

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PAUL R. AND ROSETTA A. KENT
ROUTE 2, BOX 1285
BANDON, OREGON 97411

confirms the right to use the waters of SIMPSON CREEK, RESERVOIRS 1, 2 AND 3 CONSTRUCTED UNDER PERMIT R-5489 AND RESERVOIR 1-A CONSTRUCTED UNDER PERMIT R-11342, tributaries of COQUILLE RIVER, for CRANBERRY OPERATIONS ON 10.42 ACRES.

This right was perfected under Permit 51140. The dates of priority are SEPTEMBER 13, 1988 - FOR THE USE OF 0.045 CUBIC FOOT PER SECOND FROM SIMPSON CREEK AND RESERVOIRS 1, 1-A AND 2; AND JANUARY 24, 1990 - FOR THE USE OF 1.32 CFS FROM SIMPSON CREEK AND RESERVOIR 1, 1-A, 2, AND 3. THE USE IS LIMITED TO NOT MORE THAN 1.50 CFS FROM SIMPSON CREEK and/or its equivalent in case of rotation, measured at the points of diversion, EXCEPT DURING THE PERIOD JUNE 1 TO OCTOBER 30 OF EACH YEAR WHEN USE FROM SIMPSON CREEK IS LIMITED TO 0.031 CFS.

The points of diversion are located as follows:

SIMPSON CREEK; SE 1/4 NW 1/4, SECTION 20, T 28 S, R 14 W, W.M.; 2100 FEET SOUTH AND 250 FEET WEST FROM THE N 1/4 CORNER OF SECTION 20.

RESERVOIR 1; SE 1/4 NW 1/4, SECTION 20, T 28 S, R 14 W, W.M.; 1650 FEET SOUTH AND 230 FEET WEST FROM THE N 1/4 CORNER OF SECTION 20.

RESERVOIR 1-A; SE 1/4 NW 1/4, SECTION 20, T 28 S, R 14 W, W.M.; 1770 FEET SOUTH AND 210 FEET WEST FROM THE N 1/4 CORNER OF SECTION 20.

RESERVOIR 2; SE 1/4 NW 1/4, SECTION 20, T 28 S, R 14 W, W.M.; 1540 FEET SOUTH AND 825 FEET WEST FROM THE N 1/4 CORNER OF SECTION 20.

RESERVOIR 3; SW 1/4 NW 1/4, SECTION 20 T 28 S, R 14 W, W.M.; 1740 FEET SOUTH AND 1850 FEET WEST FROM N 1/4 CORNER OF SECTION 20.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish and Wildlife specifications.

The amount of water diverted for CRANBERRY OPERATIONS, together with amounts secured under any other rights existing for the same lands, is limited as follows: For temperature control, 0.15 cubic foot per second per acre; For flood harvesting or pest control, 0.05 cubic foot per second per acre; For irrigation of cranberries, ONE-FORTIETH of one cubic foot per second and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. For the irrigation of any other crop, ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

SEE NEXT PAGE

A description of the place of use to which this right is appurtenant is as follows:

PRIMARY FROM SIMPSON CREEK SUPPLEMENTED FROM RESERVOIRS 1, 1-A, 2, AND 3 FOR IRRIGATION, TEMPERATURE CONTROL AND FLOOD HARVESTING ON:

SE 1/4 NW 1/4 1.22 ACRES > (BOGS 10 & 11)
SECTION 20
TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.


PRIMARY FROM SIMPSON CREEK FOR TEMPERATURE CONTROL AND SUPPLEMENTAL FROM RESERVOIR 1-A FOR FLOOD HARVESTING ON:

NW 1/4 NW 1/4 0.5 ACRES > (BOG 2)
SW 1/4 NW 1/4 1.8 ACRES > (BOGS 1 & 2)
SE 1/4 NW 1/4 6.9 ACRES > (BOGS 3,4,5,6,7,8, & 9)
SECTION 20
TOWNSHIP 28, RANGE 14 WEST, W.M.

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.

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed MAY 9, 1996.

 Steven P. Applegate

Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 72305.

BASIN 17

VOLUME 3 SIMPSON CREEK & MISC.
MGMT. CODES 5AW, 3AW

DISTRICT 14

69717.DSM