

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JEREMIAH KASPER
PO BOX 2070
BANDON OR 97411

confirms the right to the use of water perfected under the terms of Permit S-54693. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-70447

SOURCE OF WATER: JOHNSON CREEK, TRIBUTARY OF PACIFIC OCEAN

PURPOSE or USE: CRANBERRY OPERATION, BEING IRRIGATION, TEMPERATURE CONTROL, AND FLOOD HARVEST

RATE OF USE: NOT TO EXCEED 0.45 CUBIC FEET PER SECOND (CFS); FURTHER LIMITED TO 0.15 CFS FROM IRRIGATION ON 6.1 ACRES, 0.30 CFS FOR FLOOD HARVEST ON 6.1 ACRES, AND 0.45 CFS FOR TEMPERATURE CONTROL ON 26.0 ACRES, NOT TO EXCEED MORE THAN 0.45 CFS BETWEEN USES, FURTHER LIMITED DURING THE PERIODS JUNE 1 – JUNE 30 AND OCTOBER 1 – OCTOBER 31 (SEE BELOW)

MAXIMUM RATE AND PERIODS OF ALLOWED USE:

MAY 1 – MAY 31 – 0.45 CFS

JUNE 1 – JUNE 30 – 0.45 CFS

JULY 1 – JULY 31 – 0.45 CFS

OCTOBER 1 – OCTOBER 31 – 0.45 CFS

DATE OF PRIORITY: JUNE 2, 1990

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
29 S	14 W	WM	5	SW SW	2820 FEET NORTH AND 1870 FEET WEST FROM C1/4 CORNER, SECTION 8

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.

The amount of water diverted for cranberry operations, together with amounts secured under any other rights existing for the same lands, shall not exceed a maximum of 3.0 acre feet per acre, and is further 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 per second and 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year. For irrigation of an other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

A description of the place of use is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
29 S	14 W	WM	8	SW NW	0.6
29 S	14 W	WM	8	SE NW	5.4
29 S	14 W	WM	8	NE SW	0.1

TEMPERATURE					
Twp	Rng	Mer	Sec	Q-Q	Acres
29 S	14 W	WM	8	SW NE	0.4
29 S	14 W	WM	8	SW NW	4.1
29 S	14 W	WM	8	SE NW	19.0
29 S	14 W	WM	8	NE SW	2.1
29 S	14 W	WM	8	NW SW	0.4

FLOOD HARVEST					
Twp	Rng	Mer	Sec	Q-Q	Acres
29 S	14 W	WM	8	SW NW	0.6
29 S	14 W	WM	8	SE NW	5.4
29 S	14 W	WM	8	NE SW	0.1

Measurement, recording and reporting conditions:

- A. The water user shall maintain, in good working order, a totalizing flow meter at each point of appropriation.
- B. The water user shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department 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 the right.
- C. The water user shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the water user to submit alternative measuring and reporting procedures for review and approval.

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 and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the diversion while by-pass devices provide adequate upstream and downstream passage for fish.

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.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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 DEC 29 2023



Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department