

STATE OF OREGON  
COUNTY OF YAMHILL  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF MCMINNVILLE  
PO BOX 638  
MCMINNVILLE OR 97128

confirms the right to store water perfected under the terms of Permit R-13942. 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 measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION NUMBER: R-69772

SOURCE: NESTUCCA RIVER, A TRIBUTARY OF PACIFIC OCEAN

STORAGE FACILITY: MCGUIRE RESERVOIR (ENLARGEMENT OF RESERVOIR CONSTRUCTED UNDER PERMIT R-2652 AND R-5561)

PURPOSE or USE OF THE STORED WATER: FOR MUNICIPAL USE, TO BE APPROPRIATED UNDER PERMIT S-54038;

MAXIMUM STORAGE VOLUME: 6040.0 ACRE FEET PER YEAR EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH JULY 31

DATE OF PRIORITY: DECEMBER 7, 1988

The dam location is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances (Center of Dam)
3 S	6 W	WM	15	NW SE	2445 FEET NORTH AND 1970 FEET WEST FROM SE CORNER, SECTION 15

**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.

The area submerged by this reservoir is as follows:

STORAGE				
Twp	Rng	Mer	Sec	Q-Q
3 S	6 W	WM	14	SW SW
3 S	6 W	WM	15	SE 1/4
3 S	6 W	WM	22	NE NE
3 S	6 W	WM	22	SE NE
3 S	6 W	WM	23	NW NW
3 S	6 W	WM	23	SW NW
3 S	6 W	WM	23	SE NW
3 S	6 W	WM	23	SW 1/4
3 S	6 W	WM	26	NE NW
3 S	6 W	WM	26	NW NW

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device 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 or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The water user shall maintain and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

The water right holder shall allow by-pass flows or make releases from storage of 1.3 cubic feet per second (cfs) May 1 through October 31 and 0.5 cfs November 1 through April 30.

**DAM CONDITIONS**

The outlet gate shall be cycled at least once each year and shall be fully operational at all times.

Routine maintenance of the dam and all appurtenant structures shall be performed as determined necessary by the Water Resources Department Dam Safety program for the timely removal of trees, brush and debris, and to repair slumps, areas of erosion, or defective equipment.

The Emergency Action Plan (EAP) shall be updated on an annual basis or more frequently, as needed, to reflect changed conditions at the dam or within the downstream inundation zone.

Neither the completed dam nor any appurtenant structure shall be enlarged, modified, or otherwise altered without the prior written approval of the Water Resources Dam Safety program. Except for routine repair and maintenance, plans and specifications prepared by an Oregon licensed professional engineer are required for any significant modification or alteration of the dam or any appurtenant structure.

### STANDARD CONDITIONS

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 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 does not authorize the water right holder to pursue this right in such a way as to interfere with or affect adjacent property not under the ownership of the water right holder.

Issued           MAY 25 2010          .



Dwight W. French  
Administrator Water Rights and Adjudications, for  
Phillip C. Ward, Director  
Water Resources Department