

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ARGYLE WINERY, INC.  
PO BOX 280  
DUNDEE OR 97115

confirms the right to use the waters of UNNAMED STREAM and EOLA RESERVOIR, constructed under Permit R-9965, tributaries to King Creek, for SUPPLEMENTAL IRRIGATION of 119.0 ACRES and POND MAINTENANCE OF EOLA RESERVOIR.

This right was perfected under Permit S-54540. The date of priority is APRIL 24, 2008. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.5 CUBIC FOOT PER SECOND (CFS) from an unnamed stream, being 0.3 CFS for SUPPLEMENTAL IRRIGATION of 119.0 ACRES and 0.2 CFS for POND MAINTENANCE, and 36.7 ACRE-FEET (AF) from Eola Reservoir for SUPPLEMENTAL IRRIGATION of 119.0 ACRES, or its equivalent in case of rotation, measured at the point of diversion.

The period of use and summary of water use is as follows:

Authorized Source	Use	Authorized Rate	Period of use
Unnamed Stream	Supplemental Irrigation	0.3 CFS	March 1 through June 30
Unnamed Stream	Pond Maintenance	0.2 CFS	November 1 through June 30
Eola Reservoir	Supplemental Irrigation	36.7 AF	March 1 through October 31

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	4 W	WM	13	SW SW	300 FEET NORTH AND 1200 FEET EAST FROM SW CORNER, SECTION 13

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

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

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

A description of the place of use is as follows:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
6 S	4 W	WM	13	NE SW	3	9.1
6 S	4 W	WM	13	NW SW		18.3
6 S	4 W	WM	13	SW SW		30.8
6 S	4 W	WM	23	NE NE		35.9
6 S	4 W	WM	24	NW NW		24.9

POND MAINTENANCE				
Twp	Rng	Mer	Sec	Q-Q
6 S	4 W	WM	13	SW SW
6 S	4 W	WM	24	NW NW

Measurement, recording and reporting conditions:

- A. The water user shall maintain a totalizing flow meter at each point of diversion in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter; provided however, where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.

Notwithstanding that Oregon Department of Fish and Wildlife has made a determination that fish screens and/or by-pass devices are not necessary at this time, the water user may be required in the future to install, maintain, and operate fish screening and/or by-pass devices to prevent fish from entering the diversion, and to provide adequate upstream and downstream passage for fish.

The water user shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the water user has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The water user is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

Irrigation allowed under this right shall be by drip irrigation or by an equally efficient method.

The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to the agreement.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.


By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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.

Issued OCT 08 2015.

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