



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

Date Mailed: MAY 31 2019

NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that corrects the spelling of the name of one of the water right holders of record (Johan Vineyards). The water right is appurtenant to the specific place where the use was established as described by the certificate. The owner of the land is the owner of the water right. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHAN VINEYARDS
PO BOX 70
RICKREAL OR 97371

LEFT COAST CELLARS LLC
PO BOX 219
RICKREAL OR 97371

RICHARD BROWNRIGG
63430 OB RILEY RD
BEND OR 97701

CHERI AND JACK LA RUE
8312 CADE CIRCLE
HUNTINGTON BEACH, CA 92646

confirms the right to the use of water perfected under the terms of Permit R-11498. 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-72658

SOURCE OF WATER: UNNAMED STREAMS, TRIBUTARIES OF ASH SWALE

STORAGE FACILITY: RESERVOIR E, RESERVOIR F, AND RESERVOIR G

PURPOSE or USE OF THE STORED WATER: STORAGE, TO BE APPROPRIATED UNDER APPLICATION 72659, PERMIT 51534, FOR IRRIGATION AND RECREATION

MAXIMUM STORAGE VOLUME: 189.1 ACRE-FEET (AF) EACH YEAR, BEING 90.0 AF IN RESERVOIR E, 90.0 AF IN RESERVOIR F, AND 9.1 AF IN RESERVOIR G

PERIOD OF USE: NOVEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: SEPTEMBER 8, 1992

The dams are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	4 W	WM	31	NE NE	RESERVOIR G – 1760 FEET NORTH AND 280 FEET WEST FROM E1/4 CORNER, SECTION 31
6 S	4 W	WM	31	NE SE	RESERVOIR F – 740 FEET SOUTH AND 250 FEET WEST FROM E1/4 CORNER, SECTION 31
7 S	4 W	WM	6	SE NE	RESERVOIR E – 1900 FEET SOUTH AND 60 FEET WEST FROM NE CORNER, SECTION 6

The areas submerged by the reservoirs are as follows:

Twp	Rng	Mer	Sec	Q-Q	Reservoir
6 S	4 W	WM	31	NE NE	G
6 S	4 W	WM	31	NE SE	F
6 S	4 W	WM	31	SE SE	F
7 S	4 W	WM	5	SW NW	E
7 S	4 W	WM	6	NE NE	E
7 S	4 W	WM	6	SE NE	E

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.

Measurement, recording and reporting conditions:

- A. The water user 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 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 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.

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 outlet gate shall be cycled at least once each year and shall be fully operation at all times. Routine maintenance of the embankment and spillway shall be performed as necessary to remove trees, brush, debris and/or burrowing animals, or to repair areas of erosion.

The embankment and reservoir shall be constructed and maintained according to the approved plans and specifications on file with the Oregon Water Resources Department, stamped and dated on July 1, 1994.

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 storage 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 certificate is issued correct a scrivener's error in the name of one of the water right holders and supersedes Certificate 94083.

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

Issued MAY 31 2019.


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

STATE OF OREGON

COUNTY OF POLK

PERMIT TO CONSTRUCT A RESERVOIR AND TO
STORE FOR BENEFICIAL USE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

CONRAD H. KONING
5705 KINGSWAY
ANACORTES, WASHINGTON 98221
206-293-8805

11 PRINCEVILLE LANE
LAS VEGAS, NEVADA 89113
702-871-6123

to construct RESERVOIRS E, F, G and H, and to store the waters of UNNAMED STREAMS, tributaries of ASH SWALE, to be appropriated under Application 72659, Permit 51534, for IRRIGATION, LIVESTOCK WATER AND RECREATION.

This permit is issued approving Reservoir Application R-72658. The date of priority is SEPTEMBER 8, 1992. The amount of water entitled to be stored each year is not more than 218.2 ACRE-FEET (AF), BEING 100 AF IN RESERVOIR E, 100 AF IN RESERVOIR F, 9.1 AF IN RESERVOIR G AND 9.1 AF IN RESERVOIR H. Water may be appropriated for storage between November 1 through April 30.

The dams will be located as follows:

NE 1/4 NE 1/4, NW 1/4 NE 1/4, NE 1/4 SE 1/4, SECTION 31, T 6 S, R 4 W., SW 1/4 NW 1/4, SECTION 5, SE 1/4 NE 1/4, SECTION 6, T 7 S, R 4 W, W.M.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The total area proposed to be submerged by the reservoirs, when full is 10.6 acres in E, 15.8 acres in F, 2.0 acres in G and 2.0 acres in H; the proposed maximum depth of water in feet is 20.5 feet in E, 22.0 feet in F, 6.0 feet in G, and 5.0 feet in H; the maximum height of the dam is 23.2 feet in E, 24.0 feet in F, 9.75 feet in G and 9.75 feet in H.

The area to be submerged by the reservoir is located within:

RESERVOIR G
NE 1/4 NE 1/4

RESERVOIR H
NW 1/4 NE 1/4

RESERVOIR F
NE 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 31

TOWNSHIP 6 SOUTH, RANGE 4 WEST, W.M.

RESERVOIR E
SW 1/4 NW 1/4
SECTION 5
NE 1/4 NE 1/4
NW 1/4 NE 1/4
SE 1/4 NE 1/4
SECTION 6

TOWNSHIP 7 SOUTH, RANGE 4 WEST, W.M.

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.

Application R-72658 Water Resources Department

PERMIT R-11498

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. 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.

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

The outlet gate shall be cycled at least once each year and shall be fully operational at all times. Routine maintenance of the embankment and spillway shall be performed as necessary to remove trees, brush, debris and/or burrowing animals, or to repair areas of erosion.

The embankment and reservoir shall be constructed and maintained according to the approved plans and specifications on file with the Oregon Water Resources Department, stamped and dated on July 1, 1994.

All construction shall be performed under the supervision of a professional engineer licensed in Oregon; no fill shall be placed until excavation of the cutoff trench has been completed and examined in its entirety and approved by the engineer of record or Water Resources Dam Safety Engineer.

If borrow material is removed from the reservoir area during construction of the dam, a revised topographic map and area-capacity curve shall be submitted to this Department to confirm the estimated storage capacity of the impoundment.

No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications. If construction deviated from the original design, a set asbuilt drawings must accompany the engineer's written certification of completion.

Actual construction work shall begin on or before August 12, 1995 and shall be completed on or before October 1, 1996. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1997. ext. B97

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.

The 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 storage 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 Director of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date, August 12, 1994.

/s/ Martha O. Pagel

Water Resources Department
Martha O. Pagel
Director

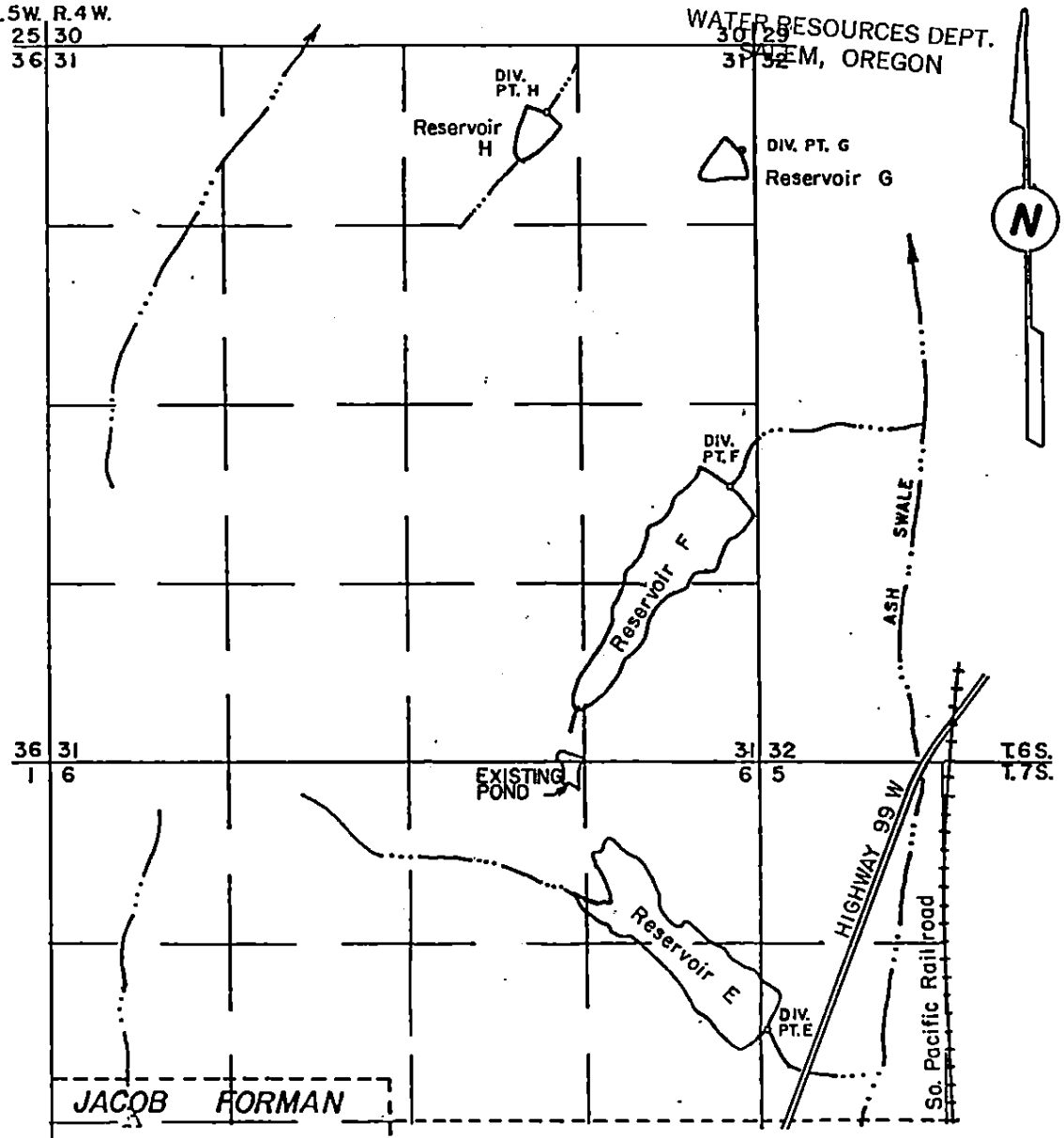
BC99

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WATER RESOURCES DEPT.
SALEM, OREGON

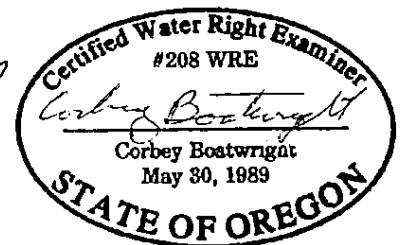
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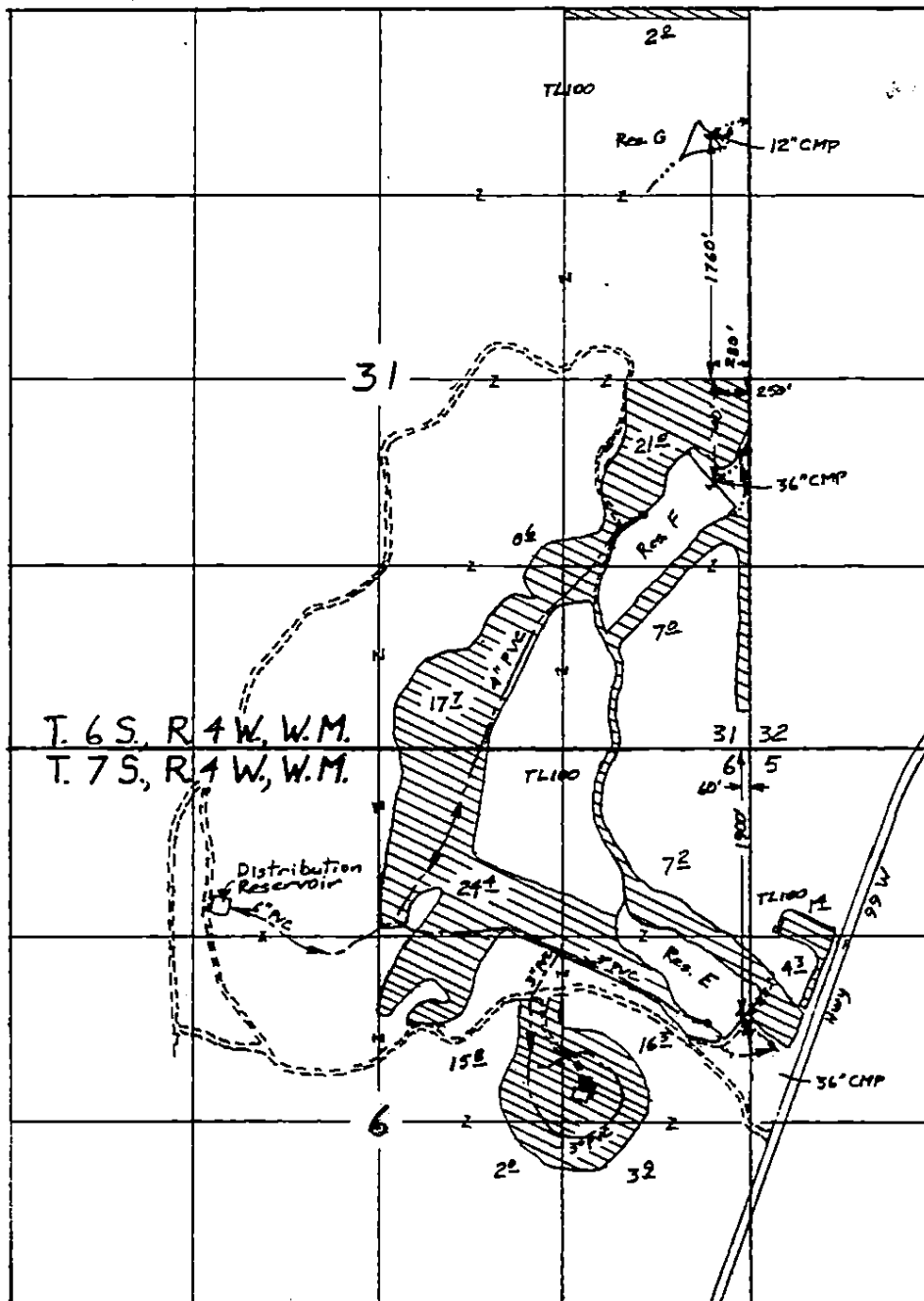
DIVERSION POINT : E 1990' S @ 40' E OF THE NW CORNER OF SEC. 5, T7S, R4W WM
 F 3260' S @ 200' W OF THE NE CORNER OF SEC. 31, T6S, R4W WM
 G 770' S @ 130' W OF THE NE CORNER OF SEC. 31, T6S, R4W WM
 H 490' S @ 1550' W OF THE NE CORNER OF SEC. 31, T6S, R4W WM

Application No. 2-58 Permit No. 2-11498
CONRAD H. KONING

AUGUST 26, 1992
SCALE 1" = 1320'



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IN REPLY TO R-11498
SALEM DIVISION

1990

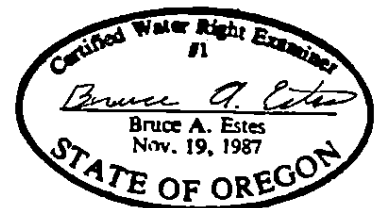


Scale 1"=1320'

Surveyed December 1, 1998

App R-72658, Per R-11498 & App. 72659, Per 51534

Claim of Beneficial Use Map
for
CONRAD H. KONING



This map is for the purpose of
locating a water right only
and has no intent to provide
legal dimensions or the location
of property lines.

ESTES SURVEYS

6293 Sunnyview Rd. NE Salem, OR 97305 (503) 565-7593
60362 Arnold Rd. Bend, OR 97702 (503) 382-7391