

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. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or 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 at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HOWARD W. HOFFER
RT 1, BOX 1037
BANDON, OREGON 97411

confirms the right to use the waters of A SPRING, TWO UNNAMED STREAMS AND TWO RESERVOIRS CONSTRUCTED UNDER PERMIT R-11402, tributaries of TWOMILE CREEK, for CRANBERRY OPERATIONS ON 6.5 ACRES.

This right was perfected under Permit 51287. The date of priority is MAY 8, 1990, FOR 1.0 ACRE-FOOT FROM RESERVOIR NO. 1, 0.5 ACRE-FOOT FROM RESERVOIR NO. 2, 0.047 CUBIC FOOT PER SECOND (CFS) FROM STREAM 1, 0.008 CFS FROM SPRING AND AUGUST 27, 1991 FOR 0.176 CFS FROM STREAM 1, 0.059 CFS FROM SPRING AND 0.035 CFS FROM STREAM 1.. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.2 ACRE-FEET AND 0.325 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

UNNAMED STREAM AND RESERVOIR NO. 1 - SE 1/4 NE 1/4, SECTION 25, TOWNSHIP 29 SOUTH, RANGE 15 WEST, W.M.; 1150 FEET NORTH AND 495 FEET WEST FROM THE E 1/4 CORNER OF SECTION 25.

UNNAMED STREAM AND RESERVOIR NO. 2 - SE 1/4 NE 1/4, SECTION 25, TOWNSHIP 29 SOUTH, RANGE 15 WEST, W.M.; 1150 FEET NORTH AND 495 FEET WEST FROM THE E 1/4 CORNER OF SECTION 25.

SPRING - SE 1/4 NE 1/4, SECTION 25, TOWNSHIP 29 SOUTH, RANGE 15 WEST, W.M.; 1150 FEET NORTH AND 495 FEET WEST FROM THE E 1/4 CORNER OF SECTION 25.

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:

SE 1/4 NE 1/4 6.5 ACRES
SECTION 25
TOWNSHIP 29 SOUTH, RANGE 15 WEST, W.M.

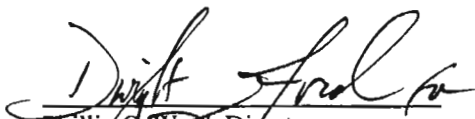
Failure to comply with any of the provision of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require 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 rights for maintaining instream flows.

Issued JUN 27 2008


Phillip C. Ward, Director
Water Resources Department