

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SEAVIEW BOGS, INC.  
55485 GOODWIN RD  
BANDON, OR 97411

confirms the right to use the waters of AN UNNAMED STREAM, A DRAINAGE DITCH AND TWO RESERVOIRS, CONSTRUCTED UNDER APPLICATION R-72687, PERMIT R-12105, TRIBUTARIES OF NEW RIVER, for CRANBERRY OPERATIONS on 10.2 ACRES.

This right was perfected under Permit S-52991. The date of priority is SEPTEMBER 21, 1992. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.05 CUBIC FOOT PER SECOND (CFS) OF LIVE FLOW FROM A DRAINAGE DITCH AND 6.2 ACRE-FEET (AF) OF STORED WATER, BEING DIVERTED FROM AN UNNAMED STREAM AT A RATE NOT TO EXCEED 0.45 CFS, FURTHER LIMITED TO 3.0 AF FROM RESERVOIR 1, AND 3.2 AF FROM RESERVOIR 2 or its equivalent in case of rotation, measured at the points of diversion.

The period of use is YEAR ROUND.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	15 W	WM	14	SE SE	RESERVOIR 2 - 1230 FEET NORTH AND 640 FEET WEST FROM SE CORNER, SECTION 14
30 S	15 W	WM	14	SE SW	RESERVOIR 1 & DRAINAGE DITCH - 990 FEET NORTH AND 3110 FEET WEST FROM SE CORNER, SECTION 14
30 S	15 W	WM	23	NW NW	UNNAMED STREAM - 580 FEET SOUTH AND 4760 FEET WEST FROM SE CORNER, SECTION 14

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, ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet per acre during the irrigation season of each year.

**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.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	15 W	WM	14	NE SE	10.2

Measurement, recording and reporting conditions:

- A. The totalizing flow meter must be maintained as identified in OAR 690-507-645. The water user shall keep a complete record of the amount of water used each month. The water user shall submit a report which includes the recorded water use measurements to the Department at its request. The water user may be required to report annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under this right.

The water user shall not appropriate water from the stream to the point it is pumped dry. Some flow of water shall remain in the stream channel at all times.

The right is limited to any deficiency in the available supply of any prior right existing for the same land.

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 the use of the water for the above purpose is restricted to beneficial use on the place of use described.

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