

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

EUGENE BERNARDS  
5000 NW WESTSIDE ROAD  
MCMINNVILLE OREGON 97128

confirms the right to store water perfected under the terms of Permit R-11457. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE: UNNAMED STREAM, tributary of Panther Creek, with any deficiency in the supply to be appropriated from Panther Creek, tributary of the North Yamhill River, appropriated under Permit 51460

STORAGE FACILITY: STORAGE RESERVOIR

PURPOSE or USE: IRRIGATION AND RECREATION

MAXIMUM STORAGE VOLUME: 7.81 ACRE FEET (AF), being 3.5 AF for IRRIGATION and 5.0 AF for RECREATION, provided the TOTAL STORAGE does not exceed 7.81 AF.

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD NOVEMBER 1 THROUGH MARCH 31 OF EACH YEAR

DATE OF PRIORITY: APRIL 9, 1990

DAM LOCATION:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
4 S	4 W	WM	4	SW NW		

The point of diversion on PANTHER CREEK is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
4 S	4 W	WM	4	SW NW			1200 FEET NORTH AND 370 FEET EAST FROM W¼ CORNER, SECTION 4

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
4 S	4 W	WM	4	SW NW		

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

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. 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 at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish and Wildlife specifications.

The storage of water allowed herein is subject to the maintenance of an outlet pipe, or the provisions of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

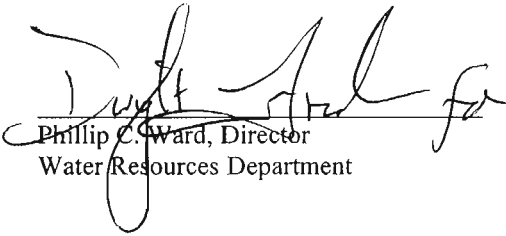
Failure to comply with any of the provisions of this right may result in action including, but not limited to restrictions on the use, civil penalties, or cancellation of the right.

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

Issued SEP 22 2008

  
Phillip C. Ward, Director  
Water Resources Department