

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID MCKIBBEN  
3415 BALLARD RD  
DALLAS OR 97338

ILLAHE VINEYARD HOUSE, LLC  
3275 BALLARD RD  
DALLAS OR 97338

confirms the right to store water perfected under the terms of Permit R-13073. 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-84588

SOURCE OF WATER: MIDDLE FORK ASH CREEK, A TRIBUTARY OF ASH CREEK

STORAGE FACILITY: MOUNT PISGAH RESERVOIR

PURPOSE OR USE OF THE STORED WATER: FOR IRRIGATION AND FOR FISH AND WILDLIFE USE

MAXIMUM VOLUME: 45.0 ACRE-FEET

WATER MAY BE APPROPRIATED FOR STORAGE: NOVEMBER 1 THROUGH JUNE 30

DATE OF PRIORITY: NOVEMBER 20, 2000

The dam is located as follows:

| Twp | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances                                       |
|-----|-----|-----|-----|-------|-----|--|
| 8 S | 5 W | WM  | 10  | NW SE | 69  | 640 FEET SOUTH AND 2010 FEET WEST FROM SE CORNER, DLC 44 |

The area submerged by this reservoir is as follows:

| Twp | Rng | Mer | Sec | Q-Q   | DLC |
|-----|-----|-----|-----|-------|-----|
| 8 S | 5 W | WM  | 10  | NE SW | 69  |
| 8 S | 5 W | WM  | 10  | NW SE | 69  |

**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, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order.
- 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.
- C. 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 the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

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

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

Routine maintenance of the dam, its 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 embankment, the resultant reservoir, and the emergency spillway shall be 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 reconfigured without the prior written approval of the Director of the Water Resources Department or the Director's authorized representative. Except for routine repair and maintenance, approved plans and specifications prepared by the Oregon licensed engineer and required for any enlargement, significant modification, alteration, or rehabilitation of the dam, spillway or its appurtenant structures.

Flashboards shall be removed from the emergency spillway no later than October 31st of each year not to be reinserted before the beginning of the irrigation season, which begins March 1st.

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 installation and 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.

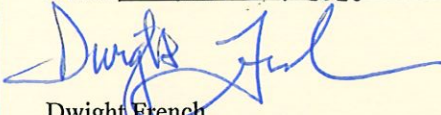
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

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

Issued JAN 21 2025.



Dwight French  
Water Right Services Division Administrator, for  
Ivan Gall, Director  
Oregon Water Resources Department

