

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ELK COVE VINEYARDS, INC
27751 NW OLSON RD
GASTON, OR 97119

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-86890

SOURCE OF WATER: MOUNT RICHMOND RESERVOIR, APPLICATION R-86889, AND AN UNNAMED STREAM, TRIBUTARIES OF SALT CREEK

PURPOSE OR USE: IRRIGATION USE ON 332.0 ACRES AND POND MAINTENANCE

MAXIMUM RATE: 6.0 ACRE FEET; AND 0.4 CUBIC FOOT PER SECOND (CFS), FURTHER LIMITED TO 0.06 CFS FOR POND MAINTENANCE

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION FROM MOUNT RICHMOND RESERVOIR; MARCH 1 THROUGH APRIL 30 FOR IRRIGATION FROM AN UNNAMED STREAM; AND DECEMBER 1 THROUGH MAY 31 FOR POND MAINTENANCE FROM AN UNNAMED STREAM

DATE OF PRIORITY: JUNE 1, 2007

POINTS OF DIVERSION LOCATIONS:

MOUNT RICHMOND RESERVOIR: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 29, T2S, R4W, W.M.; 1100 FEET SOUTH AND 240 FEET EAST FROM NW CORNER, SECTION 29

UNNAMED STREAM: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 30, T2S, R4W, W.M.; 1120 FEET SOUTH AND 440 FEET WEST FROM NE CORNER, SECTION 30

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 6.4 ACRES
SECTION 19

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 8.0 ACRES
SECTION 20

| | |
|-----------|---------------------------------|
| NE ¼ NE ¼ | 2.4 ACRES |
| NW ¼ NE ¼ | 9.7 ACRES |
| SW ¼ NE ¼ | 37.1 ACRES |
| SE ¼ NE ¼ | 5.9 ACRES |
| NE ¼ NW ¼ | 7.3 ACRES |
| NW ¼ NW ¼ | 20.3 ACRES AND POND MAINTENANCE |
| SW ¼ NW ¼ | 9.7 ACRES |
| SE ¼ NW ¼ | 32.3 ACRES |
| NE ¼ SW ¼ | 20.5 ACRES |
| SE ¼ SW ¼ | 38.6 ACRES |
| NW ¼ SE ¼ | 8.4 ACRES |
| SW ¼ SE ¼ | 7.5 ACRES |

SECTION 29

| | |
|-----------|------------|
| NE ¼ NE ¼ | 36.9 ACRES |
| NW ¼ NE ¼ | 8.0 ACRES |
| SW ¼ NE ¼ | 2.2 ACRES |
| SE ¼ NE ¼ | 9.3 ACRES |

SECTION 30

| | |
|-----------|------------|
| NW ¼ NE ¼ | 3.9 ACRES |
| NE ¼ NW ¼ | 22.3 ACRES |
| SE ¼ NW ¼ | 27.3 ACRES |
| NE ¼ SW ¼ | 8.2 ACRES |

SECTION 32

TOWNSHIP 2 SOUTH, RANGE 4 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. The permittee 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 permittee to report general water-use information, including the place and nature of use of water under the permit.
- B. The permittee 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 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.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

The permittee 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 permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

STANDARD CONDITIONS

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

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 permit 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.

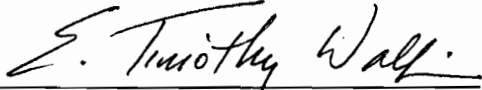
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2013. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued January 8, 2009



for Phillip C. Ward, Director
Water Resources Department