

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RAYMOND GARDNER  
PO BOX 545  
BANDON OR 97411

confirms the right to use the waters of TWO WELLS in the FERRY CREEK BASIN for CRANBERRY OPERATIONS on 20.4 ACRES.

This right was perfected under Permit G-11394. The date of priority is JUNE 29, 1989. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 60.0 GALLONS PER MINUTE (GPM), BEING 25.0 GPM FROM WELL 1 AND 35.0 GPM FROM WELL 2, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

Well	Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2	28 S	14 W	WM	29	NW NE	1290 FEET SOUTH & 3280 FEET EAST FROM NW CORNER, SECTION 29
1	28 S	14 W	WM	29	NE NW	300 FEET SOUTH & 2000 FEET EAST FROM NW CORNER, SECTION 29

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, the amount of water diverted is lited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

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

CRANBERRY							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
28 S	14 W	WM	29	NW NE			11.0
28 S	14 W	WM	29	NE NW			6.7

**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.

CRANBERRY							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
28 S	14 W	WM	29	NE NW			6.7
28 S	14 W	WM	29	SE NW			2.7

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times. When required by the Department, the water user shall install and maintain a weir, meter, or other suitable measuring device and keep a complete record of the amount of ground water withdrawn.


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 use of water shall be limited when it interferes with any prior surface or ground water rights.

Issued     **AUG 13 2008**    

  
 Phillip C. Ward, Director  
 Water Resources Department