

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JEFFREY KERKER
PATRICIA KERKER
PO BOX 2112
BANDON OR 97411

confirms the right to store water perfected under the terms of Permit R-11786. The amount of water to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION NUMBER: R-70738

SOURCE: AN UNNAMED STREAM, a tributary of JOHNSON CREEK

STORAGE FACILITY: SMITH RESERVOIR

PURPOSE OR USE OF THE STORED WATER: NURSERY OPERATIONS, TO BE APPROPRIATED UNDER APPLICATION S-70737, PERMIT S-52234

MAXIMUM STORAGE VOLUME: 0.7 ACRE-FOOT EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: DECEMBER 1 THROUGH MARCH 31 EACH YEAR

DATE OF PRIORITY: OCTOBER 10, 1990

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
29 S	15 W	WM	1	NE SE	20 FEET SOUTH AND 450 FEET WEST FROM E¼ CORNER, SECTION 1

The area submerged by the reservoir is located as follows:

Twp	Rng	Mer	Sec	Q-Q
29 S	15 W	WM	1	NE SE

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 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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 within three months after issuance of the certificate.

Measurement, recording and reporting conditions:

- A. The water user shall maintain a 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.

The water user shall maintain a staff gage that measures the entire range and stage between full reservoir level and dead pool level in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E, I or M.

The water user shall maintain a fully functional conduit/gate assembly having a minimum diameter of 8 inches, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

A regulating device shall be maintained pursuant to ORS 540-310.

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.

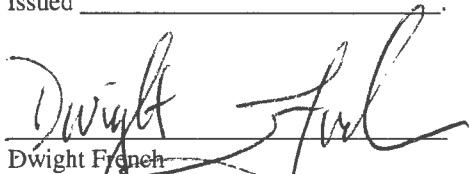
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

The right to store water for the above purpose is restricted to beneficial use on the lands or place of use described.

SEP 04 2015

Issued _____



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department