

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DANIEL E. DAVIS
 PO BOX 1741
 PORT ORFORD OR 97465

confirms the right to use the waters of TWO UNNAMED STREAMS AND DAVIS RESERVOIRS 1 AND 2, CONSTRUCTED UNDER PERMIT R-11237, tributaries of JOHNSON CREEK for CRANBERRY OPERATIONS of 15.0 ACRES.

This right was perfected under Permit 51033. The date of priority is JULY 3, 1989. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.25 CUBIC FEET PER SECOND, measured at the point of diversion.

The points of diversion are located as follows:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2	29 S	14 W	WM	5	SW NW	192 FEET SOUTH & 63 FEET EAST FROM NW CORNER, SW1/4 NW1/4, SECTION 5
1	29 S	14 W	WM	6	SE NE	150 FEET SOUTH & 750 FEET WEST FROM NE CORNER, SE1/4 NE1/4, SECTION 6

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 limed 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
29 S	14 W	WM	6	SE NE			15.0

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.

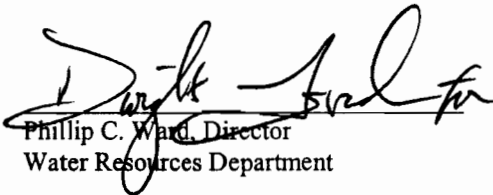
Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

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 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.

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Phillip C. Ward, Director
Water Resources Department