

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

In the Matter of the Allocation of Conserved	)	FINAL ORDER APPROVING
Water Application C-3, Certificate 52400, Polk	)	THE USE OF THE CONSERVED
County Oregon	)	WATER

**Application History**

An Allocation of Conserved Water was approved by Special Order Volume 52, Page 40 of the Water Resources Director entered January 23, 1998, and corrected by Special Order Volume 54, Page 415 on June 1, 2000. The Department assigned this conserved water application number C-3.

On August 24, 2001, the applicants requested the name on the Conserved Water Application be changed from "The Dundee Wine Company" to "Argyle Winery, Inc."

On January 20, 2004, the applicants indicated that the project has been completed, worked as expected and requested finalization of the project.

**Findings of Fact**

1. The applicants have completed the project. It worked as expected, and the applicants have requested finalization of the project.
2. Pursuant to ORS 540.310, an in-line flow meter that totalizes volume, or similar device approved in advance by the Director is necessary on the existing and new lands.

**Conclusion of Law**

The project described in the application C-3 for allocation of conserved water is consistent with the criteria in ORS 537.455 to 537.500, chapter 726, Oregon Laws 1997; and OAR Chapter 690, Division 018.

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

1. Certificate 52400 is cancelled. A new superceding remaining right certificate shall be issued for 1.75 cfs for irrigation of 166.1 acres. The place of use shall be those lands described under certificate 52400. All other conditions and limitations of the existing water right shall be included in the superseding certificate.
2. A new certificate shall be issued to Argyle Winery, Inc. for 0.37 cfs for irrigation of 66.1 acres. The priority date is June 10, 1970. The right shall be limited to 1/178.5 of one cfs per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 85.9 acre-feet, and 1.3 acre-feet per acre for each acre irrigated during the irrigation season of each year. All other conditions and limitations of the certificate 52400 shall be included in the certificate.

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 the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 and OAR 690-001-0005 you may either petition for judicial review or petition the Director for reconsideration of this order.

- Argyle Winery, Inc. may divert 0.25 cfs of conserved water at the points of diversion described in certificate 52400 for the irrigation of up to a total of 44.6 acres. The priority date is June 10, 1970, plus one minute. The right shall be limited to 1/178.5 of one cfs per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 58.0 acre-feet, and 1.3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

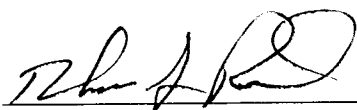
The conserved water may be applied to the following lands:

Section	Quarter-Quarter	DLC/Lot	Acres
7	NW¼ NE¼		17.6
7	SW¼ NE¼		22.5
7	SE¼ NE¼	Lot 2	1.4
8	SW¼ NW¼	Gay DLC 58	3.1
Township 6 South, Range 3 West, W.M.			

By October 1, 2008, the owner of the lands on which the Conserved Water is proposed to be applied shall submit satisfactory proof to the Water Resources Department that the water has been applied beneficially to the land. Following review and a determination as to the extent of the beneficial use, the Department shall issue a water right certificate confirming the new water right.

- A new certificate for instream water rights shall be issued which replaces a portion of any existing instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to any instream water rights established pursuant to ORS 537.348 or 537.470. The new right that shall be issued is for the reach from the point of diversion, Lot 4 (SW¼ SW¼), Section 4, Township 6 South, Range 3 West, W.M.; 850 feet North and 60 feet East from SW Corner Section 4 on the Willamette River (RM 73.7) to Willamette Falls (RM 26.8) at a rate of 0.08 cfs and with a duty of 21.3 ac-ft. The period of use shall be June 19 through October 31. The priority date shall be June 10, 1970, plus one minute.
- Before water use may begin under an approved conserved water allocation, the user shall install an in-line flow meter that totalizes volume, or similar device approved by the Director for measuring the amount of water diverted for the existing and new lands. The water user shall maintain the meter in good working order and 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.

Dated at Salem, Oregon this 26<sup>th</sup> day of February 2004.

  
 Paul R. Cleary  
 Director