

STATE OF OREGON
 COUNTY OF COOS
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DON KLEWITZ
 87633 HOOPLA LANE
 BANDON OR 97411

confirms the right to use the waters of CROOKED CREEK and KLEWITZ RESERVOIR CONSTRUCTED UNDER PERMIT R-11830, tributaries of the PACIFIC OCEAN for CRANBERRY OPERATIONS AND IRRIGATION of 3.0 ACRES.

This right was perfected under Permit 52596. The date of priority is FEBRUARY 10, 1992. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.088 CUBIC FOOT PER SECOND FROM CROOKED CREEK AND 3.6 ACRE FEET PER YEAR FROM STORED WATER, measured at the point of diversion.

Period of use is June 1 through October 31 from Crooked Creek; year round from stored water.

The points of diversion are located as follows:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	29 S	14 W	WM	7	SW NW	2400 FEET SOUTH & 120 FEET EAST FROM NW CORNER, SECTION 7
2	29 S	14 W	WM	7	SW NW	2050 FEET SOUTH & 200 FEET EAST FROM NW CORNER, SECTION 7

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 limited 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:

Twp	Rng	Mer	Sec	Q-Q	Acres

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.

Twp	Rng	Mer	Sec	Q-Q	Acres
29 S	14 W	WM	7	SW NW	3.0

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device in good working order.
- 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.

Diversion of water from Crooked Creek between the period from June 1 to October 31 of each year shall be limited to a total withdrawal for all purposes to 0.088 cubic foot per second.

The diversion design shall be mutually satisfactory to the water user and the Oregon Department of Fish & Wildlife.

The water user shall operate and maintain, at their expense, all fish screening and by-pass devices required by the Oregon Department of Fish & Wildlife (ODFW) to prevent fish from entering any diversion of water from Crooked Creek under this right. Such screening and by-pass devices may be examined at all reasonable times by representatives of ODFW.

Water user shall not construct, operate or maintain any dam or artificial obstruction in the channel of Crooked Creek.

Water user shall allow ODFW to inspect and observe the fishery in Crooked Creek at or near the point of diversion at all reasonable times.

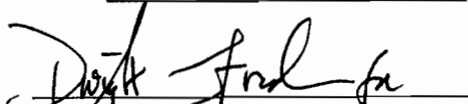
Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

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.

Issued JAN 16 2009


 Phillip Ward, Director
 Water Resources Department