

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DANIEL E. DAVIS  
PO BOX 1741  
BANDON OR 97411

confirms the right to use the waters of NORTH FORK JOHNSON CREEK AND WILLIAMS RESERVOIR, CONSTRUCTED UNDER R-73752, R-11770, TRIBUTARIES OF JOHNSON CREEK, for CRANBERRY OPERATIONS on 9.4 ACRES.

This right was perfected under Permit S-52138. The date of priority is OCTOBER 29, 1993. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.73 CUBIC FOOT PER SECOND FROM LIVE FLOW AND 11.3 ACRE-FEET FROM STORED WATER or its equivalent in case of rotation, measured at the point of diversion.

The period of use is March 1 through March 31 for live flow and year-round for stored water.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
29 S	14 W	WM	6	NE NE	1	RESERVOIR (POD 2) – 718 FEET SOUTH AND 709 FEET WEST FROM NE CORNER, SECTION 6
29 S	14 W	WM	6	SE NE		CREEK (POD 1) - 1259 FEET SOUTH AND 1297 FEET WEST FROM NE CORNER, 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, ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
29 S	14 W	WM	6	NE NE	1	9.4

**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 the meter or other suitable measuring device as approved by the Director 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 and operate fish screening, as required by the Oregon Department of Fish and Wildlife, to prevent fish from entering the diversion.

The water user shall maintain and operate a fishway at the obstruction, as required by the Oregon Department of Fish and Wildlife, to provide adequate upstream and downstream passage for fish.

The water user shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the water user has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The water user is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

The water user shall maintain the totalizing flow meter as identified in OAR 690-507-645.

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.

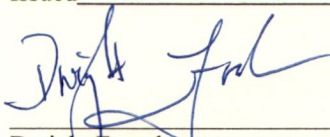
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

Issued MAR 31 2020.



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