

STATE OF OREGON

COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT AND ROBERTA VALLADAO
 P.O. BOX 321
 BLY, OR 97622

confirms the right to use the waters of SOUTH FORK SPRAGUE RIVER, tributary to SPRAGUE RIVER for IRRIGATION of 245 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Klamath County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 10, at Page 236. The date of priority is 1879. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH of a cubic foot per second per acre, prior to June 15th, and ONE-EIGHTIETH of a cubic foot per second per acre after June 15th, with a total limitation of three acre feet per acre from March 1st to October 1st of each year.

The point of diversion is located as follows:

| Twp | Rng | Mer | Sec | Q-Q | Survey Coordinates |
|------|------|-----|-----|-------|---|
| 36 S | 14 E | WM | 28 | SE NE | 2770 FEET NORTH AND 10 FEET WEST FROM THE SE CORNER OF SECTION 28 |

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.

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

| Twp | Rng | Mer | Sec | Q-Q | Acres |
|------|------|-----|-----|-------|-------|
| 36 S | 14 E | WM | 28 | NE NE | 37.0 |
| 36 S | 14 E | WM | 28 | NW NE | 37.0 |
| 36 S | 14 E | WM | 28 | SW NE | 40.0 |
| 36 S | 14 E | WM | 28 | SE NE | 40.0 |
| 36 S | 14 E | WM | 28 | NE SE | 40.0 |
| 36 S | 14 E | WM | 28 | NW SE | 37.0 |
| 36 S | 14 E | WM | 28 | SE SE | 14.0 |

Before May 29, 2011, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user may withdraw water at the new point of diversion without screening or by-pass devices until two years after the date of this order. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The

NOTICE OF RIGHT TO 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.

water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

The Director may require the water user to install a totalizing flow meter or other suitable measuring devices at each point of diversion. If the Director notifies the water user to install totalizing flow meters or other measuring devices, the water user shall install such devices specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the meters or measuring devices in good working order and shall allow the Watermaster access to the meters or measuring devices.

This certificate is issued to confirm a change in the point of diversion to reflect historical use approved by an order of the Water Resources Director entered MAY 29 2009, at Special Order Volume 78, Page 69, approving Transfer Application T-10722, supersedes previous Certificate 9968, State record of Water Right Certificates.

Issued MAY 29 2009


Phillip C. Ward, Director