

T-10418

T-10418

Name Cayuse Vineyards

Address PO Box 1602  
Walla Walla Wa 99362  
509-526-0686

Change in POU

Date Filed 6-27-07

Initial notice date 7-3-07

DPD issued date \_\_\_\_\_

PD issued date \_\_\_\_\_

PD notice date \_\_\_\_\_

Date of FO 6-6-08 Vol 75 Page 108

C-Date \_\_\_\_\_

COBU due date \_\_\_\_\_

COBU Received date \_\_\_\_\_

Certificate issued RR 84124

DESCRIPTION OF WATER RIGHT(S)

Name of Stream North Fork Walla Walla River

Trib. of Walla Walla River

Use IR County Umatilla

Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_

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

App # \_\_\_\_\_ Per # \_\_\_\_\_ Cert # 13259 PR Date 1878

App # \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App # \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App # \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App # \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

Decree: Walla Walla River

Contacts: RA Tribou

FEES PAID		
Date	Amount	Receipt #
<u>6/27/07</u>	<u>350.00</u>	<u>88371</u>

FEES REFUNDED		
Date	Amount	Receipt#

Assignments:

REC'D SEP 28 2007

Irrigation District n/A

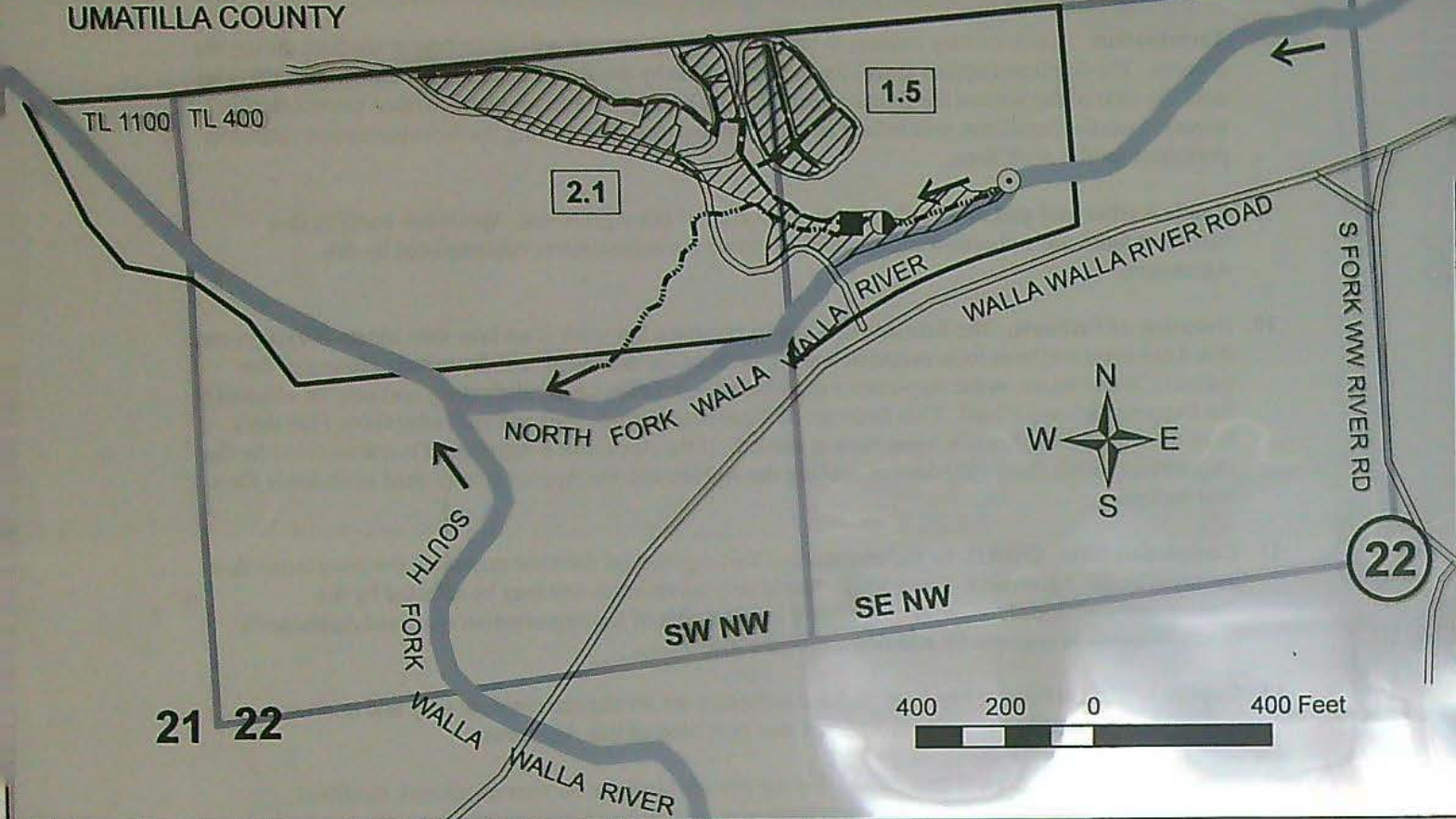
Agent n/A

CWRE John S. Warinner #358

CC's list Umatilla County 216SE Fourth St. Pendleton, OR 97801

- Oversized map - Location

T5N, R36E, WM  
SECTION 22  
UMATILLA COUNTY



○ **Point of Diversion**

Gravity surface water diversion located in the SE/4 of NW/4 of Section 22 at a distance 940 feet N and 800 feet W from the Center of Section 22.

● **Flow Control Headgate**

Flow control headgate located about 300 feet downstream of point of diversion. Excess flow returns to river.

■ **Fish Screen**

Fish screen located 75 feet downstream of flow control headgate. Flow measurement weir located at fish screen outlet. Pump station at same location diverts water from ditch immediately downstream of measurement weir. Excess flow returns to river.

----- **Irrigation Ditch**

Gravity ditch conveys water from point of diversion to pump station. Unused portion of diverted water returns to river.

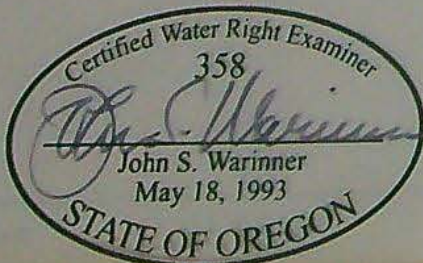
----- **Mainline**

Pressurized mainline pipe conveys water from pump station to place of use.

▨ **Place of Use**

Water beneficially used for irrigation of 3.6 acres:  
2.1 acres in SW NW of Section 22  
1.5 acres in SE NW of Section 22

The purpose of this map is to identify the location of a water right. It is not intended to provide information regarding the location of property ownership boundary lines.



FOUNTAINHEAD  
1204 Alvarado Terrace  
Walla Walla, WA 99362  
509.529.2646 phone

**CLAIM OF BENEFICIAL USE  
Transfer 10418**

in the name of  
CAYUSE VINEYARDS

Revised 22 JUN 2011



OREGON WATER RESOURCES DEPARTMENT  
**CERTIFICATE REIMBURSEMENT AUTHORITY**  
**APPLICANT'S AGREEMENT**



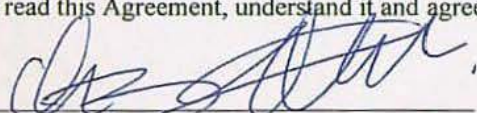
Contract Number: **R11807-11**

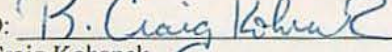
This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Cayuse Vineyards** hereafter Applicants, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Project Contact: R. Craig Kohanek	Name: Cayuse Vineyards	Name: Christophe Baron
Reimbursement Authority	Title: Owner	Title: Owner
Oregon Water Resources Department	Company: Cayuse Vineyards	Company:
725 Summer Street, NE	Address: P.O. Box 1602	Address:
Salem, OR 97301-1271	Walla Walla, WA 99362	
Phone: 503-986-0823	Phone: 509-301-6971	Phone:
Email: <a href="mailto:Ron.c.kohanek@state.or.us">Ron.c.kohanek@state.or.us</a>	Email: <a href="mailto:info@cayusevineyards.com">info@cayusevineyards.com</a>	Email:

1. **Purpose.** The purpose of this Agreement is to expedite the processing of the **Claim of Beneficial Use**. (**Application Number: T-10418**)
2. **Authority.** ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
3. **Restrictions.** Cayuse Vineyards and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
4. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service has been received by OWRD.
5. **Consideration.** Cayuse Vineyards shall pay OWRD in advance for actual costs incurred by OWRD. Cayuse Vineyards agrees to pay the full amount of **\$700** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.
6. **Confidentiality.** Cayuse Vineyards agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
7. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

8. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.
9. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
10. **Duration of Estimate.** The Estimate of Time to complete the work is no later than ninety (90) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.
11. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
12. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
13. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
14. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

Applicant:   
 Name: Cayuse Vineyards  
 Title: Owner  
 Company: Cayuse Vineyards  
 Date: 07/13/11

For OWRD:   
 Name: R. Craig Kohanek  
 Water Rights and Adjudication Division  
 Date: 07-18-2011

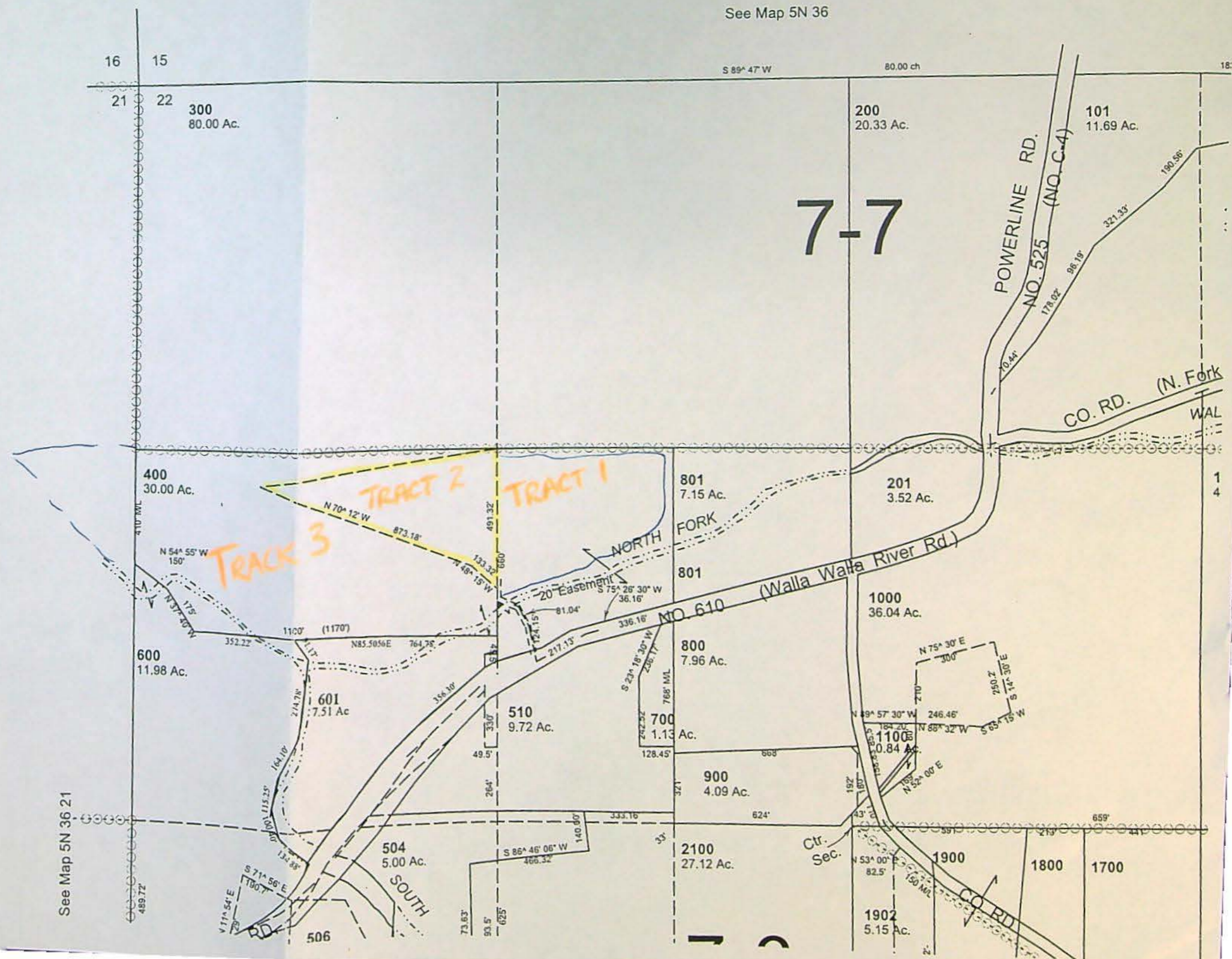
Mail signed Agreement to:

**Craig Kohanek**  
**Oregon Water Resources Department**  
 725 Summer Street NE, Suite A  
 Salem, OR 97301-1271

SCALE 1" = 400'

T. 5 N., R. 36 E.

See Map 5N 36



7-7

See Map 5N 36 21

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **88371**

INVOICE # \_\_\_\_\_

RECEIVED FROM: <u>Gayuse Vineyards</u>	APPLICATION	
BY: _____	PERMIT	
	TRANSFER	<u>T-10418</u>
CASH: <input type="checkbox"/> CHECK.# <u>7933</u> OTHER: (IDENTIFY) <input type="checkbox"/>	TOTAL REC'D	\$ <u>350.00</u>

<b>1083 TREASURY 4170 WRD MISC CASH ACCT</b>
0407 COPIES \$
OTHER: (IDENTIFY) \$
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

<b>4270 WRD OPERATING ACCT</b>			
<b>MISCELLANEOUS</b>			
0407 COPY & TAPE FEES			\$
0410 RESEARCH FEES			\$
0408 MISC REVENUE: (IDENTIFY)			\$
TC162 DEPOSIT LIAB. (IDENTIFY)			\$
0240 EXTENSION OF TIME			\$
<b>WATER RIGHTS:</b>			
0201 SURFACE WATER	<b>EXAM FEE</b>	0202	<b>RECORD FEE</b>
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$ <u>350.00</u>		
<b>WELL CONSTRUCTION</b>			
0218 WELL DRILL CONSTRUCTOR	<b>EXAM FEE</b>	0219	<b>LICENSE FEE</b>
LANDOWNER'S PERMIT	\$	0220	\$
OTHER (IDENTIFY)			

<b>0536 TREASURY 0437 WELL CONST. START FEE</b>			
0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	
OTHER (IDENTIFY)			

<b>0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER</b>			
0233 POWER LICENSE FEE (FWWRD)			\$
0231 HYDRO LICENSE FEE (FWWRD)			\$
HYDRO APPLICATION			\$

<b>TREASURY OTHER / RDX</b>	
FUND _____ TITLE _____	
OBJ. CODE _____ VENDOR # _____	
DESCRIPTION _____	\$ _____

RECEIPT: **88371**

DATED: 6/27/07 BY: L. Pasalunke

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
 SALEM, OR 97301-4172  
 (503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **103309**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Cayuse Vineyards, LLC  
 BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	T-10418

CASH:  CHECK:# 9592 OTHER: (IDENTIFY)

TOTAL REC'D \$ 12500

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407	COPIES	<u>47126 R11-80711</u>	\$
<u>0408</u>	OTHER:	(IDENTIFY) <u>Remittance check</u>	\$ <u>12500</u>
0243	I/S Lease	_____	
0244	Muni Water Mgmt. Plan	_____	
0245	Cons. Water	_____	

**4270 WRD OPERATING ACCT**

MISCELLANEOUS

0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)	_____	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	\$
0240	EXTENSION OF TIME		\$

WATER RIGHTS:

0201	SURFACE WATER	EXAM FEE \$	0202	RECORD FEE \$
0203	GROUND WATER	EXAM FEE \$	0204	RECORD FEE \$
0205	TRANSFER	EXAM FEE \$		

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219	LICENSE FEE \$
	LANDOWNER'S PERMIT		0220	LICENSE FEE \$

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211	WELL CONST START FEE	\$	CARD #	
0210	MONITORING WELLS	\$	CARD #	
	OTHER (IDENTIFY)	_____		

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233	POWER LICENSE FEE (FWWRD)		\$
0231	HYDRO LICENSE FEE (FWWRD)		\$
	HYDRO APPLICATION		\$

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **103309**

DATED: 7-5-11

BY: [Signature]

STATE OF OREGON  
 WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A  
 SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **103419**

INVOICE # \_\_\_\_\_

RECEIVED FROM: CANUSE VINEYARDS  
 BY: LHC

APPLICATION	
PERMIT	
TRANSFER	T-10718

CASH:  CHECK: # 9623 OTHER: (IDENTIFY)

TOTAL REC'D \$ 700.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407	COPIES	<u>47126 R-11-807-11</u>	\$
<u>0408</u>	OTHER:	(IDENTIFY) <u>Reimbursement Authority</u>	\$ <u>700.00</u>
0243	I/S Lease	_____	
0244	Muni Water Mgmt. Plan	_____	
0245	Cons. Water	_____	

**4270 WRD OPERATING ACCT**

MISCELLANEOUS

0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY)	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	\$
0240	EXTENSION OF TIME	\$

WATER RIGHTS:

0201	SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$		\$

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
	LANDOWNER'S PERMIT	\$	0220	\$

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211	WELL CONST START FEE	\$	CARD #	
0210	MONITORING WELLS	\$	CARD #	
	OTHER (IDENTIFY)			

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233	POWER LICENSE FEE (FW/WRD)		\$
0231	HYDRO LICENSE FEE (FW/WRD)		\$
	HYDRO APPLICATION		\$

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
 OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
 DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **103419**

DATED: 7-18-11 BY: R/R

# RA Mailing List for Transfer Certificate

Mailing Date:

Application: T-10418

Certificate: 87277

Certificate/Transfer Holder: (include copy of map)

CAYUSE VINEYARDS  
PO BOX 1602  
WALLA WALLA WA 99362

<b>Copies Mailed</b>
By: <i>Connie Vance</i> (SUPPORT STAFF)
on: NOV 07 2011 (DATE)

Copies of final Certificate to be sent to:

1. Data Center ✓
2. Water Availability ✓
3. Vault ✓
4. File ✓

Persons to receive via e-mail draft/proposed copies (completed by RA staff)

- 1.

Other Persons to receive copies (proposed and/or final certificate:(Include map)

1. Watermaster #5, Tony Justus ✓
2. John S. Warinner, CWRE ✓

Record Marking(s) :

1. Old Certificate# 13259 ✓
2. Decree Name & Volume: Umatilla River, Volume 12, Page 9

STATE OF OREGON  
 COUNTY OF UMATILLA  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CAYUSE VINEYARDS  
 PO BOX 1602  
 WALLA WALLA WA 99362

confirms the right to use the waters of NORTH FORK WALLA WALLA RIVER, tributary to WALLA WALLA RIVER for IRRIGATION of 3.6 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 12, at Page 9. The date of priority is 1878.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE AND ONE-HALF MINER'S INCHES per acre (0.135 CUBIC FOOT PER SECOND), or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	36 E	WM	22	SE NW	940 FEET NORTH AND 800 FEET WEST FROM C1/4 CORNER, SECTION 22

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	36 E	WM	22	SW NW	2.1
5 N	36 E	WM	22	SE NW	1.5

The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.

The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.

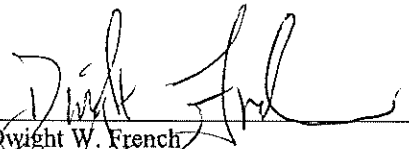
This certificate is issued to confirm a change in place of use approved by an order of the Water Resources Director entered June 6, 2008, at Special Order Volume 75, Page 108, approving Transfer Application 10418, and together with Certificate 84124, supersedes Certificate 13259, State record of Water Right Certificates.

**NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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.

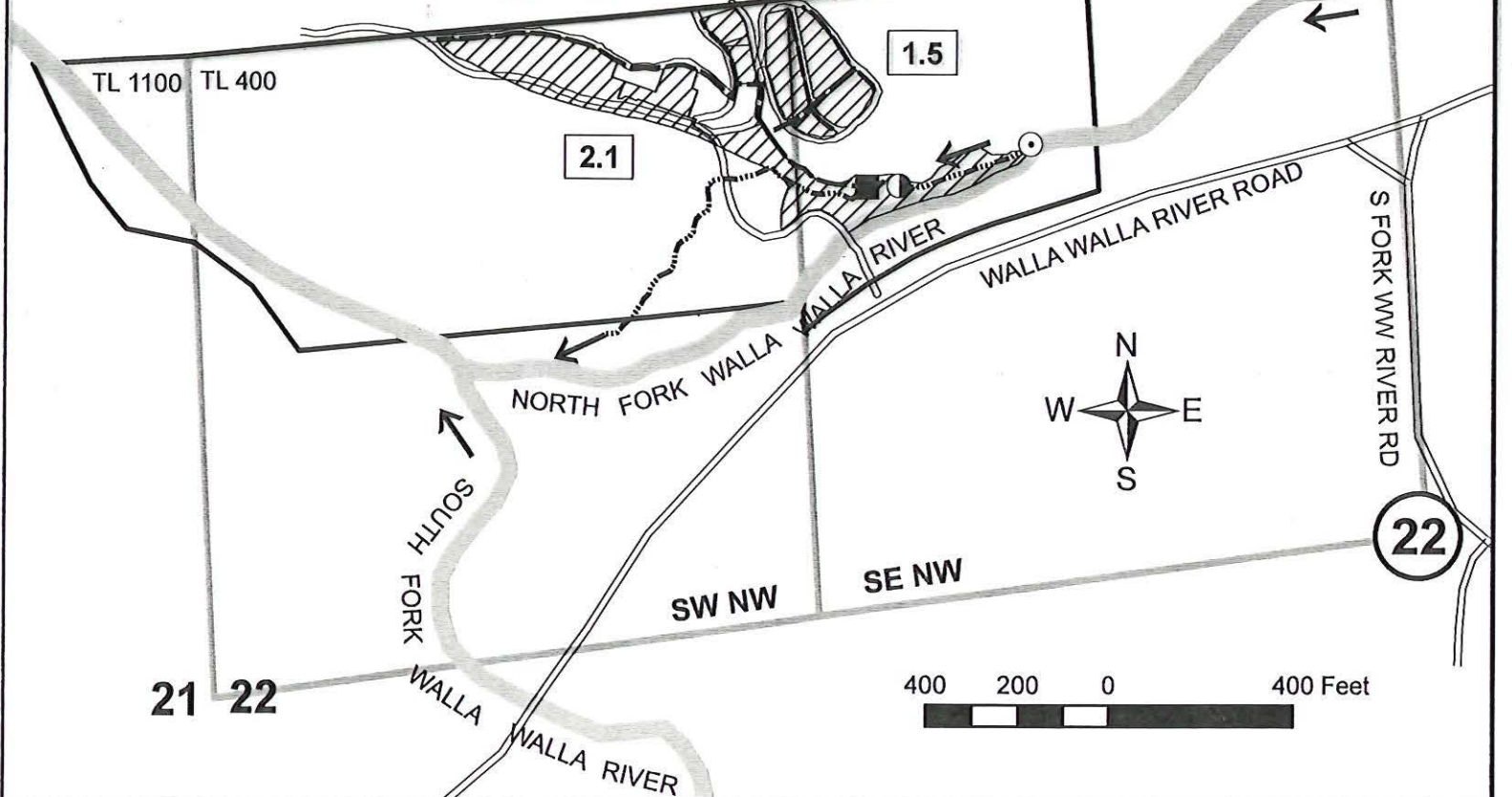
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

Issued NOV 07 2011.

  
\_\_\_\_\_  
Dwight W. French  
Water Right Services Administrator, for  
Phillip C. Ward, Director

T5N, R36E, WM  
SECTION 22  
UMATILLA COUNTY

**COPY**



○ **Point of Diversion**

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Pressurized mainline pipe conveys water from pump station to place of use.

■ **Fish Screen**

Fish screen located 75 feet downstream of flow control headgate. Flow measurement weir located at fish screen outlet. Pump station at same location diverts water from ditch immediately downstream of measurement weir. Excess flow returns to river.

▨ **Place of Use**

Water beneficially used for irrigation of 3.6 acres:  
2.1 acres in SW NW of Section 22  
1.5 acres in SE NW of Section 22

05

The purpose of this map is to identify the location of a water right. It is not intended to provide information regarding the location of property ownership boundary lines.



FOUNTAINHEAD  
1204 Alvarado Terrace  
Walla Walla, WA 99362  
509.529.2646 phone

**CLAIM OF BENEFICIAL USE  
Transfer 10418**

in the name of  
CAYUSE VINEYARDS

Revised 22 JUN 2011



# Oregon

John A. Kitzhaber, MD, 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

DATE: November 7, 2011

## NOTICE OF CERTIFICATES ISSUANCE

Attached are certificates that confirm the water right established under the terms of a transfer order issued by this department.

This is a final 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 **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If you have any questions please contact Craig Kohanek at 503-986-0823.

STATE OF OREGON REMITTANCE ADVICE

TO SIGN UP FOR DIRECT DEPOSIT PAYMENT SERVICE AND RECEIVE CONVENIENT,  
ELECTRONIC PAYMENTS, LOG-ON TO <http://egov.oregon.gov/ORS/SCD/SFMS/ach.shtml>  
ON THE INTERNET. CLICK ON: FORMS AND BROCHURES THEN SELECT DIRECT  
DEPOSIT (ACH) AUTHORIZATION FORM.

*Mailed 11/21/11*  
*JW*

WARRANT NO.  
122484652

WATER RESOURCES DEPARTMENT

(503) 986-0926 EXT.

INVOICE NO.	INVOICE DATE	INVOICE DESCRIPTION	AGY	DOCUMENT	AMOUNT
		T-10418/103419 REVENUE REFUND	690	VP033990	103.50
VENDOR NAME: CAYUSE VINEYARDS		ISSUE DATE: 11/17/11		WARRANT AMOUNT 103.50	

FOLD ON PERFORATION LINE BELOW  BEFORE DETACHING.

**Craig Kohanek**

---

**From:** Info@cayusevineyards.com  
**Sent:** Monday, October 31, 2011 1:20 PM  
**To:** 'Craig Kohanek'  
**Subject:** RE: Proposed certificate for your review

Hi Craig,

It looks good to us,

Thank you,

Christophe Baron

Cayuse Vineyards - PO Box 1602  
Walla Walla, WA 99362  
509 526-0686 / 509 526-4686 fax

---

**From:** Craig Kohanek [mailto:ron.c.kohanek@state.or.us]  
**Sent:** Friday, October 21, 2011 10:07 AM  
**To:** info@cayusevineyards.com  
**Subject:** Proposed certificate for your review

Christophe,

Please review the attached proposed certificate for accuracy and completeness and provide me with any edits or comments you may have. If this document meets with your approval, please provide me a reply to this email saying so and I will proceed with the further processing of this certificate.

Have a nice weekend,

R. Craig Kohanek  
Water Rights Specialist  
Reimbursement Authority  
Oregon Water Resources Department  
Phone: 503-986-0823  
Fax: 503-986-0901  
[Ron.c.kohanek@wrd.state.or.us](mailto:Ron.c.kohanek@wrd.state.or.us)

**Craig Kohanek**

---

**From:** Craig Kohanek  
**Sent:** Monday, July 18, 2011 3:16 PM  
**To:** 'info@cayusevineyards.com'  
**Subject:** Reimbursement Authority Signed Contract R11807-11  
**Attachments:** RA Certificate Contract Executed.pdf

Christophe,

Attached is a copy of the fully executed Applicant's Agreement signed by the required parties. The agreement details the terms and conditions under which a Work Order was issued for the expedited services that you requested.

If you have any questions concerning the agreement or the program, please contact me. Furthermore, if you would like me to send you a copy of the receipt for the monies you sent along with the contract please let me know.

R. Craig Kohanek  
Interim Senior Water Rights Specialist  
Reimbursement Authority  
Oregon Water Resources Department  
Phone: 503-986-0823  
Fax: 503-986-0901  
[Ron.C.Kohanek@wrд.state.or.us](mailto:Ron.C.Kohanek@wrд.state.or.us)  
[www.wrд.state.or.us](http://www.wrд.state.or.us)

## Craig Kohanek

---

**From:** Craig Kohanek  
**Sent:** Monday, July 11, 2011 12:00 PM  
**To:** 'info@cayusevineyards.com'  
**Subject:** RA Certificate Estimate forCayuse Vineyards R11807-11 involving transfer T-10418  
**Attachments:** RA Certificate Contract.pdf

Christophe,

Please find the attached estimate and agreement to process your application. If the proposed agreement is acceptable to you, please return a signed copy to our office along with the payment of the estimated cost to process the application.

If you have any questions, please call me.

R. Craig Kohanek  
Interim Senior Water Rights Specialist  
Reimbursement Authority  
Oregon Water Resources Department  
Phone: 503-986-0823  
Fax: 503-986-0901  
[Ron.C.Kohanek@wrд.state.or.us](mailto:Ron.C.Kohanek@wrд.state.or.us)  
[www.wrd.state.or.us](http://www.wrd.state.or.us)



**OREGON WATER RESOURCES DEPARTMENT  
CERTIFICATE REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION**



*ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.*

*The purpose of this application is to obtain estimates of the cost and time required to process a Certificate Request. There is a non-refundable application fee of \$125.00 per request.*

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>	
<input checked="" type="checkbox"/>	Certificate Request	Application Number	<u>N/A</u>
		Permit Number	<u>N/A</u>
		Transfer Number (if applicable)	<u>T-10418</u>

	<u>Applicant Information</u>	<u>Applicant's Representative/Contact</u>
Name:	Cayuse Vineyards	Christophe Baron
Title (optional):		Owner
Address:	P.O. Box 1602 Walla Walla, WA 99362	
Phone:	(509) 301-6971	
E-Mail Address:	info@cayusevineyards.com	

I certify that I (check one):

- have previously filed a Claim of Beneficial Use.
- am attaching the Claim of Beneficial Use with this request and have included the appropriate claim fee.

I understand the following:

- That upon receipt of my non-refundable application fee in the amount of \$ 125.00, OWRD will, within fourteen (14) days, notify me in writing of the estimates of cost and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate Claim of Beneficial Use may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.

You may request a one-hour conference with OWRD staff. The conference would only occur after you have signed the contract and paid the estimated cost of processing your application. Please indicate your preference (check one):

- I do not want to schedule a one-hour conference with OWRD staff.
- I want to schedule a one-hour conference with OWRD staff to discuss my project. I understand that I will be billed for this time, and that it may affect my total costs.

Send completed Application and payment to:  
Oregon Water Resources Department  
Certificate Reimbursement Authority Program  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271

I certify that I am the (check one):

- Applicant  Applicant's Representative  Other (Please specify) \_\_\_\_\_

Name: Christophe Baron (Cayuse Vineyards)

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

*06/27/11*

**OWRD USE ONLY: Reimbursement Authority Number: R11 807 11**

## Craig Kohanek

---

**From:** Dave Nelson  
**Sent:** Tuesday, July 05, 2011 2:58 PM  
**To:** Lorraine Ramsey; Sandra Todd  
**Cc:** Salem Opeifa; Craig Kohanek  
**Subject:** RE: CERTIFICATE REQUEST RA #  
R11807-11 pca 47126

---

**From:** Lorraine Ramsey  
**Sent:** Tuesday, July 05, 2011 2:35 PM  
**To:** Sandra Todd  
**Cc:** Dave Nelson; Salem Opeifa; Craig Kohanek  
**Subject:** CERTIFICATE REQUEST RA #

Hello,

Applicant: Cayuse Vineyards

Related to Application T-10418

Receipt 103309

Thanks,

Lorraine

**Craig Kohanek**

---

**From:** Lorraine Ramsey  
**Sent:** Tuesday, July 05, 2011 2:35 PM  
**To:** Sandra Todd  
**Cc:** Dave Nelson; Salem Opeifa; Craig Kohanek  
**Subject:** CERTIFICATE REQUEST RA #

Hello,

Applicant: Cayuse Vineyards

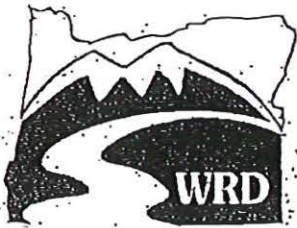
Related to Application T-10418

Receipt 103309

Thanks,

Lorraine

7/7/2011



Date Received 7-5-2011 T-10418  
 CWRE Name John Warriner Claim Logged \_\_\_\_\_  
 File Marked \_\_\_\_\_  
 Oversized Map # \_\_\_\_\_  
 Read the file and attach a copy of the permit or transfer final order. \_\_\_\_\_

**Map Review:**

- Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- Application & permit #; or transfer # (OAR 690-014-0100(1))
- Disclaimer (OAR 690-014-0170(5))
- North arrow (OAR 690-310-0050(2)(c))
- CWRE stamp and signature (OAR 690-014 & 310-0050)
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- Township, range, section, and tax lot numbers (OAR 690-310-0050(4))
- Source illustrated if surface water (OAR 690-014-0170(3))
- Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)
- Point(s) of diversion or appropriation (coordinates) (OAR 690-014(4) & 690-310-0050)
- Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
- Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690-014(4))
- Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

TL 400

**Report Review:**

- On form or format provided by the Department (OAR 690-014-0100(1))
- Application & permit #; or transfer # (OAR 690-014)
- Ownership information (OAR 690-014)
- Date of survey (OAR 690-014)
- Person interviewed (OAR 690-014)
- County (OAR 690-014)
- Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- Source(s) of water (OAR 690-014-0100)
- Use, period of use, and rate for use (OAR 690-014-0100)
- Place of use location (OAR 690-014-0100)
- Type of use (OAR 690-014-0100)
- Extent of use (OAR 690-014-0100)
- Rate and Duty (OAR 690-014-0100) - 1 1/2 in. sec's inch per acre - more rate than duty
- Diversion rate for each use (OAR 690-014-0100)
- Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- System capacity (OAR 690-014-0100)
  - Calculated capacity of system (required)
  - Measured amount of use (optional)
- Permit/Transfer Final Order Conditions (OAR 690-014-0100)
  - Time limits
  - Initial water level measurements
  - Annual static water level measurements
  - Measurement, recording, and reporting
    - Meter/measuring device
    - Water use reporting
  - Fish screening and/or by-pass - see rate & ORCA approval - For Neal.
  - Pump test (ground water)
  - Other conditions
- CWRE stamp and signature (OAR 690-014-0100)
- Signature(s) of permittee of transfer holder (OAR 690-014-0100)

DEF = deficient  
 N/A = Not Applicable

# Certificate Issuance Processing Checklist

- \_\_\_\_\_ Map and COBU reviewed.
- \_\_\_\_\_ Conflict check (include copy of plat card printout) Any Conflicts? \_\_\_\_\_
- \_\_\_\_\_ Check for ownership.

## Staff Recommendations:

- \_\_\_\_\_ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.
- \_\_\_\_\_ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: \_\_\_\_\_
- \_\_\_\_\_ Proof to the Satisfaction has not been established for the following reasons: \_\_\_\_\_
- \_\_\_\_\_ Proposed Actions:
  - \_\_\_\_\_ Send letter requesting the following items/information: \_\_\_\_\_
  - \_\_\_\_\_ Send letter recommending extension to cure deficiencies: \_\_\_\_\_

Can certificate be processed further?

\_\_\_\_\_ Yes

If "Yes":

\_\_\_\_\_ Proposed  
\_\_\_\_\_ Final

Certificate # \_\_\_\_\_

Mailing list:

Proposed:

Final:

# CLAIM OF BENEFICIAL USE for Permits claiming more than 0.1 cfs and All Transfers



**Oregon Water Resources Department**  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
[Hwww.wrd.state.or.us](http://www.wrd.state.or.us)

**A fee of \$150 must accompany this form to be accepted for permits with a priority date of July 9, 1987, or later. (ORS 536.050(1))**

A separate form shall be completed for each permit.

*In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.*

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at: [Hhttp://www.wrd.state.or.us/OWRD/WR/cwre\\_info.shtml#H](http://www.wrd.state.or.us/OWRD/WR/cwre_info.shtml#H).

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see

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## SECTION 1 GENERAL INFORMATION

JUL 05 2011

WATER RESOURCES DEPT  
SALEM, OREGON

### 1. File Information

APPLICATION # (G, R, S OR T) <b>T-10418</b>	PERMIT # (IF APPLICABLE) <b>T-10418</b>	PERMIT AMENDMENT # (IF APPLICABLE) <b>N/A</b>
--	--	--

### 2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME <b>Cayuse Vineyards (Christophe Baron)</b>		PHONE NO. <b>(541) 938-7051</b>	ADDITIONAL CONTACT NO. <b>(509) 301-6971</b>
ADDRESS <b>P.O. Box 1602</b>			
CITY <b>Walla Walla</b>	STATE <b>WA</b>	ZIP <b>99362</b>	E-MAIL <b>info@cayusevineyards.com</b>

If the current property owner is not the permit or transfer holder of record, it is recommended that an assignment be filed with the Department. **The COBU must be signed by the permit or transfer holder of record.**

3. Is the Property Owner the permit or transfer holder of record?  YES  NO

If "YES" the remainder of this item may be deleted.

Are there additional permit or transfer holders of record?  YES  NO

If "NO" the following box may be deleted.

4. Date of Site Inspection: May 31 + Jun 1, 2011

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Christophe Baron	31 MAY 11	Owner

6. County: Umatilla

7. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

\*\*Mark "NA" if there are no owners of property not included in this claim

OWNER OF RECORD <b>N/A</b>		
ADDRESS <b>N/A</b>		
CITY <b>N/A</b>	STATE <b>N/A</b>	ZIP <b>N/A</b>

Are there additional Owners of Record?  YES  NO

If "NO" the following box may be deleted.

## SECTION 2 SYSTEM DESCRIPTION

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WATER RESOURCES DEPT  
SALEM, OREGON

### A. Points of Diversion/Appropriation

1. Point of diversion/appropriation name or number:

POINT OF DIVERSION/APPROPRIATION (POD/POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
<b>Authorized POD</b>	<b>N/A</b>	<b>N/A</b>

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings)

2. Point of diversion/appropriation source and, if from surface water, the tributary:

POD/POA NAME OR NUMBER	SOURCE	TRIBUTARY
<b>Auth POD</b>	<b>North Fork Walla Walla River</b>	<b>Walla Walla River</b>

3. Developed use(s), period of use, and rate for each use:

POD/POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	RATE OR VOLUME FOR USE (CFS, GPM, OR AF)
<b>Auth POD</b>	<b>Irrigation</b>	<b>Wine Grapes</b>	<b>Mar – Oct</b>	<b>0.135 cfs</b>
<b>Total Quantity of Water Used</b>				<b>0.135 cfs</b>

3. Developed use(s), period of use, and rate for each use:

POD/POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	RATE OR VOLUME FOR USE (CFS, GPM, OR AF)
<b>Auth POD</b>	<b>Irrigation</b>	<b>Wine Grapes</b>	<b>Mar – Oct</b>	<b>0.135 cfs</b>
<b>Total Quantity of Water Used</b>				<b>0.135 cfs</b>

4. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion or appropriation to the place of use:

**Water is diverted from the North Fork Walla Walla River into a gravity ditch then flows through a headgate, through another ditch reach, then through a gravity fish screen equipped with a flow measurement weir at the outlet of the structure. The headgate is adjusted to deliver the appropriate rate of water flow at the weir. Water that enters the diversion ditch in excess of the authorized maximum rate returns to the river via a bypass at the headgate. Water is withdrawn for beneficial use (irrigation) with a centrifugal pump station located immediately downstream of the fish screen and weir structure. This water flows through the pump-and-filter station and is then conveyed to the authorized place of use with buried submain pipes. Water is applied to wine grapes with drip irrigation laterals (and some grass with aluminum handline) and beneficially used for irrigation. Water that is not withdrawn from the diversion ditch for irrigation returns to the river.**

## SECTION 2 SYSTEM DESCRIPTION (B through H)

Are there multiple PODs or POAs?

YES  NO

If "YES" you will need to copy and complete Sections 2B through 2H for each POD/POA.

POD/POA Name or Number this section describes (only needed if there is more than one):

**Authorized POD**

### B. Place of Use

1. Is the right for municipal use?

YES  NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	Q-Q	GLot	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
<b>5N</b>	<b>36E</b>	<b>WM</b>	<b>22</b>	<b>SW NW</b>	<b>N/A</b>	<b>N/A</b>	<b>IRR</b>	<b>2.1</b>	<b>0.0</b>
<b>5N</b>	<b>36E</b>	<b>WM</b>	<b>22</b>	<b>SE NW</b>	<b>N/A</b>	<b>N/A</b>	<b>IRR</b>	<b>1.5</b>	<b>0.0</b>
<b>Total Acres Irrigated</b>								<b>3.6</b>	<b>0.0</b>

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (Gov Lot), Quarter-Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, Gov Lot, and QQ.

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WATER RESOURCES DEPT  
SALEM, OREGON

### C. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion/appropriation to the place of use.

1. Is a pump used?

YES  NO

If "NO" items 2 through item 6 may be deleted.

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Cornell	1.25Y-CC	162098 7.75	Centrifugal	2-inch	1.25 inch

3. Motor Information

MANUFACTURER	HORSEPOWER
Baldor	10 hp

4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
10 hp	10 psi	5 feet	100 feet	0.5 cfs

5. Provide pump calculations:

$$GPM = HP \times 3960 \times \text{pump eff} \div TDH_{ft}$$

$$TDH = \text{lift (water level)} + \text{operating pressure} + \text{head loss}$$

$$HL = 4.55 * GPM^{1.85} * \text{PipeLength (ft)} / (C^{1.85} * \text{PipeID (in)}^{4.867})$$

$$= 4.55 * 61^{1.85} * 500 \text{ ft} / (150^{1.85} * 3^{4.867}) = 5 \text{ FT}$$

$$TDH = 105 \text{ ft} + (10 \text{ psi} * 2.31 \text{ ft/psi}) + 5 \text{ ft} = 133 \text{ FT}$$

$$GPM = 10 \times 3960 \times 0.7 \div 133 = 208 \text{ GPM}$$

$$CFS = GPM \div 448.8 \text{ cfs/gpm} = 208/448.8 = 0.5 \text{ CFS}$$

6. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
N/A	N/A	N/A	N/A

Reminder: For pump calculations use the reference information at the end of this document.

7. Is the distribution system piped?

YES  NO

If "NO" items 8 through item 11 may be deleted.

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
3-inch	500 feet	PVC	Buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
0.62 inch	40,000 feet	LDPE	Above

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SALEM, OREGON

**10. Sprinkler Information**

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
0.53 gph	10-30 psi	0.009	10,000	6860 emitters	0.135 cfs

Reminder: For sprinkler output determination use the reference information at the end of this document.

**11. Pivot Information**

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
N/A	N/A	N/A	N/A	N/A

**12. Additional notes or comments related to the system:**

N/A

**D. Groundwater Source Information (Well and Sump)**

1. Is the appropriation from ground water (well or sump)? YES  NO

If "NO", items 2 through 8 relating to this section may be deleted.

**E. Storage**

1. Does the distribution system include in-system storage (i.e. storage tank, bulge in system / reservoir) YES  NO

If "NO", item 2 and 3 relating to this section may be deleted.

**F. Gravity Flow Pipe**

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe? YES  NO

If "NO", items 2 through 4 relating to this section may be deleted.

**G. Gravity Flow Canal or Ditch**

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system? YES  NO

If "NO", items 2 through 4 relating to this section may be deleted.

2. Complete the table:

CANAL OR DITCH TYPE (MATERIAL)	TOP WIDTH OF CANAL OR DITCH	BOTTOM WIDTH OF CANAL OR DITCH	DEPTH	"N" FACTOR	AMOUNT OF FALL	LENGTH OF CANAL / DITCH	SLOPE	COMPUTED RATE (IN CFS)
Cobble/soil	4 feet	4 feet	1 foot	0.030	6 feet	400 ft	0.015	18.6 cfs

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WR

3. Provide calculations:

$$Qcfs = V A = (1.49 \times \text{Asq.ft.} \times (\text{Asq.ft.} \div \text{WPft})^{2/3} \times \text{Slope}^{1/2}) \div n$$

$$\text{Asq.ft.} = \text{widthfeet} \times \text{depthfeet} = 4 \text{ ft} \times 1 \text{ ft} = 4 \text{ sq.ft.}$$

$$\text{WPfeet} = \text{widthfeet} + (2 \times \text{depthfeet}) = 4 \text{ ft} + (2 \times 1 \text{ ft}) = 6 \text{ feet}$$

$$S = 0.015 \text{ and } n = 0.030$$

$$Qcfs = (1.49 \times 4 \times (4 \div 6)^{2/3} \times 0.015^{1/2}) \div 0.030 = 18.6 \text{ cfs}$$

4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)
N/A	N/A	N/A	N/A

Attach measurement notes.

**H. Reservoir**

1. Does the claim involve a reservoir modified through a transfer?

YES  NO

Reminder: This section should only be completed if the reservoir right has been modified through the transfer process. If the claim is for a permitted reservoir use the Claim of Beneficial Use form for reservoirs.

If "NO", items 2 through 9 relating to this section may be deleted.

**SECTION 3  
CONDITIONS**

Please pay special attention to this section. All conditions contained in the permit, permit amendment, transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Permits, transfer final orders, and any extension final orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use is to be completed by. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit, extension or transfer final order:

	DATE FROM PERMIT OR TRANSFER	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	06 JUN 2008		
BEGIN CONSTRUCTION (A)	N/A	AUG 2005	Started land clearing + road building
COMPLETE CONSTRUCTION (B)	01 OCT 2011	APR 2011	Installed vineyard and irrigation
COMPLETE APPLICATION OF WATER (C)	01 OCT 2011	MAY 2011	Applied water for irrigation

\* MUST BE WITHIN PERIOD BETWEEN PERMIT, TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)?

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If "NO", you may delete item 3 in this section.

JUL 05 2011

4. Initial Water Level Measurements:

a. Was the water user required to submit an initial static water level measurement? **YES**  **NO**

*If "NO", items 4b through 4d relating to this section may be deleted.*

5. Annual Static Water Level Measurements:

a. Was the water user required to submit annual static water level measurements? **YES**  **NO**

*If "NO", items 5b through 5e relating to this section may be deleted.*

6. Pump Test (Required for most ground water permits prior to issuance of a certificate)

a. Did the permit require the submittal of a pump test? **YES**  **NO**

*If "NO", items 6b through 6d relating to this section may be deleted.*

7. Measurement Conditions:

a. Does the permit, permit amendment, transfer final order, or any extension final order require the installation of a meter or approved measuring device? **YES**  **NO**

*If "NO", items 7b through 7f relating to this section may be deleted.*

**Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.**

b. Has a meter been installed? **YES**  **NO**

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
N/A	N/A	N/A	N/A	N/A	N/A

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? **YES**  **NO**

*If a meter has been installed, items 7e through 7g relating to this section may be deleted.*

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

NAME	TITLE	APPROXIMATE DATE
Tony Justus	Watermaster	1999

f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION (WORKING OR NOT)	DATE INSTALLED
Weir (downstream end of fish screen)	Working	1999

8. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? **YES**  **NO**

*If "NO", item 8b relating to this section may be deleted.*

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 JUL 05 2011  
 WATER RESOURCES DEPT  
 SALEM OREGON

**9. Fish Screening**

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion?

YES  NO

*If "NO", items 9b through 9e relating to this section may be deleted.*

**10. By-pass Devices**

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

YES  NO

*If "NO", items 10b and 10c relating to this section may be deleted.*

**11. Other conditions required by permit, permit amendment final order, extension final order, or transfer final order**

a. Were there special well construction standards?

YES  NO

b. Was submittal of a ground water monitoring plan required?

YES  NO

c. Was the water user required to restore the riparian area if it was disturbed?

YES  NO

d. Was a fishway required?

YES  NO

e. Was submittal of a letter from an engineer required prior to storage of water?

YES  NO

f. Was submittal of a water management and conservation plan required?

YES  NO

g. Other conditions?

YES  NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

**Item 11 (g). Condition 4. The former place of use of the transferred right shall no longer receive water under the right.**

**WATER USER HAS CEASED IRRIGATION OF FORMER PLACE OF USE.**

**SECTION 4  
VARIATIONS**

Include a description of variations from the permit, permit amendment final order, extension final order, or transfer final order. (i.e. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

**VAR 1. The transfer final order authorized irrigation of 2.4 acres in the SW NW and 1.2 acres in the SE NW. The water user actually developed 2.1 acres in the SW NW and 1.5 acres in the SE NW.**

**RECEIVED**

JUL 05 2011

WATER RESOURCES DEPT  
SALEM, OREGON

**SECTION 5  
ATTACHMENTS**

If you are attaching any documents to this report, provide a list:

ATTACHMENT NAME	DESCRIPTION
<b>COBU Map</b>	<b>Claim of Beneficial Use Map</b>

**SECTION 6  
CLAIM SUMMARY**

POD / POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
<b>Auth POD</b>	<b>0.135 cfs</b>	<b>0.135 cfs</b>	<b>N/A</b>	<b>0.135 cfs</b>	<b>3.6 ac</b>	<b>3.6 ac</b>

**RECEIVED**

JUL 05 2011

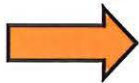
WATER RESOURCES DEPT. WR  
SALEM, OREGON

**SECTION 7**  
**CLAIM OF BENEFICIAL USE MAP**

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

**GPS (Trimble GeoXH with sub-meter accuracy) and aerial photo obtained from Oregon Imagery Explorer (2005). Coordinate system used for COBU is NAD83 State Plane Oregon North Zone.**



**Map Checklist**

Please be sure that the map you submit includes ALL the items listed below.  
**(Reminder: Incomplete maps and/or claims may be returned.)**

- Map on polyester film.
- Appropriate scale (1" = 400 ft, 1" = 1320 ft, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- If irrigation, acres irrigated within each projected DLC, Government Lot, Quarter-Quarter Section
- Locations of fish screens, fish by-pass(es), meters, and/or measuring devices relative to POD/POA
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property lines")
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature

**RECEIVED**

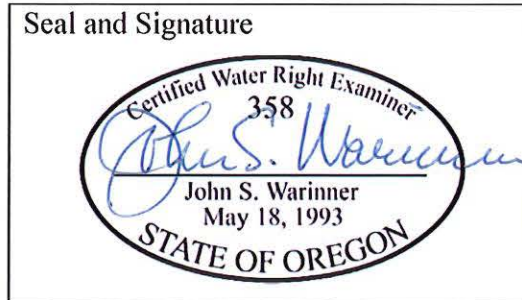
JUL 05 2011

WATER RESOURCES DEPT  
SALEM, OREGON

## SECTION 8 SIGNATURES

### CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME <b>John Warinner, PE, CWRE</b>		PHONE NO. <b>(509) 529-2646</b>	ADDITIONAL CONTACT NO. <b>(509) 520-4103</b>
ADDRESS <b>1204 Alvarado Terrace</b>			
CITY <b>Walla Walla</b>	STATE <b>WA</b>	ZIP <b>99362</b>	E-MAIL <b>johnw@watersolving.com</b>

### Permit or Transfer Holder's of Record Signature or Acknowledgement

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	DATE
	<b>Christophe Baron Cayuse Vineyards</b>	<b>06/27/11</b>

**RECEIVED**  
JUL 05 2011  
WATER RESOURCES DEPT  
SALEM, OREGON



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

June 19, 2008

CAYUSE VINEYARDS LLC  
CHRISTOPHE BARON  
PO BOX 1602  
WALLA WALLA WA 99362

Reference: Transfer 10418

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  
Executive Support

cc: Watermaster #5  
John Warinner, CWRE

Enclosure

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

In the Matter of Transfer Application                    )     **FINAL ORDER APPROVING**  
T-10418, Umatilla County                                 )     **A CHANGE IN PLACE OF USE**

**Authority**

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**

CAYUSE VINEYARDS  
ATTN: CHRISTOPHE BARON  
P.O. BOX 1602  
WALLA WALLA, WA 99362

**Findings of Fact**

**Background**

1. On June 27, 2007, Christophe Baron of Cayuse Vineyards filed an application to change the place of use under Certificate 13259. The Department assigned the application number T-10418.
2. The portion of the right to be transferred is as follows:  
**Certificate:** 13259 in the name of R. A. TRIBOU (confirmed by Walla Walla River decree)  
**Use:** IRRIGATION of 3.6 ACRES  
**Priority Date:** 1878  
**Limit/Duty:** ONE AND ONE-HALF MINER'S INCHES per acre measured at the point of diversion (equivalent to 0.135 cubic foot per second)  
**Source:** NORTH FORK WALLA WALLA RIVER, tributary to Walla Walla River

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
5 N	36 E	WM	21	SE NE	0.2
5 N	36 E	WM	22	SW NW	3.4

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

- Based upon the Walla Walla River Decree and the associated adjudication map, the location description of the authorized point of diversion for Certificate 13259 is as follows:

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
5 N	36 E	WM	22	SE NW

- Transfer Application T-10418 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
5 N	36 E	WM	22	SW NW	2.4
5 N	36 E	WM	22	SE NW	1.2

- Notice of the application for transfer was published on July 3, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On March 24, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10418 to the applicant. The draft Preliminary Determination set forth a deadline of April 24, 2008, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer. The applicant also requested additional time through October 1, 2011 in which to complete the transfer, which will include complete development of the vineyard block and associated irrigation improvements. The Department approved the request for additional time.
- On April 30, 2008, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10418 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on May 6, 2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

- Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10418.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.

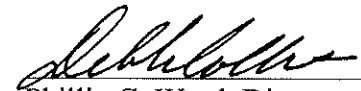
**Conclusions of Law**

The change in place of use proposed in Transfer Application T-10418 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

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

1. The change in place of use proposed in Transfer Application T-10418 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 13259 and any related decree.
3. Water right certificate 13259 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The former place of use of the transferred right shall no longer receive water under the right.
5. The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.
6. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
7. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
8. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 6<sup>th</sup> day of June 2008.

  
Phillip C. Ward, Director

Mailing date: JUN 20 2008

STATE OF OREGON  
COUNTY OF UMATILLA  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

R. A. TRIBOU  
ROUTE 1  
MILTON-FREEWATER, OREGON 97862

confirms the right to use the waters of NORTH FORK WALLA WALLA RIVER, tributary to the WALLA WALLA RIVER, for IRRIGATION of 10.5 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 12, at Page 9. The date of priority is 1878.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE AND ONE-HALF MINER'S INCHES per acre, measured at the point of diversion.

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 shall be subject to all other conditions and limitations contained in said decree.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
5 N	36 E	WM	22	SW NW	10.5

--being within the following described tracts: Beginning at the northeast corner of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 22, T. 5 N., R. 36 E., W.M., running thence South 660 feet; thence South 83 degrees West, and parallel with the north line of said SW $\frac{1}{4}$  of said section 1100 feet; thence North 37 degrees, 40 minutes West 175 feet; thence North 54 degrees, 55 minutes West 150 feet to the section line between Sections 21 and 22; thence North 410 feet to the northwest corner of said SW $\frac{1}{4}$  NW $\frac{1}{4}$ ; thence North 83 degrees East to the place of beginning.

ALSO: Beginning at the northeast corner of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 21, T. 5 N., R. 36 E., W.M., running thence South 410 feet; thence North 80 degrees 45 minutes west 148.5 feet; thence North 39 degrees 50 minutes West 129.5 feet; thence North 27 degrees West 311 feet to the north line of said SE $\frac{1}{4}$  NE $\frac{1}{4}$ ; thence East 354 feet to the place of beginning.

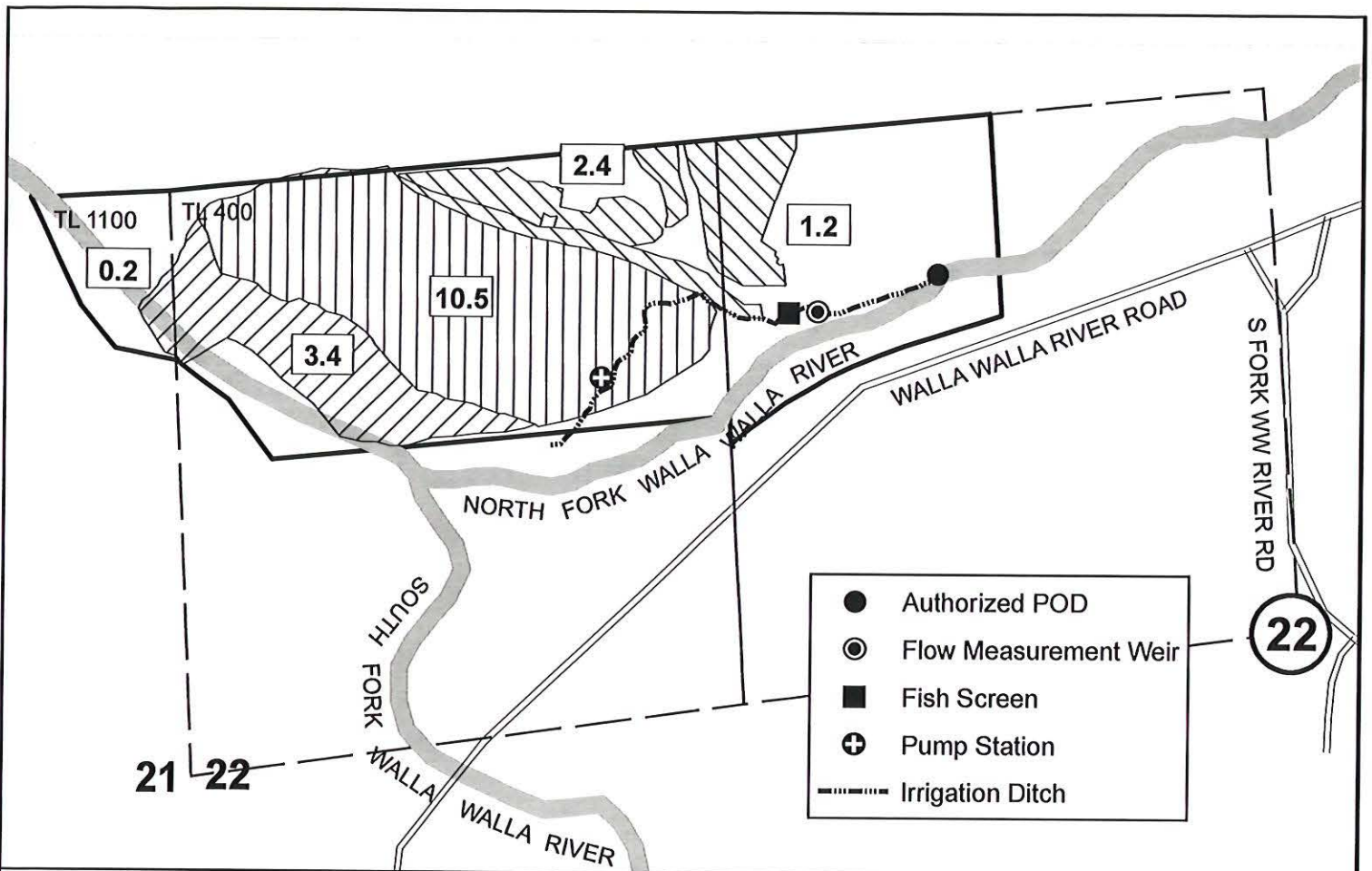
This certificate describes that portion of the water right confirmed by Certificate 13259, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered June 6, 2008 approving Transfer Application T-10418.

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.

WITNESS the signature of the Water Resources Director, affixed June 6, 2008.



Phillip C. Ward, Director



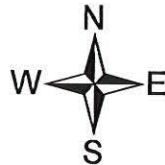
**TRANSFER FROM**

- **Authorized POD**  
Surface water diversion located in the SE/4 of NW/4 of Section 22 at a distance 940 feet N and 800 feet W from the Center of Section 22.

- ▨ **Authorized POU (FROM)**  
3.6 acres, including:  
0.2 acre in SE/NE of Section 21  
3.4 acres in SW/NW of Section 22

- ▤ **Authorized POU (NOT INCLUDED)**  
10.5 acres in SW/NW of Section 22

T5N, R36E, WM  
Sections 21 & 22  
Umatilla County



1 inch = 400 feet

**TRANSFER TO**

- **Authorized POD**  
No change proposed to POD.

- ▨ **Proposed POU (TO)**  
3.6 acres, including:  
2.4 acres in SW/NW of Section 22  
1.2 acres in SE/NW of Section 22

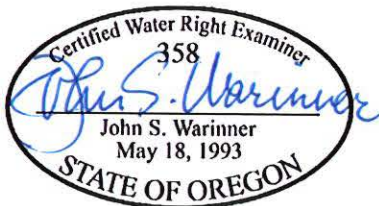
**RECEIVED**

JUN 27 2007

WATER RESOURCES DEPT  
SALEM, OREGON

T 10418

The purpose of this map is to identify the location of a water right. It is not intended to provide information regarding the location of property ownership boundary lines.



FOUNTAINHEAD  
1860 Blue Creek Road  
Walla Walla, WA 99362  
509.529.2646 phone

**TRANSFER MAP**  
**Certificate No. 13259**  
**Change Place of Use**

in the name of  
CAYUSE VINEYARDS

Revised 04 JUN 2007

**Water Right Transfer Checklist**

Transfer T-10418

Transfer Specialist: KDD

Transfer Type: **▲** POU

Applicant Name/Address: CAYUSE VINEYARDS, attn: Christophe Baron, P.O. BOX 1602, WALLA WALLA, WASHINGTON 99362

Agent Name/Address: \_\_\_\_\_

CWRE Name/Number: John Warinner, CWRE 358

Rec Landowner Name/Address: \_\_\_\_\_

Irr. District Name/Address: \_\_\_\_\_

Affected Gov'ts Name/Address: Umatilla County

Commentors: Name/Address: \_\_\_\_\_

**Water Rights Affected**

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	<input type="checkbox"/>	<b>Walla Walla Dec</b>		13259	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>84124</b>
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

**Key Dates & Initial Actions**

Rec'd: <u>6/27/2007</u>	Proposed Action(s): POU POD HST APOD USE OTHER: <b>▲ POU</b>	
Fees Pd: _____	WM District: <u>#5</u>	ODFW District: _____
Initial Notice: <u>7/3/2007</u>	WM Review sent: <u>7/13/2007</u>	ODFW Review sent: _____
Acknowledgement Letter Sent <input checked="" type="checkbox"/>	GW Review sent: _____	

**Processing Dates & Actions**

Deficiency Contacts: \_\_\_\_\_

Newspaper Pub Affid Due: \_\_\_\_\_

not required

DPD Mailed: 3/11/2008

Affid of Pub Rec'd: \_\_\_\_\_

ODFW contact sheet sent with DPD, or  N/A

Last Day Published: \_\_\_\_\_

PD Mailed: \_\_\_\_\_

Affidavit Reminder Sent: \_\_\_\_\_

PD Weekly Notice: \_\_\_\_\_

Reminder Deadline: \_\_\_\_\_

**Preliminary Determination**

Electronic Files uploaded

Preliminary Determination

PD Cover letter

Fee Refund Due

PD Notice

Remaining Rights

File Assigned/ ModPod updated

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: <u>[Signature]</u>	Reviewer: <u>[Signature]</u>
Date: _____	Date: <u>4-24-08</u>	Date: <u>6-6-08</u>
Coordinator: _____	Coordinator: <u>[Signature]</u>	Coordinator: <u>[Signature]</u>
Date: _____	Date: <u>4/29/08</u>	Date: <u>6/6/08</u>

Comments/Special Issues: FILE SENT TO SACEM 4/14/08

Special Order Volume: Vol 74 Pages 108 Final Order Signature Date: 6-6-08

Notice of FO email'd to processors Ken/mike

**Application**

- The type of change is clearly indicated.
- The application is appropriately signed.
- Appropriate fees were paid.  If overpayment, Refund Request to be sent with FO
- Land use form matches affected tax lots and is signed by proper official. *(from ALL affected Govt's)*
- Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- All required attachments received.

**Water right subject to transfer**

- Certificated right or Proof accepted "to the satisfaction...."
- The right been exercised according to terms & conditions of certificate.
- Delivery system has the capacity to fully divert the rate/duty of the right.
- No information in record that suggests forfeiture.
- No conflicts identified on the plat cards and plat card reports printed.
- Affidavits prepared for rights that need to be canceled or diminished.

**Application Map**

- The map has an original CWRE signature.
- The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- Metes and bounds for the POD's/POA's are properly described on the map.
- The POD/POA dimensions & ¼ ¼ on map match the transfer application and certificate descriptions.
- Map acres match the tabulation on the certificate.
- Have final proof maps/decree maps for the rights.  Application map matches certificate FPS.
- Have necessary aerial photos.

**Determining the "From" and "To" Lands *(make working copy of application and certificates to mark on)***

- Only the authorized POD's/POA's and POU's to be transferred are listed.
- Application & certificate tabulations match. *(Mark on appl. and cert. copies and note corrections needed)*
- Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼.

**Ownership**

- The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- Have current tax lot map. *(If transfer application is several years old, contact assessor's office)*
- The applicant is the owner of the "from" lands.
- All owners on the deed/ROLI have signed the application.
- If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- Agent has authorization to make decisions.

**Evaluation (materials needed for peer reviewer in bold)**

- |  |   |   |   |   |
|--|---|---|---|---|
| <input checked="" type="checkbox"/> application complete | <input checked="" type="checkbox"/> map         | <input checked="" type="checkbox"/> FPS       | <input checked="" type="checkbox"/> evidence of use | <input checked="" type="checkbox"/> land-use form |
| <input checked="" type="checkbox"/> deed/ROLI            | <input checked="" type="checkbox"/> certificate | <input checked="" type="checkbox"/> fees paid | <input checked="" type="checkbox"/> well logs       | <input checked="" type="checkbox"/> plat card     |
| <input type="checkbox"/> audit                           | <input checked="" type="checkbox"/> dpd         |   |   |   |

- Reviews/comments/conditions received?  Watermaster  ODFW  GW
- Headgate  When in the judgment  Prior to diverting  Existing and maintain ✓
- Measuring Devices  When in the judgment  Prior to diverting  Existing and maintain ✓
- Injury: Y N Enlargement: Y N
- Conditions to avoid enlargement/injury –

*ALTHOUGH P.O.U. ONLY*



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

April 30, 2008

*Pd Noticed*  
*5-6-08*

CAYUSE VINEYARDS  
ATTN: CHRISTOPHE BARON  
P.O. BOX 1602  
WALLA WALLA, WA 99362

SUBJECT: Transfer Application T-10418

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10418. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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.

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.

Please do not hesitate to contact me at 503-986-0880 or [Lisa.J.Jaramillo@ wrd.state.or.us](mailto:Lisa.J.Jaramillo@ wrd.state.or.us) if I may be of assistance.

Sincerely,

Lisa J. Jaramillo  
Transfer Specialist  
Field Services Division

cc: **Transfer T-10418**  
Tony Justus, District #5 Watermaster  
John S. Warinner, CWRE #358 → address: Fountainhead, 1860 Blue Creek Rd., Walla Walla, WA 99362

encs



**Notice of Final Order for  
Water Right Transfer T-10418**

T-10418 filed by Christophe Baron of Cayuse Vineyards, PO Box 1602, Walla Walla, WA 99362, proposes to change the place of use under an existing water right. Certificate 13259 (priority date 1878) allows the use of One and One-Half Miner's inches per acre (equivalent to 0.135 cfs), from a diversion on the North Fork of the Walla Walla River in Sec 22, T5N, R36E, W.M., for irrigation of 3.6 acres in Sections 21 and 22. The applicant proposes to change the place of use to within Sec 22. 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.



**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
5 N	36 E	WM	21	SE NE	0.2
5 N	36 E	WM	22	SW NW	3.4

3. Based upon the Walla Walla River Decree and the associated adjudication map, the location description of the authorized point of diversion for Certificate 13259 is as follows:

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
5 N	36 E	WM	22	SE NW

4. Transfer Application T-10418 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
5 N	36 E	WM	22	SW NW	2.4
5 N	36 E	WM	22	SE NW	1.2

5. Notice of the application for transfer was published on July 3, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

6. On March 24, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10418 to the applicant. The draft Preliminary Determination set forth a deadline of April 24, 2008, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer. The applicant also requested additional time through October 1, 2011 in which to complete the transfer, which will include complete development of the vineyard block and associated irrigation improvements. The Department approved the request for additional time.
7. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
8. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10418.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.

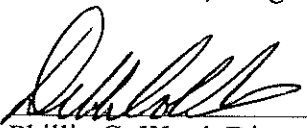
## Determination and Proposed Action

The change in place of use proposed in Transfer Application T-10418 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-10418 is approved, the final order will include the following:*

- 1. The change in place of use proposed in Transfer Application T-10418 is approved.*
- 2. Water right certificate 13259 is cancelled. A new certificate will be issued describing that portion of the right not affected by 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 13259 and any related decree.*
- 4. The former place of use of the transferred right shall no longer receive water under the right.*
- 5. The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.*
- 6. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.*
- 7. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2011. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
- 8. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 30<sup>th</sup> day of April 2008.

  
Phillip C. Ward, Director

This Preliminary Determination was prepared by Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or Ken.D.Dowden@ wrd.state.or.us.

*Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.*

**Lisa Jaramillo**

---

**From:** Ken Dowden  
**Sent:** Friday, April 25, 2008 4:30 PM  
**To:** William Duke  
**Cc:** Lisa Jaramillo  
**Subject:** RE:

Excellent. We will send out then as proposed.

Thanks Bill.

---

**From:** William Duke [mailto:William.B.Duke@state.or.us]  
**Sent:** Friday, April 25, 2008 4:20 PM  
**To:** Ken Dowden  
**Subject:** RE:

Ken,

I am good with the conditions.

Thanks  
Bill

---

**From:** Ken Dowden [mailto:dowdenkd@wrd.state.or.us]  
**Sent:** Friday, April 25, 2008 3:55 PM  
**To:** William Duke  
**Cc:** Lisa Jaramillo  
**Subject:**

Hi Bill, as promised, attached is the version of the Preliminary Determination going to the Director (or Debbie Colbert) for signature next week.

Lisa Jaramillo had caught the wording, and revised the Findings of Fact #6 & 7 consistent with your comments.

Also attached is a condensed copy of the application and complete map, and a copy of Jeff's original comment form.

I did remember correctly though that there was a ditch involved.....! [ >>see map ]

Call if questions.

**Ken Dowden**  
N.C. Region Transfer Specialist  
Oregon Water Resources Department  
116 S.E. Dorion Ave.  
Pendleton, Oregon 97801  
ph# (541) 278-5456

4/25/2008

**Lisa Jaramillo**

**From:** Ken Dowden  
**Sent:** Friday, April 25, 2008 3:55 PM  
**To:** 'William Duke'  
**Cc:** Lisa Jaramillo  
**Subject:** T-10418 - Cayuse Vineyards  
**Attachments:** 10418-pd LISA.doc; Appl n Map.pdf; 10418-odfw-rev.pdf

Hi Bill, as promised, attached is the version of the Preliminary Determination going to the Director (or Debbie Colbert) for signature next week.

Lisa Jaramillo had caught the wording, and revised the Findings of Fact #6 & 7 consistent with your comments.

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I did remember correctly though that there was a ditch involved.....! [ >>see map ]

Call if questions.

**Ken Dowden**  
**N.C. Region Transfer Specialist**  
**Oregon Water Resources Department**  
**116 S.E. Dorion Ave.**  
**Pendleton, Oregon 97801**  
ph# (541) 278-5456



# Oregon

Theodore R. Kulongoski, Governor

March 24, 2008

file COPY  
Water Resources Department  
North Central Region  
116 S.E. Dorian Avenue  
Pendleton, OR 97801  
Phone (541) 278-5456  
FAX (541) 278-0287

CAYUSE VINEYARDS  
attn: Christophe Baron  
P.O. BOX 1602  
WALLA WALLA, WASHINGTON 99362

SUBJECT: Application T-10418

Enclosed please find a draft of our Preliminary Determination regarding transfer application T-10418. The document 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.

At this time, you must submit a report of ownership and lien information prepared by a title company within the last three months, as required by OAR 690-380-4010(5). As required on Page 7 of your transfer application under "8. ATTACHMENTS", and in the signature block, a report of ownership and lien information is now to be submitted prior to the next document being sent out by the Department. This report may describe any lien holders or other parties who may potentially have an interest in the transfer request. If there are additional lienholders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer.

Issuance of the Preliminary Determination will occur shortly after we receive both your written response and the report of ownership and lien information. We need your written response by April 24, 2008, so we may move forward with the next step, which is the issuance of the Preliminary Determination. Failure to respond may eventually lead to rejection of the application. You may respond in writing or via e-mail.

My e-mail address is [Ken.D.Dowden@ wrd.state.or.us](mailto:Ken.D.Dowden@ wrd.state.or.us).

If you should have any questions regarding the information being requested, please feel free to contact me here in Pendleton at (541) 278-5456.

Sincerely,

Ken Dowden  
Field Services Division

cc: Tony Justus, District 5 Watermaster  
John S. Warinner, CWRE → address: FOUNTAINHEAD, 1860 Blue Creek Rd., Walla Walla, Washington 99362

enc

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

In the Matter of Transfer Application  
T-10418, Umatilla County

)  
)  
)  
)  
)

**D R A F T**  
PRELIMINARY DETERMINATION  
PROPOSING APPROVAL OF A  
CHANGE IN PLACE OF USE

**Authority**

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**

CAYUSE VINEYARDS  
P.O. BOX 1602  
WALLA WALLA, WASHINGTON 99362

**Findings of Fact**

**Background**

1. On June 27, 2007, Christophe Baron, of Cayuse Vineyards filed an application to change the place of use under Certificate 13259. The Department assigned the application number T-10418.

2. The portion of the right to be transferred is as follows:

**Certificate:** 13259 in the name of R.A. TRIBOU (confirmed by Walla Walla River decree)

**Use:** IRRIGATION of 3.6 ACRES

**Priority Date:** 1878

**Limit/Duty:** ONE AND ONE-HALF MINER'S INCHES per acre measured at the point of diversion (equivalent to 0.135 cubic foot per second)

**Source:** NORTH FORK WALLA WALLA RIVER, tributary to WALLA WALLA RIVER

**Authorized Point of Diversion:** Based upon the Walla Walla River Decree and associated adjudication map, the tabulation describing the right recognizes and identifies a ditch and dam located:

Twp	Rng	Mer	Sec	Q-Q
5 N	36 E	WM	22	SE NW

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q - Q	Acres
5 N	36 E	WM	21	SE NE	0.2
5 N	36 E	WM	22	SW NW	3.4

3. Application T-1041810418 proposes to change the place of use to:

**Proposed Place of Use:**

Twp	Rng	Mer	Sec	Q - Q	Acres
5 N	36 E	WM	22	SW NW	2.4
5 N	36 E	WM	22	SE NW	1.2

4. Notice of the application for transfer was published on July 3, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

5. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
6. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10418.
7. The proposed change would not result in enlargement of the right.
8. The proposed change would not result in injury to other water rights.

**Determination and Proposed Action**

The change in place of use proposed in application T-10418 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If application T-10418 is approved, the final order will include the following:*

- 1. The change in place of use proposed in application T-10418 is approved.*
- 2. Water right certificate 13259 is cancelled. A new certificate will be issued describing that portion of the right not affected by 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 13259 and any related decree.*
4. *The former place of use of the transferred right shall no longer receive water under the right.*
5. *Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
6. *The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.*
7. *The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.*
8. *The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
9. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

**D R A F T**

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

This draft Preliminary Determination was prepared by Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or Ken.D.Dowden@wrdd.state.or.us.

- per Ken Dendemon  
4-24-08.

- Auth. POD is already  
equipped w/ fish  
screen <sup>by-pass device</sup> so we  
will not include a  
fish screen condition.

See Also, e-mail exchange between  
Ken & CWRE  
on 4-2-08

*[Signature]*  
4-24-08

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Return by 8-1-07

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Oregon Department of Fish and Wildlife JUL 9 2007  
Water Right and Diversion Transfer Comment Form Pendleton Dist. Office  
(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: 10418

A. Please check box if you believe there is a potential for injury to an instream water right.

The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on

(Stream) \_\_\_\_\_ tributary to \_\_\_\_\_ Because,

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

(Please check any available supporting information.)

Note: This will prompt WRD to further evaluate and make a determination whether the transfer will injure an instream water right. (WRD is the agency that makes the determination of injury to a water right, while ODFW's role is to raise concerns and to evaluate proposed mitigation and not benefit to the resource if WRD requires concurrence with injury to an instream water right.)

B. Please check one of the following four boxes related to requiring a fish screen and/or by-pass device pursuant to ORS 540.525 or 540.532:

1. The new Point of Diversion (POD) requires a fish screening and/or by-pass device and is currently equipped with an appropriate fish screening and/or by-pass device.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is currently equipped with an appropriate fish screening and/or by-pass device.

Condition: The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.

2. The new Point of Diversion (POD) requires a fish screening and/or by-pass device prior to water being diverted. The diversion may be eligible for cost share assistance under ODFW's cost share program.

Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is

Please return all 4 pages to: Transfers Section, Water Resources Department,  
725 Summer St. NE, Suite A, Salem, OR 97301-1271

The electronic version of this form is available at: <http://www1.wrd.state.or.us/msword/ODFWScreen.doc>

selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.

Note: This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

**Condition:** Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

3. The new Point of Diversion (POD) requires a fish screening and/or by-pass device. However, the diversion may be used for up to two years pending a determination of whether cost share assistance under ODFW's cost share program is available.

If Option 3 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. Except in extraordinary circumstances, Option 3 should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. If extraordinary circumstances are present, please explain:

Note: This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost share funds become available to assist in the construction of a fish screening and/or by-pass device. If cost share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost share funding.

**Condition:** Within two years after the date of this order, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user may withdraw water at the new point of diversion without screening or by-pass device until two years after the date of this order. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

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- 4. The new Point of Diversion (POD) does not currently require a fish screen and/or by-pass device, however, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.

Condition: Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

Jeff A. Neal  
Signature

Jeff A. Neal  
Printed Name

Acting District Fish Biologist  
Title

(541) 2176-2344  
Phone

Oregon Department of Fish and Wildlife  
Additional Fish Screening and Passage Information for the Applicant  
(To be completed by ODFW for WRD to provide to the applicant)

Transfer # 10418

The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.

- Fish screening and/or fish by-pass devices are required as a condition of this transfer. The fish screen and/or by-pass device must meet ODFW's design, construction, operational and maintenance standards. Fish screening prevents fish from entering the diversion, while a by-pass device safely transports fish back to the body of water from which the fish were diverted.

Pursuant to ORS 498.306, cost share funds may be available to assist in the installation of fish screening and by-pass devices at diversions.

The applicant should contact the ODFW staff below to obtain additional information on the design, construction, operational, and maintenance standards for the required fish screening and/or by-pass device and to obtain information about ODFW's cost sharing program for screening and by-pass devices. Prior to installation, the water user must obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria.

ODFW staff name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

- This transfer may trigger requirements for fish passage under ORS 509.565 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

ODFW/WAO POD Transfer Costshare Form 1A/2/97

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Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1271  
 (503) 986-0900  
 www.wrd.state.or.us

NE reg

## Watermaster Review Form: Water Right Transfer

Transfer Application: T-10418

Review Due Date: 8-1-07

Applicant Name: Cayuse Vineyards, LLC

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): Tony Justus

Date of Review: Jul. 10, 2007

- Do you have information suggesting that the water rights may be subject to forfeiture?  
 Yes  No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: Personal knowledge that the property was not in production and no water was being used. This knowledge is less than 5 consecutive years. Jim Chambers reports ODFW personnel, Brian Kilgore, informed him there had been no use through the fish screen after 1993. The water right was leased instream in 2003. I do not intend to file affidavits of non-use.
- Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights?  Yes  No Generally characterize the frequency of any regulation or explain why regulation has not occurred: Regulation has occurred on downstream rights and a request for regulation of all upstream rights was received. Due to USFWS enforcement order there is water available downstream without a water right attached and WRD has not regulated for several years, other than to limit use to authorized rate.
- Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right?  If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: Return flow likely return to the mainstem Walla Walla River which borders the property. The rights which most benefit are those administered by the Walla Walla River Irrigation District and the Hudson Bay Improvement Company.
- Are there upstream water rights that would be affected by the proposed change?  
 Yes  No If "Yes", describe how the rights would be affected and list the rights most affected: \_\_\_\_\_
- For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach?  If you check the box, describe and, if possible, estimate the losses: \_\_\_\_\_
- Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?  
 Yes  No If "Yes", explain: \_\_\_\_\_

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7. For POU changes, would the original place of use continue to receive water from the same source?  Yes  No  N/A If "Yes", explain: The area proposed for transfer is downgradient of some of the remainder of the water right area. If care is not taken in the delivery of water, water could cross into the transferred area. Current operator is likely to apply water very efficiently and this may not be an issue.
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?  Yes  No If "Yes", explain: \_\_\_\_\_
9. Are there other issues not identified through the above questions?  Yes  No If "Yes", explain: \_\_\_\_\_
10. What alternatives may be available for addressing any issues identified above: \_\_\_\_\_
11. Have headgate notices been issued for the source that serves the right?  Yes  No
12. What water control and measurement conditions should be included in the transfer:

<b>Measurement Devices</b>	<input checked="" type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.
<b>Headgates</b>	<input checked="" type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.

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**Ken Dowden**

**From:** Ken Dowden  
**Sent:** Wednesday, April 02, 2008 12:44 PM  
**To:** 'John Warinner'  
**Cc:** 'info@cayusevineyards.com'  
**Subject:** RE: DRAFT Preliminary Determination for Transfer 10418

my comments below > (in blue)

**From:** John Warinner [mailto:jwarinner@columbiaenergyllc.com]  
**Sent:** Tuesday, April 01, 2008 3:43 PM  
**To:** Ken Dowden  
**Cc:** Christophe Baron  
**Subject:** DRAFT Preliminary Determination for Transfer 10418

Hello Ken –

I am sending this response to the referenced Draft Preliminary Determination on behalf of Christophe Baron of Cayuse Vineyards.

Here are several comments with regard to your cover letter and the Draft Preliminary Determination:

1. Letter, Paragraph 2: "You must submit a report of ownership and lien information..."
  - a. Christophe is currently obtaining this information and intends to mail a copy to you by the end of this week. **great, perfect!**
2. Letter, Paragraph 2: "If there are additional lienholders..."
  - a. Cayuse Vineyards is the sole owner of the property and there are no additional lienholders. **great, the land ownership and lien report will state such**
3. Draft PD, Page 1, Applicant: Note "WASHINTON" should be "WASHINGTON" **I will learn how to spell eventually.**
4. Draft PD, Page 2, Item 3: Note "10418" is listed twice (i.e. "T-1041810418") **Yes, this is an ongoing problem with the macro, you don't see it, but will (but not always) come out on the final print as it comes off the printer. Thanks for catching it.**
5. Draft PD, Page 2, Item 4: "ODFW has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion..." **Since the ODFW commented, I always make a Finding of Fact to that effect. They said that the new POD, either because they checked the wrong box, or they mean at the existing POD where there may potentially be an on-going problem with the existing POD, and now will be supplying water to yet even new lands. This is ODFW's opportunity to address any deficiencies at this time. HOWEVER, the transfer application does make note that "water flows via ditch through flow measurement weir and gravity/drum fish screen." With that said, and by looking at the map, I cannot understand if the actual POD off the the NF Walla Walla actually has a fish screen. So, I am reliant upon any comments from ODFW and the Watermaster as to whether this and measurement devices for that matter are in place or needed. I see perhaps that at the Fish Screen that you describe on the map is down the ditch a ways. Is there a return channel for the fish to re-enter the NF Walla Walla? If so, maybe we should show this on the map. I guess I wonder whether the ODFW fish bio actually visited the site or is making comment on the actual diversion off the river. I mostly never visit these transfers out on the ground and trust I have all the information in the file.**
  - a. A fish screening and by-pass device already exists on the system (see Transfer Map for location). **yes, on the system, but what did ODFW actually look at?**
  - b. This item refers to a "new point of diversion," however no change in the point of diversion is being proposed. **yes agree, but offered the above explanation**

6. Draft PD, Page 3, Item 5: "Within one year ... the water user shall install a screening and/or by-pass device..."
  - a. A fish screening and by-pass device already exists on the system (see Transfer Map for location). [this should and will be eliminated if ODFW is agreeable and takes a re-look.](#)
  
7. Draft PD, Page 3, Item 8: "The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2009."
  - a. This schedule is possibly achievable, but the applicant would prefer a "C date" of October 1, 2011. Can this date be 2011 instead of 2009?  
[Yes, transfer administrative rules under OAR 690-380-5140 \(3\) allows "A longer time for completion may be allowed if the applicant can justify the need for a longer period of time." Please have Mr. Baron write up the request and send straight to me here in Pendleton, and reference the transfer number.](#)

[Thanks for catching all this John.](#)

Thank you,  
JohnW

John Warinner, PE, CWRE  
Fountainhead  
1860 Blue Creek Road  
Walla Walla, WA 99362  
509.529.2646 phone  
[johnw@watersolving.com](mailto:johnw@watersolving.com)

**Ken Dowden**

---

**From:** Ken Dowden  
**Sent:** Monday, April 14, 2008 3:14 PM  
**To:** 'info@cayusevineyards.com'  
**Cc:** Dorothy Pedersen  
**Subject:** regarding the draft PD (T-10418)

Hello Mr. Baron and Mr. Dorland,

-thank you for sending in the response letter and land ownership and lien information report.

As discussed, the Department has evaluated your request for additional time in which to complete your water right transfer and associated project. Consistent with our administrative rule OAR 690-380-5140 (3), the Department will allow a new completion ("C" date) date of 2011 in which to completely put water to beneficial use as prescribed and conditioned within the Final Order, once issued. The subsequent *one year later* in which have the certified water rights examiner submit the claim of beneficial use then will be extended to October 1, 2012.

As promised, you may view the public notice of your transfer upon issuance of the Preliminary Determination by going to [http://www1.wrd.state.or.us/cgi-bin/notices.pl?water\\_rights](http://www1.wrd.state.or.us/cgi-bin/notices.pl?water_rights) on our website.

Thank you for your patience and responding so quickly.

Best of luck!

**Ken Dowden**

**N.C. Region Transfer Specialist**

**Oregon Water Resources Department**

**116 S.E. Dorion Ave.**

**Pendleton, Oregon 97801**

ph# (541) 278-5456



REC'D APR 07 2008

Ken Dowden  
Water Resources Department  
116 SE Dorian Avenue  
Pendleton, OR 97801

April 3, 2008

Re: Draft Preliminary Determination for Transfer 10418

Dear Ken,

I have reviewed and agree with the details in the Draft Preliminary Determination.

We sent the Land Ownership and Lien Report via certified mail on 04/03/08.

I would like to request additional time on the permit, per OAR 690-380-5140 (3), I request a date of October 1, 2011 (rather than October 1, 2009) for completion of the proposed improvements and beneficial use of the water. I need this additional time because it will take two or more years to complete the development of the new vineyard blocks and associated irrigation improvements. As this is my first vineyard planting on a steep hillside, I need the extra time to allow for unforeseen problems which might arise.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christophe Baron", written over a horizontal line.

Christophe Baron  
Vigneron



REC'D APR 03 2008



Ken Dowden  
Water Resources Department  
North Central Region  
116 SE Dorian Avenue  
Pendleton, OR 97801

April 2, 2008

Dear Mr. Dowden,

Please find enclosed a report of ownership for Cayuse Vineyards LLC as prepared by Pioneer Title Company.

Please keep us apprised of all necessary steps for completion of transfer approval. If you have any questions or concerns, please do not hesitate to contact me. I can be reached by telephone at: 509-526-0686 or by email at [info@cayusevineyards.com](mailto:info@cayusevineyards.com)

Sincerely,

A handwritten signature in blue ink, appearing to read "T. Dorland", is written over a large, stylized blue scribble that resembles a signature or initials.

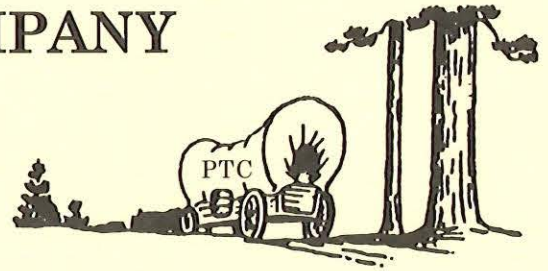
Trevor Dorland  
General Manager

Enclosure



# PIONEER TITLE COMPANY

P.O. Box 128  
126 S.E. Court Ave.  
Pendleton, OR 97801  
Ph: (541) 276-4431  
Fx: (541) 276-2007



PIONEER ESCROW, INC.  
P.O. Box 187 • 630 S. Hwy 395  
Hermiston, OR 97838  
Ph: (541) 567-9743  
Fx: (541) 567-7307

PIONEER ESCROW, INC.  
178 S. Main St.  
Milton-Freewater, OR 97862  
Ph: (541) 938-3327  
Fx: (541) 938-5089

PIONEER ESCROW, INC.  
P.O. Box 1538 • 132 S.E. Court Ave.  
Pendleton, OR 97801  
Ph: (541) 276-5114  
Fx: (541) 276-0484

To: Cayuse Vineyards  
P.O. Box 1602  
Walla Walla, WA 99362

Order No: 83126  
Your No : 00000  
Owner : CAYUSE VINEYARDS, LLC  
Report : Lot Book Report



CHECKS OUT

LD 4/14/08

<u>TYPE OF POLICY:</u>	<u>AMOUNTS</u>	<u>CODE</u>	<u>PREMIUMS</u>
Lot Book Report Guarantee	\$0.00		\$200.00

We hereby certify that we have searched our Tract Indices as to the following described property:

SEE ATTACHED DESCRIPTION

And as of March 19, 2008, at 5 o'clock P.M., we find that the last document of record runs to:

CAYUSE VINEYARDS, LLC, a Washington limited liability company

We also find the following monetary incumbrances appearing of record within ten years prior to the date of this search:

NOTE I: 2007-2008 Taxes \$108.68 Paid in Full.  
(code 7-8, Map No. 5N-36-22, Tax lot No. 400, Serial No. 134355)  
Tracts I, II & III.

2007-2008 Taxes \$3.68 Paid in Full.  
(code 7-8, Map No. 5N-36-21, Tax lot No. 1100, Serial No. 134352)  
Portion of Tract III.

1. City Liens, County Liens, Special Assessments if any.
2. As disclosed by the tax rolls the premises herein described have been zoned or classified for special use. At any time that said land is disqualified for such use said property will be subject to additional taxes and interest.

Persons or parties acquiring title to said lands should check with the appropriate Planning Department and Assessors Office to verify zoning or classification.

3. Rights of the public and governmental bodies in and to that portion of the premises herein described lying below the mean high water mark of the South Fork of Walla Walla River and North Fork of Walla Walla River.

This is NOT A TITLE REPORT, since no examination has been made of the title to the above described property. Our search for apparent incumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this report and will not be responsible for errors or omissions therein.

Very truly yours,

PIONEER TITLE COMPANY

A handwritten signature in cursive script, appearing to read "Thomas H. Smith", written over the printed name below.

Thomas H. Smith  
Vice President

THS/thb

# PIONEER TITLE COMPANY

## PRIVACY POLICY

An Agent of FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON  
WE ARE COMMITTED TO SAFEGUARDING CUSTOMER INFORMATION

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information, particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, we have adopted this Privacy Policy to govern the use and handling of your personal information.

**APPLICABILITY.** This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use the information we have obtained from any other source, such as information obtained from a public record or from another person or entity.

**TYPES OF INFORMATION.** Depending upon which our services you are utilizing, the types of nonpublic personal information that we may collect include:

- A. Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- B. Information about your transactions with us, our affiliated companies, or others; and
- C. Information we receive from a consumer reporting agency.

**USE OF INFORMATION.** We request information from you for our own legitimate business purposes and not for the benefit of any non affiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for use to provide the product or service you have requested to use; or (2) as permitted by law. We may however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purposes, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

**FORMER CUSTOMERS.** Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

**CONFIDENTIALITY AND SECURITY.** We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and accordance with this Privacy Policy. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

TRACT I:

West Half of the Southeast Quarter of the Northwest Quarter, lying Northerly of the North right of way line of County Road No. C-4, in Section 22, Township 5 North, Range 36, East of the Willamette Meridian, Umatilla County, Oregon;

EXCEPTING THEREFROM, beginning at the center of said Section 22; thence North  $67^{\circ}31'10''$  West, 724.60 feet to a point in the West line of that tract of land conveyed to John J. Merrifield, et ux, in Book 105, Page 152, Deed Records, Umatilla County, Oregon; thence North along the West line of said Merrifield Tract, 468.51 feet to a point in the centerline of County Road No. C-4; thence South  $75^{\circ}26'30''$  West, 336.16 feet; thence South  $63^{\circ}50'20''$  West, 217.13 feet to the True Point of Beginning for this Description; thence North  $11^{\circ}49'40''$  West, 124.15 feet; thence North  $28^{\circ}17'10''$  West, 81.40 feet; thence North  $65^{\circ}53'10''$  West, 98 feet, more or less, to a point on the North-South centerline of the Northwest Quarter of said Section 22; thence South along the North-South centerline to the centerline of said County Road No. C-4; thence Northeasterly along said centerline to the point of beginning;

ALSO EXCEPTING THEREFROM that portion lying within County Road No. C-4.

TRACT II:

Beginning at the Northeast corner of the Southwest Quarter of the Northwest Quarter of Section 22, Township 5 North, Range 36, East of the Willamette Meridian, Umatilla County, Oregon; thence South along the East line of said Southwest Quarter, 493.32 feet; thence North  $48^{\circ}15'$  West, 133.32 feet; thence North  $70^{\circ}12'$  West, 873.18 feet; thence Northeasterly in a straight line to the Northeast corner of the Southwest Quarter of the Northwest Quarter of said Section 22 and the point of beginning;

ALSO, beginning at a point 264 feet North of the Southeast corner of the Southwest Quarter of the Northwest Quarter of said Section 22; thence North along the East line of the Southwest Quarter of the Northwest Quarter of said Section 22, a distance of 330 feet; thence West at right angles 49.5 feet; thence South at right angles, 330 feet; thence East at right angles 49.5 feet to the point of beginning;

EXCEPTING THEREFROM that portion of the above described tract lying Southerly of County Road No. C-4;

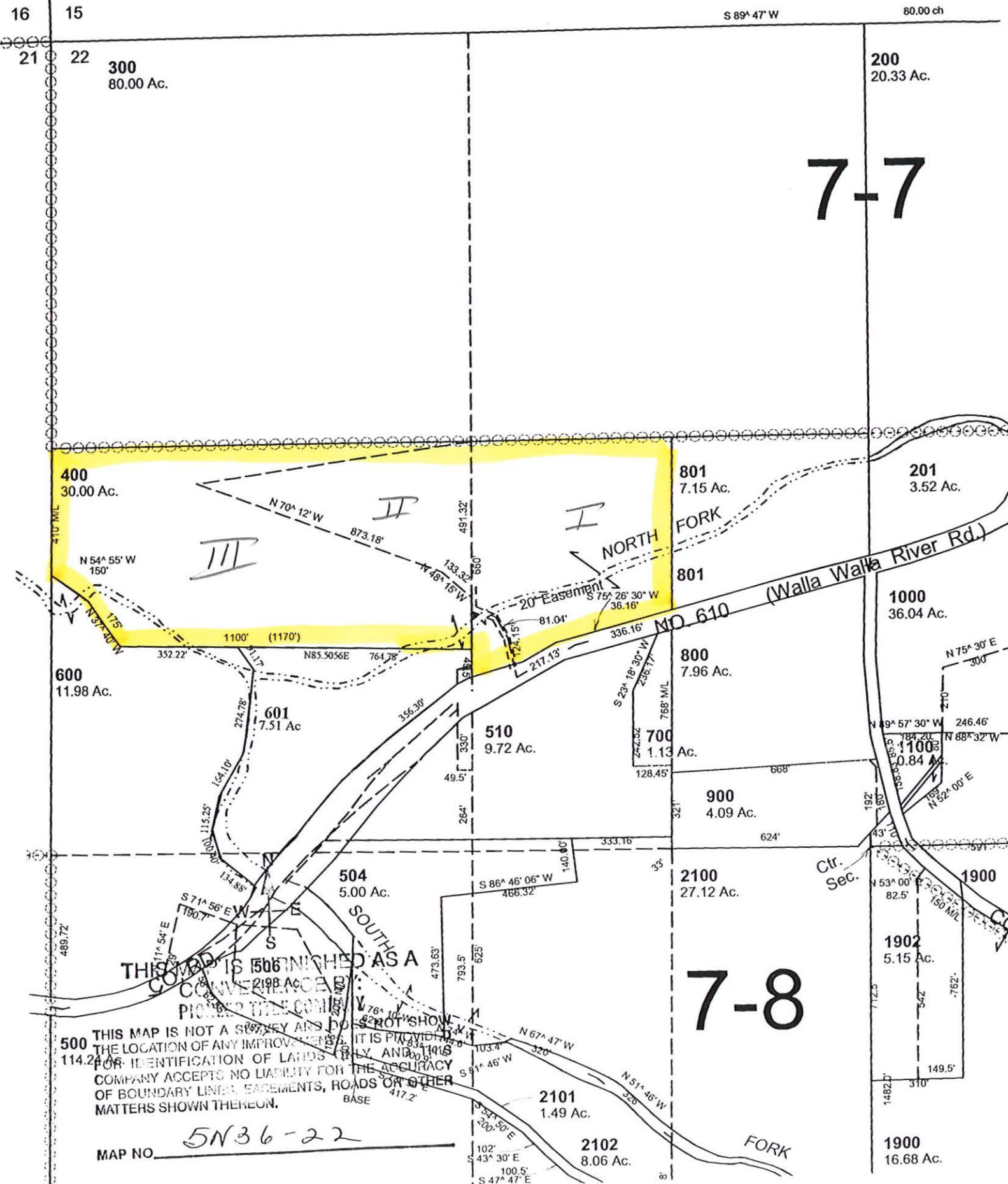
ALSO INCLUDING, beginning at the center of said Section 22; thence North  $67^{\circ}31'10''$  West, 724.60 feet to a point on the West line of that tract of land conveyed to John J. Merrifield, et ux, in Book 105, Page 152, Deed Records, Umatilla County, Oregon; thence North along the West line of said Merrifield Tract, 468.51 feet to a point in the centerline of County Road No. C-4; thence South  $75^{\circ}26'30''$  West, 336.16 feet; thence South  $63^{\circ}50'20''$  West, 217.13 feet to the True Point of Beginning for this Description; thence North  $11^{\circ}49'40''$  West, 124.15 feet; thence North  $28^{\circ}17'10''$  West, 81.04 feet; thence North  $65^{\circ}52'10''$  West, 98 feet, more or less, to a point on the North-South centerline of the Northwest Quarter of said Section 22; thence South along the North-South centerline to the centerline of said County Road No. C-4; thence Northeasterly along the centerline to the point of beginning;

EXCEPTING THEREFROM that portion lying within said County Road No. C-4;

TRACT III:

A Tract of land located in Sections 21 and 22, Township 5 North, Range 36, East of the Willamette Meridian, Umatilla County, Oregon, described as beginning at the Northeast corner of the Southwest Quarter of the Northwest Quarter of said Section 22; thence South 660 feet; thence South  $83^{\circ}$  West, parallel with the North line of said Southwest Quarter of the Northwest Quarter of said Section 22, a distance of 1100 feet; thence North  $37^{\circ}40'$  West, 175 feet; thence North  $54^{\circ}55'$  West, 150 feet; to the Section line between Sections 21 and 22; thence North  $80^{\circ}45'$  West, 148.5 feet; thence North  $39^{\circ}50'$  West, 129.5 feet; thence North  $27^{\circ}$  West, 311 feet to the North line of the Southeast Quarter of the Northeast Quarter of said Section 21; thence East along the subdivisional Section line, 1686 feet, more or less, to The Point of Beginning;

EXCEPTING THEREFROM, beginning at the Northeast corner of the Southwest Quarter of the Northwest Quarter of said Section 22; thence South 496.32 feet; thence North  $48^{\circ}15'$  West, 133.32 feet; thence North  $70^{\circ}12'$  West 873.18 feet; thence East in a direct line to the point of beginning.



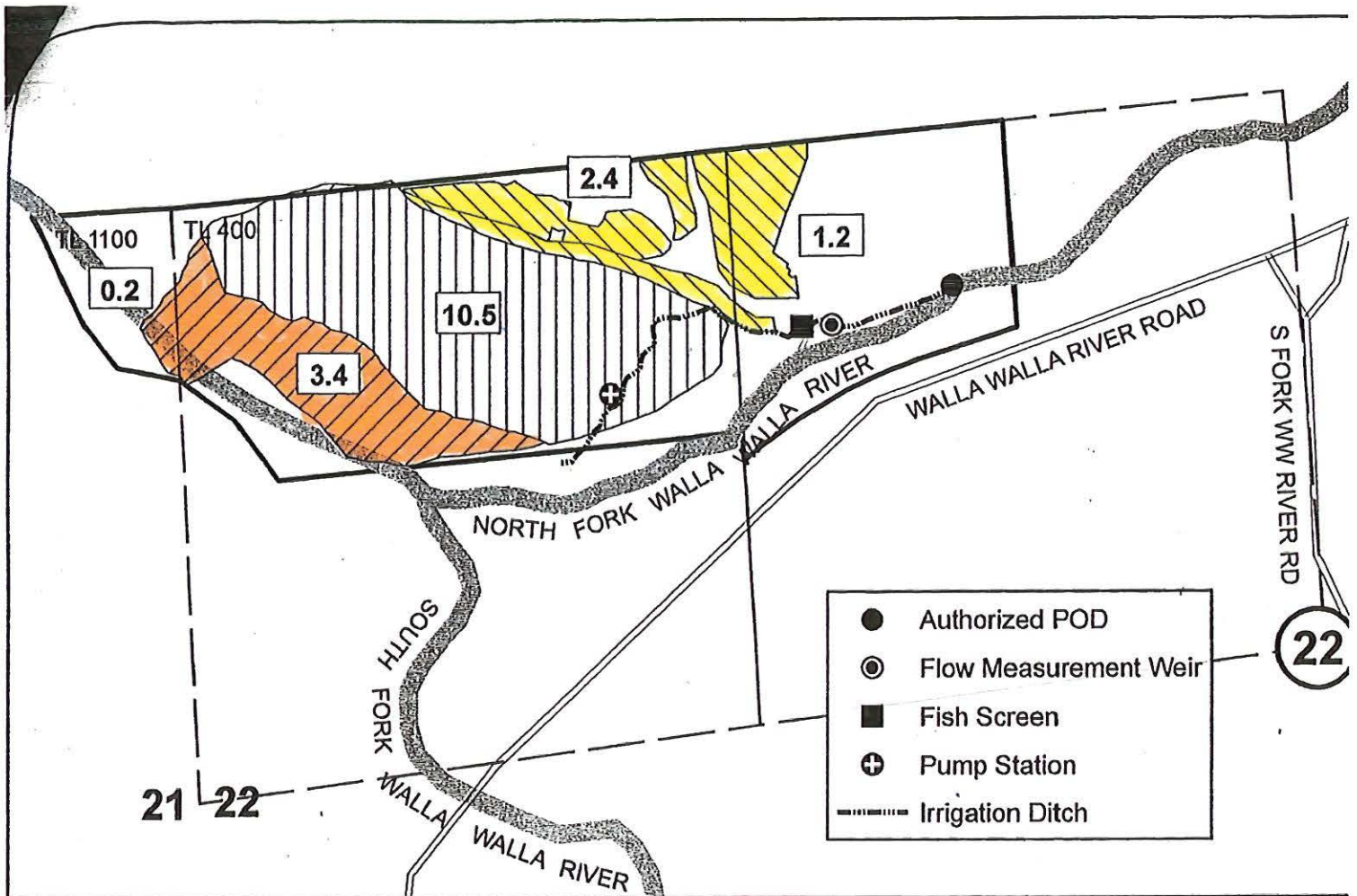
7-7

7-8

THIS MAP IS NOT A SURVEY AND DOES NOT SHOW THE LOCATION OF ANY IMPROVEMENTS. IT IS PROVIDED ONLY FOR IDENTIFICATION OF LANDS. THE COMPANY ACCEPTS NO LIABILITY FOR THE ACCURACY OF BOUNDARY LINES, EASEMENTS, ROADS OR OTHER MATTERS SHOWN THEREON.

MAP NO. 5N36-22





**TRANSFER FROM**

● **Authorized POD**  
Surface water diversion located in the SE/4 of NW/4 of Section 22 at a distance 940 feet N and 800 feet W from the Center of Section 22.

▨ **Authorized POU (FROM)**  
3.6 acres, including:  
0.2 acre in SE/NE of Section 21  
3.4 acres in SW/NW of Section 22

▤ **Authorized POU (NOT INCLUDED)**  
10.5 acres in SW/NW of Section 22

T5N, R36E, WM  
Sections 21 & 22  
Umatilla County

1 inch = 400 feet

**TRANSFER TO**

● **Authorized POD**  
No change proposed to POD.

▨ **Proposed POU (TO)**  
3.6 acres, including:  
2.4 acres in SW/NW of Section 22  
1.2 acres in SE/NW of Section 22

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SALEM, OREGON

*SCALE 1" = 400'*

T 10418

The purpose of this map is to identify the location of a water right. It is not intended to provide information regarding the location of property.

Certified Water Right Examiner  
358  
*John S. Warinner*  
John S. Warinner  
May 18, 1993

FOUNTAINHEAD  
1860 Blue Creek Road  
Walla Walla, WA 99362  
509 529 2646 phone

**TRANSFER MAP**  
**Certificate No. 13259**  
**Change Place of Use**

in the name of



Oregon Water Resources Department  
 725 Summer Street  
 Salem Oregon 97301  
 (503) 986-0900  
 www.wrd.state.or.us

Originals

# Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

## 1. TYPE OF TRANSFER APPLICATION

Please check one	
<input checked="" type="checkbox"/> Permanent Transfer <input type="checkbox"/> Temporary Transfer • total number of years: _____ (begin year: _____) (end year: _____)	<input type="checkbox"/> Instream Transfer <input type="checkbox"/> Permanent <input type="checkbox"/> Time-Limited <input type="checkbox"/> Drought Transfer <input type="checkbox"/> Other

## 2. APPLICANT INFORMATION

Name: Cayuse Vineyards  
First Last

Address: PO Box 1602

Walla Walla WA 99362  
City State Zip

Phone: N/A (509) 526-0686 N/A  
Home Work Other

Fax: N/A E-Mail address: info@cayusevineyards.com

## 3. AGENT INFORMATION

*(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)*

Name: N/A  
First Last

Address: N/A

N/A N/A N/A  
City State Zip

Phone: N/A N/A N/A  
Home Work Other

Fax: N/A E-Mail address: N/A

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SALEM, OREGON

- If an agent is listed above, please check one of the following:
  - Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
  - Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

T 10418

**4. PROPOSED CHANGE(S) TO WATER RIGHT(S)**

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.			Certificate 13259
2.			
3.			
4.			
5.			
6.			

- Check **all** proposed change(s) included in this transfer application:
  - Place of Use       Point of Diversion       Additional Point of Diversion
  - Character of Use       Point of Appropriation       Additional Point of Appropriation
  - Instream Transfer       Surface Water source to Ground Water source
- Reason(s) for change(s): Landowner desires to develop vineyard on hillside which is not  
currently included in authorized place of use.

**5. WATER DELIVERY SYSTEM**

- Describe the **current** water delivery system **or** the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

*The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.*

Water is diverted by gravity from North Fork Walla Walla River into conveyance ditch.

Water flows via ditch through flow measurement weir and gravity/drum fish screen.

Water is diverted from ditch with fuel-powered pump into aluminum mainline/handline.

- System capacity: 0.53 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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SALEM, OREGON  
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**6. EVIDENCE OF BENEFICIAL WATER USE**

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
  - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
  - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
  - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
  - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

**7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS**

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district?     Yes     No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer?     Yes     No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity?     Yes     No

*If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:*

N/A

- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

Umatilla County – 216 SE Fourth Street – Pendleton, OR 97801

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**JUN 27 2007**

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SALEM, OREGON**

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## 9. ATTACHMENTS

*Check each of the following attachments included with this application.  
The application will be returned if all required attachments are not included.*

<p><b>Supplemental Form A – Description of Proposed Change(s) to a Water Right</b></p> <p><input checked="" type="checkbox"/> A <u>separate</u> Supplemental Form A is enclosed for <u>each</u> water right to be affected by this transfer.</p> <p><b>Supplemental Form B – Evidence of Use Affidavit(s)</b></p> <p><input checked="" type="checkbox"/> At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), <u>and</u></p> <p><input checked="" type="checkbox"/> The Evidence of Use Affidavit <b>must</b> be accompanied by <b>supporting documentation</b>.</p> <p><b>Map</b></p> <p><input checked="" type="checkbox"/> <i>Water Right Transfer</i> The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.</p> <p><input type="checkbox"/> <i>Temporary Transfer or Historical POD Change</i> A map meeting the requirements of OAR 690-380-3100 must be included but need <u>not</u> be prepared by a Certified Water Right Examiner.</p> <p><b>Water Well Report(s)/Well Log(s):</b></p> <p><input type="checkbox"/> The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.</p> <p><input type="checkbox"/> Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.</p> <p><input checked="" type="checkbox"/> N/A. The application does <u>not</u> involve a change in point of appropriation or a change from surface water to ground water, so water well reports are <u>not</u> required.)</p>	<p><b>Land Use Information Form:</b></p> <p><input checked="" type="checkbox"/> Enclosed; <i>or</i></p> <p><input type="checkbox"/> Not Required if <u>all</u> of the following are met:</p> <ul style="list-style-type: none"><li>❶ In EFU zone or irrigation district,</li><li>❷ Change in place of use only,</li><li>❸ No structural changes needed, including diversion works, delivery facilities, other structures, <i>and</i></li><li>❹ Irrigation only.</li></ul> <p><b>Fees:</b></p> <p><input checked="" type="checkbox"/> Amount enclosed: \$350.00 See the Department's Fee Schedule at <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> or call (503) 986-0900.</p> <p><b><u>Instream Water Right Transfers, also include:</u></b></p> <p><b>Supplemental Form C – Instream Water Right Transfer</b></p> <p><input type="checkbox"/> Complete this form to describe the desired nature and attributes for the proposed instream water right.</p> <p><b><u>Temporary Transfers, also include:</u></b></p> <p><b>Recorded Deed:</b></p> <p><input type="checkbox"/> The applicant must submit a copy of the current deed of record for the land <b>from</b> which the authorized place of use or point of diversion/appropriation is being moved.</p> <p><b>Affidavit of Consent:</b></p> <p><input type="checkbox"/> If the applicant is <b>NOT</b> the owner of record for the land <b>from</b> which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.</p> <div style="text-align: right; margin-top: 20px;"><p><b>RECEIVED</b></p><p><b>JUN 27 2007</b></p><p><b>WATER RESOURCES DEPT SALEM, OREGON</b></p></div>
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T 10418

**Before submitting your application to the Department, be sure you have:**

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

**10. SIGNATURES**

▪ Check one of the following, as appropriate, and sign the application in the signature box below:

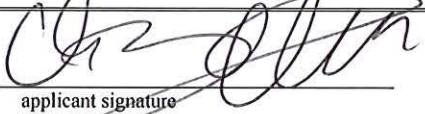
In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months;*
- (b) A copy of written notification of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is not the applicant, a **notarized statement consenting to the transfer** (*attached*) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. (*NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.*)

▪ I (we) affirm that the information contained in this application is true and accurate.

 applicant signature	Christophe Baron name (print)	06/20/07 date
 applicant signature	 name (print)	 date

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**JUN 27 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**

FS

**Water Right Transfer Supplemental Form A**  
**DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT**

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: Certificate 13259

**1. TYPE OF CHANGE(S) PROPOSED**

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> <b>Change</b> (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> <b>Additional</b> (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> <b>Historic Point of Diversion or Appropriation Change</b> (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> <b>Surface Water to Ground Water</b> (A new point of appropriation will be used <b>instead of</b> the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> <b>Point of Diversion Change due to Government Action</b> (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> <b>Exchange</b> (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> <b>All of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.) <input checked="" type="checkbox"/> <b>Only a portion of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> <b>Irrigation</b> <input type="checkbox"/> <b>Municipal</b> <input type="checkbox"/> <b>Quasi-municipal</b> <input type="checkbox"/> <b>Commercial</b> <input type="checkbox"/> <b>Industrial</b> <input type="checkbox"/> <b>Instream</b> (complete and attach <i>Supplemental Form C</i> ) <input type="checkbox"/> <b>Domestic</b> (indicate number of households) _____ <input type="checkbox"/> <b>Other</b> _____  <input type="checkbox"/> <b>Substitution</b> (A supplemental ground water right will be substituted for a primary surface water right.)  <input type="checkbox"/> <b>Supplemental Use to Primary Use</b> (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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SALEM, OREGON

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**2. CURRENT WATER RIGHT INFORMATION**

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	<u>13259</u> Certificate Number	<u>Walla Walla River</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: R.A. TRIBOU
- County: Umatilla
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): 1878

*If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: North Fork Walla Walla River

Tributary to: Walla Walla River

*If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

**For applications proposing a Change in Place of Use or Character of Use:**

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?  
 Yes     No     N/A – No Change in Place of Use or Character of Use

*If "Yes", what are the Permit, Registration or Certificate Numbers? N/A*

*Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).*

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▪ Certificate Number or other identifying number: Certificate 13259

The following information **must be provided** only for those points of diversion or appropriation that are involved in the transfer (i.e., **list only the portion of the water right you propose to transfer.**) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:**

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
N/A	Auth POA, 1878	5N	36E	WM	22	SE NW	400	940 ft N & 800 ft W from Center of Section 22

- Does the water right being transferred involve a ground water source(s)?

Yes       No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

**Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)**

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A N/A	N/A	N/A

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▪ Certificate Number or other identifying number: Certificate 13259

**3. PROPOSED CHANGES TO THE WATER RIGHT**

*Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.*

**Location of Proposed Point(s) of Diversion or Appropriation:**

*(i.e., the "TO" point(s) of diversion or appropriation)*  N/A – Instream Water Right Transfer

*(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)*

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
N/A	N/A	N/A	N/A	N/A	N/A N/A	N/A	N/A

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed?  Yes  No  N/A - No proposed well(s) listed above.

*If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)*

*If "No", describe the anticipated construction for the proposed well(s) in the following table:*

**Construction of Proposed Point(s) of Appropriation or Well(s)**

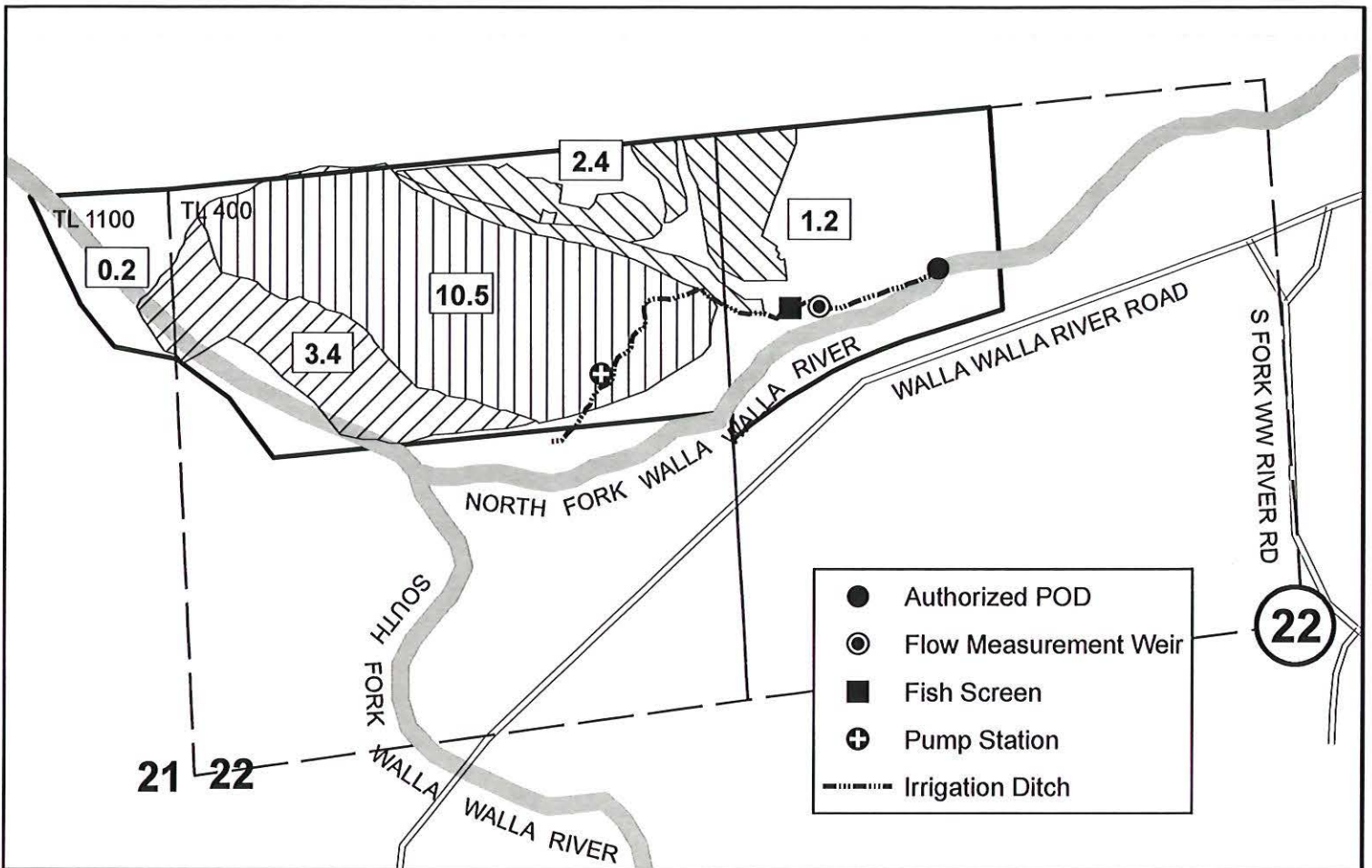
*Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.*

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L- )	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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**TRANSFER FROM**

- **Authorized POD**  
Surface water diversion located in the SE/4 of NW/4 of Section 22 at a distance 940 feet N and 800 feet W from the Center of Section 22.

- ▨ **Authorized POU (FROM)**  
3.6 acres, including:  
0.2 acre in SE/NE of Section 21  
3.4 acres in SW/NW of Section 22

- ▨ **Authorized POU (NOT INCLUDED)**  
10.5 acres in SW/NW of Section 22

T5N, R36E, WM  
Sections 21 & 22  
Umatilla County

1 inch = 400 feet

**TRANSFER TO**

- **Authorized POD**  
No change proposed to POD.
- ▨ **Proposed POU (TO)**  
3.6 acres, including:  
2.4 acres in SW/NW of Section 22  
1.2 acres in SE/NW of Section 22

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The purpose of this map is to identify the location of a water right. It is not intended to provide information regarding the location of property ownership boundary lines.



**FOUNTAINHEAD**  
1860 Blue Creek Road  
Walla Walla, WA 99362  
509.529.2646 phone

**TRANSFER MAP**  
Certificate No. 13259  
Change Place of Use

in the name of  
CAYUSE VINEYARDS  
Revised 04 JUN 2007

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

In the Matter of the Proposed Short-Term ) DETERMINATION and  
Lease of Existing Water Rights for Instream ) FINAL ORDER ON  
Use, Certificate(s) 13259, 12787, and 12829, ) PROPOSED INSTREAM  
Umatilla County, Oregon ) LEASE

**FINDINGS OF FACT**

1. A Short-Term Lease Application, which proposed to lease all or a portion of certificate(s) 13259, 12787, and 12829 for instream purposes was submitted to the Department by:

Lessee  
Oregon Water Trust  
522 SW Fifth Avenue, Suite 825  
Portland, OR 97204

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2. The Department assigned this lease agreement number L-454.
3. The lease application includes the required information under OAR 690-077-0077(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(6).
4. The following water rights are included in Instream Reach A:

Certificate Number	Priority Date	Acres Being Leased	Rate Associated with the Lands(cfs)	Landowner
12787	1891	3	0.113	Truax
12829	1880	12.3	0.461	Sams
Total		15.3	0.574	

5. Instream Reach A is from NF-4 (approximately 2600 feet east and 500 feet north of the SE Corner Section 19, Township 5 North, Range 37 East), approximately RM 4.0 to Confluence of North and South Forks of the Walla Walla River.
6. The proposed rate for the instream use proposed by the lease application needs to be modified to prevent injury and enlargement. The instream rate at NF-4 for Instream Reach A is decreased to 0.17 cfs (30 percent of face value of the certificates) to account for return flow, which is estimated at 70 percent. To account for losses due to seepage and

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

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evaporation, the rate for Instream Reach A will be further diminished by 2 percent per mile down to the Confluence of North and South Forks of the Walla Walla River.

7. The following water rights are included in Instream Reach B:

Certificate Number	Priority Date	Acres Being Leased	Rate Associated with the Lands(cfs)	Landowner
13259	1878	14.1	0.53	Wheeler

8. Instream Reach B is from NF-10 (approximately 1320 feet east and 1320 feet south of the NW Corner of Section 22, Township 5 North, Range 36 East), approximately RM 0.5 to Confluence of North and South Forks of the Walla Walla River.
9. The proposed rate for the instream use proposed by the lease application needs to be modified to prevent injury and enlargement. The instream rate at the point of diversion for NF-10 at the beginning of Instream Reach B is 0.53 cfs. Immediately below NF-10 the rate for the rest of Instream Reach B is decreased to 0.16 cfs (30 percent of face value of the certificates) to account for return flow, which is estimated at 70 percent. To account for losses due to seepage and evaporation, the rate below NF-10 will be further diminished by 2 percent per mile down to the Confluence of North and South Forks of the Walla Walla River. Since there are no downstream users below NF-10, if the rate at NF-10 is satisfied, no regulation will be made for the rest of the reach.
10. Upon signature of this order, the instream flow will be allocated on a daily average basis up to the described rate until August 31. The lease will terminate at the end of the legal season of use this year, being December 31, 2003.

### CONCLUSIONS OF LAW

The Department concludes that the lease, as modified above, will not result in injury or enlargement, OAR 690-077-0077.

### ORDER

Therefore, it is ORDERED that the Short-Term Lease described herein is APPROVED.

Dated at Salem, Oregon this 14<sup>th</sup> day of August 2003.

  
Paul R. Cleary  
Director

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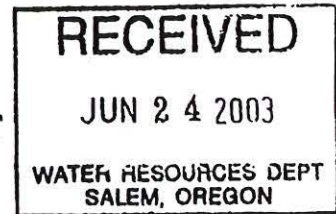
Lease Agreement Number (assigned by WRD): L-454

District Lease Number (optional, assigned by District):

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

**Pooled Lease Form**  
North Fork WW

**Short-Term Water Right Lease Agreement  
Pursuant to ORS 537.348(2) and OAR 690-077-0077  
for  
Leases of Existing Water Rights for Instream Use**



This Lease Agreement is between:

**District:**

(Name) na  
(Mailing address)  
(City, State, Zip Code)  
(Telephone number)

If more than one district, enter district information below:

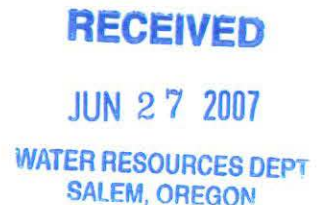
The water right to be leased is located in Umatilla County

**Lessee (if different than Oregon Water Resources Department, e.g. Deschutes Water Exchange):**

(Name) Oregon Water Trust  
(Mailing address) 522 SW Fifth Avenue, Suite 825  
(City, State, Zip Code) Portland, Oregon 97204  
(Telephone number) 503 226 9055

**Trustee:**

Oregon Water Resources Department  
158 12<sup>th</sup> Street NE  
Salem OR 97301  
(503) 378-8455



~1~

**1.1** District and landowner(s) propose to lease the water rights listed below (indicate if any are supplemental):

Certificate No. The following certificate is being leased in its entirety: 13259 the following certificates are being leased in part: 12787 12820

Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program?

**Pooled Instream Leasing Landowner Form**

**Landowner**

Richard Wheeler and agent, nephew Leonard Wheeler  
 Route 1.Box 81-C  
 Milton Freewater, Oregon 97962  
 541-938-4373 or 541-938-3938

**Term of Lease: one year**

**1.1 Ownership.** Landowner owns or is authorized agent for the property located at: Township 5N, Range 36E, Section 21, Tax Lot number 1100 and Section 22, Tax Lot number 0400.

If water right appurtenant to these lands is also appurtenant to lands owned by others, then Attachment 5-A (tax map lot of lessor's property) needs to be included.

**Subject Water Rights.** Landowner proposes to lease the water rights shown on the map Attached as Exhibit 5-B (this information may be included on Exhibit 5-A, or an additional map may be attached). (Cross hatch the area of water rights being leased.) Attached map(s) must identify property owner, Township,, range, Section and ¼ ¼, tax lot number, map orientation and scale.

T	R	Sect	¼ ¼	tax lot	type of use	acres	Certificate #	priority date	POD#	
1.	5N	36E	22	SWNW	0400	Irrigate	13.9	13259	1878	NF-10
					Fruit and pasture					
2.	5N	36E	21	SENE	1100	Irrigate	.2	13259	1878	NF-10
					Fruit and hay					

**POD Locations**

POD#	T	R	Sect.	¼ ¼	Distance from government corner
NF-10	5N	36E	22	SENW	1320 FEET EAST AND 1320 FEET SOUTH OF THE NW CORNER OF

Total number of acres ((by type of use): 14.1 Acres of 18/8

Acre feet of storage, if applicable: \_\_\_\_\_

(Additional Subject Water Rights? Please use Additional Landowner Information form.)

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EXHIBIT - 20

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NE  
NE  
21

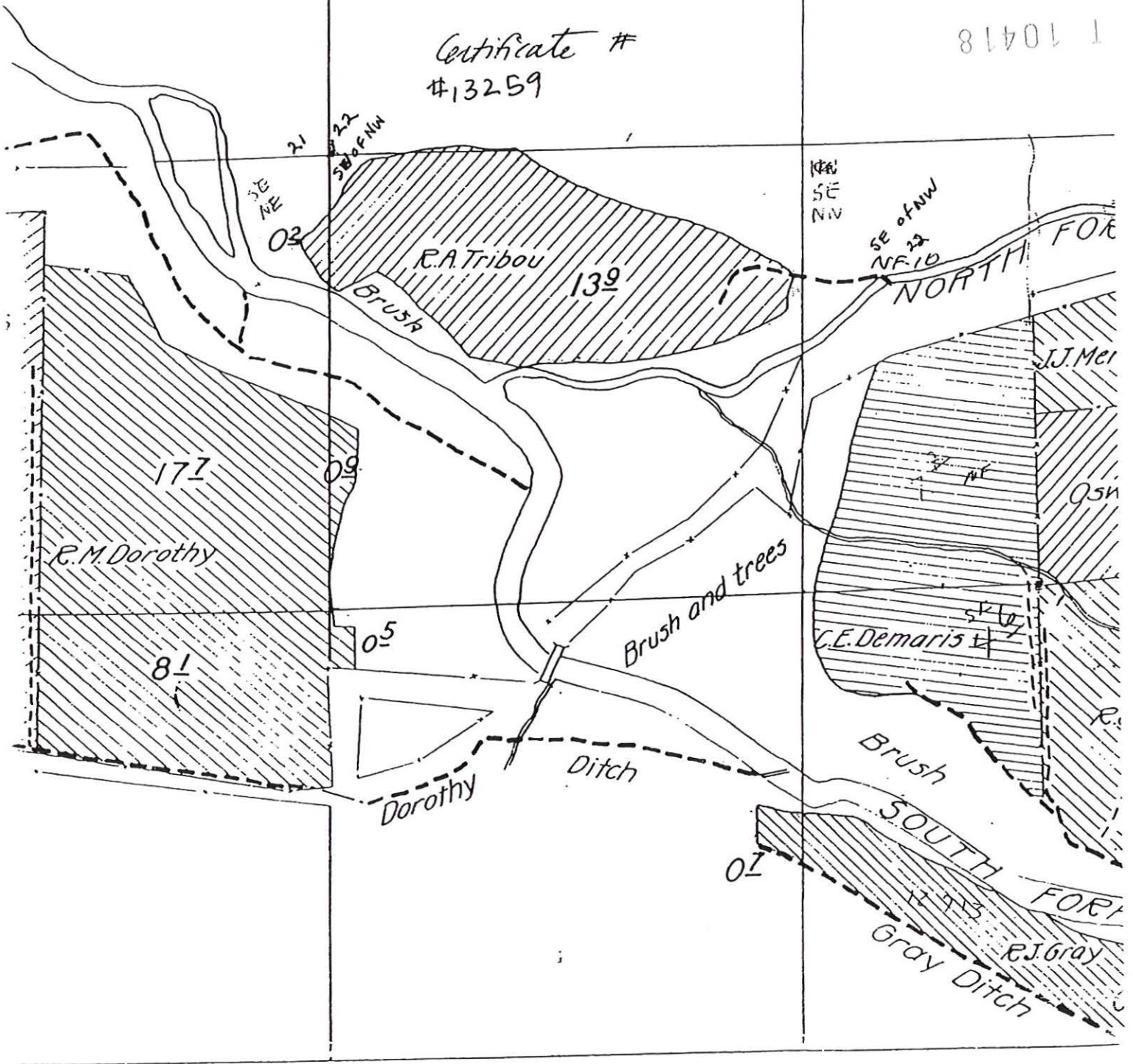
Wheeler

5N-36E-21-1100

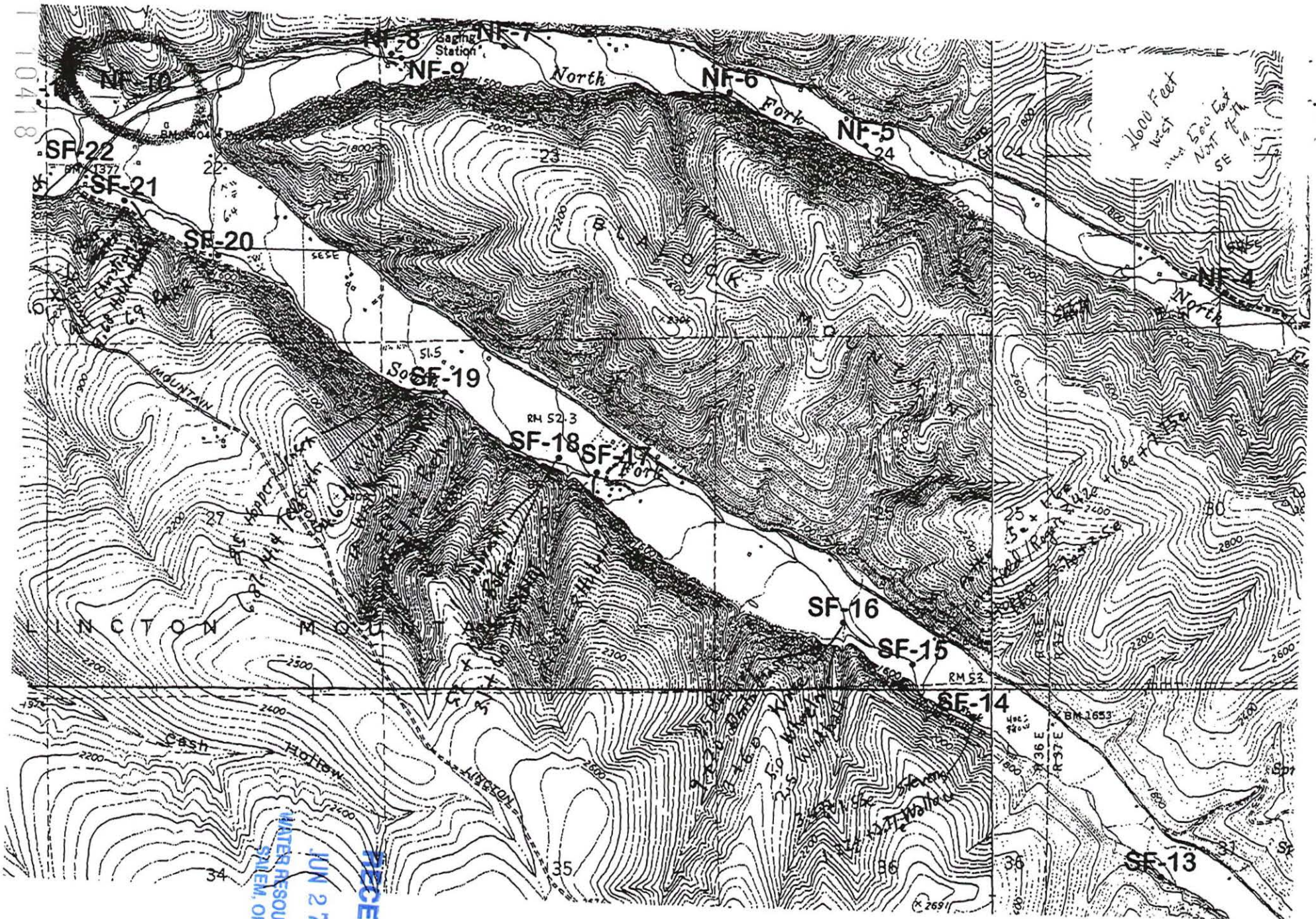
NE  
NW  
21

Certificate #  
#13259

1 10418



TOWNSHIP 5 NORTH. RANGE 36 EAST.



1600 Feet  
West  
1/4 Sec 24  
North of  
SE 1/4

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80.00 Ac.

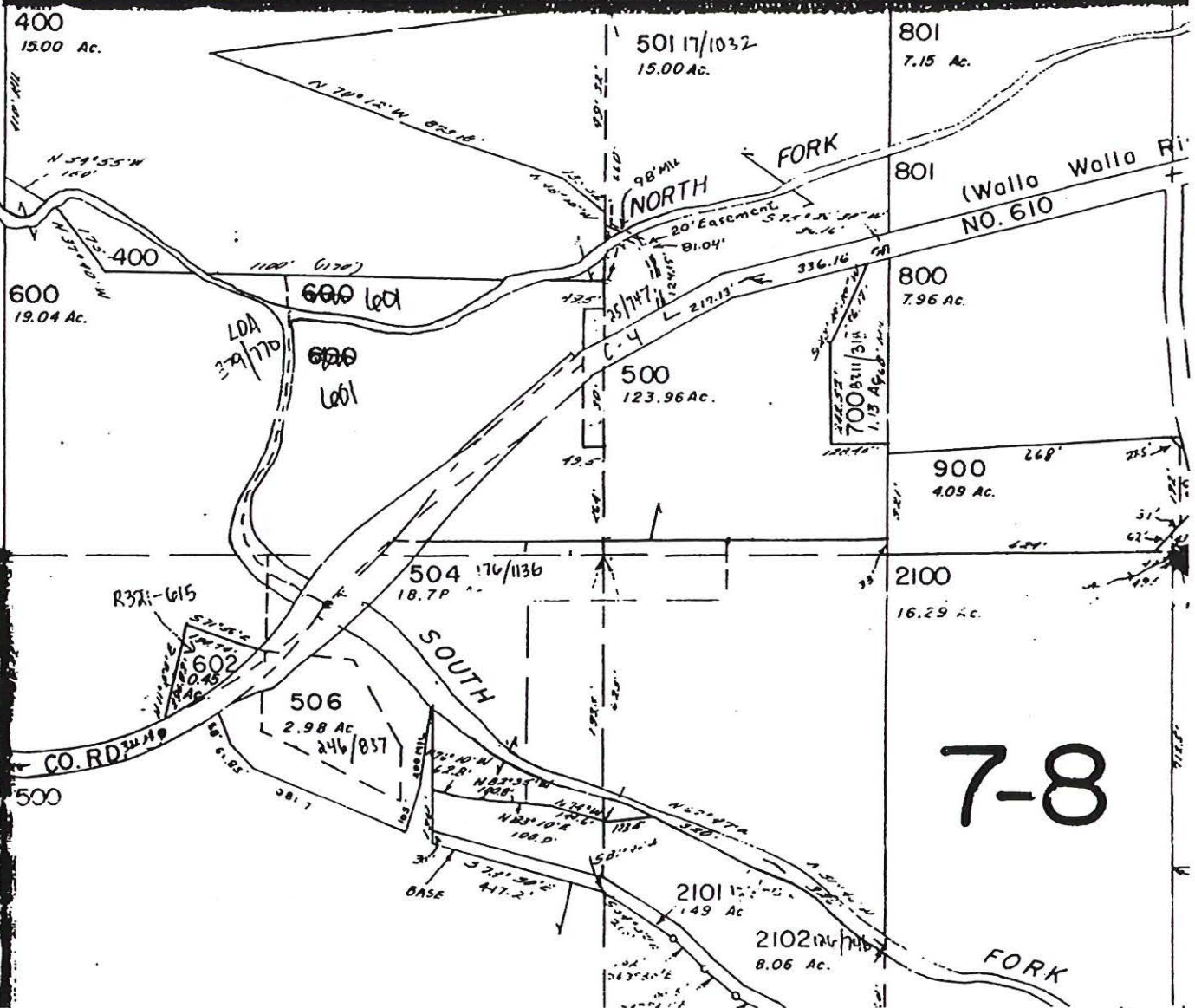
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THIS MAP IS FURNISHED AS A  
CONVENIENCE BY:  
PIONEER TITLE COMPANY

THIS MAP IS A SURVEY AND DOES NOT SHOW  
THE LOCATION OF ANY IMPROVEMENTS. IT IS PROVIDED  
FOR IDENTIFICATION OF LANDS ONLY, AND THIS  
COMPANY ACCEPTS NO LIABILITY FOR THE ACCURACY  
OF BOUNDARY LINES, EASEMENTS, ROADS OR OTHER  
MATTERS SHOWN THEREON.

MAP NO. 5N36-22

7-



7-8

See Map 5N 36 21

51.72 Ac.

21 22

WALLA WALLA

101  
25.25 Ac.

102 3.03 Ac.

502  
108 Ac.

501  
292 Ac.

600  
9.59 Ac.

700  
15.43 Ac.  
7.02

800  
16.60 Ac.

900  
9.20 Ac.

1000  
29.45 Ac.

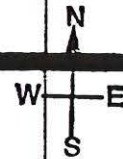
1100  
2.30 Ac.

RIVER

-10

1200  
53.41 Ac.

601  
82 Ac.



1/4 Cor.

THIS MAP IS FURNISHED AS A  
CONVENIENCE BY:  
PIONEER TITLE COMPANY

THIS MAP IS NOT A SURVEY AND DOES NOT SHOW 4  
THE LOCATION OF ANY IMPROVEMENTS. IT IS PROVIDED  
FOR IDENTIFICATION OF LANDS ONLY, AND THIS  
COMPANY ACCEPTS NO LIABILITY FOR THE ACCURACY  
OF BOUNDARY LINES, EASEMENTS, ROADS OR OTHER  
MATTERS SHOWN THEREON.

MAP NO. EN-36-21

T. 10418

31-8

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SALEM, OREGON

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That R. A. TRIBOU

of R. #1, Milton, State of Oregon, has a right to the use of the waters of North Fork Walla Walla River for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 12, at page 9; that the priority of the right thereby confirmed dates from 1878;

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 one and one-half miner's inches per acre measured at the point of diversion.

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:

0.2 acre in ~~SE 1/4~~ Section 21;

13.9 acres in ~~SW 1/4~~ Section 22,

T. 5 N., R. 36 E. W. M., being within the following described tracts: Beginning at the northeast corner of the ~~SW 1/4~~ of Sec. 22, T. 5 N., R. 36 E. W. M.; running thence south 660 ft.; thence S. 83° W. and parallel with the north line of said ~~SW 1/4~~ of said Sec., 1100 ft.; thence N. 37° 40' W. 175 ft.; thence N. 54° 55' W. 150 ft. to the section line between Secs. 21 and 22; thence N. 410 ft. to the northwest corner of said ~~SW 1/4~~; thence north 83° E. to the place of beginning.

ALSO: Beginning at the northeast corner of the ~~SE 1/4~~ of Sec. 21, T. 5 N., R. 36 E. W. M., running thence south 410 ft.; thence N. 80° 45' west 148.5 ft.; thence N. 39° 50' W. 129.5 ft.; thence N. 27° W. 311 ft. to the north line of said ~~SE 1/4~~; thence east 354 ft. to place of beginning.

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 5th day

of April, 1940.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 11, page 13259

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# Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
503-378-3739  
FAX 503-378-8130

# Thank You

August 18, 2003

To: Leonard Wheeler  
From: Steve Parrot  
12.9.03

Oregon Water Trust  
522 SW Fifth Avenue, Suite 825  
Portland, Oregon 97204

RE: Instream Lease #454

Thank you for participating in the Short-Term Instream Leasing Program. I want to express appreciation for your cooperation in helping to improve streamflows for fish and aquatic life.

Enclosed is a copy of the final order and the signed lease. If you have any questions regarding either, please call me at (503) 378-8455, ext. 238.

Sincerely,

*Sarah Henderson*

for **Bob Rice**

Field Services Division

Don Justus, Watermaster

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## Oregon Water Resources Department Land Use Information Form

*THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.*

Applicant Name: Cayuse Vineyards  
 Mailing Address: PO Box 1602  
 City: Walla Walla State: WA Zip: 99362 Day Phone: (509) 526-0686

This application is related to a Measure 37 claim.  Yes  No

### A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
5N	36E	22	SW NW	400	Exclusive Farm Use	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	vineyard
5N	36E	22	SE NW	400	Exclusive Farm Use	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	vineyard
5N	36E	21	SE NE	1100	" "	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

### B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water       Water-Right Transfer       Exchange of Water  
 Allocation of Conserved Water       Limited Water Use License  
 Permit Amendment or Ground Water Registration Modification

Source of water:  Reservoir/Pond     Ground Water     Surface Water (name) North Fork Walla Walla River

Estimated quantity of water needed: 0.53  cubic feet per second     gallons per minute     acre-feet

Intended use of water:  Irrigation     Commercial     Industrial     Domestic for      household(s)  
 Municipal     Quasi-municipal     Instream     Other     

Briefly describe: Transfer water right from one area of property to different area of same property to irrigate new vineyard.

**Note to applicant:** *If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.*

### Receipt for Request for Land Use Information

State of Oregon  
 Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, OR 97301-1266

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### For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the 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): Farm Use UCDC 152.054

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)  
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

MAP  
SN3621  
Taxlot 1100  
  
MAP  
SN3622  
Taxlot 400

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
<u>EFU-10</u>		<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

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

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

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**JUN 27 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**

Name: CAROL JOHNSON Title: Planner  
Signature: Carol Johnson Phone: 541278-1222 Date: 6-18-07  
Government Entity: Umatilla County

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

To Whom It May Concern:

A Certificate of Water Right was issued for Lot 400, Section 22 T5N, R36EWM with a priority right dated 1878. The water right goes with the land and I have sold the land to Christophe Baron in June 2005.

This memorandum is to certify that I had used the water of the North Fork of the Walla Walla River for irrigation during the last five years.

Signed

Lennard Wheeler  
Lennard Wheeler

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4<sup>th</sup> DAY OF NOV., 2005

(SEAL)

Charlotte Birdwell  
Notary Public  
state of Oregon  
Wasilla County



RECEIVED  
JUN 27 2007  
WATER RESOURCES DEPT  
SALEM, OREGON

T 10418

# Oregon Water Resources Department



State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A, Salem, OR. 97301-1271  
Phone: 503-986-0900  
<http://www.wrd.state.or.us>

## FAX TRANSMITTAL

To: Christophe Baren

Fax Number: 509-526-4686

Date: 12-28-04

Pages: 3, including cover sheet

From: Sarah Henderson

Phone: 503-986-0883

Comments:

copy of L-454

### DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

### FIELD SERVICES

- Regional Liaisons
- Transfers
- Hydrographics

### NORTHWEST REGION

- District 16 Watermaster

### ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

Fax: 503-986-0903 or  
503-986-0904

### TECHNICAL SERVICES

- Dam Safety
- Enforcement
- Ground Water
- Information Services
- GIS/Mapping
- Water Use Reporting

Fax: 503-986-0902

### WATER RIGHTS

- Water Rights Information
- Adjudications
- Hydroelectric
- Certificates / Final Proofs
- Hearings / Contested Cases

Fax: 503-986-0901

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**JUN 27 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**

T 10418

**Water Right Transfer Supplemental Form B  
AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon )  
 ) ss  
 County of Umatilla )

I, Christophe Baron, in my capacity as Owner,  
 mailing address: PO Box 1602, Walla Walla, WA 99362  
 telephone number: (509) 526-0686, being first duly sworn depose and say:

1. I attest that:

- Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; **or**
- The water right was leased instream at some time within the last five years. The instream lease number is as follows: Oregon Water Trust Lease No. 454; **or**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

2. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation                       Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section		Gov't Lot or DLC	Acres (if applicable)
5	N	36	E	WM	21	SE	NE	TL 1100	0.2
5	N	36	E	WM	22	SW	NW	TL 400	13.9

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**JUN 27 2007**  
 WATER RESOURCES DEPT  
 SALEM, OREGON

T 10418

(continues on reverse side)

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

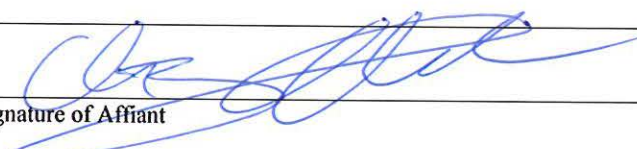
4. The water right was exercised for the authorized purpose described below (e.g., crops grown):  
Leased to improve instream flows within past five years.  
Water used for irrigation of orchard and pasture during previous five years.

5. The water delivery system used to apply water as authorized by the right is described below:  
Water diverted by gravity into conveyance ditch. Water conveyed in ditch to pump station.  
Water pumped from ditch using fuel-powered centrifugal pump and conveyed and applied  
With above-ground aluminum mainline and handline.

6. One or more of the following documentation supporting the above statements is attached:
- Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
  - Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
  - Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
  - Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
  - Dedicated power usage records or receipts,
  - Instream lease number OWT No. 454,
  - Other: Notarized affidavit of previous landowner.

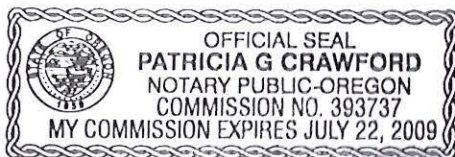
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**JUN 27 2007**

**WATER RESOURCES DEPT**  
**SALEM, OREGON**

  
Signature of Affiant

06/14/07  
Date

Signed and sworn to (or affirmed) before me this 14 day of June, 2007.



  
Notary Public for Oregon

My Commission Expires: 7-22-09

T 10418

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.



June 13, 2007

**Oregon Water Resources Department**  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266

**Re: Application for Water Right Transfer - Certificate 13259**

Dear OWRD-

Please process the enclosed Application for Water Right Transfer.

This water right transfer proposes to slightly change the authorized place of use for 3.6 acres of the 14.1 acres authorized under the Certificate 13259, from one area of our property to another area of the same property.

Cayuse Vineyards has wine grape plants in cold storage and intends to establish new vineyard blocks in March 2008. We intend to irrigate the new vines immediately after planting.

If OWRD anticipates any timing concerns with this proposed water right transfer that would impair our ability to establish a new vineyard on this schedule, please notify us as soon as possible and recommend possible ways that we can accomplish our goals.

Thank you for your attention to this aspect of our application.

Sincerely,

A handwritten signature in black ink, appearing to read "Christophe Baron", is written over a white background.

**Christophe Baron**  
Owner

Enclosure

**RECEIVED**

**JUN 27 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**

T 10418





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

July 2, 2007

CAYUSE VINEYARDS LLC  
PO BOX 1602  
WALLA WALLA WA 99362

Reference: Transfer 10418

On June 27, 2007 we received your water right transfer application. The application was accompanied by \$350.00. Our receipt 88371 is enclosed.

By copy of this letter, we are asking the Watermaster for a 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.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, 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, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

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, (503)986-0883.

cc: Watermaster #5  
John Warinner, CWRE  
Tim Bailey, ODFW

enclosure



# Oregon

Theodore R. Kulongoski, Governor

**Water Resources Department**

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

**Notice of Application for  
Water Right Transfer, Temporary Transfer, or Permit Amendment  
07/03/2007**

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: Umatilla  
Transfer: T -10418  
Water Right: Cert:13259 OR \*  
Priority Date: 1878  
Name: CAYUSE VINEYARDS LLC  
Address: PO BOX 1602; WALLA WALLA WA 99362  
Change: POU  
Source: NORTH FORK WALLA WALLA RIVER > WALLA WALLA RIVER  
Authorized POU: T5N R36E 21,22  
Proposed POU: T5N R36E 22

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.