

STATE OF OREGON
COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SCOTT R. AND EDITH P. VIERCK
P.O. BOX 508
BANDON, OREGON 97411

confirms the right to use the waters of AN UNNAMED STREAM AND RESERVOIRS NO. 1 THROUGH 4, tributaries of CHINA CREEK, for CRANBERRY OPERATIONS.

This right was perfected under Permit 52476. The date of priority is FEBRUARY 24, 1994. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.5 CUBIC FOOT PER SECOND OF NATURAL FLOW DURING THE PERIOD OF DECEMBER 1 THROUGH APRIL 30; SEPTEMBER 1 THROUGH OCTOBER 31; AND 28.2 ACRE-FEET STORED WATER EACH YEAR, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SW 1/4 SW 1/4, SECTION 17, TOWNSHIP 29 SOUTH, RANGE 14 WEST, W.M.; 1200 FEET NORTH AND 215 FEET EAST FROM THE SW CORNER OF SECTION 17; AND

SW 1/4 SW 1/4, SECTION 17, TOWNSHIP 29 SOUTH, RANGE 14 WEST, W.M.; 710 FEET NORTH AND 420 FEET EAST FROM THE SW CORNER OF SECTION 17.

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 from direct flow and storage. 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 from direct flow and storage.

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

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

SW 1/4 SW 1/4 10.0 ACRES
SECTION 17
TOWNSHIP 29 SOUTH, RANGE 14 WEST, W.M.

Measurement, recording and reporting conditions:

A. The water user shall install a meter or other suitable measuring device as approved by the Director. The water user shall maintain the meter or measuring device in good working order.

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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 water user may be required in the future to install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversions.

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

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 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 Director finds the use(s) of water described by this right, as conditioned, will not impair or be detrimental to the public interest.

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.

WITNESS the signature of the Water Resources Director, affixed March 1, 2002.


Paul R. Cleary