

STATE OF OREGON

COUNTY OF POLK

PROPOSED ORDER FOR
ALLOCATION OF CONSERVED WATER

Pursuant to ORS 537.470 and OAR Chapter 690, Division 18, after notice was given and no comments filed, this order approves as conditioned or limited herein, an application for allocation of conserved water submitted by:

The Dundee Wine Company
P. O. Box 280
Dundee, OR 97115

Background

The application for the allocation of conserved water proposes a reduction in the maximum rate and duty of diversion allowed under a portion of Certificate 52400 in the name of Anton P. Pietrok. The date of priority is June 10, 1970.

The right allows the use of the Willamette River, tributary to the Columbia River, for irrigation of 66.1 acres. The amount of water to which this right is entitled is limited to an amount beneficially used and shall not exceed 0.70 cubic feet per second, if available at the legal point of diversion: Lot 4, SW 1/4, SW 1/4, Section 4, Township 6 S., Range 3 W., Willamette Meridian; 850 feet North and 60 feet East from SW Corner Section 4.

The amount of water used for irrigation, together with the amount secured under any other right for the same lands, is limited to one eightieth of one cubic foot per second per acre or its equivalent for each acre irrigated during the irrigation season.

The authorized place of use is: 33.4 acres, NE 1/4, NE 1/4,
 28.7 acres, SE 1/4, NE 1/4,
 2.4 acres, NW 1/4, SE 1/4, and
 1.6 acres, SE 1/4, SE 1/4
 Section 7, T. 6 S., R. 3 W., W.M.

The water right holder currently irrigates from the Willamette River with a system of hand line, wheel line and big gun sprinklers. Over the next five (5) years, the applicant proposes to complete a conservation project on the original 66.1 acres consisting of the installation of a new pump at the existing Point of Diversion (POD), new buried mainline and a drip emitter irrigation system.

If the project cannot be completed within the proposed five (5) year schedule, the applicant may request an extension of time. If the applicant chooses not to complete the project, the

Department requests that the applicant notifies the Department so that an order canceling the order approving the project can be issued.

When complete the project will expand the number of irrigated acres from 66.1 to 110.7. The rate of the existing water right will be reduced from 0.70 cfs to 0.62 cfs. The duty during the irrigation season will be reduced from 165.2 acre feet to 143.9 acre feet. The amount of water dedicated to an in-stream right in the Willamette River will be 0.08 cfs, not to exceed 21.3 acre feet. The entire project, including the irrigation of the additional 44.6 acres, is scheduled to be completed within the next ten (10) years.

Upon completion of the project the Department shall issue orders that:

1. Cancel the Certificates evidencing the water rights which are modified by the allocation of conserved water;
2. Allow for the beneficial use of water for the purposes and at the locations described in the original Certificate at the rate and duty described in the application to allocate conserved water;
3. Allow for the beneficial use of water for the purposes and at the locations described in the original water right Certificate at the rate and duty described in the original Certificate for portions of the water right not involved in the conservation project; and
4. Allow the use and management of the conserved water in-stream.

Upon request by applicant that the allocation be finalized or five (5) years after the project is complete, whichever comes first, the Department shall issue:

1. A superseding Certificate as provided in the order for the allocation of conserved water. The priority date of this right is June 10, 1970 ~~plus one minute~~; *Amended by Sp Order ~~24~~ Vol 54, p 415.*
2. A Certificate for an in-stream water right for the State's portion of the conserved water. The priority date of this right is June 10, 1970 plus one minute;
3. A Certificate for out-of-stream use for portions of the original Certificate not modified by the allocation of conserved water: The priority date of this right is June 10, 1970; and
4. An order allowing for the use of the applicant's portion of the conserved water either at the location and for the type of use identified in the application or for use and management in-stream. Conserved water managed in-stream shall be managed under the rules and guidelines established by the Department for in-stream water rights. The priority date of this right is June 10, 1970 plus one minute.

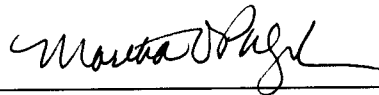
Findings

1. The proposed allocation of conserved water is not likely to injure existing water rights.
2. The proposed allocation of conserved water is consistent with OAR 690-05-045
3. No conserved water is needed to mitigate injury to existing water rights.
4. The proposed allocation of water is consistent with ORS 537.455 to 537.500 and OAR 690-18-010 to 690-18-050.

Order

1. The application for the allocation of conserved water is approved.
2. The applicant has five (5) years from the date of this order, unless an extension is requested, to complete the project.
3. The applicant has five (5) years after the completion of item 2 (above) to request that the allocation of conserved water be finalized.
4. The applicant shall keep the Department apprised of any changes in the conservation project which may lead to changes in the amount of conserved water under OAR 690-18-062 (2).

Witness the signature of the Water Resources Director, affixed 1/23/98



Martha O. Pagel, Director

Pursuant to ORS 690-18-050 (4), any person may protest the proposed allocation of conserved water. Protests must be submitted to the Water Resources Department, 158 12th Street NE, Salem Or 97310 no later than sixty (60) days from the date of this order. Protests may also be faxed to (503) 378-8455. If the Commission determines that the allocation of conserved water is likely to injure other water rights or is inconsistent with Administrative Rules, the Water Resources Commission may direct the Department to hold a contested case hearing pursuant to ORS 183.413 and OAR 690, Divisions 1 and 2.

If no protest is filed within sixty (60) days of this order, the order becomes final.