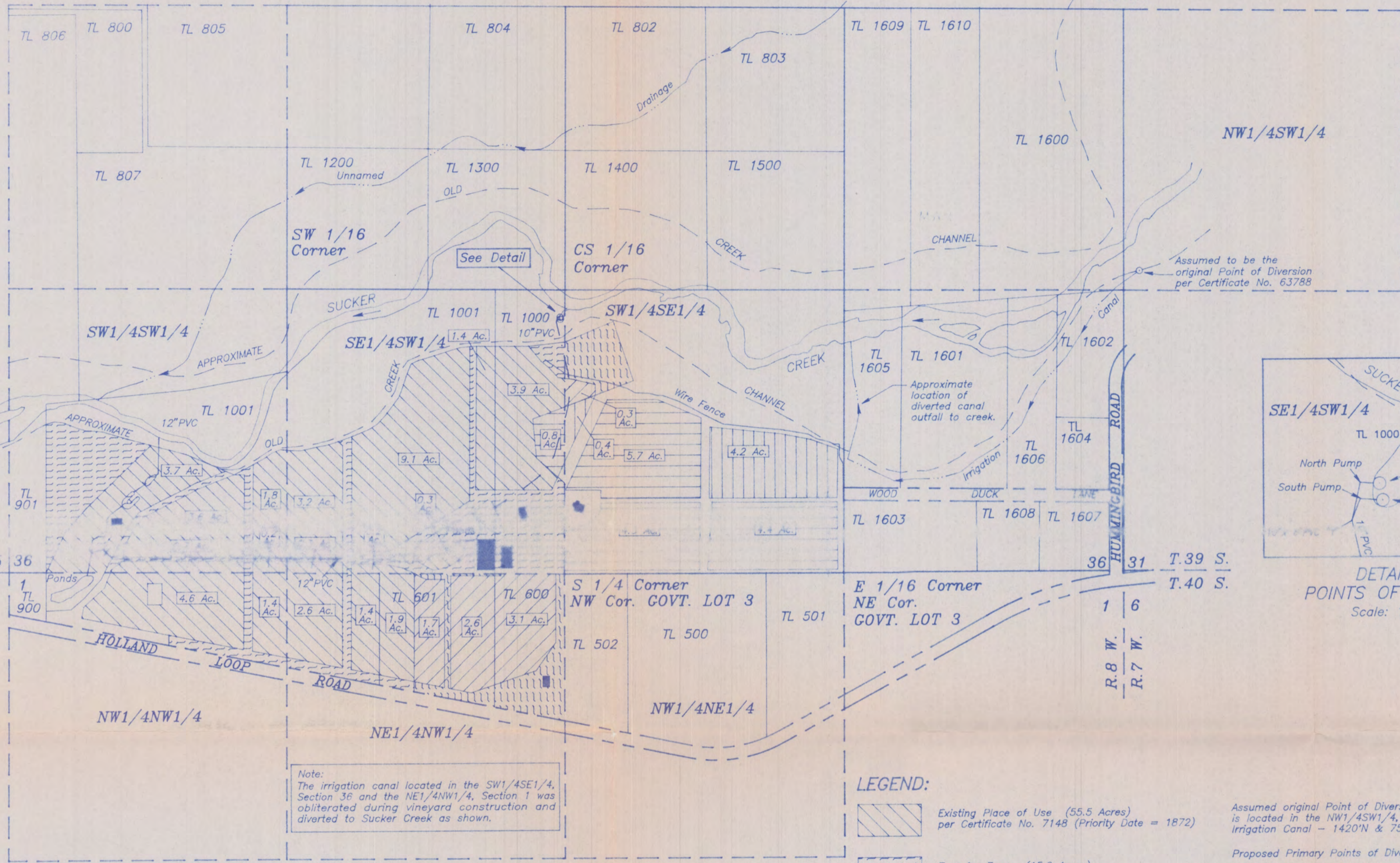
W 1/4  
Corner

CW 1/16  
Corner

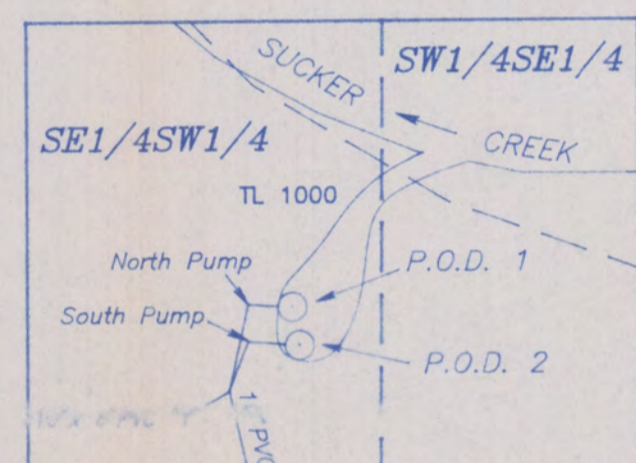
C 1/4  
Corner

CE 1/16  
Corner

E 1/4  
Corner



SCALE:  
1" = 400'



DETAIL OF  
POINTS OF DIVERSION  
Scale: 1" = 50'

T.39 S. 35 36  
T.40 S. 2 1  
36 31  
T.39 S.  
T.40 S.  
1 6  
R.8 W.  
R.7 W.

Note:  
The irrigation canal located in the SW1/4SE1/4, Section 36 and the NE1/4NW1/4, Section 1 was obliterated during vineyard construction and diverted to Sucker Creek as shown.

LEGEND:

- Existing Place of Use (55.5 Acres) per Certificate No. 7148 (Priority Date = 1872)
- Transfer From (15.2 Acres) per Certificate No. 7148 (Priority Date = 1872)
- Transfer To (15.2 Acres) per Certificate No. 7148 (Priority Date = 1872)
- Existing Place of Use (12.3 Acres) per Certificate No. 7148 (Priority Date = 1908)
- Transfer From (4.6 Acres) per Certificate No. 7148 (Priority Date = 1908)
- Transfer To (4.6 Acres) per Certificate No. 7148 (Priority Date = 1908)
- Existing Building (Approximate location)
- Existing Underground Pipeline (sizes as shown) (Approximate location)

Assumed original Point of Diversion per Certificate No. 63788 is located in the NW1/4SW1/4, Sec. 31, T.39S.,R.7W.,W.M.; Irrigation Canal - 1420'N & 75'E from SW cor., Sec. 31

Proposed Primary Points of Diversion per this Application  
 P.O.D. 1 23'W & 1211'N from SE cor. of SE1/4SW1/4 Sec. 36, being within SE1/4SW1/4, Sec. 36, T.39S.,R.8W.,W.M.  
 P.O.D. 2 21'W & 1201'N from SE cor. of SE1/4SW1/4 Sec. 36, being within SE1/4SW1/4, Sec. 36, T.39S.,R.8W.,W.M.

This plot was prepared for the purpose of identifying the location of the water right only. There is no intent to provide dimensions or locations of property ownership lines.

Quarter Section	Existing 1872 Acres	Existing 1908 Acres	1872 Transfer From	1908 Transfer From	1872 Transfer To	1908 Transfer To	Proposed 1872 Acres	Proposed 1908 Acres
SWSW - Sec. 36	15.5	-	5.5	-	-	-	10.0	-
SESW - Sec. 36	26.0	-	7.6	-	0.8	-	19.2	-
SWSE - Sec. 36	-	2.0	-	1.7	14.4	4.6	14.4	4.9
NENW - Sec. 1	7.0	10.3	-	1.7	14.4	4.6	14.4	4.9
NWNW - Sec. 1	7.0	-	-	2.9	-	-	5.9	7.4
			1.1	2.9	-	-	6.0	-
	55.5	12.3	1.0	-	-	-	10.7	-

WATER RIGHT APPLICATION  
AND TRANSFER MAP

SURVEYED BY:  
WICKS ENGINEERING & SURVEYING  
311 N.E. "D" Street  
Grants Pass, Oregon 97526  
Tel. (541) 479-3436

LOCATED IN  
S1/2 Sec. 36, T.39 S.,R.8 W.,W.M. &  
N1/2NW1/4 Sec. 1, T.40 S.,R.8 W.,W.M.  
Josephine County, Oregon

SURVEYED FOR:  
BRIDGEVIEW VINEYARDS WINERY  
4210 Holland Loop Road  
Cave Junction, OR. 97523  
Tel. (541) 592-4688



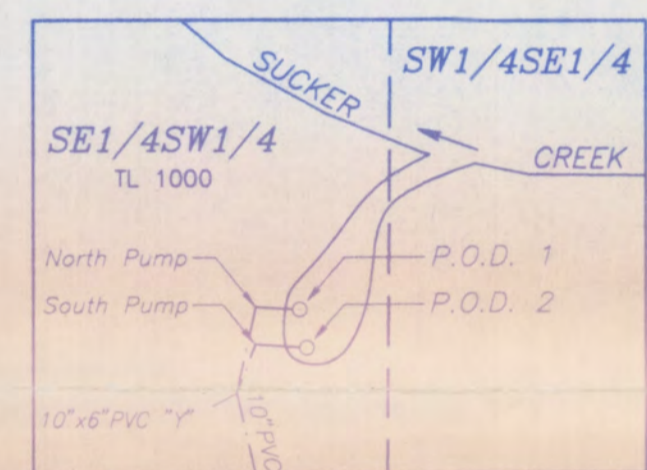
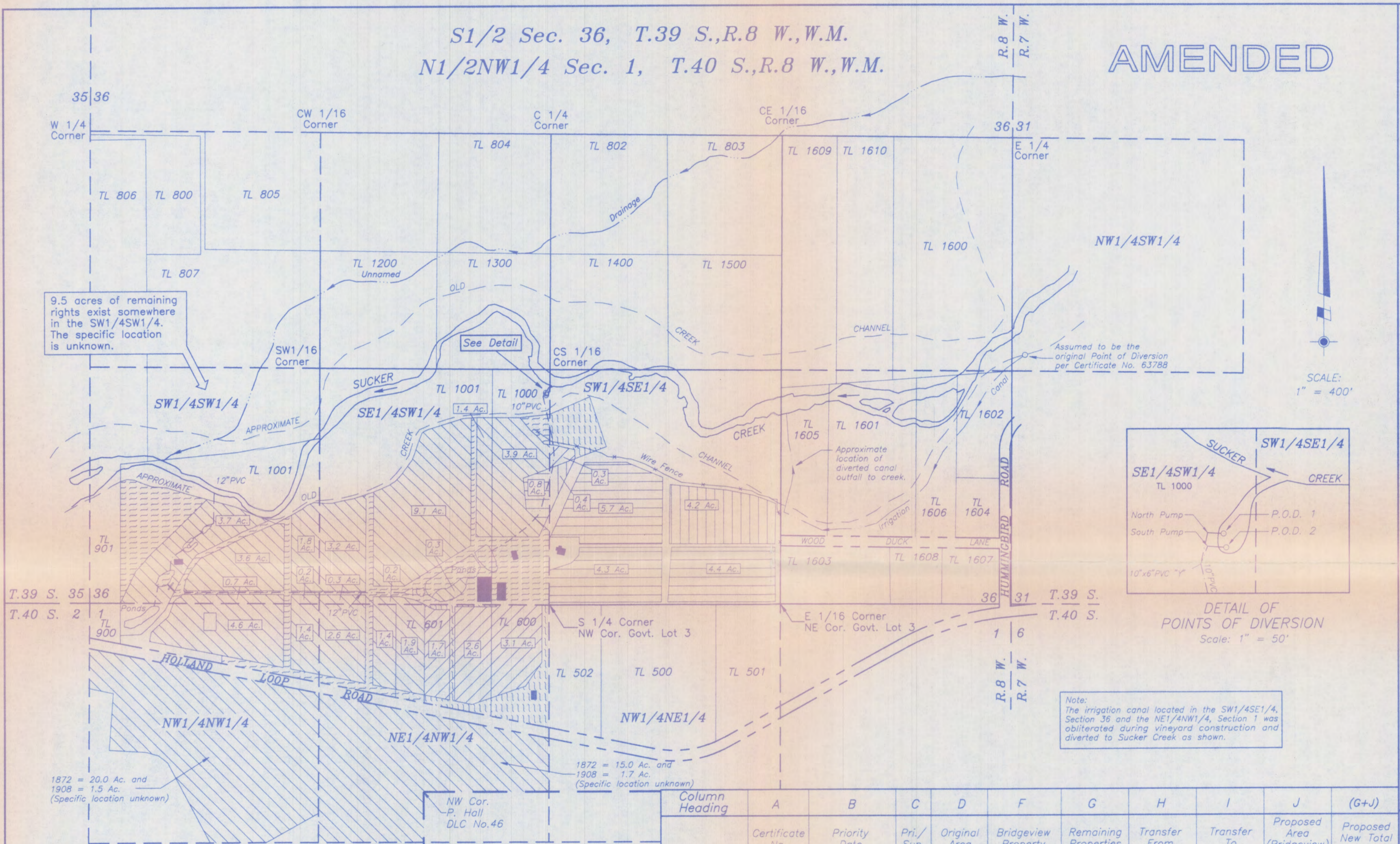
RECEIVED  
JAN 24 1999  
WATER RESOURCES DEPT.  
SALEM, OREGON

RECEIVED  
JAN 28 1999  
WATER RESOURCES DEPT.  
SALEM, OREGON

PROJECT NO. 566-98-383  
DRAWING NO. (KERVAN.DWG) 301-18.24 DW  
DATE Nov. 11, 1998  
SCALE 1" = 400'  
SHEET NO. 1 of 1

S1/2 Sec. 36, T.39 S., R.8 W., W.M.  
 N1/2NW1/4 Sec. 1, T.40 S., R.8 W., W.M.

AMENDED



Note:  
 The irrigation canal located in the SW1/4SE1/4, Section 36 and the NE1/4NW1/4, Section 1 was obliterated during vineyard construction and diverted to Sucker Creek as shown.

LEGEND:

- Existing Place of Use (100.0 Acres) per Certificate No. 7148 (Priority Date = 1872)
  - Transfer From (15.2 Acres) per Certificate No. 7148 (Priority Date = 1872)
  - Transfer To (15.2 Acres) per Certificate No. 7148 (Priority Date = 1872)
  - Existing Place of Use (15.5 Acres) per Certificate No. 7148 (Priority Date = 1908)
  - Transfer From (4.6 Acres) per Certificate No. 7148 (Priority Date = 1908)
  - Transfer To (4.6 Acres) per Certificate No. 7148 (Priority Date = 1908)
  - Existing Building (Approximate location)
  - Existing Underground Pipeline (sizes as shown) (Approximate location)
- Assumed original Point of Diversion per Certificate No. 63788 is located in the NW1/4SW1/4, Sec. 31, T.39S., R.7W., W.M.; Irrigation Canal - 1420'N & 75'E from SW cor., Sec. 31
- Proposed Primary Points of Diversion per this Application
- P.O.D. 1 23'W & 1211'N from SE cor. of SE1/4SW1/4 Sec. 36, being within SE1/4SW1/4, Sec. 36, T.39S., R.8W., W.M.
- P.O.D. 2 21'W & 1201'N from SE cor. of SE1/4SW1/4 Sec. 36, being within SE1/4SW1/4, Sec. 36, T.39S., R.8W., W.M.
- This plat was prepared for the purpose of identifying the location of the water right only. There is no intent to provide dimensions or locations of property ownership lines.

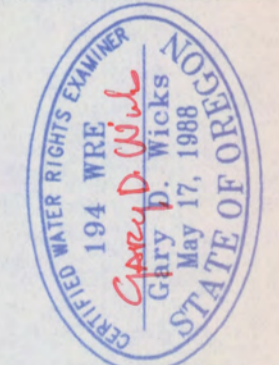
Column Heading	A	B	C	D	F	G	H	I	J	(G+J)
Certificate No.	Priority Date	Pri./Sup.	Original Area	Bridgeview Property	Remaining Properties	Transfer From	Transfer To	Transfer To	Proposed Area (Bridgeview)	Proposed New Total
<b>Section 36</b>										
T.39 S., R.8 W.										
SW1/4SW1/4	7148	1872	P	25.0 Ac.	15.5 Ac.	9.5 Ac.	5.5 Ac.		10.0 Ac.	19.5 Ac.
SE1/4SW1/4	7148	1872	P	26.0 Ac.	26.0 Ac.		7.6 Ac.	0.8 Ac.	19.2 Ac.	19.2 Ac.
SW1/4SE1/4	7148	1872	P					14.4 Ac.	14.4 Ac.	14.4 Ac.
		1908	P	2.0 Ac.	2.0 Ac.		1.7 Ac.	4.6 Ac.	4.9 Ac.	4.9 Ac.
<b>Section 1</b>										
T.40 S., R.8 W.										
NE1/4NW1/4	7148	1872	P	22.0 Ac.	7.0 Ac.	15.0 Ac.	1.1 Ac.		5.9 Ac.	20.9 Ac.
	7148	1908	P	12.0 Ac.	10.3 Ac.	1.7 Ac.	2.9 Ac.		7.4 Ac.	9.1 Ac.
NW1/4NW1/4	7148	1872	P	27.0 Ac.	7.0 Ac.	20.0 Ac.	1.0 Ac.		6.0 Ac.	26.0 Ac.
	7148	1908	P	1.5 Ac.		1.5 Ac.				1.5 Ac.
<b>TOTALS:</b>		1872	P	100.0 Ac.	55.5 Ac.	44.5 Ac.	15.2 Ac.	15.2 Ac.	55.5 Ac.	100.0 Ac.
		1908	P	15.5 Ac.	12.3 Ac.	3.2 Ac.	4.6 Ac.	4.6 Ac.	12.3 Ac.	15.5 Ac.

WATER RIGHT APPLICATION AND TRANSFER MAP

SURVEYED BY:  
 WICKS ENGINEERING & SURVEYING  
 311 N.E. "D" Street  
 Grants Pass, Oregon 97526  
 Tel. (541) 479-3436

LOCATED IN:  
 S1/2 Sec. 36, T.39 S., R.8 W., W.M. &  
 N1/2NW1/4 Sec. 1, T.40 S., R.8 W., W.M.  
 Josephine County, Oregon

SURVEYED FOR:  
 BRIDGEVIEW VINEYARDS WINERY  
 4210 Holland Loop Road  
 Cave Junction, OR 97523  
 Tel. (541) 592-4688

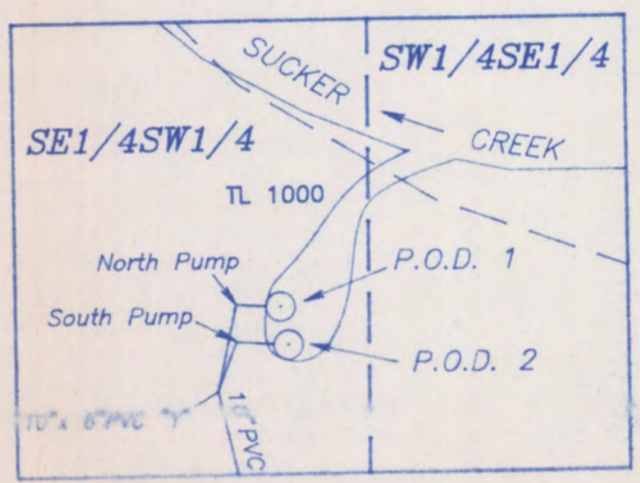
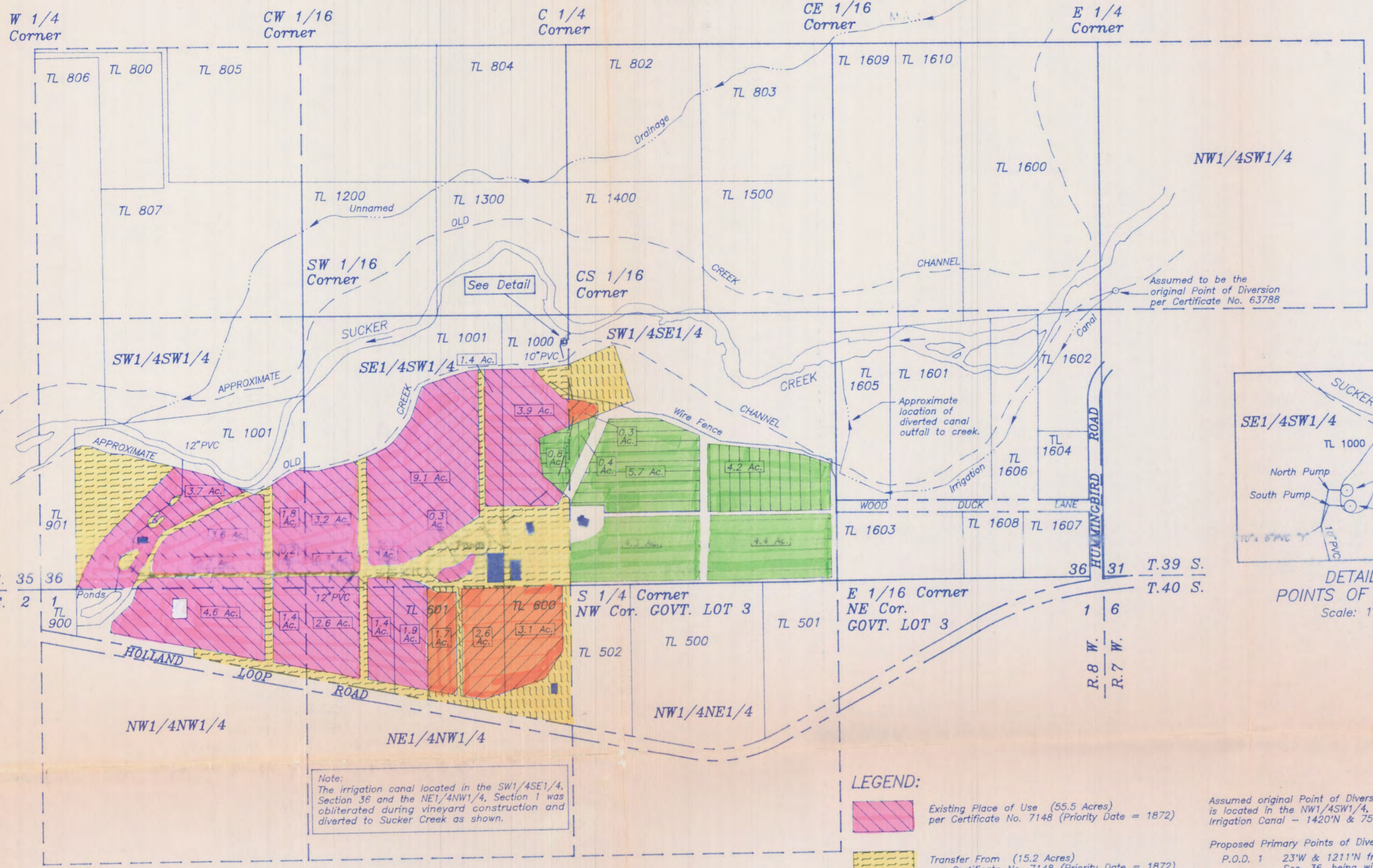


PROJECT NO. 566-98-383  
 DRAWING NO. (KERVAN.DWG) 301-18.24  
 DATE Nov. 11, 1998  
 Revision No. 4 = 10-11-04  
 SCALE 1" = 400'  
 SHEET NO. 1 of 1

Renewal Date: 6-30-04



S1/2 Sec. 36, T.39 S.,R.8 W.,W.M.  
 N1/2NW1/4 Sec. 1, T.40 S.,R.8 W.,W.M.



SCALE: 1" = 400'

DETAIL OF POINTS OF DIVERSION  
 Scale: 1" = 50'

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 JAN 28 1999  
 WATER RESOURCES DEPT.  
 SALEM, OREGON

T.39 S. 35 36  
 T.40 S. 2 1  
 R.8 W. 6  
 R.7 W. 6

Note:  
 The irrigation canal located in the SW1/4SE1/4, Section 36 and the NE1/4NW1/4, Section 1 was obliterated during vineyard construction and diverted to Sucker Creek as shown.

- LEGEND:**
- Existing Place of Use (55.5 Acres) per Certificate No. 7148 (Priority Date = 1872)
  - Transfer From (15.2 Acres) per Certificate No. 7148 (Priority Date = 1872)
  - Transfer To (15.2 Acres) per Certificate No. 7148 (Priority Date = 1872)
  - Existing Place of Use (12.3 Acres) per Certificate No. 7148 (Priority Date = 1908)
  - Transfer From (4.6 Acres) per Certificate No. 7148 (Priority Date = 1908)
  - Transfer To (4.6 Acres) per Certificate No. 7148 (Priority Date = 1908)
  - Existing Building (Approximate location)
  - Existing Underground Pipeline (sizes as shown) (Approximate location)

Assumed original Point of Diversion per Certificate No. 63788 is located in the NW1/4SW1/4, Sec. 31, T.39S.,R.7W.,W.M.; Irrigation Canal - 1420'N & 75'E from SW cor., Sec. 31

Proposed Primary Points of Diversion per this Application

P.O.D. 1 23'W & 1211'N from SE cor. of SE1/4SW1/4 Sec. 36, being within SE1/4SW1/4, Sec. 36, T.39S.,R.8W.,W.M.

P.O.D. 2 21'W & 1201'N from SE cor. of SE1/4SW1/4 Sec. 36, being within SE1/4SW1/4, Sec. 36, T.39S.,R.8W.,W.M.

This plat was prepared for the purpose of identifying the location of the water right only. There is no intent to provide dimensions or locations of property ownership lines.

Quarter Section	Existing 1872 Acres	Existing 1908 Acres	1872 Transfer From	1908 Transfer From	1872 Transfer To	1908 Transfer To	Proposed 1872 Acres	Proposed 1908 Acres
SWSW - Sec. 36	15.5	-	5.5	-	-	-	10.0	-
SESW - Sec. 36	26.0	-	7.6	-	0.8	-	19.2	-
SWSE - Sec. 36	-	2.0	-	1.7	14.4	4.6	14.4	4.9
NENW - Sec. 1	7.0	10.3	1.1	2.9	-	-	5.9	7.4
NWNW - Sec. 1	7.0	-	1.0	-	-	-	6.0	-
<b>TOTAL</b>	<b>55.5</b>	<b>12.3</b>	<b>15.2</b>	<b>4.6</b>	<b>15.2</b>	<b>4.6</b>	<b>55.5</b>	<b>12.3</b>

**WATER RIGHT APPLICATION AND TRANSFER MAP**

SURVEYED BY: WICKS ENGINEERING & SURVEYING  
 311 N.E. "D" Street  
 Grants Pass, Oregon 97526  
 Tel. (541) 479-3436

LOCATED IN S1/2 Sec. 36, T.39 S.,R.8 W.,W.M. & N1/2NW1/4 Sec. 1, T.40 S.,R.8 W.,W.M. Josephine County, Oregon

SURVEYED FOR: BRIDGEVIEW VINEYARDS WINERY  
 4210 Holland Loop Road  
 Cave Junction, OR. 97523  
 Tel. (541) 592-4688



PROJECT NO. 566-98-383  
 DRAWING NO. (KERNAL/DWG) 301-18.24  
 DATE Nov. 11, 1998  
 SCALE 1" = 400'

SHEET NO. 1 of 1

RECEIVED  
 JAN 2 1999  
 WATER RESOURCES DEPT.  
 SALEM, OREGON

# T-8175

Name BRIDGEVIEW VINEYARDS INC

By \_\_\_\_\_

Address 4210 HOLLAND LOOP ROAD

CAVE JUNCTION OR 97523

541-592-4688

Change in POD/POU

Date filed 1/22/99

Date of hearing \_\_\_\_\_

Place of hearing \_\_\_\_\_

Date of order \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

Date for application of water \_\_\_\_\_

Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

### DESCRIPTION OF WATER RIGHT

Name of stream Sucker Creek

Trib. of FFK Illinois River County of Josephine

Use Irrigation

Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

Date of priority 1872 - 1908

In name of H B Reed

Decree Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_

App. No. \_\_\_\_\_ Per. No. D7148 Cert. No. 7148

Certificate cancelled \_\_\_\_\_

Notation made on record by lnDB

### FEES PAID

Date	Amount	Receipt No.
<u>1-29-99</u>	<u>\$ 100.00</u>	<u>27461</u>
<u>1-29-99</u>	<u>\$ 400.00</u>	<u>27462</u>
<b>TOTAL . . .</b>		
	<b>Cert. Fee</b>	

### FEES REFUNDED

Date	Amount	Check No.

### REMARKS

oID/Gary D. Wicks CWRE#194



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

March 18, 2005

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

Reference: Transfer 8175

Enclosed is a copy of the order approving your water right transfer application.

A time to complete the transfer is given the order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the date you completed the change or within one year of the completion date authorized in the transfer, whichever occurs first.

Sincerely,

*Sarah Henderson*

*for* Doug Parrow  
Natural Resource Specialist

DP:sh

cc: Bruce Sund, Watermaster #14  
Gary Wicks, CWRE  
Norm Daft, Southwest Region

Enclosure

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

In the Matter of Transfer Application                    )     FINAL ORDER APPROVING CHANGE  
T-8175, Josephine County                                )     IN POINT OF DIVERSION AND  
  )     PLACE OF USE

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**

Bob Kerivan / Bridgeview Vineyards Winery  
4210 Holland Loop Road  
Cave Junction, OR 97523

**Findings of Fact**

1. Bob Kerivan / Bridgeview Vineyards Winery filed an application to transfer the point of diversion and place of use under Certificate 7148. The Department assigned the application number T-8175.
2. Certificate 7148 was subsequently canceled as a result of transfers 9071 and 9072. A remaining right, Certificate 79836, was issued January 2, 2003 which supercedes Certificate 7148.
3. The portion of the right to be transferred is as follows:

**Certificate:** 79836 in the name of H. B. REED (SUCCESSOR IN INTEREST TO SAMUEL MILLER AND HATTIE MILLER)  
**Use:** IRRIGATION  
**Priority Date:** 1872 FOR TRACT 1 AND 1908 FOR TRACT 2  
**Quantity:** 1.11 CFS FOR TRACT 1 AND 0.15 CFS FOR TRACT 2  
**Rate/Duty:** 1/50 cfs per acre TRACT 1 AND 1/80 cfs per acre TRACT 2  
**Acres:** 55.5 ACRES TRACT 1 AND 12.3 ACRES TRACT 2  
**Source:** SUCKER CREEK tributary to EAST FORK ILLINOIS RIVER

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 137-004-0080 you may either 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.

**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:**

Township		Range		Meridian	Sec	¼ ¼	Tract	Acres
39	S	8	W	W.M.	36	SW SW	1	15.5
39	S	8	W	W.M.	36	SE SW	1	26.0
39	S	8	W	W.M.	36	SW SE	2	2.0
40	S	8	W	W.M.	1	NE NW	1	7.0
40	S	8	W	W.M.	1	NE NW	2	10.3
40	S	8	W	W.M.	1	NW NW	1	7.0

4. Application T-8175 proposes to move the authorized point of diversion approximately 1/2 mile downstream in the source to:

Township		Range		Meridian	Sec	¼ ¼	POD #	Survey Coordinates
39	S	8	W	W.M.	36	SE SW	POD 1	1211 ft. N. & 23 ft. W. from SE cor. of SE ¼ SW ¼ Sec. 36, T39S, 8W, W.M
39	S	8	W	W.M.	36	SE SW	POD 2	1201 ft. N. & 21 ft. W. from SE cor. of SE ¼ SW ¼ Sec 36, T39S, R8W, W.M.

5. Application T-8175 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Priority Date	Acres
39	S	8	W	W.M.	36	SW SW	1872	10.0
39	S	8	W	W.M.	36	SE SW	1872	19.2
39	S	8	W	W.M.	36	SW SE	1872	14.4
39	S	8	W	W.M.	36	SW SE	1908	4.9
40	S	8	W	W.M.	1	NE NW	1872	5.9
40	S	8	W	W.M.	1	NE NW	1908	7.4
40	S	8	W	W.M.	1	NW NW	1872	6.0

6. The applicant did not apply to transfer the supplemental portion of the right. The applicant was notified in the draft Preliminary Determination that the supplemental portion of the right would be cancelled pursuant to ORS 540.510(1) if not included in the transfer. The applicant chose not to include the supplemental portion of the right and it will be cancelled.
7. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon

Department of Fish and Wildlife did request inclusion of a condition requiring installation of proper fish screens.

8. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.

### **Conclusions of Law**

The proposed changes in point of diversion and place of use in application T-8175 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

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

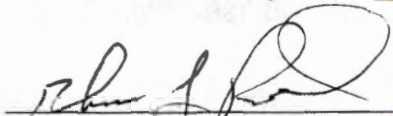
1. The changes in point of diversion and place of use proposed in application T-8175 are approved.
2. Water right certificate 79836 is cancelled. A new certificate will be issued describing that portion of the right not involved in this transfer.
3. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 79836 and any related decree.
4. The proposed change shall be completed on or before October 1, 2006.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
6. The right under Certificate 79836, which is supplemental to that portion of Certificate 79836, described in the Findings of fact, item 3, is canceled.
7. The quantity of water diverted shall not exceed the quantity of water lawfully available at the original point of diversion.
8. The former place of use shall no longer be irrigated as part of this water right.
9. Prior to diverting water from the new point of diversion, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring

device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

10. The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife. The water user may participate in the Department of Fish and Wildlife's cost-sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.
11. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

If approved, the change and subsequent use of water shall be subject to the following conditions:

Dated at Salem, Oregon this 16<sup>th</sup> day of March, 2005.

  
\_\_\_\_\_  
Phillip C. Ward  
Director

Mailing date: MAR 18 2005

STATE OF OREGON  
COUNTY OF JOSEPHINE  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

H. B. REED (SUCCESSOR IN INTEREST TO SAMUEL MILLER AND HATTIE MILLER)  
KERBY, OREGON 97531

confirms the right to use the waters of SUCKER CREEK, a tributary of EAST FORK ILLILNOIS RIVER, for IRRIGATION of 32.7 acres, BEING 29.5 ACRES FOR TRACT 1 AND 3.2 ACRES FOR TRACT 2.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JOSEPHINE County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volumes 1 AND 5, at Pages 253 AND 398. The date of priority is 1872 FOR TRACT 1 (Note: This right is supplemented by water from Gravelly Slough under a priority date of 1903 and from springs in SE¼ of Section 36, T 39S, R 8 W, W.M. under a priority date of 1878) AND 1908 FOR TRACT 2 (Note: this right is supplemented by water from Gravelly Slough under a priority date of 1908).

The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.59 CUBIC FOOT PER SECOND FOR TRACT 1 and 0.04 CUBIC FOOT PER SECOND 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.

A description of the place of use to which this right is appurtenant is as follows:

	<u>TRACT 1</u>	<u>TRACT 2</u>
SW¼ SW¼	9.5 ACRES SECTION 36	
TOWNSHIP 39 SOUTH, RANGE 8 WEST, W.M.		
NE¼ NW¼		1.7 ACRES
NW¼ NW¼	20.0 ACRES SECTION 1	1.5 ACRES
TOWNSHIP 40 SOUTH, RANGE 8 WEST, W.M.		

This certificate describes that portion of the water right confirmed

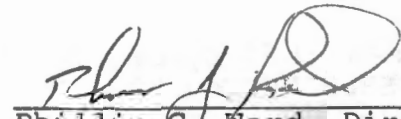


by Certificate 79836, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 16 2005, approving Transfer Application 8175.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director,  
affixed MARCH 16, 2005.

  
\_\_\_\_\_  
Phillip C. Ward, Director



STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
INTEROFFICE MEMO

Date: November 23, 2004

TO: Doug Parrow  
FROM: Norman E. Daft, Field Water Rights Technician  
SUBJECT: Transfer 8175

*Norm*

Attached is the file for transfer 8175. I have placed the contents of the electronic folder in the FTP site.

There is one copy of an amended CWRE map signed in red ink by Gary Wicks, CWRE.

Bob Kerivan verbally approved of the dpd via phone on 11-22-04.

Let me know if you have questions.

*and acknowledged that the supp would be cancelled.*

*OK  
dp  
12-06-04*

*FO  
OK  
dp  
3-16-05*

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NOV 26 2004  
WATER RESOURCES DEPT  
SALEM, OREGON

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

In the Matter of Transfer Application            )     PRELIMINARY DETERMINATION  
T-8175, Josephine County                    )       
  )

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**

Bob Kerivan / Bridgeview Vineyards Winery  
4210 Holland Loop Road  
Cave Junction, OR 97523

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**Use:** IRRIGATION  
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**Quantity:** 1.11 CFS FOR TRACT 1 AND 0.15 CFS FOR TRACT 2  
**Rate/Duty:** 1/50 cfs per acre TRACT 1 AND 1/80 cfs per acre TRACT 2  
**Acres:** 55.5 ACRES TRACT 1 AND 12.3 ACRES TRACT 2  
**Source:** SUCKER CREEK tributary to EAST FORK ILLINOIS RIVER

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this transfer application and preliminary determination.

**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:**

Township		Range		Meridian	Sec	¼ ¼		Tract	Acres
39	S	8	W	W.M.	36	SW	SW	1	15.5
39	S	8	W	W.M.	36	SE	SW	1	26.0
39	S	8	W	W.M.	36	SW	SE	2	2.0
40	S	8	W	W.M.	1	NE	NW	1	7.0
40	S	8	W	W.M.	1	NE	NW	2	10.3
40	S	8	W	W.M.	1	NW	NW	1	7.0

4. Application T-8175 proposes to move the authorized point of diversion approximately 1/2 mile downstream in the source to:

Township		Range		Meridian	Sec	¼ ¼		POD #	Survey Coordinates
39	S	8	W	W.M.	36	SE	SW	POD 1	1211 ft. N. & 23 ft. W. from SE cor. of SE ¼ SW ¼ Sec. 36, T39S, 8W, W.M
39	S	8	W	W.M.	36	SE	SW	POD 2	1201 ft. N. & 21 ft. W. from SE cor. of SE ¼ SW ¼ Sec 36, T39S, R8W, W.M.

5. Application T-8175 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼		Priority Date	Acres
39	S	8	W	W.M.	36	SW	SW	1872	10.0
39	S	8	W	W.M.	36	SE	SW	1872	19.2
39	S	8	W	W.M.	36	SW	SE	1872	14.4
39	S	8	W	W.M.	36	SW	SE	1908	4.9
40	S	8	W	W.M.	1	NE	NW	1872	5.9
40	S	8	W	W.M.	1	NE	NW	1908	7.4
40	S	8	W	W.M.	1	NW	NW	1872	6.0

6. The applicant did not apply to transfer the supplemental portion of the right. The applicant was notified in the draft Preliminary Determination that the supplemental portion of the right would be cancelled pursuant to ORS 540.510(1) if not included in the transfer. The applicant chose not to include the supplemental portion of the right and it will be cancelled.
7. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon

Department of Fish and Wildlife did request inclusion of a condition requiring installation of proper fish screens.

8. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.

### **Determination and Proposed Action**


The proposed changes in point of diversion and place of use in application T-8175 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and will be approved provided that protests are not filed pursuant to OAR 690-380-4030.

If approved, the change and subsequent use of water shall be subject to the following conditions:

1. 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 79836 and any related decree.
2. The proposed change shall be completed on or before October 1, 2006.
3. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
4. The right under Certificate 79836, which is supplemental to that portion of Certificate 79836, described in the Findings of fact, item 3, shall be canceled.
5. The quantity of water diverted shall not exceed the quantity of water lawfully available at the original point of diversion.
6. The former place of use shall no longer be irrigated as part of this water right.
7. Prior to diverting water from the new point of diversion, the water user **shall** install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
8. The water user **shall** install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be

approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife. The water user may participate in the Department of Fish and Wildlife's cost-sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Dated at Salem, Oregon this 6<sup>th</sup> day of December, 2004.

  
Phillip C. Ward  
Director

*Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271*

This Preliminary Determination was prepared by Norman E. Daft. If you have any questions about the information in this document, you may reach me at (541) 471-2886 x225 or [Norman.E.Daft@wrд.state.or.us](mailto:Norman.E.Daft@wrд.state.or.us).

**Notice of Preliminary Determination for  
Water Right Transfer T-8175**

T-8175 filed by BOB KERIVAN/BRIDGEVIEW VINEYARDS WINERY, proposes a change in point of diversion and place of use under Certificate 79836. The right allows the use of 1.11 cfs (priority date 1872) and 0.15 cfs (priority date 1908) from a diversion in Sec. 31, T39S, R7W, W.M. (Sucker Creek) for irrigation in Sec. 36, T39S, R8W, W.M. and Sec. 1, T40S, R8W, W.M.. The applicant proposes to change the point of diversion to another location approximately 1/2 mile west (Sec. 36, T39S, R8W, W.M.) and to change the place of use within Sec. 36, T39S, R8W, W.M. and Sec. 1, T40S, R8W, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is [**DATE OF LAST PUBLICATION**]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

# Affidavit of Publication

STATE OF OREGON )  
 ) ss  
County of Josephine )

**RECEIVED**  
MAR 11 2005  
WATER RESOURCES DEPT  
SALEM, OREGON

I, Kacy Clement, being first duly sworn, depose and say I am the backkeeper of the Illinois Valley News, a newspaper of general circulation, printed and published at Cave Junction in the aforesaid county and state, as defined in Section 58, Oregon Laws,

that Water Right Transfer T-8175

\_\_\_\_\_ , a printed copy of which is hereto annexed,

was published in the entire issue of said newspaper for 3

successive and consecutive 3 issues on the following dates:

12/22/04 12/29/04 1/5/05

KAClement

Subscribed and sworn to before me this 14<sup>th</sup> day of January, 2005.

Dar Sams  
Notary Public for Oregon  
(My Commission expires 10-4-08)



## LEGAL NOTICE

### Notice of Preliminary Determination for Water Right Transfer T-8175

T-8175 filed by BOB K E R I V A N / BRIDGEVIEW VINEYARDS WINERY, proposes a change in point of diversion and place of use under Certificate 79836. The right allows the use of 1.11 cfs (priority date 1872) and 0.15 cfs (priority date 1908) from a diversion in Sec. 31, T39S, R7W, W.M. (Sucker Creek) for irrigation in Sec. 36, T39S, R8W, W.M. and Sec. 1, T40S, R8W, W.M..

The applicant proposes to change the point of diversion to another location approximately 1/2 mile west (Sec. 36, T39S, R8W, W.M.) and to change the place of use within Sec. 36, T39S, R8W W.M. and 1, T40S, R8W, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

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Publish: Dec. 22  
Dec 29, 2004. Jan  
5, 2005



To: dgreyes@msn.com  
Subject: T-8175 information  
X-Attachments: S:\exchange\Pederseni\Transfer 8175.pdf;

David,

I have attached the Preliminary Determination and the relevant portion of the map, indicating the proposed change in POD. If you have further questions about the transfer you may contact me or Doug Parrow. The watermaster in the Grants Pass office of the Oregon Water Resources Department may also be able to answer questions or help you interpret maps.

Have a good day,  
Dorothy

Dorothy Pedersen  
Transfer Specialist  
Oregon Water Resources Department  
(503) 986-0890  
FAX (503) 986-0904  
Dorothy.I.PEDERSEN@wrд.state.or.us





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

December 6, 2004

Bob Kerivan / Bridgeview Vineyards Winery  
4210 Holland Loop Road  
Cave Junction, OR 97523

SUBJECT: Transfer Application T-8175

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-8175.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

Because the new point of diversion is more than  $\frac{1}{4}$  mile from the authorized point of diversion, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. **Please have the newspaper insert the date of last publication in the proper place.** After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Typically, the newspaper will prepare and mail an *affidavit of publication* to the Department, however you will want to request specifically that they do so. The newspaper can mail the affidavit to me at the address above.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Sincerely,

Doug Parrow  
Field Services Division

cc: District 14 Watermaster  
Gary Wicks, CWRE

enclosures



**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:**

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4. Application T-8175 proposes to move the authorized point of diversion approximately 1/2 mile downstream in the source to:

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6. The applicant did not apply to transfer the supplemental portion of the right. The applicant was notified in the draft Preliminary Determination that the supplemental portion of the right would be cancelled pursuant to ORS 540.510(1) if not included in the transfer. The applicant chose not to include the supplemental portion of the right and it will be cancelled.
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10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.

#### **Determination and Proposed Action**

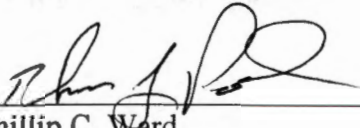
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If approved, the change and subsequent use of water shall be subject to the following conditions:

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3. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
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Dated at Salem, Oregon this 6<sup>th</sup> day of December, 2004.

  
Phillip C. Ward  
Director

*Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271*

This Preliminary Determination was prepared by Norman E. Daft. If you have any questions about the information in this document, you may reach me at (541) 471-2886 x225 or [Norman.E.Daft@wrд.state.or.us](mailto:Norman.E.Daft@wrд.state.or.us).

**Notice of Preliminary Determination for  
Water Right Transfer T-8175**

T-8175 filed by BOB KERIVAN/BRIDGEVIEW VINEYARDS WINERY, proposes a change in point of diversion and place of use under Certificate 79836. The right allows the use of 1.11 cfs (priority date 1872) and 0.15 cfs (priority date 1908) from a diversion in Sec. 31, T39S, R7W, W.M. (Sucker Creek) for irrigation in Sec. 36, T39S, R8W, W.M. and Sec. 1, T40S, R8W, W.M.. The applicant proposes to change the point of diversion to another location approximately 1/2 mile west (Sec. 36, T39S, R8W, W.M.) and to change the place of use within Sec. 36, T39S, R8W, W.M. and Sec. 1, T40S, R8W, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is **[DATE OF LAST PUBLICATION]**. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.



STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This is to Certify, That H. B. REED (Successor in interest to Samuel Miller & Hattie Miller) of Kerby, State of Oregon 97531 has a right to the use of the waters of Sucker Creek for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Josephine County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volumes 1 & 5, at pages 253 & 398; that the priority of the right thereby confirmed dates from 1872 for Tract #1; 1908 for Tract #2;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 2 cubic feet per second for Tract #1; 0.19 cubic foot per second for Tract #2; and that the use of water for irrigation purposes shall be confined to the season April 1 to October 31 of each year;

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

Tract #1: 22 acres in the NE 1/4 NW 1/4, 27 acres in the NW 1/4 NW 1/4, Section 1, T. 40 S. R. 8 W. W. M., 25 acres in the SW 1/4 SW 1/4, 26 acres in the SE 1/4 SW 1/4, Section 36, T. 39 S. R. 8 W. W. M., being a total of 100 acres. (NOTE: This right is supplemented by water from Gravelly Slough under date of 1903, and from springs in SE 1/4 of Sec. 36, T. 39 S. R. 8 W. W. M., under date of 1878.) Tract #2: 2 acres in the SW 1/4 SE 1/4, Section 36, T. 39 S. R. 8 W. W. M.; 12 acres in the NE 1/4 NW 1/4 and 1.5 acres in the NW 1/4 NW 1/4, Section 1, T. 40 S. R. 8 W. W. M., being a total of 15.5 acres. (NOTE: This right is supplemented by water from Gravelly Slough under date of 1908.)

Tract #1  
NE NW 22.0 7.0 19.0  
NW NW 27.0 7.0 20.0  
Sec. 1  
T40S R8W W.M.  
SW SW 25.0 15.5 9.5  
SE SW 26.0 26.0 -  
Sec. 36  
T39S R8W W.M.

Tract #2 12.3 6.7  
NE NW 12.0  
NW NW 1.5 - 1.5  
Sec. 1  
T40S R8W W.M.  
SW SE 2.0 2 0  
Sec. 36  
T39S R8W W.M.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed this 1st day of April, 1927.

REINA LUPER State Engineer.

T-8175

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount, Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
7139 (See Vol. 5, p. 297) Mary Ellen Leonard, Kerby, Ore.	1865	2.5	125	Irrigation, domestic & stock  <i>Ch. in pt. of Div. - Sp. Or. Vol. 8, p. 168</i>	Mill Race	Sucker Creek	15.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 11.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 55.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 54.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 51, 18.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 14.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 52, T. 59 S. R. 7 W. W. M.
7140 (See Vol. 5, p. 398) J. E. Lewis, Holland, Ore.	1875	0.72	36	Irrigation	Lewis		16.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 20.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 52, T. 59 S. R. 7 W. W. M.
7140 (See Vol. 5, p. 398) J. E. Lewis, Holland, Ore.	1876	0.2	10	Irrigation	Gilmore		10.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 52, T. 59 S. R. 7 W. W. M.
7140 (See Vol. 5, p. 398) PC 83-7 Samuel & Hattie Miller, Kerby, Ore.	1872	2.	100	Irrigation	Trumble	22 27 — 25	-4.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ -60.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ -20.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 1, T. 40 S. R. 8 W. W. M.  20.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 26.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36, T. 39 S. R. 8 W. W. M.
7145 (See Vol. 5, p. 397) 26820 (See Vol. 5, p. 391) 26744 26443 Frank O. Meeker & L. A. Burnett, Holland, Ore.	1868 * T-3197 C 49702	0.79	59 $\frac{1}{2}$	Irrigation	Seyferth		18.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 7125 16.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 7157 2.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 7125 Sec. 53, T. 39 S. R. 7 W. W. M.
7145 50158, 6005 Ed. McCann, Kerby, Ore.	1875	1.00	49	Irrigation	Gates- McCann	(1)	27.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 2.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, 20.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 6, T. 40 S. R. 7 W. W. M.
7145 John McDougall, Holland, Ore.	1880 1905	0.2 .5	10 15	Irrigation & domestic	McDougall		25.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 22, T. 39 S. R. 7 W. W. M.
SUPERSEDED by 7146 44727 44721 A. N. McVey, Kerby, Ore.	1858	1.	50	Irrigation	White		30.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 14.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, - 2.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 4.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 56, T. 39 S. R. 8 W. W. M.

see motion recorded Vol. 5, page 408  
granted by Circuit Court Vol. 5, page 420  
(See Consolidated tabulation)

(p-103) ch. pl. of use Sp. Or. V. 20. p. 44

43450

November 22, 2004

Bob Kerivan / Bridgeview Vineyards Winery  
4210 Holland Loop Road  
Cave Junction, OR 97523

SUBJECT: Transfer Application T-8175

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-8175.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

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Sincerely,

Doug Parrow  
Field Services Division

cc: District 14 Watermaster  
Gary Wicks, CWRE

encs

Name and Postoffice Address of Applicant	Date of Final Decree	Acres of Land	Water Right	Use	Name of Ditch	Class	Description of Land or Share of the
7144 (Also Vol. 1, p. 254) Lewis, W. E. Holland, Oregon	1908	.18	9.85	Irrigation	Gilmore-Lewis	Sucker Creek	1.45 acres in NE 1/4 SW 1/4 9.50 acres in SE 1/4 SW 1/4 Section 32, T. 39 S. R. 7 W. W.M.
7144 (Also Vol. 1, p. 254) Lind, G. J. Kerby, Oregon (Successor in interest of J.R.White)	1908	.38	30	Irrigation	White	Sucker Creek	14 acres in NE 1/4 SW 1/4 Section 30, T. 39 S. R. 7 W. W.M.  16 acres in NE 1/4 SE 1/4 Section 25, T. 39 S. R. 8 W. W.M.
7149 (Also Vol. 1, p. 253) Redlands Ditch and Irrigation Co., Melvin H. Getes, Secretary, Kerby, Oregon	1908	.24	18.8	Irrigation	Redlands	Sucker Creek	8 acres in NE 1/4 NW 1/4 6 acres in NW 1/4 NW 1/4 Section 31, T. 39 S. R. 7 W. W.M.  1 acre in NW 1/4 NE 1/4 3.8 acres in SW 1/4 NE 1/4 Section 36, T. 39 S. R. 8 W. W.M.
7148 (Also Vol. 1, p. 253) Reed, H. B. Kerby, Oregon (Successor in interest to Samuel Miller and Hattie Miller) Tract # 2	1908	.19	15.5	Irrigation	Trumble	Sucker Creek	2 acres in SW 1/4 SE 1/4 Section 36, T. 39 S. R. 8 W. W.M.  12 acres in NE 1/4 NW 1/4 1.5 acres in NW 1/4 NW 1/4 Section 1, T. 40 S. R. 8 W. W.M.
7150 (Also Vol. 1, p. 253) Sawyer, F. W. Kerby, Oregon	1908	.42	33.6	Irrigation	Chapman	Sucker Creek	2.3 acres in NW 1/4 SW 1/4 15.4 acres in SW 1/4 SW 1/4 Section 25, 9.3 acres in NE 1/4 NW 1/4 6.6 acres in NW 1/4 NW 1/4 Section 36, T. 39 S. R. 8 W. W.M.
4453-49706 (Also Vol. 1, p. 253) Smith, Ora Kerby, Oregon (U) T-9478-B POW 10 <sup>0</sup> ac Sp. O. V. 33, p. 218	1908	1 s. f.	38.74	Irrigation	White	Sucker Creek	12.45 acres in SW 1/4 NE 1/4 (1) 19.51 acres in SE 1/4 NE 1/4 4.00 acres in SE 1/4 NW 1/4 2.7 acres in NE 1/4 SE 1/4 Section 25, T. 39 S. R. 8 W. W.M.  (See also Paragraph 2 hereof)
7154 54971 Sowell, J. G. Kerby, Oregon T-5-184 Spec. Or. V. 31 p. 672	1908	.19	15	Irrigation	Sowell from Braggs Slough	Bragg Slough	15 acres in SE 1/4 SE 1/4 Section 26, T. 39 S. R. 8 W. W.M.
44877 43764-45678 (Also Vol. 1, p. 254) Stephenson, E. D. Kerby, Oregon. (Successor in interest to E. H. Wise)	1908	.11	9	Irrigation	Middleworth	Bear Creek	9 acres in NE 1/4 SW 1/4 Section 21, T. 39 S. R. 7 W. W.M.

Ch. Dt. of Div.  
Sp. O. Vol. 12, p. 573



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

942 SW 6th Street  
Suite E  
Grants Pass, OR 97526  
(541) 471-2886  
FAX (541) 471-2876

October 12, 2004

Bob Kerivan / Bridgeview Vineyards Winery  
4210 Holland Loop Road  
Cave Junction, OR 97523

*Mailed  
10-12-2004*

SUBJECT: Application T-8175

Enclosed find a draft of our Preliminary Determination regarding transfer application T-8175. The draft Preliminary Determination reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer and whether you agree with the proposed action.

Please note that the supplemental right from springs and Gravelly Slough covering your primary right will be canceled if it is not included in your application.

Issuance of the Preliminary Determination will occur shortly after we receive your approval to proceed, or on November 15, 2004, whichever occurs first. You may provide your comments or approval to proceed in writing or via e-mail.

Because the new point of diversion is more than ¼ mile from the authorized point of diversion, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you on issuance of the Preliminary Determination.

Please do not hesitate to contact me at 541 471-2886 x225 or [Norman.E.Daft@wrp.state.or.us](mailto:Norman.E.Daft@wrp.state.or.us) if you have questions.

Sincerely,

Norman E. Daft  
Field Water Right Technician

cc: Bruce Sund, District 14 Watermaster  
Gary Wicks, CWRE

Enc

Bob Kerivan / Bridgeview Vineyards Winery  
4210 Holland Loop Road  
Cave Junction, OR 97523

Gary Wicks, CWRE  
311 N.E. "D" Street  
Grants Pass, OR 97526

**ORDER AND CERTIFICATE CHECK LIST**

**RECORD MARKING (Support Staff)**

File Folder ( ) ## \* T-8175 Permit ( ) ## \_\_\_\_\_

Certificate ( ) ## 79836 **Cancelled due to T-8175; Sp. Or. Vol. 63 P. 454** Trans App Register ( )  
Trans Name Index ( )

Sp. OR ( )  
Decree ( ) Vol \_\_\_\_\_ Page \_\_\_\_\_ Vol \_\_\_\_\_ Page \_\_\_\_\_

**COPIES MADE** Order ( ) Certificate ( ) #14

File ( ) ( ) Data Center ( ) ( ) Watermaster ( ) ( ) Applicant ( ) ( )  
ISWR Liason ( ) ( ) \_\_\_\_\_ Water Use Reporting ( ) ( ) \_\_\_\_\_  
CWRE ( ) ( ) Gary Wicks I.District ( ) ( ) \_\_\_\_\_  
Other ( ) ( ) \_\_\_\_\_ Other ( ) ( ) \_\_\_\_\_

SEND copy of application map to watermaster \_\_\_\_\_

**LETTER TO:**

Applicant ( ) CWRE ( ) \_\_\_\_\_  
I.D. ( ) \_\_\_\_\_ Other ( ) \_\_\_\_\_

**EMAIL PROCESSOR**

NWR ( ) NCR ( ) SWR ( ) SCR ( ) ER ( ) Norm

**ENCLOSURES**

Special Order ( ) Vol 63 Page 454 Certificate ( ) 81306  
( ) Vol \_\_\_\_\_ Page \_\_\_\_\_ ( ) \_\_\_\_\_  
( ) \_\_\_\_\_

DATE SIGNED: 3-16-05

**FILE SET-UP**

File Number	Set - Up Date	For Whom
_____	<u>10-1-06</u>	<u>10-1-07</u>
_____	_____	_____
_____	_____	_____

**SEND TO:**

Fiscal Section ( ) Other ( ) \_\_\_\_\_

NOTES: \_\_\_\_\_

*Send to norm 14*

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

In the Matter of Transfer Application            )     FINAL ORDER APPROVING CHANGE  
T-8175, Josephine County                     )     IN POINT OF DIVERSION AND  
   )     PLACE OF USE

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**

Bob Kerivan / Bridgeview Vineyards Winery  
4210 Holland Loop Road  
Cave Junction, OR 97523

**Findings of Fact**

1. Bob Kerivan / Bridgeview Vineyards Winery filed an application to transfer the point of diversion and place of use under Certificate 7148. The Department assigned the application number T-8175.
2. Certificate 7148 was subsequently canceled as a result of transfers 9071 and 9072. A remaining right, Certificate 79836, was issued January 2, 2003 which supercedes Certificate 7148.
3. The portion of the right to be transferred is as follows:

**Certificate:** 79836 in the name of H. B. REED (SUCCESSOR IN INTEREST TO SAMUEL MILLER AND HATTIE MILLER)  
**Use:** IRRIGATION  
**Priority Date:** 1872 FOR TRACT 1 AND 1908 FOR TRACT 2  
**Quantity:** 1.11 CFS FOR TRACT 1 AND 0.15 CFS FOR TRACT 2  
**Rate/Duty:** 1/50 cfs per acre TRACT 1 AND 1/80 cfs per acre TRACT 2  
**Acres:** 55.5 ACRES TRACT 1 AND 12.3 ACRES TRACT 2  
**Source:** SUCKER CREEK tributary to EAST FORK ILLINOIS RIVER

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 137-004-0080 you may either 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.



**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:**

Township		Range		Meridian	Sec	¼ ¼		Tract	Acres
39	S	8	W	W.M.	36	SW	SW	1	15.5
39	S	8	W	W.M.	36	SE	SW	1	26.0
39	S	8	W	W.M.	36	SW	SE	2	2.0
40	S	8	W	W.M.	1	NE	NW	1	7.0
40	S	8	W	W.M.	1	NE	NW	2	10.3
40	S	8	W	W.M.	1	NW	NW	1	7.0

4. Application T-8175 proposes to move the authorized point of diversion approximately 1/2 mile downstream in the source to:

Township		Range		Meridian	Sec	¼ ¼		POD #	Survey Coordinates
39	S	8	W	W.M.	36	SE	SW	POD 1	1211 ft. N. & 23 ft. W. from SE cor. of SE ¼ SW ¼ Sec. 36, T39S, 8W, W.M
39	S	8	W	W.M.	36	SE	SW	POD 2	1201 ft. N. & 21 ft. W. from SE cor. of SE ¼ SW ¼ Sec 36, T39S, R8W, W.M.

5. Application T-8175 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼		Priority Date	Acres
39	S	8	W	W.M.	36	SW	SW	1872	10.0
39	S	8	W	W.M.	36	SE	SW	1872	19.2
39	S	8	W	W.M.	36	SW	SE	1872	14.4
39	S	8	W	W.M.	36	SW	SE	1908	4.9
40	S	8	W	W.M.	1	NE	NW	1872	5.9
40	S	8	W	W.M.	1	NE	NW	1908	7.4
40	S	8	W	W.M.	1	NW	NW	1872	6.0

6. The applicant did not apply to transfer the supplemental portion of the right. The applicant was notified in the draft Preliminary Determination that the supplemental portion of the right would be cancelled pursuant to ORS 540.510(1) if not included in the transfer. The applicant chose not to include the supplemental portion of the right and it will be cancelled.
7. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon

Department of Fish and Wildlife did request inclusion of a condition requiring installation of proper fish screens.

8. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.

### **Conclusions of Law**

The proposed changes in point of diversion and place of use in application T-8175 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

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

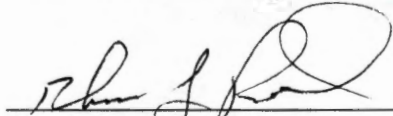
1. The changes in point of diversion and place of use proposed in application T-8175 are approved.
2. Water right certificate 79836 is cancelled. A new certificate will be issued describing that portion of the right not involved in this transfer.
3. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 79836 and any related decree.
4. The proposed change shall be completed on or before October 1, 2006.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
6. The right under Certificate 79836, which is supplemental to that portion of Certificate 79836, described in the Findings of fact, item 3, is canceled.
7. The quantity of water diverted shall not exceed the quantity of water lawfully available at the original point of diversion.
8. The former place of use shall no longer be irrigated as part of this water right.
9. Prior to diverting water from the new point of diversion, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring

device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

10. The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife. The water user may participate in the Department of Fish and Wildlife's cost-sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.
11. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

If approved, the change and subsequent use of water shall be subject to the following conditions:

Dated at Salem, Oregon this 16<sup>th</sup> day of March, 2005.

  
\_\_\_\_\_  
Phillip C. Ward  
Director

Mailing date: MAR 18 2005

STATE OF OREGON  
COUNTY OF JOSEPHINE  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

H. B. REED (SUCCESSOR IN INTEREST TO SAMUEL MILLER AND HATTIE MILLER)  
KERBY, OREGON 97531

confirms the right to use the waters of SUCKER CREEK, a tributary of EAST FORK ILLILNOIS RIVER, for IRRIGATION of 32.7 acres, BEING 29.5 ACRES FOR TRACT 1 AND 3.2 ACRES FOR TRACT 2.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JOSEPHINE County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volumes 1 AND 5, at Pages 253 AND 398. The date of priority is 1872 FOR TRACT 1 (Note: This right is supplemented by water from Gravelly Slough under a priority date of 1903 and from springs in SE¼ of Section 36, T 39S, R 8 W, W.M. under a priority date of 1878) AND 1908 FOR TRACT 2 (Note: this right is supplemented by water from Gravelly Slough under a priority date of 1908).

The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.59 CUBIC FOOT PER SECOND FOR TRACT 1 and 0.04 CUBIC FOOT PER SECOND 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.

A description of the place of use to which this right is appurtenant is as follows:

	<u>TRACT 1</u>	<u>TRACT 2</u>
SW¼ SW¼	9.5 ACRES SECTION 36	
TOWNSHIP 39 SOUTH, RANGE 8 WEST, W.M.		
NE¼ NW¼ NW¼ NW¼	20.0 ACRES SECTION 1	1.7 ACRES 1.5 ACRES
TOWNSHIP 40 SOUTH, RANGE 8 WEST, W.M.		

This certificate describes that portion of the water right confirmed

by Certificate 79836, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 16 2005, approving Transfer Application 8175.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director,  
affixed MARCH 16, 2005.

  
\_\_\_\_\_  
Phillip C. Ward, Director

T-8175

RECEIVED

JAN 22 1999

WATER RESOURCES DEPT. SALEM, OREGON

State of Oregon  
WATER RESOURCES DEPARTMENT  
APPLICATION FOR TRANSFER OF WATER RIGHT

Applicant: BOB KERIVAN / Bridgeview Vineyards Winery

Mailing Address: 4210 Holland Loop Road

Cave Junction Oregon 97523 541-592-4688  
City or town State Zip Phone

Type of change: Point of Diversion and Place of Use  
(In point of diversion: place of use; use heretofore made of the water)

1. WATER RIGHT

RECEIVED

JAN 29 1999

WATER RESOURCES DEPT. SALEM, OREGON

A) Is the water right in your name? No If not, list name below:  
(Yes, No)

H.B. Reed

B) Was the water right determined by a court decree? Yes  
(Yes, No)

1. If yes, list the title of the proceedings: Illinois River Decree

2. Certificate No: 7148

C) Was the water right acquired by a water permit? No  
(Yes, No)

1. If yes, list the Permit No: \_\_\_\_\_

2. Certificate No: \_\_\_\_\_

D) Date of priority right: 1872 & 1908, 19\_\_\_\_

E) What are your reasons for the proposed changes? Change the point of diversion and place of use as shown on accompanying map.

F) The water will be completely applied to the proposed use on or before: March 31, 1999

2. LOCATION OF AUTHORIZED USE

A) What is the source of water (river, stream, well)? Sucker Creek

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>1420' N &amp; 75' E from SW Cor of Sec. 31</u>	<u>NWSW</u>	<u>31</u>	<u>T39S</u>	<u>R7W</u>

C) What is the name of the ditch used? Trumble (Babcock & Gibbs)

D) What is the use to which the water is applied? Irrigation

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
<u>39 S</u>	<u>8 W</u>	<u>36</u>	<u>SWSW</u>	<u>15.5 (1872)</u>
<u>39 S</u>	<u>8 W</u>	<u>36</u>	<u>SESW</u>	<u>26.0 (1872)</u>
<u>39 S</u>	<u>8 W</u>	<u>36</u>	<u>SWSE</u>	<u>2.0 (1908)</u>
<u>40 S</u>	<u>8 W</u>	<u>1</u>	<u>NENW</u>	<u>7.0 (1872) 10.3 (1908)</u>
<u>40 S</u>	<u>8 W</u>	<u>1</u>	<u>NWNW</u>	<u>7.0 (1872)</u>

F) Is the land within an irrigation district? Yes \_\_\_\_\_ No X  
If Yes, which district? \_\_\_\_\_

G) County Josephine

3. LOCATION OF PROPOSED USE:

NOTE: Answer question A only if the application is for a change in the point of diversion.

A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>23' W &amp; 1211' N of S/4 Cor of Sec. 36</u>	<u>SESW</u>	<u>36</u>	<u>T39S</u>	<u>R8W</u>
<u>21' W &amp; 1201' N of S/4 Cor of Sec. 36</u>	<u>SESW</u>	<u>36</u>	<u>T39S</u>	<u>R8W</u>

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? No  
(Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount
1 <sup>st</sup> T. Deed	Home Valley Bank	277,000 <sup>00</sup>

D) What is the use to which the water will be applied? Irrigation

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
39 S	8 W	36	SWSW	10.0 (1872)
39 S	8 W	36	SESW	19.2 (1872)
39 S	8 W	36	SWSE	14.4 (1872) 4.9 (1908)
40 S	8 W	1	NENW	5.9 (1872) 7.4 (1908)
40 S	8 W	1	NWNW	6.0 (1872)

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

Rene Eichmann, 6220 Caves Hwy, Cave Junction, OR 97523

6. REMARKS: Rene Eichmann is Robert Kerivan's step son.

I (we) Bridger View Vineyards, Inc. / Robert Kerivan, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 15<sup>th</sup> day of December, 19 98.

[Signature]  
(Signature)

[Signature]  
(Signature)

Subscribed and sworn to before me

[Signature]  
Notary Public for Oregon

(Notarial Seal)



My commission expires: Aug. 25 2000

Plat Card Report for: Township: 39S, Range: 8W Section: 36

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot	dlc	
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
	D 7121	7121	Cncl'd																		20.000 IR Cncl'd	
	*																					
12/31/1857	D 7126	7126	Cncl'd									5.000 IR Cncl'd	34.000 IR Cncl'd	<del>8.000 IR Cncl'd</del>								
	*																					
12/31/1857	D 7126	30549											5.000 IR									
	*																					
12/31/1858	D 7146	7146	Cncl'd	2.000 IR Cncl'd	4.000 IR Cncl'd																	
	*																					
12/31/1893	D 7147	7147	Cncl'd		34.000 IR Cncl'd																	
	*		Lot: 2																			
12/31/1893	D 7147	7147	Cncl'd			2.000 ID Cncl'd	1.000 ID Cncl'd															
	*																					
12/31/1893	D 7147	7147	Cncl'd	34.000 ID Cncl'd																		
	*		Lot: 1																			
12/31/1908	D 7147	7147	Cncl'd		1.000 IR Cncl'd	3.800 IR Cncl'd																
	*																					
12/31/1893	D 7147	52322			29.000 IR																	
	*		Lot: 2																			
12/31/1893	D 7147	52322				2.000 IR	1.000 IR															
	*																					

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**NOTE: Please read the disclaimer before using this information.** Frequently asked questions are discussed in our Plat Card [FAQ](#).



Plat Card Report for: *Township: 39S, Range: 8W Section: 36*

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot	dlc
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
12/31/1908	D 7147 *	52322			1.000 IR	3.800 IR															
12/31/1893	D 7147 *	52322	Lot: 1	34.000 IR																	
12/31/1908	D 7148 *	7148																2.000 IR			
12/31/1872	D 7148 *	7148											25.000 IR	26.000 IR							
12/31/1908	D 7150 *	7150						9.300 IR	6.600 IR												
12/31/1875	D 13914 *	13914						8.800 IR	8.400 IR												
T 1665	D 7121 *	45156	Cncl'd																	20.000 IR Cncl'd	
T 1665	D 7121 *	57717																		20.000 IR	
S 3634 5/7/1914	S 2072	2832															2.000 IR				
T 4478 12/31/1908	CD 7153			2.700 IR																	

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Plat Card Report for: Township: 39S, Range: 8W Section: 36

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot	dlc		
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
T 4478 12/31/1908	D 7153	73981	dlc: 42	2.700 IR																			
S 6997 1/15/1920	S 4448	3771	Lot: 4	6.000 IR																			
S 7147 3/15/1920	S 4485	2902		8.000 IR	15.000 IR																		
G 8002 4/7/1977	G 7419	49537		<i>No map</i>								3.700 IR	3.500 IR										
G 8010 4/11/1977	G 7446				5.000 IR																		
S 8317 3/30/1922	S 5400	5139				<i>No conflict</i>								1.300 IR									
S 14288 9/21/1931	S 10346	9931	Cncld																		8.000 ID Cncld		
S 14288 9/2/1931	S 10346	45293																			8.000 IR (s)		
S 55650 4/11/1977	S 41551				5.000 IR (s)																		
S 59705 1/14/1980	S 44835	73980	dlc: 41	1.000 IR	2.000 IR																		

Go to 39S, 8W, 36 page: <<Previous 1 2 3 4 Next >>

[Return to Plat Card Search Page.](#)

**NOTE: Please read the disclaimer before using this information.** Frequently asked questions are discussed in our Plat Card [FAQ](#).

Plat Card Report for: *Township: 39S, Range: 8W Section: 36*

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot	dlc	
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
S 59729	S 44983	61629			5.000 IR																	
1/25/1980			Lot: 2																			
P 78796														LV	LV							
1/5/1995																		LV				

Go to 39S, 8W, 36 page: <<Previous 1 2 3 4

[Return to Plat Card Search Page.](#)

**NOTE: Please read the disclaimer before using this information.** Frequently asked questions are discussed in our Plat Card FAQ.

T-8175

RECEIVED

JAN 22 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

COPY

State of Oregon  
WATER RESOURCES DEPARTMENT  
APPLICATION FOR TRANSFER OF WATER RIGHT

Applicant: BOB KERIVAN / Bridgeview Vineyards Winery  
Mailing Address: 4210 Holland Loop Road  
Cave Junction Oregon 97523 541-592-4688  
City or town State Zip Phone  
Type of change: Point of Diversion and Place of Use  
(In point of diversion: place of use; use heretofore made of the water)

RECEIVED

JAN 29 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

1. WATER RIGHT

- A) Is the water right in your name? No If not, list name below:  
(Yes, No) H.B. Reed
- B) Was the water right determined by a court decree? Yes  
(Yes, No) Sucker Creek  
1. If yes, list the title of the proceedings: Illinois River Decree  
2. Certificate No: 7148
- C) Was the water right acquired by a water permit? No  
(Yes, No)  
1. If yes, list the Permit No: \_\_\_\_\_  
2. Certificate No: \_\_\_\_\_
- D) Date of priority right: 1872 & 1908, 19\_\_\_\_
- E) What are your reasons for the proposed changes? Change the point of diversion and place of use as shown on accompanying map.

F) The water will be completely applied to the proposed use on or before: March 31, 1999

2. LOCATION OF AUTHORIZED USE

A) What is the source of water (river, stream, well)? Sucker Creek

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
1420' N & 75' E from SW Cor of Sec. 31	NWSW	31	T39S	R7W

C) What is the name of the ditch used? Trumble (Babcock & Gibbs)

D) What is the use to which the water is applied? Irrigation

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
39S	8W	36	SWSW	15.5 (1872)
39S	8W	36	SESW	26.0 (1872)
39S	8W	36	SWSE	2.0 (1908)
40S	8W	1	NENW	7.0 (1872) 10.3 (1908)
40S	8W	1	NWNW	7.0 (1872)

F) Is the land within an irrigation district? Yes \_\_\_ No X 55.5 12.3  
If Yes, which district? \_\_\_\_\_

G) County Josephine

3. LOCATION OF PROPOSED USE:

NOTE: Answer question A only if the application is for a change in the point of diversion.

A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
23' W & 1211' N of SW 4 Cor of Sec. 36	SESW	36	T39S	R8W
21' W & 1201' N of SW 4 Cor of Sec. 36	SESW	36	T39S	R8W

Suppl /  
Spring  
Gravelly  
slough

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

*ok* B) Are the lands from which you propose to transfer your water right free of all encumbrances? No  
(Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount
<i>1st T. Deed</i>	<i>Home Valley BANK</i>	<i>277,000.00</i>

D) What is the use to which the water will be applied? Irrigation

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
39 S	8 W	36	SWSW	10.0 (1872)
39 S	8 W	36	SESW	19.2 (1872)
39 S	8 W	36	SWSE	14.4 (1872) 4.9 (1908)
40 S	8 W	1	NENW	5.9 (1872) 7.4 (1908)
40 S	8 W	1	NWNW	6.0 (1872) <u>12.3</u>

4. EXHIBITS *55.5*

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

Rene Eichmann, 6220 Caves Hwy, Cave Junction, OR 97523

6. REMARKS: Rene Eichmann is Robert Kerivan's step son.

I (we) Bridgerview Vineyards, Inc. / Robert Kerivan, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 15<sup>th</sup> day of December, 1998.

*Robert Kerivan*  
(Signature)

\_\_\_\_\_  
(Signature)

Subscribed and sworn to before me

*[Signature]*  
Notary Public for Oregon

(Notarial Seal)



My commission expires: Aug. 25 2000



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

942 SW 6th Street  
Suite E  
Grants Pass, OR 97526  
(541) 471-2886  
FAX (541) 471-2876

January 12, 2004

Bob Kerivan/ Bridgeview Vineyards Winery  
P O Box 609  
Cave Junction, Oregon 97523

REFERENCE: Transfer 8175

I received your property deed.

Evidence of use must be submitted. A notarized statement indicating how and when the water right was beneficially used may suffice.

The application map must include the remainder of the right not being transferred within the  $\frac{1}{4}$  where the transfer is occurring. Alterations to the application map must be made by a certified water rights examiner.

If the additional information requested is not received within **30 days the transfer may be rejected**. Please submit additional information to the Grants Pass Office. If you have any questions please call (551) 471-2886, ext. 228.

Sincerely,

Teresa Vonn  
Regional Water Management Specialist

enc

c: Bruce Sund, Watermaster District # 14  
Gary Wicks, CWRE # 194

*Received Feb 10/04*  
*Received Feb 10/04*

*2/3/04*  
*Returned evidence of use/deeds work on map*

*1/13/04*

## HOW DO I...

### Define "Evidence of Water Use"

Once a water right is granted it remains valid as long as it is not intentionally canceled and beneficial use of the water is continued without a lapse of five or more consecutive years. According to Oregon law, if any portion of a water right is not used for five or more consecutive years, that portion of the right is forfeited and reverts to the public as though the right had never existed.

For example, if your water right is for the irrigation of 40 acres and you only irrigate 20 of those acres, your water right can be canceled for the portion of land not irrigated for more than five years. However, diverting less than the full amount of water allowed under your right to irrigate the full 40 acres will not result in forfeiture, if you are ready, willing and able to use the full amount. If you have reduced the capacity of your water delivery system, you may lose the right to any water that your system is incapable of handling.

Once the water right has been unused for five or more years, it is subject to cancellation even if the property owner begins to use the water again. Under Oregon law, the right is forfeited and reuse will not reinstate the right. This is true even if the current owner did not own the property when use was discontinued.

Cancellation of a forfeited water right is not automatic. Cancellation requires a legal proceeding to determine whether or not the period of nonuse has occurred. If more than 15 years has passed since the period of nonuse, the water right is not subject to cancellation under the law. A legal proceeding is not necessary if the landowner authorizes cancellation.

Acceptable evidence of water use, as outlined in OAR 690.15.060, are:

1. Signed, notarized statement or affidavit from a knowledgeable person, such as the owner or a neighbor, describing the water use and the time of use.
2. Receipts from the sale of crops raised on irrigated land or for expenditures relating to the use of the water.
3. Other records, i.e Natural Resources Conservation Service farm management plan; dated photographs, or water district records.

RR	(1872)	T	
		Pop only	POD, POU
	<u>Tract 1</u>		
9.5 <sup>OK</sup>	SWSW 25.0 ✓	10.0	5.5
-	SESW 26.0 ✓	18.4	7.6
	Sec 36		
	T 395 R 8W WM		
<del>15.0</del>	NENW 22.0 <sup>due to T 9071/9072</sup> 7.0 ✓	5.9	1.1
20.0	NWNW 27.0 ✓	6.0	1.0
	Sec. 1		
	T 405 R 8W WM	40.3	15.2

(1908)			
<u>Tract 2</u>			
-	SWSE 2.0 ✓	0.3	1.7
	Sec. 36		
	T 395 R 8W WM		
1.7	NENW 12.0 ✓	7.4	2.9
1.5	NWNW 1.5 ✓	-	1.0
	Sec. 1		
	T 405 R 8W WM	7.7	4.6

RR 47.7  
 T 67.8  
 Total 115.5  
~~47.7~~ 32.7  
~~115.5~~ 100.5



September 18, 2003

In reply to: Transfer 8175

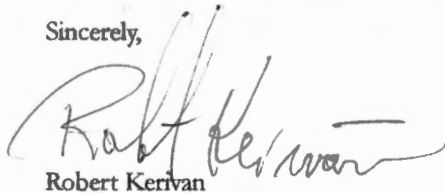
Teresa Vonn  
Water Resources Department  
942 SW 6th Street  
Suite E  
Gants Pass, OR 97526

Dear Teresa Vonn,

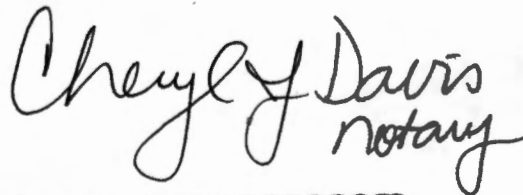
I hereby authorize the water rights transfer in reference to tax lots 1001 and 601 that are in my name.

The water right was used every year since 1982.

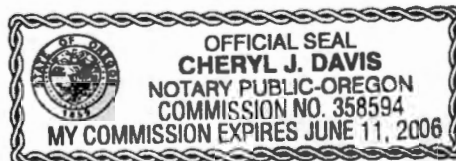
Sincerely,

  
Robert Kerivan

State of Oregon  
County of Josephine  
signed or attested before me on  
the 18<sup>th</sup> of September, 2003  
by Robert E. Kerivan

  
notary

4210 HOLLAND LOOP ROAD  
CAVE JUNCTION OR 97523



September 18, 2003

In reply to: Transfer 8175

Teresa Vonn  
Water Resources Department  
942 SW 6th Street  
Suite E  
Gants Pass, OR 97526

Dear Teresa Vonn,

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The water right was used every year since 1982.

Sincerely,

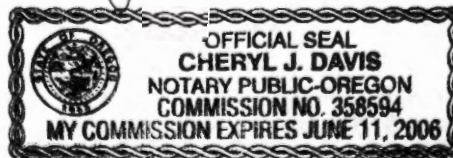


Rene Eichmann

State of Oregon  
County of Josephine

Signed or attested before me on the 18<sup>th</sup> of September 2003  
by Rene Eichmann

*Cheryl J. Davis, notary*





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

942 SW 6th Street  
Suite E  
Grants Pass, OR 97526  
(541) 471-2886  
FAX (541) 471-2876

April 28, 2003

*Renee / Cheryl  
592-4688 9/18/03  
Sister of Renee  
Called*

Bob Kerivan/ Bridgeview Vineyards Winery  
4210 ~~Holland Loop~~ Road  
Cave Junction, Oregon 97523

*PO Box 609  
Cave Junction 97523  
Future Correspondence*

*explained  
Notarized  
Statements for  
use of from  
Renee for tax lots  
600 & 1000.*

REFERENCE: Transfer 8175

February 27, 2001 I sent a letter requesting several items necessary to process your transfer application. To date I have received no additional information.

Evidence of use must be submitted

A deed is needed for tax lot 1000 and 600. It appears the deed submitted is for tax lot 1001 and 601 only.

The application map must include the remainder of the right not being transferred within the 1/4 where the transfer is occurring. Alterations to the application map must be made by a certified water rights examiner.

If the additional information requested is not received within 60 days the transfer may be rejected. Please submit additional information to the Grants Pass Office. If you have any questions please call (551) 471-2886, ext. 228.

Sincerely,

Teresa Vonn  
Regional Water Management Specialist

enc

c: Bruce Sund, Watermaster District # 14  
Gary Wicks, CWRE # 194

*msite 4/28/03*

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# Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

942 SW 6th Street

Suite E

Grants Pass, OR 97526

(541) 471-2886

FAX (541) 471-2876

April 28, 2003

Bob Kerivan/ Bridgeview Vineyards Winery  
4210 Holland Loop Road  
Cave Junction, Oregon 97523

REFERENCE: Transfer 8175

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Sincerely,

Teresa Vonn

Regional Water Management Specialist

enc

c: Bruce Sund, Watermaster District # 14

Gary Wicks, CWRE # 194



39-8-36 #899  
1000  
40-8-1 #923  
600

1

WARRANTY DEED

EDNA BRITTEN, TRUSTEE OF THE EDNA BRITTEN TRUST UNDER TRUST AGREEMENT DATED 1/27/94 Grantor, conveys and warrants to RENE EICHMANN,; Grantee, the following described real property, together with appurtenances, free of encumbrances except as specifically set forth herein, situated in JOSEPHINE County, OR:

A parcel of land in the North Half of Section 1, Township 40 South, Range 8 West, and the South Half of Section 36, Township 39 South, Range 8 West, of the Willamette Meridian, Josephine County, Oregon, being more particularly described as follows: Beginning at at Southeast corner of the Southeast Quarter, Southwest Quarter of said Section 36; thence along the East line of said Southeast Quarter, Southwest Quarter North 1320 feet, more or less, to the Northeast corner of said Southeast Quarter, Southwest Quarter; thence along the North line of said Southeast Quarter, Southwest Quarter, West 330.00 feet; thence parallel with said East line South 1950 feet more or less, to the North right of way line of Holland Loop Road; thence along said right of way line Easterly 350 feet, more or less, to the East line of the Northeast Quarter, Northwest Quarter of said Section 1; thence North 720 feet, more or less, back to the point of beginning. ALSO: the Southwest Quarter, Southeast Quarter of Section 36, Township 39 South, Range 8 West, of the Willamette Meridian, Josephine County, Oregon.

SUBJECT TO:

All easements, rights of way, restrictions, conditions & encumbrances of record. For tax purposes, the herein described property has been classified as forest growth land and assessed at a lower valuation by the County Assessor pursuant to ORS 321.257 to 321.375. If the land becomes disqualified for the special assessment under the statute, an additional tax and interest thereon may be levied, which the Grantees herein agree to assume and pay. For tax purposes, the herein described property has been classified as farm land and assessed at a lower valuation by the County Assessor pursuant to ORS 308.345 to 308.407. If the land becomes disqualified for the special assessment under the statute, an additional tax and interest thereon may be levied, which the Grantees herein agree to assume and pay. The requirements and provisions of O.R.S. Chapter 820 pertaining to the registration and transfer of ownership of mobile homes and any interest or liens disclosed thereby.

The true consideration paid for this conveyance is ONE HUNDRED SEVENTY FIVE THOUSAND AND 00/100 (\$175,000.00). ( ) However, the whole consideration includes other value given or promised (check if other consideration statement applies). This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate City or County Planning Department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

Dated this 2nd day of May, 1997.

Edna Britten, Trustee  
EDNA BRITTEN, TRUSTEE

STATE OF OREGON )  
 ) ss.  
County of Washington )

This instrument was acknowledged before me on the 2nd day of May, 1997 by EDNA BRITTEN, TRUSTEE OF THE EDNA BRITTEN TRUST UNDER TRUST AGREEMENT DATED 1/27/94

(seal)

Joan M. Tasker  
Notary Public for Oregon  
My commission expires: 10-15-00

Until a change is requested,  
send all tax statements to:  
Rene Eichmann  
P.O. Box 609  
Cave Junction, Or. 97523  
Return document to:  
JCTC - CJ



INSTRUMENT 97-7734

STATE OF OREGON  
COUNTY OF JOSEPHINE

I, County Clerk and ex-officio Recorder of Conveyances, in and for said County, do hereby certify that the within instrument was received for record and recorded at

Date: 5/6/97 Time: 10:28 AM

in the Josephine County Book of Records.  
GEORGETTE BROWN, COUNTY CLERK

By Deputy *[Signature]*

# Pages: 2 Fee: \$30.00

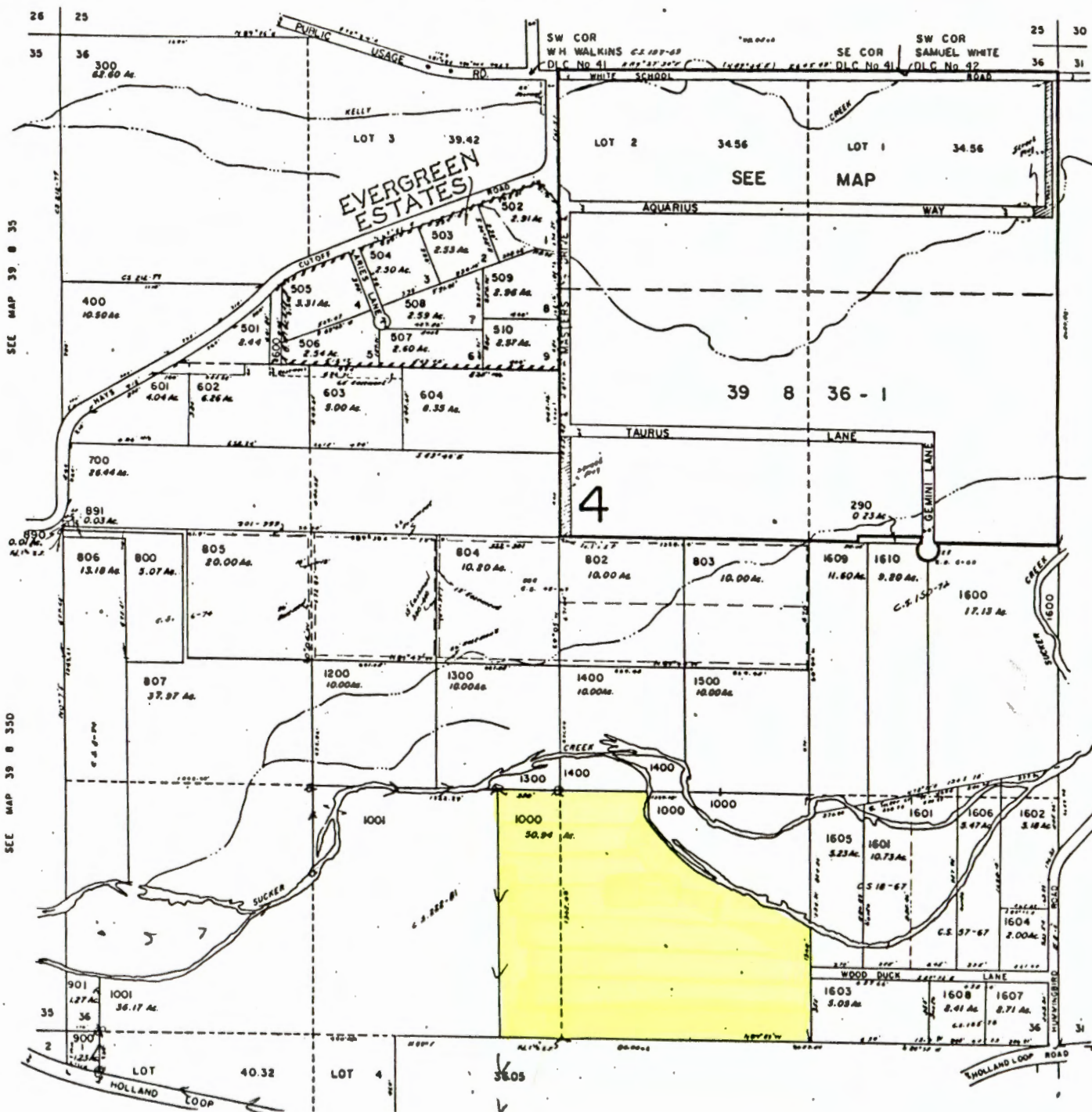
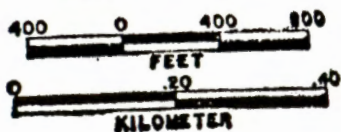
Hand Returned  Mailed  Hold

JOSEPHINE COUNTY  
1" = 400'

SEE MAP 39 B 25

CANCELLED

SCALE 1:9600



SEE MAP 39 B 35

SEE MAP 39 B 35D

SEE MAP 39 7 31

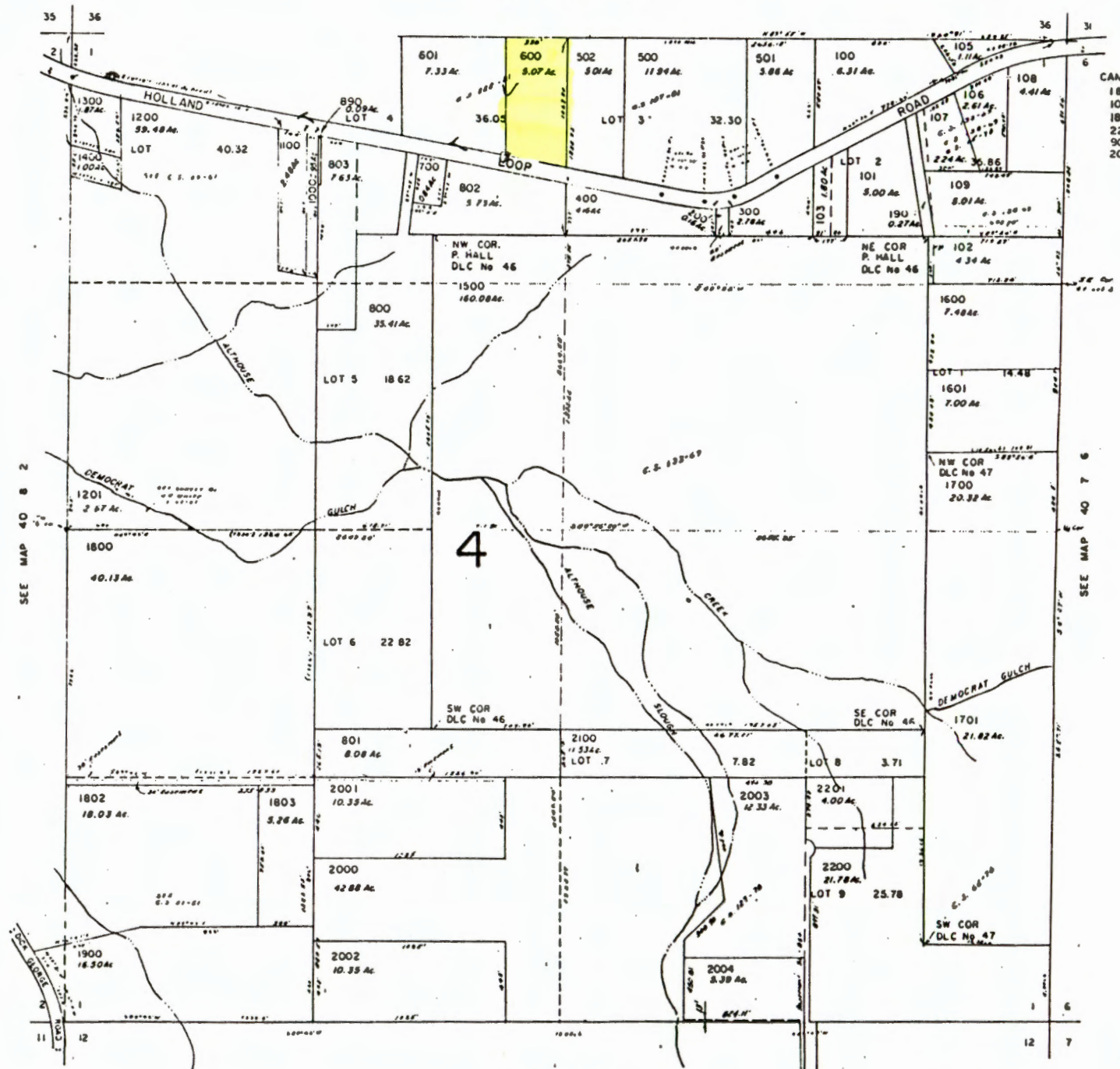
T.L. 1100  
590  
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THRU  
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RECEIVED  
NOV 11 1963  
STATE OF OREGON  
DEPT. OF LAND & BULL.



SEE MAP 39 8 36

SCALE 1:9600



CANCELLED T.L.  
 1801  
 104  
 1890  
 2290  
 900  
 2090

SEE MAP 40 8 2

SEE MAP 40 7 6

SEE MAP 40 8 12

RECEIVED  
 14 1963  
 DEPT. OF REVENUE STATE OF OREGON  
 ASSESSOR-TAX DIVISION BY

39-8-36 #899  
1000

40-8-1 #923  
600

①

WARRANTY DEED

EDNA BRITTEN, TRUSTEE OF THE EDNA BRITTEN TRUST UNDER TRUST AGREEMENT DATED 1/27/94 Grantor, conveys and warrants to RENE EICHMANN,; Grantee, the following described real property, together with appurtenances, free of encumbrances except as specifically set forth herein, situated in JOSEPHINE County, OR:

A parcel of land in the North Half of Section 1, Township 40 South, Range 8 West, and the South Half of Section 36, Township 39 South, Range 8 West, of the Willamette Meridian, Josephine County, Oregon, being more particularly described as follows: Beginning at at Southeast corner of the Southeast Quarter, Southwest Quarter of said Section 36; thence along the East line of said Southeast Quarter, Southwest Quarter North 1320 feet, more or less, to the Northeast corner of said Southeast Quarter, Southwest Quarter; thence along the North line of said Southeast Quarter, Southwest Quarter, West 330.00 feet; thence parallel with said East line South 1950 feet more or less, to the North right of way line of Holland Loop Road; thence along said right of way line Easterly 350 feet, more or less, to the East line of the Northeast Quarter, Northwest Quarter of said Section 1; thence North 720 feet, more or less, back to the point of beginning. ALSO: the Southwest Quarter, Southeast Quarter of Section 36, Township 39 South, Range 8 West, of the Willamette Meridian, Josephine County, Oregon.

SUBJECT TO:

All easements, rights of way, restrictions, conditions & encumbrances of record. For tax purposes, the herein described property has been classified as forest growth land and assessed at a lower valuation by the County Assessor pursuant to ORS 321.257 to 321.375. If the land becomes disqualified for the special assessment under the statute, an additional tax and interest thereon may be levied, which the Grantees herein agree to assume and pay. For tax purposes, the herein described property has been classified as farm land and assessed at a lower valuation by the County Assessor pursuant to ORS 308.345 to 308.407. If the land becomes disqualified for the special assessment under the statute, an additional tax and interest thereon may be levied, which the Grantees herein agree to assume and pay. The requirements and provisions of O.R.S. Chapter 820 pertaining to the registration and transfer of ownership of mobile homes and any interest or liens disclosed thereby.

The true consideration paid for this conveyance is ONE HUNDRED SEVENTY FIVE THOUSAND AND 00/100 (\$175,000.00). ( ) However, the whole consideration includes other value given or promised (check if other consideration statement applies). This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate City or County Planning Department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

Dated this 2nd day of May, 1997.

Edna Britten, Trustee  
EDNA BRITTEN, TRUSTEE

STATE OF OREGON )  
 ) ss.  
County of Washington )

This instrument was acknowledged before me on the 2nd day of May, 1997 by EDNA BRITTEN, TRUSTEE OF THE EDNA BRITTEN TRUST UNDER TRUST AGREEMENT DATED 1/27/94

(seal)

Joan M. Tasker  
Notary Public for Oregon  
My commission expires: 10-15-00

Until a change is requested,  
send all tax statements to:  
Rene Eichmann  
P.O. Box 609  
Cave Junction, Or. 97523  
Return document to:  
JCTC - CJ



2

INSTRUMENT 97-7734

STATE OF OREGON  
COUNTY OF JOSEPHINE

I, County Clerk and ex-officio Recorder of  
Conveyances, in and for said County, do  
hereby certify that the within instrument was  
received for record and recorded at

Date: 5/6/97 Time: 10:28 AM

in the Josephine County Book of Records.  
GEORGETTE BROWN, COUNTY CLERK

By Deputy: *[Signature]*  
# Pages: 2 Fee: \$30.00

Hand Returned:  Mailed  Hold

39-8-36 #899  
1000  
40-8-1 #923  
600

WARRANTY DEED

COPY

1

EDNA BRITTEN, TRUSTEE OF THE EDNA BRITTEN TRUST UNDER TRUST AGREEMENT DATED 1/27/94 Grantor, conveys and warrants to RENE EICHMANN,; Grantee, the following described real property, together with appurtenances, free of encumbrances except as specifically set forth herein, situated in JOSEPHINE County, OR:

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SUBJECT TO:

All easements, rights of way, restrictions, conditions & encumbrances of record. For tax purposes, the herein described property has been classified as forest growth land and assessed at a lower valuation by the County Assessor pursuant to ORS 321.257 to 321.375. If the land becomes disqualified for the special assessment under the statute, an additional tax and interest thereon may be levied, which the Grantees herein agree to assume and pay. For tax purposes, the herein described property has been classified as farm land and assessed at a lower valuation by the County Assessor pursuant to ORS 308.345 to 308.407. If the land becomes disqualified for the special assessment under the statute, an additional tax and interest thereon may be levied, which the Grantees herein agree to assume and pay. The requirements and provisions of O.R.S. Chapter 820 pertaining to the registration and transfer of ownership of mobile homes and any interest or liens disclosed thereby.

The true consideration paid for this conveyance is ONE HUNDRED SEVENTY FIVE THOUSAND AND 00/100 (\$175,000.00). ( ) However, the whole consideration includes other value given or promised (check if other consideration statement applies). This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate City or County Planning Department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

Dated this 2nd day of May, 1997.

Edna Britten, Trustee  
EDNA BRITTEN, TRUSTEE

STATE OF OREGON )  
 ) ss.  
County of Washington )

This instrument was acknowledged before me on the 2nd day of May, 1997 by EDNA BRITTEN, TRUSTEE OF THE EDNA BRITTEN TRUST UNDER TRUST AGREEMENT DATED 1/27/94

(seal)

Joan M. Tasker  
Notary Public for Oregon  
My commission expires: 10-15-00

Until a change is requested,  
send all tax statements to:  
Rene Eichmann  
P.O. Box 609  
Cave Junction, Or. 97523  
Return document to:  
JCTC - CJ



INSTRUMENT 97-7734

STATE OF OREGON  
COUNTY OF JOSEPHINE

I, County Clerk and ex-officio Recorder of  
Conveyances, in and for said County, do  
hereby certify that the within instrument was  
received for record and recorded at

Date: 5/6/97 Time: 10:28 AM

in the Josephine County Book of Records.  
GEORGETTE BROWN, COUNTY CLERK

By Deputy *[Signature]*  
# Pages: 2 Fee: \$30.00

Hand Returned  Mailed  Hold:

Y9902

**SECURED PROMISSORY NOTE and GUARANTY**

\$145,000.00

Cave Junction, Oregon  
May 2, 1997

FOR VALUE RECEIVED, the undersigned RENE EICHMANN promises to pay in lawful money of the United States to the order of EDNA BRITTEN, Trustee of the EDNA BRITTEN TRUST under Trust Agreement dated January 27, 1994, at 16190 S.W. 130th Terrace, No. 12, Tigard, Oregon 97224 or such address as she or her successor as trustee may designate from time to time, the principal sum of ONE HUNDRED AND FORTY FIVE THOUSAND AND NO/100 DOLLARS (\$145,000.00), together with interest on the unpaid balance of the principal amount at the rate of 6.00% per annum from the date of this note until fully paid, in monthly installments of not less than \$2,000.00, the first such installment being due on June 2, 1997 and each subsequent installment shall be due on the 2 th day of each month thereafter until the entire sum, principal and interest, is paid in full.

Monthly payments shall be applied first to interest accrued to the date of receipt of the payment and then to unpaid principal.

This note may be prepaid, in whole or in part, without penalty. All prepayments shall be applied first to interest accrued to the date of receipt of the payment and then to principal, and shall not affect the undersigned's obligation to make the monthly payments required by this note.

If any payment due pursuant to this note is not made when due, then at the option of the holder of this note the entire indebtedness represented by this note, upon 20 days' written notice to the undersigned, shall immediately become due and payable. Failure or delay of the holder to exercise this option shall not constitute a waiver of the right to exercise the option in the event of subsequent default or in the event of continuance of any existing default after demand for the performance of the terms of this note.

The undersigned shall pay upon demand any and all expenses, including reasonable attorney fees, incurred or paid by the holder of this note without suit or action in attempting to collect funds due under this note. In the event an action is instituted for the collection of this note, the prevailing party shall be entitled to recover, at trial or on appeal, such sums as the court may adjudge reasonable as attorney fees, in addition to costs and necessary disbursements.

This note is secured by a Trust Deed of even date on real property in Josephine County, Oregon identified as Tax Account Nos. 303-116-35 and 303-146-87 and more fully described in the Trust Deed.

All notices under this note shall be given to the undersigned at the address below unless the holder is notified in writing of a different address. If the property or any part thereof is sold or transferred without the holder's prior written consent, the holder may, at holder's option require immediate payment in full of all sums secured by this note. If holder exercises this option, the holder shall give the undersigned notice of acceleration, which shall provide a period of not less than 20 days from the date the notice is delivered or mailed within which the undersigned must pay all sums secured by this note; if such sums are not paid by the expiration of this period, the holder may exercise any remedies available to the holder under this note and applicable law without further notice or demand on the undersigned.

The undersigned waive the rights of presentment and notice of dishonor. "Presentment" means the right to require the note holder to demand payment of amounts due. "Notice of dishonor" means the right to require the note holder to give notice to other persons that amounts due have not been paid.



RENE EICHMANN

COPY

GUARANTY

We, the undersigned ROBERT KERIVAN, LOTTE KERIVAN, and BRIDGEVIEW VINEYARDS, INC., acknowledge that the Payee under this Promissory Note would be unwilling to accept this Note as payment for the real property securing this Note but for their guarantees, and pursuant to the provisions of the Sale Agreement and Receipt for Earnest Money dated April 1, 1997 between Edna Britten, Trustee of the Edna Britten Trust ("Britten") as Seller and Bridgeview Vineyards, Inc. as Buyer, do hereby make the following unconditional guarantees unto Britten:

1. We, and each of us, guarantee the performance by RENE EICHMANN (hereafter "EICHMANN") of each and every obligation under this Note and the Trust Deed as and when due. This guaranty is a continuing one and shall terminate only on the satisfaction of each and every obligation of EICHMANN under the Note and Trust Deed.

2. We, and each of us, agree that it shall not be necessary for Britten to institute suit or exhaust her or its legal remedies against EICHMANN in order to enforce this guaranty.

3. We, and each of us, agree that this guaranty may be immediately enforced by Britten or assigns on the nonpayment when due of any amount due under this Note or the Trust Deed.

4. We, and each of us, agree that Britten may from time to time extend the time for performance or otherwise modify, alter, or change the Note and any or all provisions of it, may extend the time for payment of all sums hereby guaranteed, and may receive and accept notes, checks, and other instruments for the payment of money made by EICHMANN and extensions or renewals thereof without in any way releasing or discharging us from our obligations hereunder. This guaranty shall not be released, extinguished, modified, or in any way affected by failure on the part of Britten or her successors or assigns to enforce all the rights or remedies available to her under the Note. We, and each of us, waive all claims against Britten including subrogation rights.

5. We, and each of us, consent and agree the bankruptcy of EICHMANN shall not relieve us of our obligations assumed hereunder.

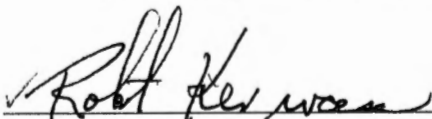
6. This guaranty shall inure to the benefit of Britten and her heirs, personal representatives, successors and assigns.

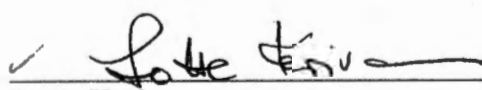
7. This guaranty shall be jointly and severally binding on us and our heirs, personal representatives, successors and assigns.

8. In the event of any action to enforce any of the terms or conditions of this guaranty, the prevailing party in such action and any appeal resulting from it shall be entitled to recover from the other reasonable attorney fees, which shall be fixed as part of the cost by the court in which such action shall be pending.

9. The undersigned represent and warrant that the execution, delivery, and performance of this Guaranty have been duly authorized and approved by the board of directors and shareholders of Bridgeview Vineyards, Inc., and this Guaranty constitutes a valid and binding Agreement of that corporation.

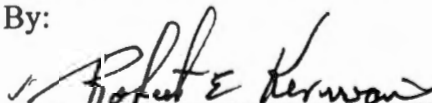
In witness whereof, we have executed this Guaranty this 2. day of May, 1997.

  
Robert Kerivan

  
Lotte Kerivan

BRIDGEVIEW VINEYARDS, INC.

By:

  
President

**Oregon Department of Fish and Wildlife  
Transfer Comment Form**

Reference: Transfer # 8175

We have reviewed the application for transfer and provide the following comments:

*Please check one of the boxes related to potential injury to water rights.*

There does not appear to be a potential for injury to instream or other water rights as a result of the transfer.

We believe that the transfer would injure the instream or other water right(s) on \_\_\_\_\_, tributary to \_\_\_\_\_. The nature of the injury is as follows: \_\_\_\_\_

(Please attach any available supporting information.)

*Please check one of the boxes related to requiring a fish screen or by-pass device.*

Pursuant to ORS 540.525 or 540.532, a condition should be included in any order approving the transfer to require the installation of a fish screen or by-pass device to prevent fish from leaving (source) and entering the diversion. The existing point of diversion is:

- Equipped with an appropriate fish screening or by-pass device; or
- Included on the priority list of screening projects established pursuant to section 8, chapter 933, Oregon Laws 1989.

The applicant should contact the following person to obtain additional information on the plans and specifications for the required fish screen or by-pass device and to obtain information about ODFW's cost sharing program for screening and by-pass devices:

ODFW staff name: Brad Fuss or Rich Kilbane  
Address: 1495 E. Gregory Rd  
City/State/Zip: Central Point, OR 97502  
Phone: (541) 826-8774

A fish screen or by-pass device should not be required as a condition of approval of the transfer.

Signature

Printed Name

Title

*Please return this form to Kelly Starnes, Water Resources Department, 158 12TH ST NE, SALEM OR 97310 by **March 12, 1999.***





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

February 8, 1999

Jerry Vogt  
Oregon Department of Fish and Wildlife  
1495 East Gregory Rd.  
Central Point, OR 97502

Reference: Transfer # 8175

Enclosed for your review is a copy of a water right transfer application from **Sucker Creek**, tributary of **E Fork Illinois River**.

Consistent with the Oregon Plan, we are soliciting your input on whether the proposed transfer would injure an instream water right or any other water right in which ODFW has an interest. If you believe that the transfer would injure a water right, please describe the nature of the injury and provide any supporting information which you have available.

ORS 540.525 and 540.532 require that we consult with you to determine if a fish screen or by-pass device should be required in conjunction with a permanent or historic change in a point of diversion. If you request a fish screen or by-pass device, we will include such a condition in the transfer order and the applicant will be eligible to participate in ODFW's cost sharing program for screening and by-pass devices.

We must receive your response in our Salem office

Attention: Kelly Starnes  
Water Resources Department  
158 12TH ST NE  
SALEM OR 97310

**by March 12, 1999** in order to consider it in our decision on the application and to include the appropriate conditions in any approval order. We will presume that you do not have comments and do not intend to request fish screens or by-pass devices if we do not receive a response.

If you have questions, please call (503)378-3739 ext 309.

Enclosure

cc: Wm # 14, Bruce Sund  
Applicant



# Oregon

John A. Kitzhaber, M.D., Governor

RECEIVED

MAR 11 1999

WATER RESOURCES DEPT.  
INTEROFFICE MEMO

Water Resources Department <sup>2-8-99</sup>

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

TO: Kelly Starnes  
FIELD PROCESSOR WORKING ON THIS TRANSFER

DATE: 3-4-99

FROM: X WATERMASTER, DISTRICT # 14  
GROUNDWATER SECTION

(SIGNATURE) Norman E. Jaff, Deputy W.M.

SUBJECT: WATER RIGHT TRANSFER # 8175

A change in: POU POD POA USE of water.

In the name(s) of Bridgeway Vineyards Inc.

In my opinion (assuming the right is valid), the proposed change

MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY\* to an existing water right.

\*The approval of this transfer application would result in injury to other water rights because \_\_\_\_\_

Comments: Remaining rights need to be delt with - perhaps abandoned. Other sources of water need to be delt with - Springs and supplemental from gravelly slough. Effectively only 0.36 CFS left in ditch.

The existing right may not be valid because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) NO

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- ✓ (1) PRIOR to the diverting of water at the new point of diversion . . .
- \_\_\_\_\_ (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

942 SW 6th Street

Suite E

Grants Pass, OR 97526

(541) 471-2886

FAX (541) 471-2876

August 15, 2003

Bob Kerivan/ Bridgeview Vineyards Winery  
4210 Holland Loop Road  
Cave Junction, Oregon 97523

REFERENCE: Transfer 8175

I received your property deed.

Evidence of use must be submitted. A notarized statement indicating how and when the water right was beneficially used may suffice.

The application map must include the remainder of the right not being transferred within the  $\frac{1}{4}$  where the transfer is occurring. Alterations to the application map must be made by a certified water rights examiner.

If the additional information requested is not received within 60 days the transfer may be rejected. Please submit additional information to the Grants Pass Office. If you have any questions please call (551) 471-2886, ext. 228.

Sincerely,

Teresa Vonn

Regional Water Management Specialist

enc

c: Bruce Sund, Watermaster District # 14  
Gary Wicks, CWRE # 194

MAILED 8/18/03



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

942 SW 6th Street  
Suite E  
Grants Pass, OR 97526  
(541) 471-2886  
FAX (541) 471-2876

February 27, 2001

Bob Kerivan/ Bridgeview Vineyards Winery  
4210 Holland Loop Road  
Cave Junction, Oregon 97523

REFERENCE: Transfer 8175

I am reviewing your transfer application. A few items must be addressed before the transfer can be processed.

Evidence of use must be submitted. Enclosed is an information sheet that outlines acceptable evidence of use.

A deed is needed for tax lot 1000 and 600. It appears the deed submitted is for tax lot 1001 and 601 only.

The application map must include the remainder of the right not being transferred within the  $\frac{1}{4}\frac{1}{4}$  where the transfer is occurring. Alterations to the application map must be made by a certified water rights examiner.

Please submit additional information to the Southwest Regional Office in Grants Pass. If you have any questions please call (551) 471-2886, ext. 228.

Sincerely,

Teresa Vonn  
Regional Water Management Specialist

enc

c: Bruce Sund, Watermaster District # 14  
Gary Wicks, CWRE # 194

mailed 2/27/01



## HOW DO I . . . Define "Evidence of Water Use"

Once a water right is granted it remains valid as long as it is not intentionally canceled and beneficial use of the water is continued without a lapse of five or more consecutive years. According to Oregon law, if any portion of a water right is not used for five or more consecutive years, that portion of the right is forfeited and reverts to the public as though the right had never existed.

For example, if your water right is for the irrigation of 40 acres and you only irrigate 20 of those acres, your water right can be canceled for the portion of land not irrigated for more than five years. However, diverting less than the full amount of water allowed under your right to irrigate the full 40 acres will not result in forfeiture, if you are ready, willing and able to use the full amount. If you have reduced the capacity of your water delivery system, you may lose the right to any water that your system is incapable of handling.

Once the water right has been unused for five or more years, it is subject to cancellation even if the property owner begins to use the water again. Under Oregon law, the right is forfeited and reuse will not reinstate the right. This is true even if the current owner did not own the property when use was discontinued.

Cancellation of a forfeited water right is not automatic. Cancellation requires a legal proceeding to determine whether or not the period of nonuse has occurred. If more than 15 years has passed since the period of nonuse, the water right is not subject to cancellation under the law. A legal proceeding is not necessary if the landowner authorizes cancellation.

Acceptable evidence of water use, as outlined in OAR 690.15.060, is:

1. Signed, notarized statement or affidavit from a knowledgeable person, such as the owner, or a neighbor, describing the water use/nonuse and the time of use.
2. Receipts from the sale of crops raised on irrigated land or for expenditures relating to the use of the water or the crops raised on the irrigated land.
3. Other records, i.e., Natural Resources Conservation Service farm management plan; dated photographs, or water district records.



PARCEL I: A parcel of land situated in the Northeast Quarter of Section 9, Township 39 South, Range 8 West of the Willamette Meridian, Josephine County, Oregon, described as follows: Beginning at a point on the West right of way line of the Redwood Highway where the North line of the Southwest Quarter of the Northeast Quarter of Section 9 crosses said highway; thence West along said North line of said Southwest Quarter of said Northeast Quarter of said Section 9 a distance of 100 feet; thence North 65 feet; thence East 100 feet, more or less, to the West boundary of said Redwood Highway; thence Southeasterly along the Westerly boundary to the place of beginning.

PARCEL II: A parcel of land situated in the Northeast Quarter of Section 9, Township 39 South, Range 8 West of the Willamette Meridian, Josephine County, Oregon, described as follows: Beginning at a point on the West right of way line of the Redwood Highway where the North line of the Southwest Quarter of the Northeast Quarter of Section 9 crosses said highway; thence West along said North line of said Southwest Quarter of said Northeast Quarter of said Section 9, a distance of 100 feet to the Southwest Corner of tract described in Document No. 84-06108, Official Records of Josephine County, Oregon; thence South 0° 57' 32" West 4.8 feet; thence South 88° 56' 34" East 100.73 feet to the Westerly right of way line of the Redwood Highway; thence North 07° 22' 28" West, along said right of way line 5.03 feet to the point of beginning.

PARCEL III: All of the following described property lying East of the Kerby Ditch: Commencing at the Southeast corner of Government Lot 1 in Section 9, Township 39 South, Range 8 West of the Willamette Meridian, Josephine County, Oregon, and running East along the South line of the Northeast Quarter of the Northwest Quarter of said Section 9 a distance of 1042 feet to the true point of beginning; thence East 166 feet, more or less, to a point 100 feet West of the Westerly right of way line of the Redwood Highway; thence North 65 feet; thence East 95 feet, more or less, to said right of way line; thence North 6° 29' West along said right of way 190 feet; thence West 155 feet; thence Southwesterly 270 feet, more or less, to the true point of beginning.

PARCEL IV: A parcel of land in the Southwest Quarter of Section 36, Township 39 South, Range 8 West and the Northwest Quarter of Section 1, Township 40 South, Range 8 West of the Willamette Meridian, Josephine County, Oregon, being more particularly described as follows: Beginning at the Northeast corner of the Southeast Quarter of the Southwest Quarter of said Section 36; thence along the North line of said Southeast Quarter of the Southwest Quarter, North 89° 25' 08" West 330.00 feet to the true point of beginning; thence parallel to the East line of said Southeast Quarter of the Southwest Quarter South 0° 23' 59" West 1976.11 feet to the North right of way line of Holland Loop Road; thence along said right of way line North 78° 47' 28" West 2167.99 feet to a point 176 feet East of the West line of said Section 1; thence parallel to said West line North 0° 23' 11" East 231.14 feet to the North line of said Section 1; thence parallel with the West line of said Section 36, North 0° 14' 03" East 796.93 feet to the center line of Sucker Creek; thence along said center line North 84° 54' East 677.99 feet and North 80° 02' 22" East 475.51 feet to the West line of said Southeast Quarter of the Southwest Quarter; thence along said West line North 0° 18' 44" East 394.11 feet to the North line of said Southeast Quarter of the Southwest Quarter; thence South 89° 25' 06" East 989.85 feet back to the true point of beginning.

TL 1001  
TL 601

RECEIVED

JAN 29 1999

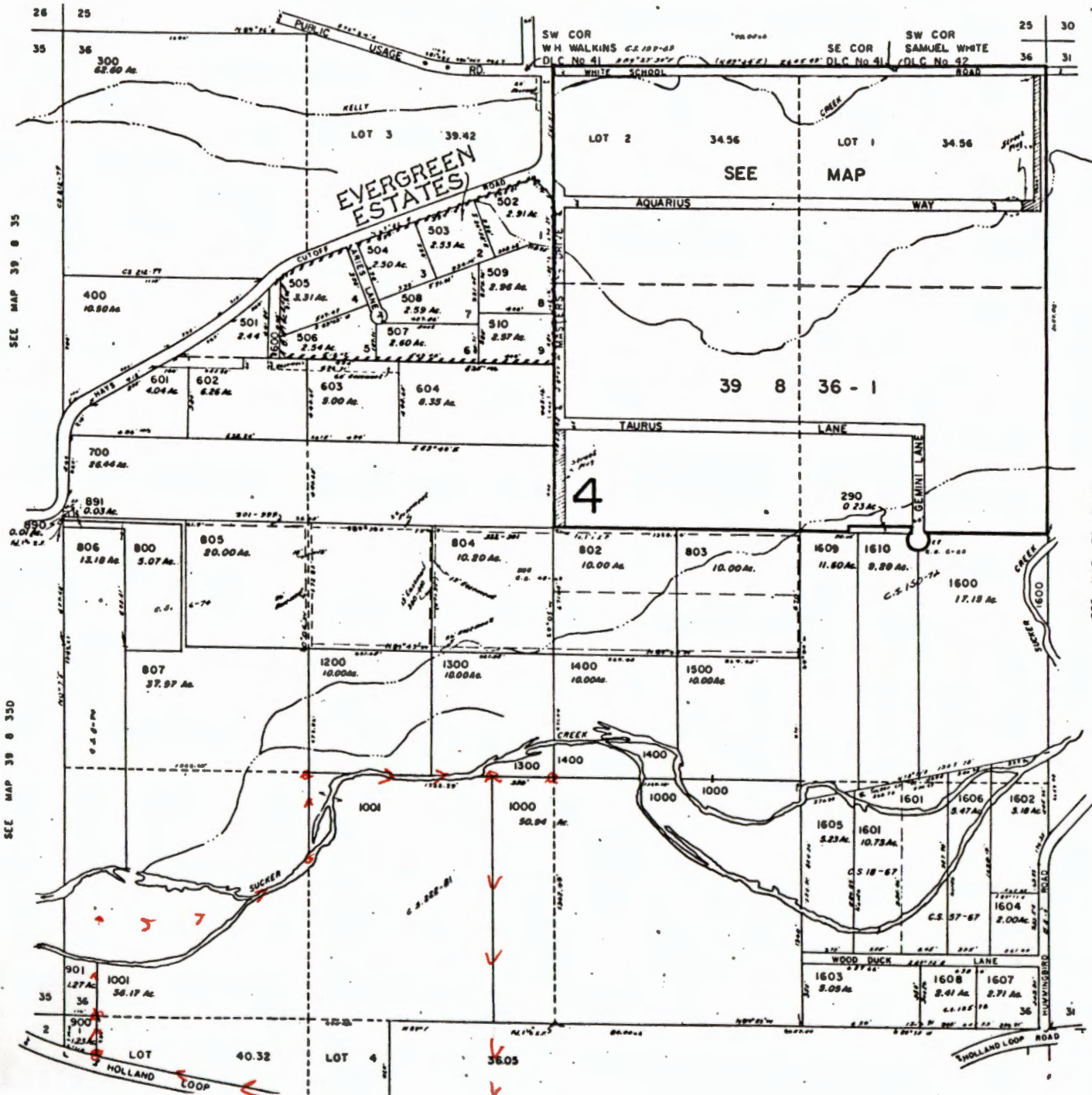
WATER RESOURCES DEPT.  
SALEM, OREGON

JOSEPHINE COUNTY  
1" = 400'

SEE MAP 39 8 25

CANCELLED

SCALE 1:9600

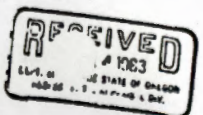


T L 100  
590  
590  
801  
201  
301  
500  
202  
790  
100  
200  
THRU  
227

SEE MAP 39 8 35

SEE MAP 39 8 350

SEE MAP 39 7 31

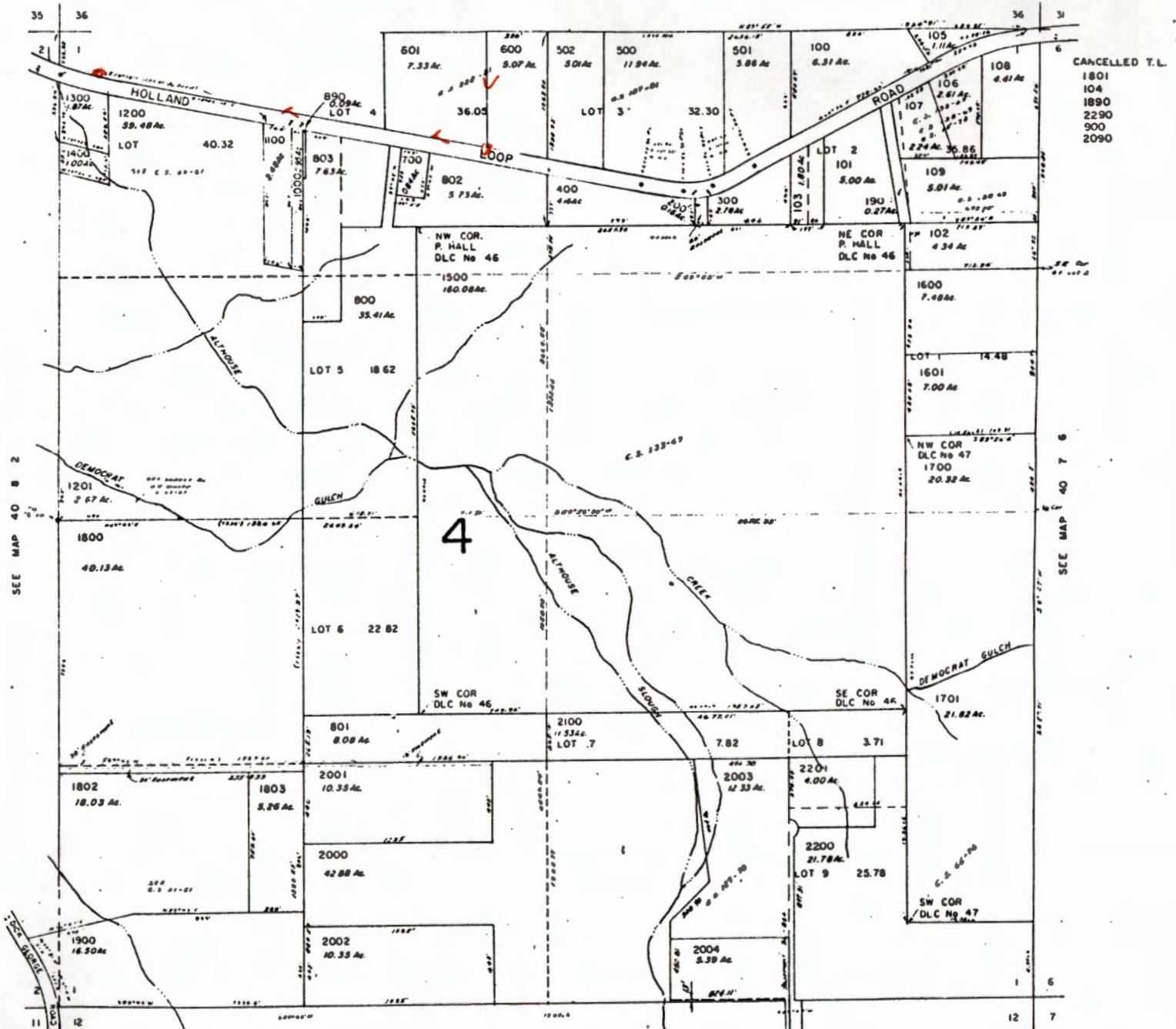




1"=400'

SEE MAP 39 8 36

SCALE 1:9600



SEE MAP 40 8 2

SEE MAP 40 7 6

SEE MAP 40 8 12



1. App. Jan. of use

2. BON-Y

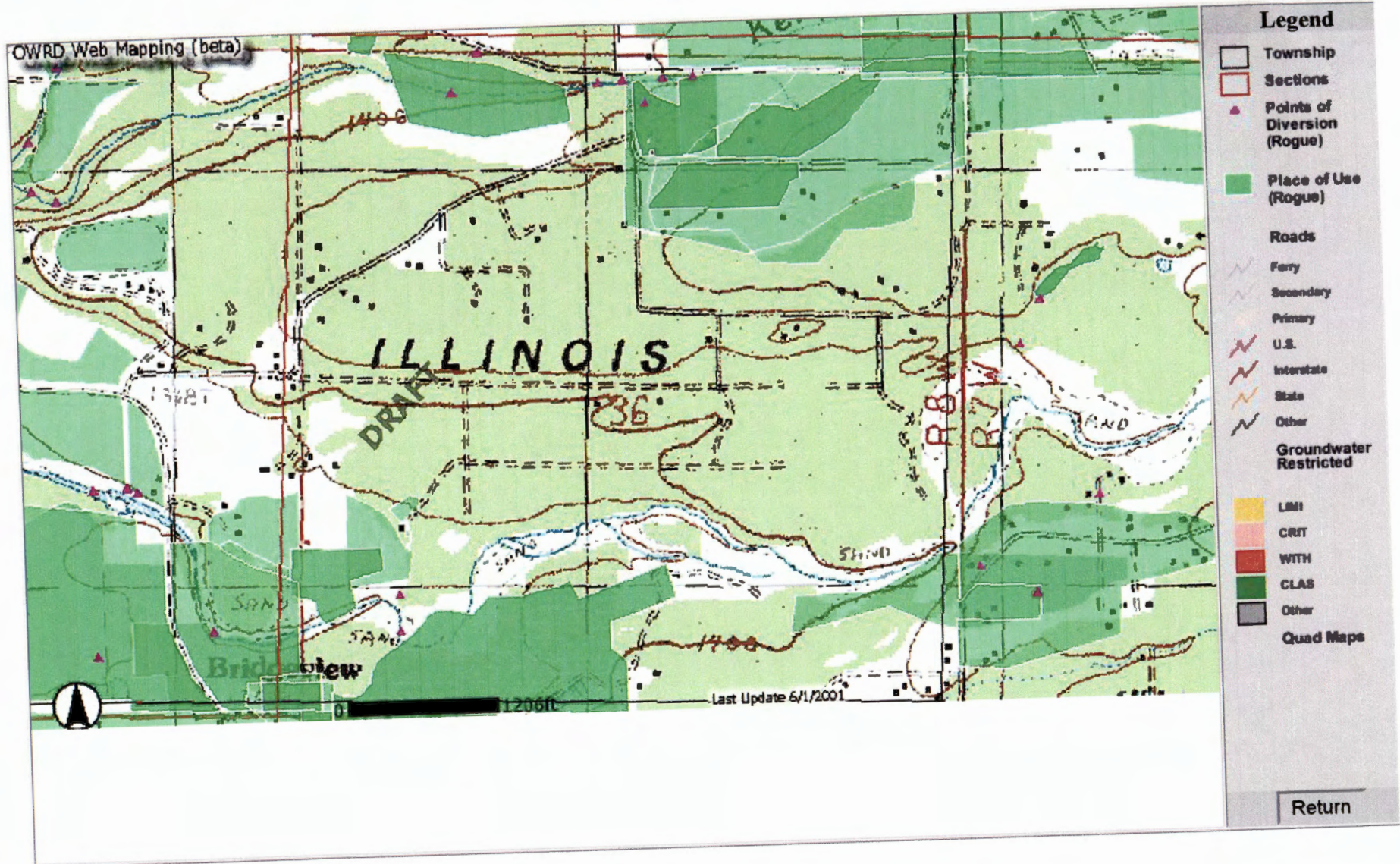
3. Map - need to show RR in system I+II

Don't conflict

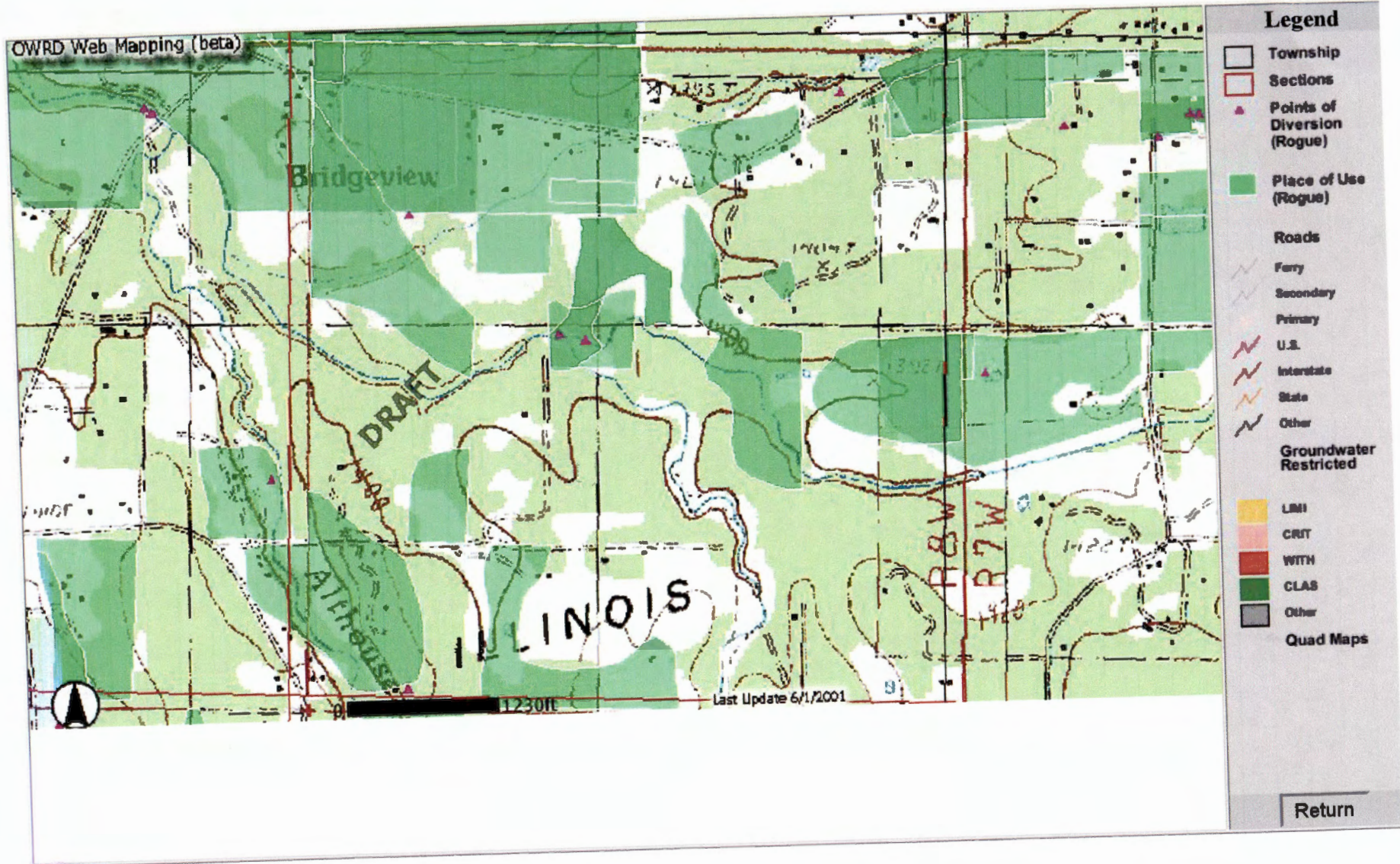
4. Need dead/est. to T.L. 1000 + T.L. 600



# Bridgeview



# Bridgeview



**Place of Use (Rogue)**

APPLICATION	CERTIFICATE	PERMIT	PRIORITY	CERT_PERM	USE	PERMIT_CHA	CATEGORY	P_A_S	STATUS	CERT_NUM	PERMIT_NUM
S 57812	0	S 43621	19780817	0 S 43621	IR	S	3	P	V	0	43621
0	<a href="#">7148</a>	D 7148	18721231	7148 D 7148	IR	D	3	P	V	7148	7148

**Records Found: 2**

Plat Card Report for: Township: 40S, Range: 8W Section: 1

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot	dlc		
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
12/31/1883	D 2721 *	2721	Cncl						5.000 I* Cncl	12.000 I*													
12/31/1893	D 7132 *	7132		6.500 IR																			
12/31/1872	D 7148 *	7148						22.000 IR	27.000 IR														
12/31/1908	D 7148 *	7148						12.000 IR	1.500 IR														
1/2/1962	G 2204	G 2026 33163	Cncl dlc: 47				6.000 IR (s) Cncl									8.400 IR (s) Cncl							
3/13/1964	G 2799	G 2722 34884	Lot: 2	1.600 IR																			
3/13/1964	G 2799 *	G 2722 34884	Lot: 2	6.000 IR (s)																			
3/6/1967	G 3827	G 3607 39673		<i>no map</i>					17.200 IR (s)	0.100 IR (s)													
5/18/1915	S 4277	S 2543 3345	Cncl	10.000 IR Cncl																			
5/18/1915	S 4277 *	S 2543 7762		3.500 IR																			

Go to 40S, 8W, 1 page: 1 2 3 4 [Next >>](#)

[Return to Plat Card Search Page.](#)

**NOTE: Please read the disclaimer before using this information.** Frequently asked questions are discussed in our Plat Card **FAQ**.

Plat Card Report for: *Township: 40S, Range: 8W Section: 1*

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot	dlc	
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
T 5312	S 4285	51984						9.000 IR														
11/1/1919				<i>Conflict</i>																		
T 5312	S 4285	63788						16.000 IR				5.000 IR										
11/1/1919	*			<i>Conflict</i>																		
S 5569	S 3398	3377											10.000 IR									
6/7/1917																						
S 5597	S 3428	3380			8.000 IR																	
6/24/1917			Lot: 3																			
S 6622	S 4142	4815											1.000 IR	16.000 IR								
7/8/1919																						
S 6848	S 4285	7770						25.000 IR Cncld				5.000 IR Cncld										
11/1/1919			Cncld																			
T 7857	G 2026	76333					6.000 IR (s)												8.400 IR (s)			
1/2/1962			dlc: 47																			
T 7857	S 9619	76334				5.000 IR (s)	10.000 IR (s)					13.000 IR (s)							20.000 IR (s)			
4/25/1930	*																					
T 8029	CD 2721									5.000 I*	12.000 I*											
12/31/1883				<i>no map</i>																		
S 8317	S 5400	5139								0.900 IR												
3/30/1922				<i>Conflict</i>																		

Go to 40S, 8W, 1 page: <<Previous 1 2 3 4 Next>>

[Return to Plat Card Search Page.](#)

**NOTE: Please read the disclaimer before using this information.** Frequently asked questions are discussed in our Plat Card [FAQ](#).



Plat Card Report for: Township: 40S, Range: 8W Section: 1

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot	dlc		
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
S 13393 4/25/1930	S 9619	10170	Cncl'd			5.000 IR (s) Cncl'd	10.000 IR (s) Cncl'd					13.000 IR (s) Cncl'd					20.000 IR (s) Cncl'd						
S 14155 6/17/1931	S 10222	10183													16.000 IR			4.000 IR					
S 15135 9/21/1933	S 11069	14601	<i>No conflict</i>			8.000 IR		2.000 IR			5.000 IR						10.000 IR						
P 74243 6/14/1994																							
P 74347 6/30/1994																							
P 78472 12/12/1994								LV			LV												
P 78584 1/3/1995																							
P 79396 12/30/1994																		LV					
P 79396 12/30/1994	*																	LV					
P 80982 2/22/1996																						WI	

Go to 40S, 8W, 1 page: <<Previous 1 2 3 4 Next>>

[Return to Plat Card Search Page.](#)

**NOTE: Please read the disclaimer before using this information.** Frequently asked questions are discussed in our Plat Card **FAQ**.

Plat Card Report for: *Township: 40S, Range: 8W Section: 1*

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot	dlc	
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
P 81263																						
7/2/1996				FW																		
P 81407																						
7/29/1996																						
P 83014																						
1/22/1997								IR														
P 83014																						
1/22/1997	*							AG														
P 83021																						
1/22/1997											AG											
P 83021																						
1/22/1997	*										IR											

Go to 40S, 8W, 1 page: <<Previous 1 2 3 4

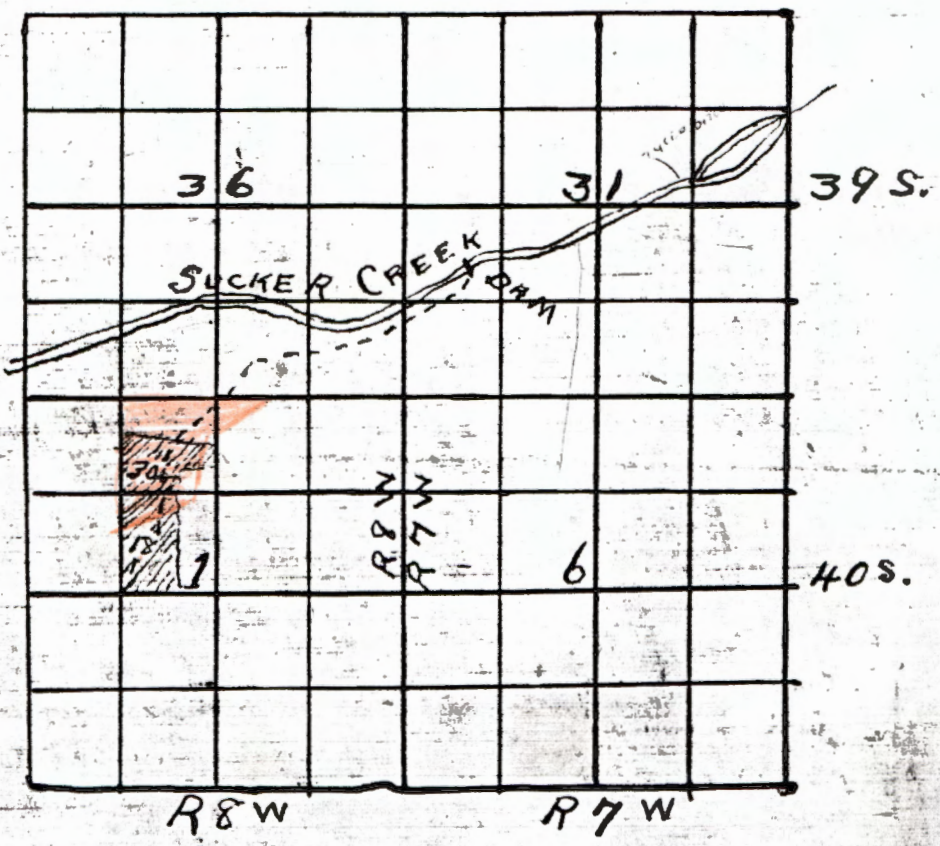
[Return to Plat Card Search Page.](#)

**NOTE: Please read the disclaimer before using this information.** Frequently asked questions are discussed in our Plat Card FAQ.

Permit: S 4285  
Volume: 8  
Strm: SUCKER CR  
Trib: E FK ILLINOIS R  
Priority: 11/01/19

40-8-1

See attached



6848

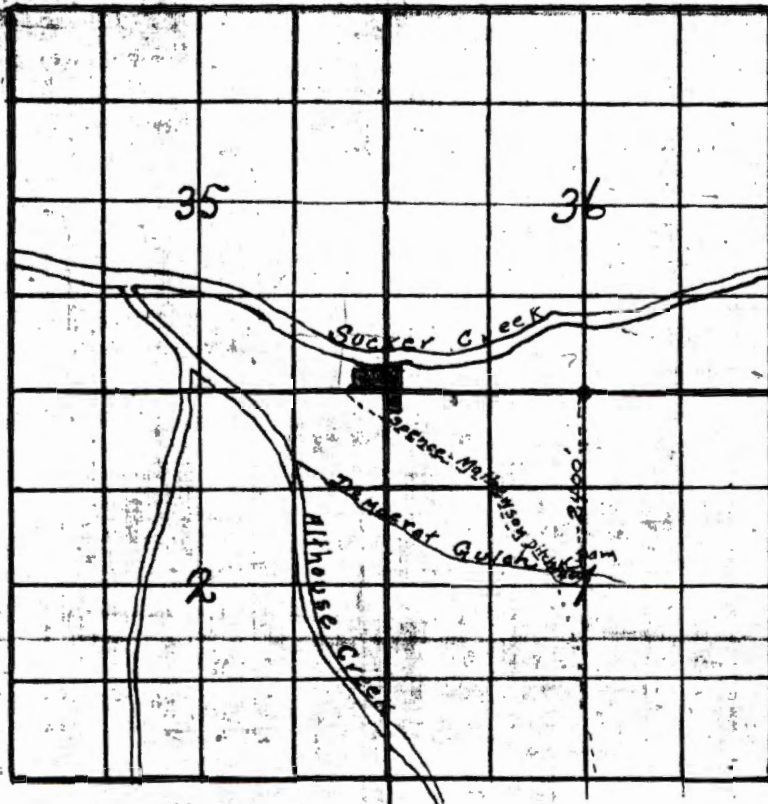
Application No. 6848  
Permit No. 4285

Permit: S 5400  
Volume: 8  
Strm: DEMOCRAT G  
Trib: ALTHOUSE CR  
Priority: 3/30/22

40-8-1

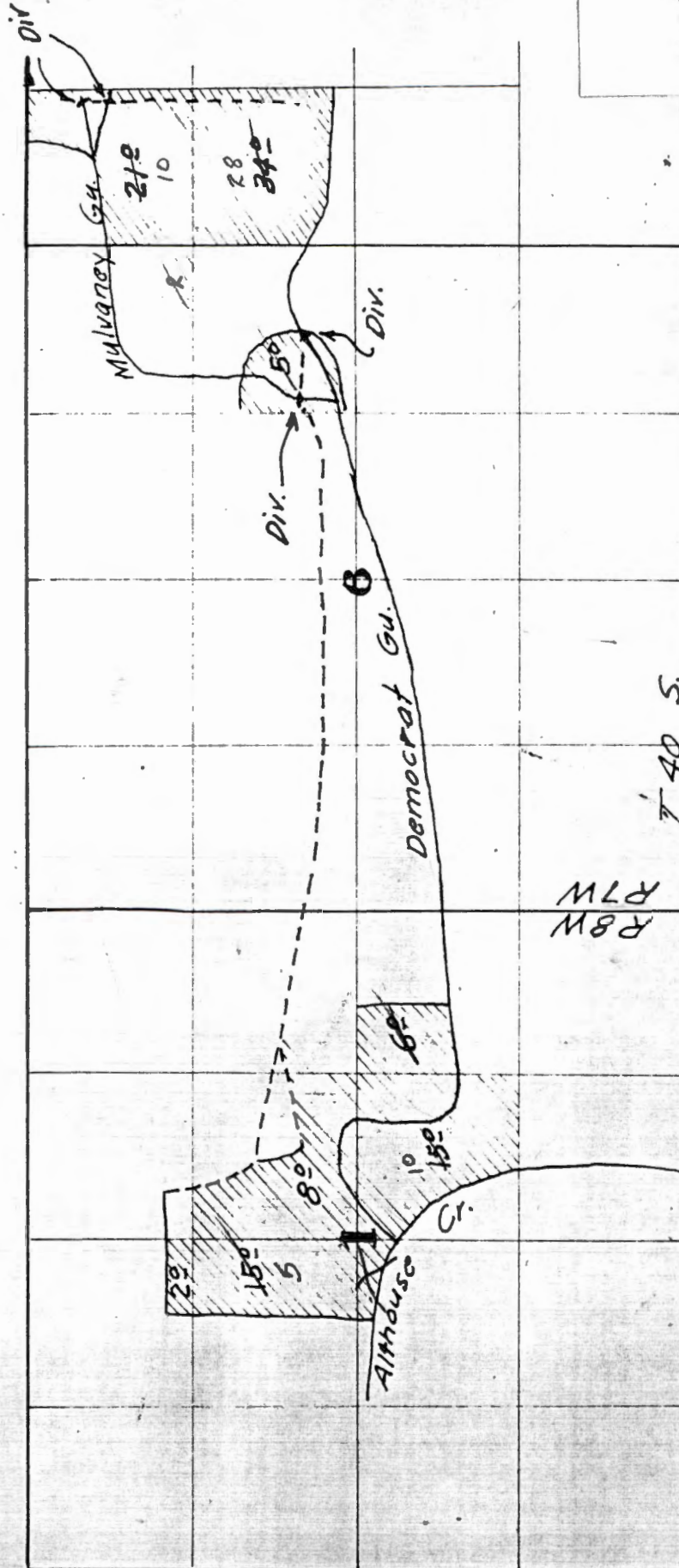
Twp. 39 S. R. 8 W.  
of N.W. Oregon

Twp. 40 S. R. 8 W.  
of N.W. Oregon



A-8317  
P-5400

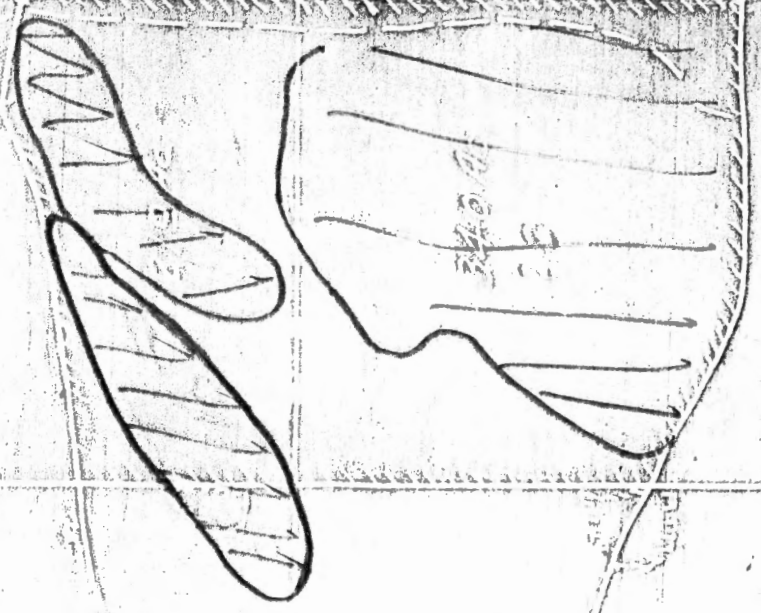
Permit: S 11069  
Volume: 8  
Strm: DEMOCRAT G  
Trib: ALTHOUSE CR  
Priority: 9/21/33



and  
40-8-1  
App. 15/13

See attachment

Sketch of app. map



RECEIVED

JAN 26 1981

WM. DIST. 14  
GRAND PASS, ONE

App. No. 15125  
Permit No. 11069

*[Handwritten scribble]*

*[Handwritten scribble]*

*[Handwritten scribble]*

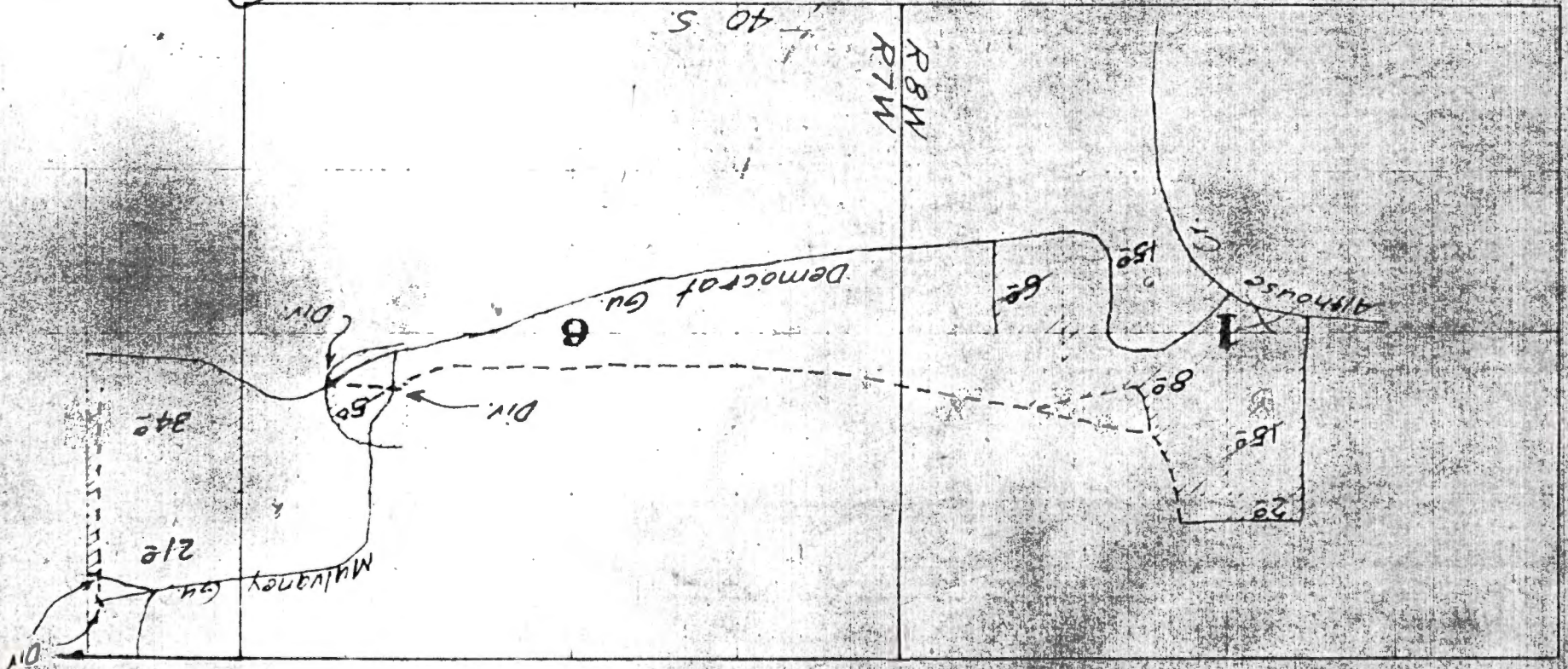
Per. 11069

App. 15135

40-7-5  
6  
App. 15135

40-8-11  
App. 15135

Sketch of app map

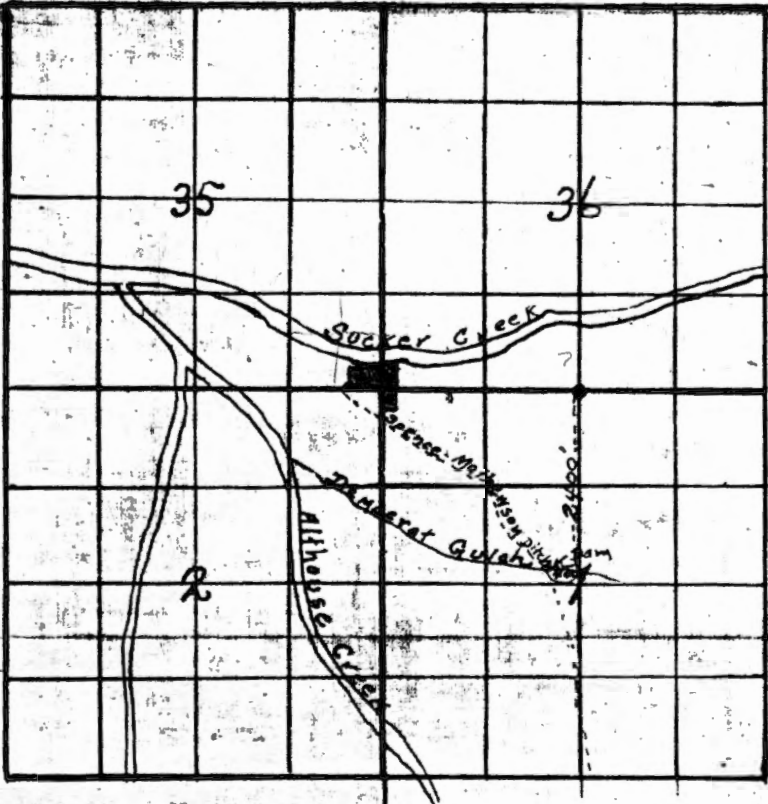


Permit: S 5400  
Volume: 8  
Strm: DEMOCRAT G  
Trib: ALTHOUSE CR  
Priority: 3/30/22

40-8-1

Twp. 39 S. R. 8 W.  
of W.M. Oregon

Twp. 40 S. R. 8 W.  
of W.M. Oregon



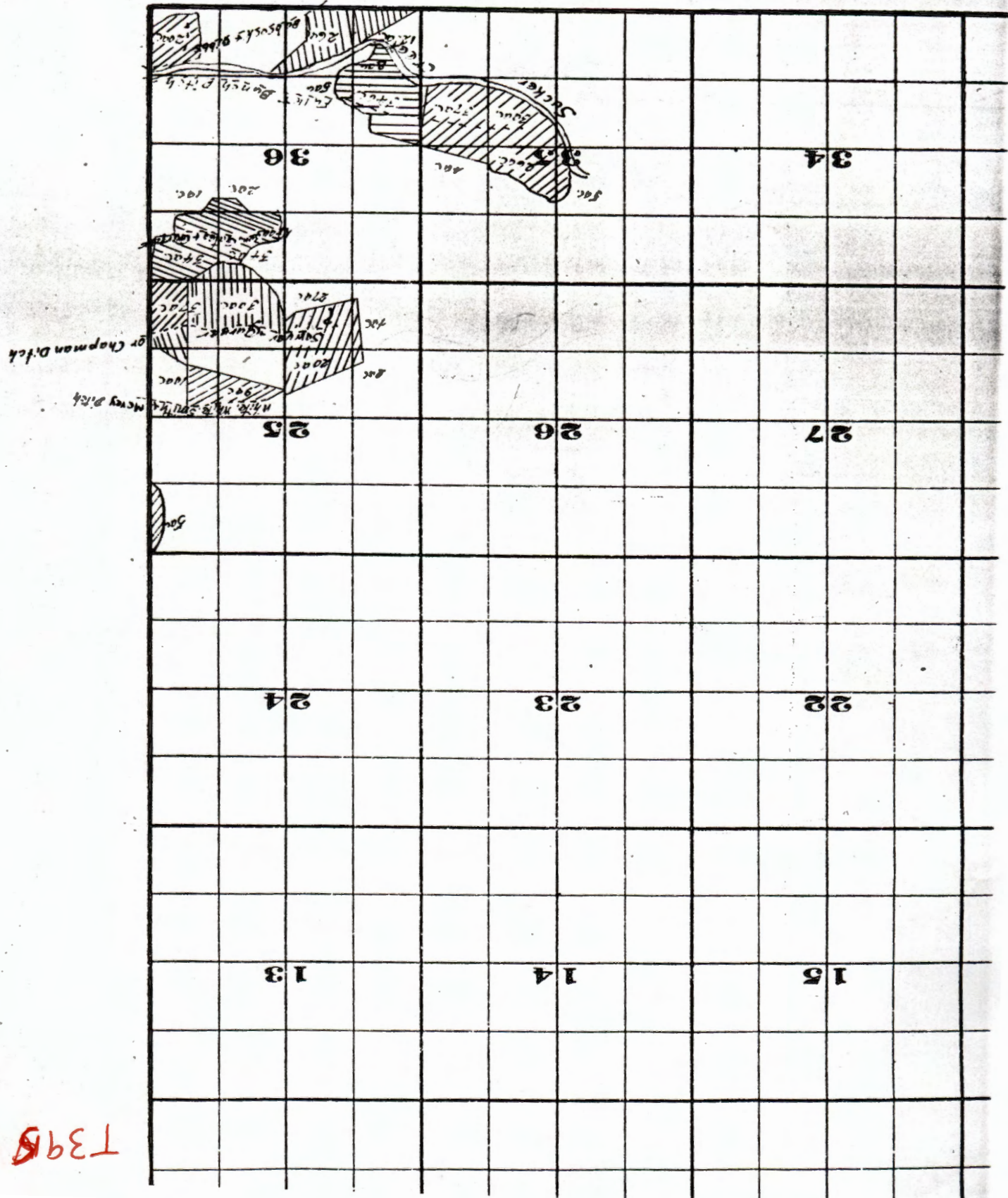
A-8317  
P-5400



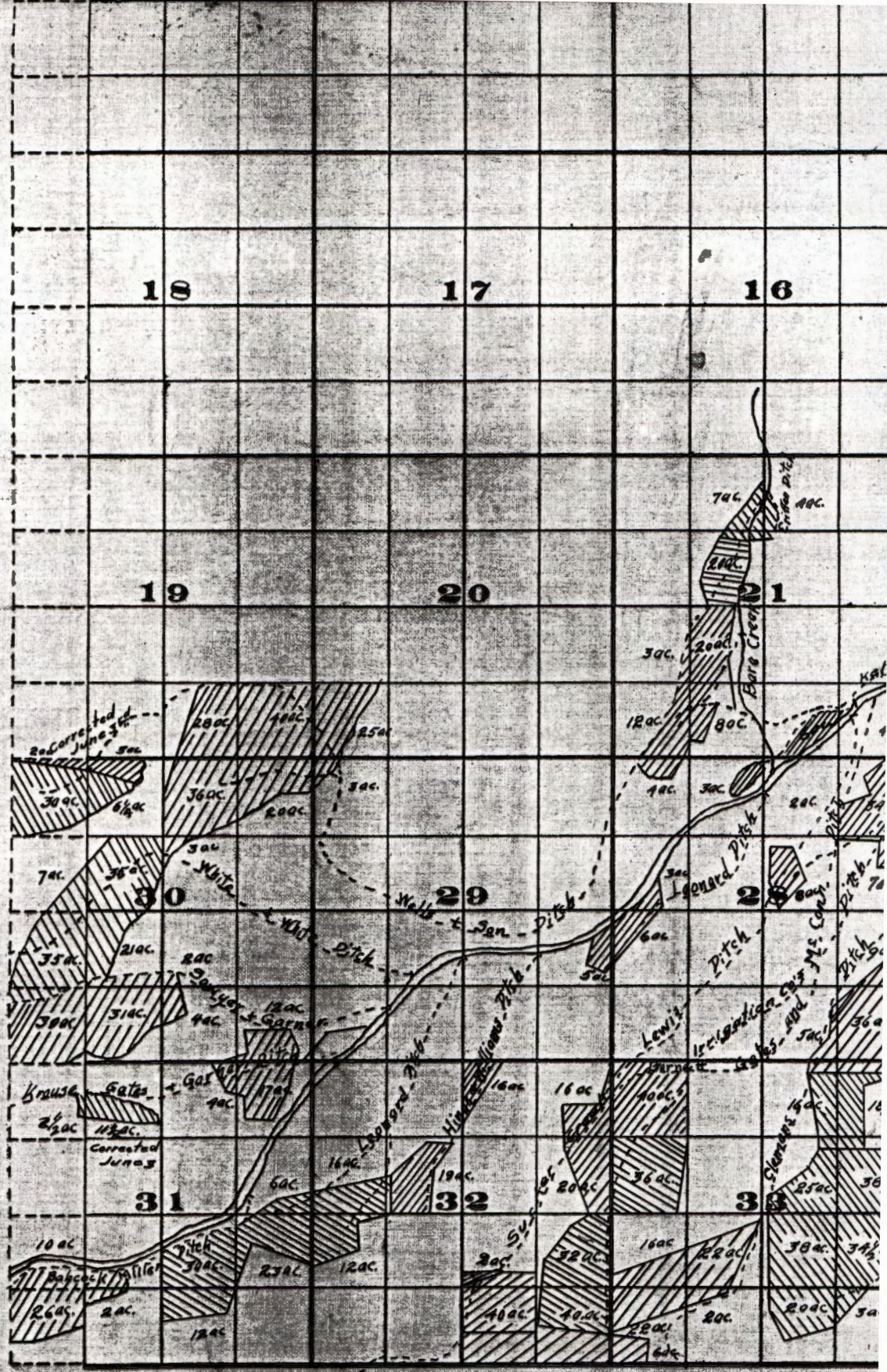


# Sucker Creek Adjudication

FROM OFFICE OF THE STATE ENGINEER, MALDEN, OREGON



T395 RBW



Scale of Feet.

Survey by J.S. McMahon,  
March 1910.

Ch. by D.E.M. 9/15-11  
" " " " 3/16-12

J. H. Lewis, State Engineer.

Plat Card Report for: **Township: 39S, Range: 8W Section: 36**

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot	dlc	
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
	D 7121 *	7121	Cncl'd																	20.000 IR Cncl'd		
12/31/1857	D 7126 *	7126	Cncl'd									5.000 IR Cncl'd	34.000 IR Cncl'd	8.000 IR Cncl'd								
12/31/1857	D 7126 *	30549											5.000 IR									
12/31/1858	D 7146 *	7146	Cncl'd	2.000 IR Cncl'd	4.000 IR Cncl'd																	
12/31/1893	D 7147 *	7147	Cncl'd Lot: 2		34.000 IR Cncl'd																	
12/31/1893	D 7147 *	7147	Cncl'd			2.000 ID Cncl'd	1.000 ID Cncl'd															
12/31/1893	D 7147 *	7147	Cncl'd Lot: 1	34.000 ID Cncl'd																		
12/31/1908	D 7147 *	7147	Cncl'd		1.000 IR Cncl'd	3.800 IR Cncl'd																
12/31/1893	D 7147 *	52322	Cncl'd Lot: 2		29.000 IR																	
12/31/1893	D 7147 *	52322				2.000 IR	1.000 IR															

Go to 39S, 8W, 36 page: [1](#) [2](#) [3](#) [4](#) [Next >>](#)

[Return to Plat Card Search Page.](#)

Plat Card Report for: *Township: 39S, Range: 8W Section: 36*

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot	dlc
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
12/31/1908	D 7147 *	52322			1.000 IR	3.800 IR															
12/31/1893	D 7147 *	52322	Lot: 1	34.000 IR																	
12/31/1908	D 7148 *	7148																2.000 IR			
12/31/1872	D 7148 *	7148												25.000 IR	26.000 IR						
12/31/1908	D 7150 *	7150						9.300 IR	6.600 IR												
12/31/1875	D 13914 *	13914						8.800 IR	8.400 IR												
T 1665	D 7121	45156	Cncl'd																	20.000 IR Cncl'd	
T 1665	D 7121 *	57717																		20.000 IR	
S 3634 5/7/1914	S 2072	2832																	2.000 IR		
T 4478 12/31/1908	CD 7153			2.700 IR																	

Go to 39S, 8W, 36 page: <<Previous [1](#) [2](#) [3](#) [4](#) Next >>

[Return to Plat Card Search Page.](#)

Plat Card Report for: *Township: 39S, Range: 8W Section: 36*

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot	dlc	
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
T 4478 12/31/1908	D 7153	73981	dlc: 42	2.700 IR																		
S 6997 1/15/1920	S 4448	3771	Lot: 4	6.000 IR																		
S 7147 3/15/1920	S 4485	2902		8.000 IR	15.000 IR																	
G 8002 4/7/1977	G 7419	49537											3.700 IR	3.500 IR								
G 8010 4/11/1977	G 7446				5.000 IR																	
S 8317 3/30/1922	S 5400	5139												1.300 IR								
S 14288 9/21/1931	S 10346	9931	Cncl'd																		8.000 ID Cncl'd	
S 14288 9/2/1931	S 10346 *	45293																			8.000 IR (s)	
S 55650 4/11/1977	S 41551				5.000 IR (s)																	
S 59705 1/14/1980	S 44835	73980	dlc: 41	1.000 IR	2.000 IR																	

Go to 39S, 8W, 36 page: <<Previous 1 2 **3** 4 Next >>

[Return to Plat Card Search Page.](#)

**Plat Card Report for: Township: 39S, Range: 8W Section: 36**

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot	dlc	
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
S 59729 1/25/1980	S 44983	61629	Lot: 2		5.000 IR																	
P 78796 1/5/1995														LV	LV			LV				

Go to 39S, 8W, 36 page: <<Previous [1](#) [2](#) [3](#) [4](#)

[Return to Plat Card Search Page.](#)

**TRANSFER CHECK OFF LIST**

TRANSFER FILE # 8175  
DATE RECEIVED 1-29-99  
DATE MONEY SLIPPED 1-29-99  
DATE RECEIPTED 2-3-99  
VALID WATER RIGHT?  Yes  No  
TEMP ALT AC \_\_\_(GARY) IRR DIST \_\_\_(GARY) PERM AMEND \_\_\_(KELLY) DIV 15  or Temp Div15 (LARRY)

LETTER FROM ATTORNEY \_\_\_ YES (PUT INFO ON FRONT COVER)  NO

FOLDER FILLED OUT\* 2-5-99  
INDEX CARD 2-5-99  
ENTERED IN DB 2-5-99  
TYPE BLACK BOOK 2-5-99 (And color code)  
RECORD MONEY/RECEIPT # 2-5-99  
CONTENTS MARKED 2-5-99  
COLOR CODED  Yes  
4 COPIES MADE & STAMPED 2-8-99

CERTIFICATE MARKED 2-5-99  
CERTIFICATE COPIED 2-5-99  
PULL APPLICATIONS \_\_\_\_\_  
APP FOLDER MARKED \_\_\_\_\_  
FINAL PROOF MAP COPIED \_\_\_\_\_  
PERMIT MARKED \_\_\_\_\_  
PERMIT COPIED \_\_\_\_\_  
PERMIT MAP COPIED \_\_\_\_\_  
DECREE MARKED \_\_\_\_\_  
DECREE COPIED \_\_\_\_\_  
ADJUDICATION MAP COPIED \_\_\_\_\_

ENTRIES CHECKED 2-5-99 CHECKED BY Kelly INIT FOLDER   
PUBLIC NOTICE DATE 2-9-99 (PREPARED & COPIED)   
LETTER SENT 2-8-99 Irrigation District \_\_\_\_\_ (copy of app & map)  
COPY TO WM 2-8-99  
BLUE FORM TO WM 2-8-99 Orange Perm Amend/Yellow Temp/grn dist/lav alt acr  
COPY TO GW \_\_\_\_\_ POA, APOA, or [SW TO GW ONL (as POD)]  
BLUE FORM TO GW \_\_\_\_\_ Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr  
COPY TO CWRE 2-8-99  
LETTER TO ODFW 2-8-99 ALL Surface water POU/USE (POD and APOD FISH SCREENS)  
TRANSFER SENT TO: Kelly --- NCR --- SCR --- ER

\*SHRINK DATA IF THERE ARE MANY FILES INVOLVED AND TAPE TO FOLDER





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

February 8, 1999

**Bridgeview Vineyards Inc.**  
4210 Holland Loop Road  
Cave Junction, OR 97523

REFERENCE: Transfer 8175

On 01-29-99 we received your water right transfer application requesting a **change in POD/POU** for use of water from **Sucker Creek**. The application was accompanied by \$ 500.00. Our receipt 27461 and 27462 are enclosed.

By copy of this letter, we are asking the Watermaster for his usual report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination. If you have a specific reason why your application should be examined ahead of other applications, please send us a letter describing your reason. We may be able to examine your application ahead of others.

You may not use water in the new place of use, or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, you will need to obtain consent from the buyer to complete the transfer.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (800) 624-3199 or (503) 378-3739.

cc: Watermaster #14, Bruce Sund  
CWRE #194, Gary D. Wicks

enclosure

Transfer: 8175  
Certificate: 7148  
Priority Date: 1872/1908  
Name: BRIDGEVIEW VINEYARDS INC  
Address: 4210 HOLLAND LOOP RD, CAVE JUNCTION 97523  
Change: POD/POU  
Source: SUCKER CREEK  
Authorized POD: 39S 7W 31  
Proposed POD: 39S 8W 36  
Authorized POU: 39S 8W 36  
40S 8W 01  
Proposed POU: 39S 8W 36  
40S 8W 01

is measured. One kilowatt is one  
 watt hour when you light ten  
 for 10 hours. The  
 water readings. The  
 hours used for this  
 will

rules an  
 you write, p  
 ne number an  
 er, if you're no  
 ou may ask to spe  
 fact the state agenc

**WER**  
 of PacifiCorp  
 97523-0609

Any questions, please call:  
 1-888-221-7070  
 24 hours, 7 days

Account Number  
**31164701-004 1**

Page 1 of 2  
 Bill Date September 21, 1998

**RECEIVED**  
 SEP 28 1998

7-8175

**RECEIVED**

JAN 22 1999

WATER RESOURCES DEPT.  
 SALEM, OREGON

BEGINNING BALANCE	PAYMENTS/ CREDITS	NEW CHARGES	ADJUSTMENTS	OTHER CHARGES	ENDING BALANCE
364.48	364.48	80.59	0.00	0.00	80.59

**APPROVED**  
 SEP 28 1998  
 BY: BVV

Thank you for your payment on September 21, 1998  
 Payments Received

- 364.48  
 - 364.48

DETAIL of CURRENT MONTH ACTIVITY

**1** 4090 Holland Loop Rd Cave Junction OR  
 1St.Nxt To Pond Hp 0120.0 Oregon Agricultural Pumping S Schedule 41

METER NUMBER	SERVICE PERIOD FROM TO	ELAPSED DAYS	METER READINGS PREVIOUS	METER READINGS CURRENT	METER MULT	AMOUNT USED THIS MONTH
1747906	Aug 14, 1998 Sep 15, 1998	32	12,690	14,447	1.0	1,757 KWH
1747906	Demand Sep 15, 1998			45.89		46 KW
Balance Forward						0.00
New Charges						
09/1998						
Irrigation Energy Charge			1,757 KWH		.0458700	80.59
Your Est. Load Size Charge Is			644.00			
Subtotal New Charges						80.59
TOTAL 1St.Nxt To Pond Hp 0120.0 Oregon						
Agricultural Pumping S Charges <b>1</b>						<b>80.59</b>

**PAID**  
 8998

**ENTERED**  
 7786

RETAIN THIS PORTION FOR YOUR RECORDS..... BRING ENTIRE BILL TO PAYING IN PERSON



**RECEIVED**

JAN 29 1999

WATER RESOURCES DEPT.  
 SALEM, OREGON

measured. One kilowatt is one  
 hour when you light ten  
 readings. The  
 used for this  
 will

es a  
 write, p  
 number a  
 if you're no  
 may ask to spe  
 the state agency  
 7523-0609

**PACIFIC POWER**  
 of PacifiCorp

Any questions, please call:  
**1-888-221-7070**  
 24 hours, 7 days

Account Number  
**31164701-004 1**

Page 2 of 2  
 Bill Date September 23, 1998

Period Ending	Avg. Daily Temperature	Total KWH	Average KWH/Day	Cost Per Day
SEP 1998	73	1,757	55	\$2.52
SEP 1997	54	389	13	

1997 S O N D J F M A M J J A S 1998

Talk with an expert. PACIFIC POWER has a hotline especially for irrigators. If you have any questions about your pumping account or your billing, please call 1-800-715-9238.

Effective immediately, please revise your records to reflect our new payment remittance address: Pacific Power, 1033 NE 6th Ave., Portland, Or 97256-0001.



RECEIVED  
 JAN 14 1998  
 MAIL ROOM  
 PULLMAN OFFICE



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

January 22, 1999

Bob Kerivan/Bridgeview Vineyards Winery  
4210 Holland Loop Road  
Cave Junction, OR 97523

**RECEIVED**

**JAN 29 1999**

**WATER RESOURCES DEPT.  
SALEM, OREGON**

We received your transfer application January 22, 1999. We were unable to file the application because it was not accompanied by the required fee as shown on the enclosed fee schedule. Transfers have a minimum fee of \$200.00 with a charge of \$100.00 for each additional type of change, plus if the change is for POU there is an additional charge of \$100.00 for each CFS (cubic foot per second) or fraction thereof. The first CFS is included in the \$200.00.

We are returning your application, check and other material you submitted. You may resubmit the application, required exhibits, and money as stated above. If you have any questions, please call the transfer section at (503) 378-8455, or (in-state only) (800) 624-3199.

Sincerely,

Gloria Tolleson  
NW Region Support

cc: Watermaster Dist 14, Bruce Sund

enclosures

The fee schedule  
is so confusing, please  
send the money back  
if overpaid.



T-8175

RECEIVED

JAN 22 1999

WATER RESOURCES DEPT. SALEM, OREGON

### Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

#### To Be Completed By Applicant

RECEIVED

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

JAN 29 1999

#### A. Applicant

Name: BOB KERIVAN / Bridgeview Vineyards Winery

WATER RESOURCES DEPT. SALEM, OREGON

Address: 4210 Holland Loop Road

City: Cave Junction State: OR Zip: 97523 Day Phone: 541-592-4688

#### B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
1000-39-8-36	EF / FR	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
1001-39-8-36	EF / FR	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
600/601-40-8-1	<del>EF</del> Rural Residential-5	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. Josephine

#### C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Irrigation

Briefly describe: Sprinklers and Drip Irrigation are used to irrigate grape vines. Water is pumped from Sucker Creek to ponds. Pumps at the ponds then convey water to the grapes.

#### D. Source

Indicate the source for the proposed water use:

Reservoir/Pond    Ground Water    Surface Water Sucker Creek  
(source)

#### E. Quantity

Indicate the estimated quantity of water the use will require:

2.0  CFS    GPM    Acre-Feet

#### Receipt for Request for Land Use Information

State of Oregon  
Water Resources Department  
Commerce Bldg.  
158 12th St. NE  
Salem, OR 97310-0210  
(503)378-8455

**For Local Government Use Only**

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

**A. Allowed Use**

Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); 64.120 RLDC. Go to section B "Approval" below  
 TL 1000  
 1001  
 TL 600+601 61.020 RLDC
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

**Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

**B. Approval**

Please provide printed name and written signature.

Name: John Reuz Date: 12-17-98  
 Title: Senior Planner Phone: 474-5421 X3608  
 Signature: John Reuz

**C. Additional Comments**

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Note:** If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

**Receipt for Request for Land Use Information**

Name of water right applicant: \_\_\_\_\_

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: \_\_\_\_\_

Staff contact: \_\_\_\_\_ Phone: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



T-8175

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JAN 22 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

P.O. Box 811  
877 N.E. 7th Street  
Grants Pass, OR 97526

(541) 955-7134  
FAX (541) 955-7185

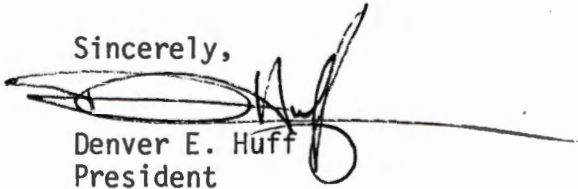
December 15, 1998

State Of Oregon  
Water Resources Department

To Whom it may concern;

Please accept this letter as our affidavit and expression of the fact that Home Valley Bank, as 1st. Trust Deed leinholder has no objection to the proposed transfer of water right as proposed in the attached document for Bridgeview Vineyards.

Sincerely,



Denver E. Huff  
President

RECEIVED

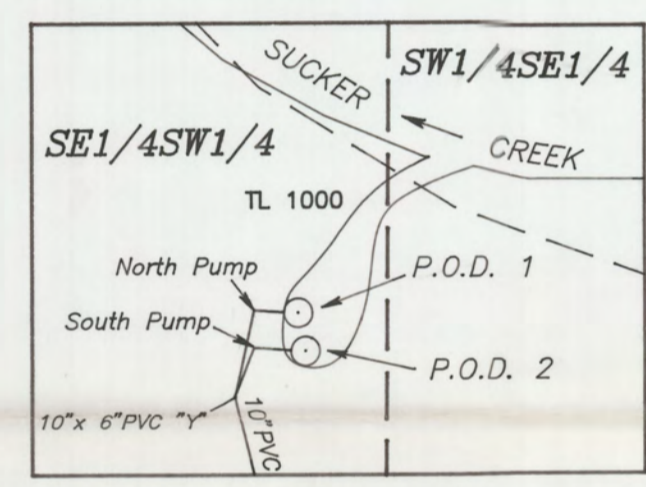
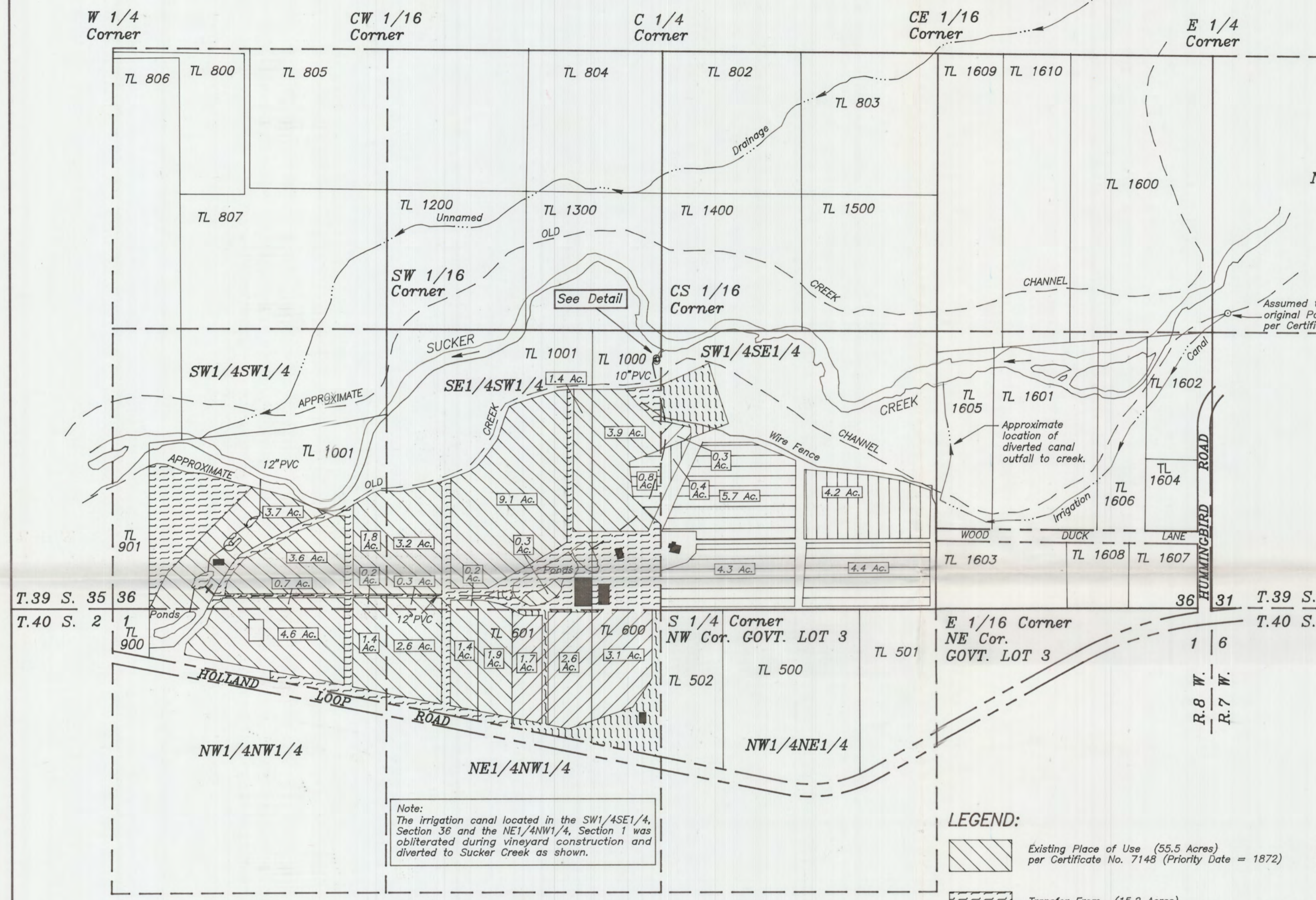
JAN 29 1999

WATER RESOURCES DEPT.  
SALEM, OREGON



Superseded by amended map received 10/11/2004

S1/2 Sec. 36, T.39 S., R.8 W., W.M.  
 N1/2NW1/4 Sec. 1, T.40 S., R.8 W., W.M.



SCALE:  
1" = 400'

DETAIL OF POINTS OF DIVERSION  
Scale: 1" = 80'

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WATER RESOURCES DEPT.  
SALEM, OREGON

T.39 S. 35 36  
T.40 S. 2 1  
R.8 W. 31 36  
R.7 W. 1 6

Note:  
The irrigation canal located in the SW1/4SE1/4, Section 36 and the NE1/4NW1/4, Section 1 was obliterated during vineyard construction and diverted to Sucker Creek as shown.

- LEGEND:**
- Existing Place of Use (55.5 Acres) per Certificate No. 7148 (Priority Date = 1872)
  - Transfer From (15.2 Acres) per Certificate No. 7148 (Priority Date = 1872)
  - Transfer To (15.2 Acres) per Certificate No. 7148 (Priority Date = 1872)
  - Existing Place of Use (12.3 Acres) per Certificate No. 7148 (Priority Date = 1908)
  - Transfer From (4.6 Acres) per Certificate No. 7148 (Priority Date = 1908)
  - Transfer To (4.6 Acres) per Certificate No. 7148 (Priority Date = 1908)
  - Existing Building (Approximate location)
  - Existing Underground Pipeline (sizes as shown) (Approximate location)

Assumed original Point of Diversion per Certificate No. 63788 is located in the NW1/4SW1/4, Sec. 31, T.39S., R.7W., W.M.; Irrigation Canal - 1420'N & 75'E from SW cor., Sec. 31

- Proposed Primary Points of Diversion per this Application
- P.O.D. 1 23'W & 1211'N from SE cor. of SE1/4SW1/4 Sec. 36, being within SE1/4SW1/4, Sec. 36, T.39S., R.8W., W.M.
  - P.O.D. 2 21'W & 1201'N from SE cor. of SE1/4SW1/4 Sec. 36, being within SE1/4SW1/4, Sec. 36, T.39S., R.8W., W.M.

This plat was prepared for the purpose of identifying the location of the water right only. There is no intent to provide dimensions or locations of property ownership lines.

Quarter Section	Existing 1872 Acres	Existing 1908 Acres	1872 Transfer From	1908 Transfer From	1872 Transfer To	1908 Transfer To	Proposed 1872 Acres	Proposed 1908 Acres
SWSW - Sec. 36	15.5	-	5.5	-	-	-	10.0	-
SESW - Sec. 36	26.0	-	7.6	-	0.8	-	19.2	-
SWSE - Sec. 36	-	2.0	-	1.7	14.4	4.6	14.4	4.9
NENW - Sec. 1	7.0	10.3	1.1	2.9	-	-	5.9	7.4
NWNW - Sec. 1	7.0	-	1.0	-	-	-	6.0	-
TOTAL	55.5	12.3	15.2	4.6	15.2	4.6	55.5	12.3

RECEIVED  
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WATER RESOURCES DEPT.  
SALEM, OREGON

**WATER RIGHT APPLICATION AND TRANSFER MAP**

SURVEYED BY: WICKS ENGINEERING & SURVEYING  
311 N.E. "D" Street  
Grants Pass, Oregon 97526  
Tel. (541) 479-3436

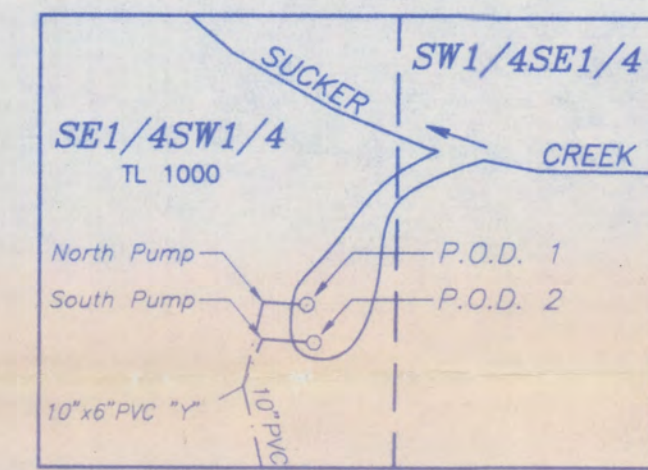
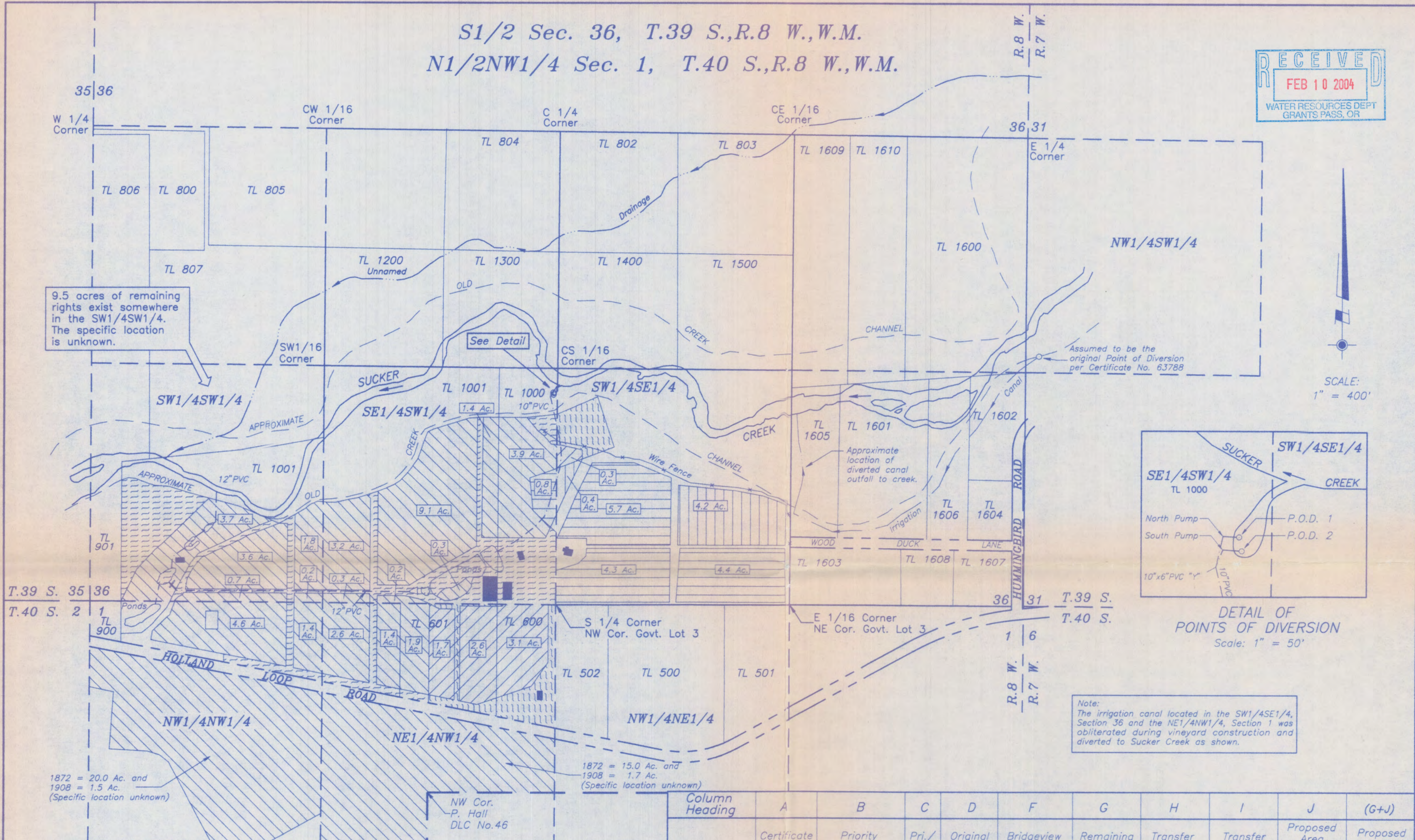
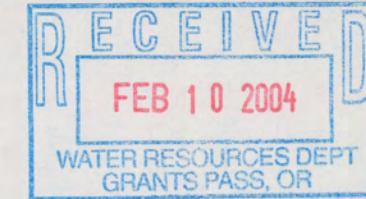
LOCATED IN: S1/2 Sec. 36, T.39 S., R.8 W., W.M. & N1/2NW1/4 Sec. 1, T.40 S., R.8 W., W.M. Josephine County, Oregon

SURVEYED FOR: BRIDGEVIEW VINEYARDS WINERY  
4210 Holland Loop Road  
Cave Junction, OR 97523  
Tel. (541) 592-4688

PROJECT NO. 566-98-383  
DRAWING NO. (KERVANDWG) 301-18.24  
DATE Nov. 11, 1998  
SCALE 1" = 400'

SHEET NO. 1 of 1

S1/2 Sec. 36, T.39 S., R.8 W., W.M.  
 N1/2NW1/4 Sec. 1, T.40 S., R.8 W., W.M.



Note:  
 The irrigation canal located in the SW1/4SE1/4, Section 36 and the NE1/4NW1/4, Section 1 was obliterated during vineyard construction and diverted to Sucker Creek as shown.

SCALE:  
 1" = 400'

**LEGEND:**

- Existing Place of Use (100.0 Acres) per Certificate No. 7148 (Priority Date = 1872)
- Transfer From (15.2 Acres) per Certificate No. 7148 (Priority Date = 1872)
- Transfer To (15.2 Acres) per Certificate No. 7148 (Priority Date = 1872)
- Existing Place of Use (15.5 Acres) per Certificate No. 7148 (Priority Date = 1908)
- Transfer From (4.6 Acres) per Certificate No. 7148 (Priority Date = 1908)
- Transfer To (4.6 Acres) per Certificate No. 7148 (Priority Date = 1908)

Existing Building (Approximate location)

Existing Underground Pipeline (sizes as shown) (Approximate location)

Assumed original Point of Diversion per Certificate No. 63788 is located in the NW1/4SW1/4, Sec. 31, T.39S., R.7W., W.M.; Irrigation Canal - 1420'N & 75'E from SW cor., Sec. 31

Proposed Primary Points of Diversion per this Application

P.O.D. 1 23'W & 1211'N from SE cor. of SE1/4SW1/4 Sec. 36, being within SE1/4SW1/4, Sec. 36, T.39S., R.8W., W.M.

P.O.D. 2 21'W & 1201'N from SE cor. of SE1/4SW1/4 Sec. 36, being within SE1/4SW1/4, Sec. 36, T.39S., R.8W., W.M.

This plat was prepared for the purpose of identifying the location of the water right only. There is no intent to provide dimensions or locations of property ownership lines.

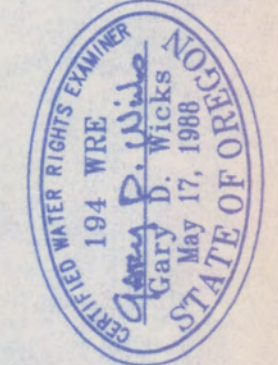
Column Heading	A	B	C	D	F	G	H	I	J	(G+J)
	Certificate No.	Priority Date	Pri./ Sup.	Original Area	Bridgeview Property	Remaining Properties	Transfer From	Transfer To	Proposed Area (Bridgeview)	Proposed New Total
<b>Section 36</b> T.39 S., R.8 W.										
SW1/4SW1/4	7148	1872	P	25.0 Ac.	15.5 Ac.	9.5 Ac.	5.5 Ac.		10.0 Ac.	19.5 Ac.
SE1/4SW1/4	7148	1872	P	26.0 Ac.	26.0 Ac.		7.6 Ac.	0.8 Ac.	19.2 Ac.	19.2 Ac.
SW1/4SE1/4	7148	1872	P					14.4 Ac.	14.4 Ac.	14.4 Ac.
		1908	P	2.0 Ac.	2.0 Ac.		1.7 Ac.	4.6 Ac.	4.9 Ac.	4.9 Ac.
<b>Section 1</b> T.40 S., R.8 W.										
NE1/4NW1/4	7148	1872	P	22.0 Ac.	7.0 Ac.	15.0 Ac.	1.1 Ac.		5.9 Ac.	20.9 Ac.
	7148	1908	P	12.0 Ac.	10.3 Ac.	1.7 Ac.	2.9 Ac.		7.4 Ac.	9.1 Ac.
NW1/4NW1/4	7148	1872	P	27.0 Ac.	7.0 Ac.	20.0 Ac.	1.0 Ac.		6.0 Ac.	26.0 Ac.
	7148	1908	P	1.5 Ac.						1.5 Ac.
<b>TOTALS:</b>		1872	P	100.0 Ac.	55.5 Ac.	44.5 Ac.	15.2 Ac.	15.2 Ac.	55.5 Ac.	100.0 Ac.
		1908	P	15.5 Ac.	12.3 Ac.	3.2 Ac.	4.6 Ac.	4.6 Ac.	12.3 Ac.	15.5 Ac.

**WATER RIGHT APPLICATION AND TRANSFER MAP**

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LOCATED IN  
 S1/2 Sec. 36, T.39 S., R.8 W., W.M. &  
 N1/2NW1/4 Sec. 1, T.40 S., R.8 W., W.M.  
 Josephine County, Oregon

SURVEYED FOR:  
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 4210 Holland Loop Road  
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 Tel. (541) 592-4688



PROJECT NO. 566-98-383  
 DRAWING NO. (REVISED) 301-18.24  
 DATE Nov. 11, 1998  
 Revision No. 3 - 2-06-04  
 SCALE 1" = 400'

RENEWAL DATE: 6-30-04

**SHEET NO. 1 of 1**

Superseded 10-11-04