

STATE OF OREGON
COUNTY OF KLAMATH
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BRUCE S AND VIRGINIA TOPHAM
35133 SPRAGUE RIVER ROAD
SPRAGUE RIVER OREGON 97639

NORTHWEST FARM CREDIT SERVICES
PO BOX 148
KLAMATH FALLS OREGON 97601

confirms the right to use the waters of A WELL in the Whisky Creek Basin for IRRIGATION of 167.0 ACRES AND SUPPLEMENTAL IRRIGATION of 300.1 ACRES.

This right was perfected under Permit G-10498. The date of priority is APRIL 24, 1985. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 5.84 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
36 S	11 E	WM	24	SE SE			152 FEET NORTH AND 294 FEET WEST FROM SE CORNER, SECTION 24

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

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. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or 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 at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
36 S	11 E	WM	13	SE SW			2.1
36 S	11 E	WM	24	NE NE			1.5
36 S	11 E	WM	24	SW NE			9.9
36 S	11 E	WM	24	SE NE			6.4
36 S	11 E	WM	24	NE NW			10.5
36 S	11 E	WM	24	SE NW			29.9
36 S	11 E	WM	24	NE SE			26.5
36 S	11 E	WM	24	SE SE			4.5
36 S	11 E	WM	25	NE NE			24.4
36 S	11 E	WM	25	SW NE			20.2
36 S	11 E	WM	25	SE NE			31.1

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
36 S	11 E	WM	13	SE SW			26.6
36 S	11 E	WM	13	NW SE			22.9
36 S	11 E	WM	13	SW SE			29.6
36 S	11 E	WM	13	SE SE			32.4
36 S	11 E	WM	24	NE NE			4.0
36 S	11 E	WM	24	NW NE			39.1
36 S	11 E	WM	24	SW NE			23.6
36 S	11 E	WM	24	SE NE			17.0
36 S	11 E	WM	24	NE NW			28.8
36 S	11 E	WM	24	SE NW			1.3
36 S	12 E	WM	19	NW SW			30.5
36 S	12 E	WM	19	SW SW			44.3

The right herein granted shall be subject to prior rights to appropriate ground water from the ground water reservoir which serves as the source of the appropriation authorized herein.

Should it be determined that the appropriation of ground water herein authorized has a measurable effect on the flow of Whisky Creek and/or its tributaries, the appropriation of ground water herein authorized shall be regulated in accord with prior rights to appropriate such surface water flows.

In the event that rights are determined in the Klamath Adjudication for the lands, source, and use(s) involved in this right, the Department will, following review of the rights, proceed to modify or cancel those portions of this right duplicated by the decreed right.

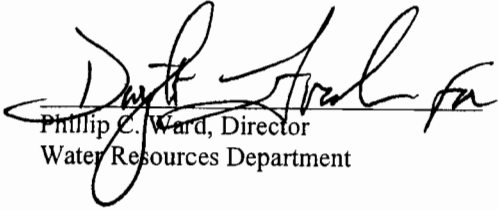
The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an airline and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times. The water user shall maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

This right is for the beneficial use of water.

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

Issued JAN 30 2009



Phillip C. Ward, Director
Water Resources Department