

STATE OF OREGON  
 COUNTY OF JEFFERSON  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

COLUMBIA EMPIRE FARMS INC.  
 R B. PAMPLIN JR  
 P.O. BOX 1  
 DUNDEE, OR 97115

confirms the right to store water perfected under the terms of Permit R-12964. 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.

APPLICATION NUMBER: R-84331

SOURCE: TROUT CREEK AND PONY CREEK, TRIBUTARIES OF DESCHUTES RIVER

STORAGE FACILITY: A RESERVOIR

PURPOSE or USE of the STORED WATER: FISH AND WILDLIFE AND TO BE MAINTAINED UNDER PERMIT G-13875, FOR RECREATION.

MAXIMUM STORAGE VOLUME: 250 ACRE FEET

WATER MAY BE APPROPRIATED FOR STORAGE FROM: JANUARY 1 THROUGH JANUARY 31 AND MARCH 1 THROUGH APRIL 14 OF EACH YEAR.

DATE OF PRIORITY: FEBRUARY 1, 2000

DAM LOCATION: SW ¼ NW ¼, SECTION 10, T9S, R15E, W.M.; 970 FEET NORTH AND 565 FEET EAST FROM THE W ¼ CORNER SECTION 10.

The points of diversion (POD'S) are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	15 E	WM	3	SW NW	POD 1: 100 FEET NORTH & 300 FEET EAST FROM W 1/4 CORNER, SECTION 3
9 S	15 E	WM	4	SE SE	POD 2: 1310 FEET NORTH & 610 FEET WEST FROM THE SE CORNER, SECTION 4
9 S	15 E	WM	9	SE NW	POD 3: 1700 FEET SOUTH & 760 FEET WEST FROM N 1/4 CORNER, SECTION 9
9 S	15 E	WM	10	NW NE	PONY CREEK POD: 1020 FEET SOUTH & 2570 FEET WEST FROM NE CORNER, SECTION 10

**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:

Twp	Rng	Mer	Sec	Q-Q
9 S	15 E	WM	10	SW NW
9 S	15 E	WM	10	SE NW
9 S	15 E	WM	10	NE SW
9 S	15 E	WM	10	NW SW

CONDITIONS OF USE

Measurement, recording and reporting conditions:

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

Trout Creek Diversions (POD 1, 2 and 3)

The water user may use POD 2 and/or 3 and/or 4, with existing infiltration galleries. In the event the water user may desire to change the method of diversion from the existing infiltration galleries, the water user shall first obtain written approval of the Water Resources Department, in consultation with the Department of Fish & Wildlife, to ensure the new method of diversion complies with the fish screening and/or fish passage conditions of this right, and the water user shall not be authorized to revert to push-up dams.

In order to ensure protection of instream uses, water user shall only divert water under this right when stream flow in Trout Creek is sufficient to meet the established Instream Water Right, being 25 CFS during January, and 73 CFS during February, March and April of each year. Compliance with this right condition shall be demonstrated by water user by a schedule of monitoring of the Trout Creek at Clemens Drive near Gateway, Oregon (station number 14095255) stream gaging station once each day during the period of use.

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

The dam shall be operated and maintained according to the plans and specifications approved October 12, 2000 on file with the Water Resources Department. In accordance with such plans, and in order to further ensure against potential adverse impact to fish or aquatic resources, the project shall not be located within the streambed or channel of any waterway and does not result in direct discharge into Trout Creek or any waterway during normal operations.

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

Routine maintenance of the dam, it's spillway and all appurtenant structures shall be performed as necessary to remove trees, brush and debris, and to repair slumps, areas of erosion, or defective equipment.

The earthen dam, the resultant reservoir, and the emergency spillway, shall be constructed and maintained according to the approved plans and specifications on file with the Oregon Water Resources Dam Safety program.

The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of Water Resources Department or the Director's authorized representative. Except for routine repair and maintenance, plans and specifications prepared by an Oregon licensed engineer are required for any significant modification, alteration, or rehabilitation of the dam, spillway or appurtenant structures.

Use under this right is limited to the reservoir area. This right does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

The storage of water allowed herein is subject to the maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

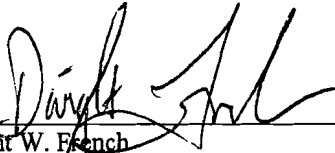
Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

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.

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Dwight W. French  
Water Right Services Division Administrator, for  
Phillip C. Ward, Director  
Water Resources Department