

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RAY F. HOPPER
RT 1 BOX 2061
BANDON OR 97411

confirms the right to use the waters of JOHNSON CREEK, tributary to PACIFIC OCEAN, WHEN AVAILABLE WITH ANY DEFICIENCY IN THE AVAILABLE SUPPLY FROM JOHNSON CREEK TO BE MADE UP BY APPROPRIATION FROM UNNAMED STREAM, A TRIBUTARY OF JOHNSON CREEK, FOR THE PURPOSES OF TEMPERATURE CONTROL, WHICH INCLUDES BOTH FROST PROTECTION AND SUMMER HEAT CONTROL, FLOOD HARVESTING OF CRANBERRIES AND IRRIGATION OF 2.5 ACRES.

This right was perfected under Permit 49579. The date of priority is NOVEMBER 1, 1985. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.375 CUBIC FOOT PER SECOND (CFS), BEING 0.375 CFS FOR TEMPERATURE CONTROL, 0.125 CFS FOR FLOOD HARVESTING AND 0.063 FOR IRRIGATION, if available at the authorized points of diversion, or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion (POD) are located as follows:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
UNNAMED STREAM	29 S	14 W	WM	8	SE NE	970 FEET NORTH & 250 FEET WEST FROM E1/4 CORNER, SECTION 8
JOHNSON CREEK	29 S	14 W	WM	9	SW NW	1415 FEET SOUTH & 824 FEET EAST FROM NE CORNER, SECTION 8

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year for cranberries. If for the irrigation of any other crop, this appropriation shall be limited to ONE-EIGHTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre feet per acre for each acre irrigated during the irrigation season of each year.

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:

Fwp	Rng	Mer	Sec	Q-Q	Acres
29 S	14 W	WM	8	SE NE	2.5

NOTICE OF RIGHT TO 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.

The quantity of water diverted at the new point of diversion, shall not exceed the quantity of water available at the original point of diversion, excluding any substantial inflow between the original and new points of diversion. The original point of diversion location from Johnson Creek is as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
29 S	14 W	WM	5	SE SE	90 FEET NORTH & 1180 FEET WEST FROM NE CORNER, SECTION 8

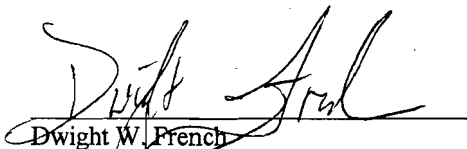
The water user shall maintain and operate a headgate or valve, and an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted.

When required by the Department, the water user shall install and maintain weirs or other suitable devices reasonably necessary for measuring and recording the quantity of water available at the original point of diversion and any substantial inflow to Johnson Creek between the original and new points of diversion. The type and plans of the measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered October 5, 1994, at Special Order Volume 48, Page 308, approving Transfer Application 7028, and supersedes Certificate 67140, State record of Water Right Certificates.

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.

Issued JAN 28 2011



Dwight W. French
 Administrator Water Rights and Adjudications, for
 Phillip C. Ward, Director