

STATE OF OREGON  
 COUNTY OF DOUGLAS  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KYLIX VINEYARDS OREGON LLC  
 ATTN: MATTHEW TURRENTINE  
 PO BOX 12958  
 SAN LUIS OBISPO CA 93406

confirms the right to the use of water perfected under the terms of Permit S-54990. 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: S-88144

SOURCE OF WATER: BEN IRVING RESERVOIR, CONSTRUCTED UNDER PERMIT R-8444, TRIBUTARY OF BERRY CREEK

PURPOSE OR USE: IRRIGATION OF 54.0 ACRES

MAXIMUM RATE: 90.0 ACRE-FEET (OR AS FURTHER LIMITED BY CONTRACT), FURTHER LIMITED TO 1.12 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: NOVEMBER 5, 2015

Authorized Point of Re-Diversion:

| Twp  | Rng | Mer | Sec | Q-Q   | GLot | Measured Distances                                                                             |
|------|-----|-----|-----|-------|------|------------------------------------------------------------------------------------------------|
| 28 S | 6 W | WM  | 19  | NW NE | 1    | BROCKWAY POINT OF RE-DIVERSION - 1155 FEET SOUTH AND 2295 FEET WEST FROM NE CORNER, SECTION 19 |

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Authorized Place of Use:

| Twp  | Rng | Mer | Sec | Q-Q   | GLot | Acres |
|------|-----|-----|-----|-------|------|-------|
| 28 S | 6 W | WM  | 30  | NE NW | 1    | 25.2  |
| 28 S | 6 W | WM  | 30  | NW NW |      | 27.7  |
| 28 S | 6 W | WM  | 30  | SW NW |      | 1.1   |

**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.

Measurement devices, and recording/reporting of annual water use conditions:

- A. The water user shall maintain the totalizing flow meter in good working order at each point of re-diversion.
- B. The water user shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the water user to keep and maintain a record of the volume of water diverted, 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 the right.
- D. The Director may provide an opportunity for the water user to submit alternative measuring and reporting procedures for review and approval.

The water user shall maintain and operate fish screening consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the diversion.

The use of water under this right is subject to the terms and conditions of a contract No. 367, or a satisfactory replacement, between the Lookingglass-Olalla Water Control District and the water user, a copy of which must be on file in the records of the Water Resources Department.

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.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

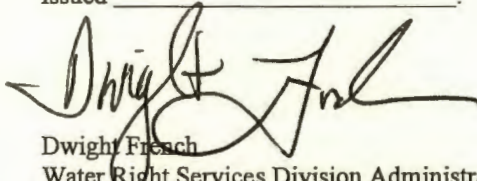
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

**OCT 14 2022**

Issued \_\_\_\_\_



Dwight French  
Water Right Services Division Administrator, for  
Douglas E. Woodcock, Acting Director  
Oregon Water Resources Department