

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ZENITH VINEYARD LLC
5657 ZENA RD NW
SALEM OR 97304

confirms the right to store water perfected under the terms of Permit R-14549. 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 FILE NUMBER: R-86992

SOURCE OF WATER: RUNOFF, TRIBUTARY TO SPRING VALLEY CREEK

STORAGE FACILITY: ZENITH POND

MAXIMUM STORAGE VOLUME: 1.0 ACRE-FOOT

DATE OF PRIORITY: SEPTEMBER 25, 2007

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD:

USE	PERIOD
MULTIPLE PURPOSE	JANUARY 1 – DECEMBER 31

The dam is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	4 W	WM	26	SE NW	1625 FEET SOUTH AND 250 FEET WEST FROM N1/4 CORNER, SECTION 26

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q
6 S	4 W	WM	26	SE 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 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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 within three months after issuance of the certificate.

Measuring, recording, and reporting conditions:

- A. The Director may require the water user to install a staff gage that measures the entire range and stage between full reservoir level and dead pool level in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, if the reservoir is located in-channel, then weirs or other suitable measuring devices may be required upstream and downstream of the reservoir, and a gated outlet valve may be required. A written waiver may be obtained from the local watermaster if in his judgement the installation of the weir(s) will provide no public benefit. If the Director notifies the water use to install a staff gage, weirs, or other suitable measuring devices, the water user shall install such devices within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the water user shall maintain the devices in good working order and shall allow the watermaster access to the devices. The Director may provide an opportunity for the water user to submit alternative measuring procedures for review and approval.
- B. The Director may require the water user to keep and maintain a record of the amount (volume) of water used, and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water-use information, the periods of water use and the place and nature of use of water under this right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

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

The water shall pass all live flow outside the storage season described above.

The water user shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the water user has request and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The water user is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

This right does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is used for out-of-reservoir purposes, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.

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

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.

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 allow unauthorized inundation of property not under the ownership of the water user.

The right to store water for the above purpose is restricted to beneficial use at the place of use described.

Issued MAR 25 2022.



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

