

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CUT CREEK WATER IMPROVEMENT DISTRICT
RT 2 BOX 2183
BANDON OR 97411

confirms the right to the use of water perfected under the terms of Permit S-53983. 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-72558

SOURCE OF WATER: CUT CREEK, A TRIBUTARY OF PACIFIC OCEAN

PURPOSE or USE: SUPPLEMENTAL CRANBERRY OPERATIONS ON 207.0 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 0.8 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JULY 14, 1992

POINT OF DIVERSION LOCATION:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|---|
| 27 S | 14 W | WM | 32 | NE SW | 340 FEET SOUTH AND 330 FEET WEST FROM C1/4 CORNER, SECTION 32 |

THE PLACE OF USE IS LOCATED AS FOLLOWS:

| Twp | Rng | Mer | Sec | Q-Q | Acres |
|------|------|-----|-----|-------|-------|
| 27 S | 14 W | WM | 33 | SE SE | 20.70 |
| 27 S | 14 W | WM | 34 | SW SW | 21.20 |
| 28 S | 14 W | WM | 3 | NW NW | 12.30 |
| 28 S | 14 W | WM | 3 | SW NW | 15.10 |
| 28 S | 14 W | WM | 3 | NE SW | 6.50 |
| 28 S | 14 W | WM | 3 | NW SW | 5.80 |
| 28 S | 14 W | WM | 4 | NE NE | 15.20 |
| 28 S | 14 W | WM | 4 | SW NE | 10.30 |
| 28 S | 14 W | WM | 4 | SE NE | 24.00 |
| 28 S | 14 W | WM | 4 | NW SW | 0.20 |

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.

| Twp | Rng | Mer | Sec | Q-Q | Acres |
|------|------|-----|-----|-------|-------|
| 28 S | 14 W | WM | 4 | SW SW | 6.20 |
| 28 S | 14 W | WM | 4 | SE SW | 23.60 |
| 28 S | 14 W | WM | 4 | NE SE | 10.20 |
| 28 S | 14 W | WM | 4 | NW SE | 17.97 |
| 28 S | 14 W | WM | 4 | SW SE | 2.88 |
| 28 S | 14 W | WM | 8 | NE NE | 9.15 |
| 28 S | 14 W | WM | 8 | SE NE | 4.00 |
| 28 S | 14 W | WM | 9 | NW NW | 1.70 |

Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing flow meter as approved by the Director at each point of diversion, in good working order. The totalizing flow meter must be installed and 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 the right.
- 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.

The amount of water diverted for cranberry operations, together with amount secured under any other right 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 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, the amount diverted is limited to ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet per acre for each acre irrigated during the irrigation season.

The water user shall maintain and operate fish screening devices as required by Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

The water user shall not impede fish passage with this diversion. Fish passage facilities shall be maintained to Oregon Department Fish and Wildlife specifications.

Water user shall maintain a USGS style C staff gage in good working order, on the weir pools in the fish ladder located on the reservoir immediately below Chrome Lake Reservoir.

Use of water allowed under this right is allowed only during times when there is a minimum depth of 0.05 feet of water passing over the weir pool in the fish ladder.

The total volume of water appropriated at any time under Permit S-44930, Application S-56569, shall not exceed 1.5 cubic feet per second.

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 **DEC 06 2024**.



Dwight French
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

