

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 WHISKY CREEK, tributary of the SPRAGUE RIVER, for IRRIGATION of 74.8 ACRES.

This right was perfected under Permit 44119. The date of priority is APRIL 6, 1979. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.83 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
36 S	12 E	WM	19	SE SW			620 FEET NORTH AND 1520 FEET EAST FROM SW CORNER, SECTION 19

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-FORTIETH 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.

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	12 E	WM	19	NW SW	3		30.5
36 S	12 E	WM	19	SW SW	4		44.3

**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.

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 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 lands or place of use described.

Issued JAN 30 2009.

  
Phillip C. Ward, Director  
Water Resources Department