

STATE OF OREGON

COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TOFFELL BROS. FARMS, INC.
LADDY RAY TOFFELL
RT 1 BOX 248
BONANZA OR 97623

confirms the right to use the waters of TWO WELLS AND ONE SUMP WELL in the Klamath Basin for IRRIGATION OF 132.3 ACRES AND SUPPLEMENTAL IRRIGATION of 34.7 ACRES.

This right was perfected under Permit G-9882. The date of priority is JUNE 14, 1982. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.09 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

Well	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	38 S	11.5 E	WM	35	SW NW	108 FEET SOUTH & 106 FEET EAST FROM NW CORNER, SWNW, SECTION 35
2	38 S	11.5 E	WM	35	NW SE	330 FEET NORTH & 220 FEET EAST FROM SW CORNER, NWSE, SECTION 35
3	38 S	11.5 E	WM	35	NW SE	355 FEET NORTH & 390 FEET WEST FROM SE CORNER, NWSE, SECTION 35

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 acre-feet per acre for each acre irrigated during the irrigation season of each year. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	11.5 E	WM	35	SW NW	5.0
38 S	11.5 E	WM	35	SW SW	30.0
38 S	11.5 E	WM	35	SE SW	30.0

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.

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	11.5 E	WM	35	NE SE	2.0
38 S	11.5 E	WM	35	NW SE	2.0
38 S	11.5 E	WM	35	SW SE	6.3
38 S	11.5 E	WM	35	SE SE	2.0
39 S	11.5 E	WM	2	NE NE	40.0
39 S	11.5 E	WM	2	NW NE	15.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	11.5 E	WM	35	SW NW	2.3
38 S	11.5 E	WM	35	SE NW	11.0
38 S	11.5 E	WM	35	NE SW	19.4
38 S	11.5 E	WM	35	NW SW	2.0

The wells 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 air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the wells at all times. The water user shall install and maintain a weir, meter, or other suitable measuring device and keep a complete record of the amount of ground water withdrawn.

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.

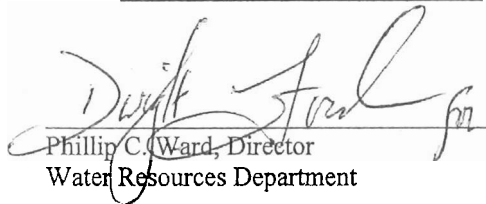
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

If a McCarran Amendment proceeding, an Adjudication that would include the Lost River, does not determine a right for the lands involved in this certificate, the use of water identified as supplemental irrigation under this certificate will be considered as primary irrigation.

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.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

Issued JAN 29 2010


Phillip C. Ward, Director
Water Resources Department