

STATE OF OREGON  
 COUNTY OF KLAMATH  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DELYLE DIAZ AND DANIELLE DIAZ,  
 OR FRANK DIAZ AND JULIANA DIAZ  
 PO BOX 676  
 MERRILL OR 97633

confirms the right to use the waters of A WELL in the LOST RIVER BASIN for SUPPLEMENTAL IRRIGATION of 68.2 ACRES

This right was perfected under Permit G-12584. The date of priority is June 22, 1993. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed 0.85 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the well. The period of use is March 1 through September 30.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	11 E	WM	4	NE NE	2970 FEET SOUTH AND 45 FEET EAST FROM THE CENTER QUARTER OF EAST 16TH OF SECTION 33.

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.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	11 E	WM	33	SE SE	22.3
41 S	11 E	WM	4	NE NE	37.6
41 S	11 E	WM	4	SE NE	8.3

Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing flow meter or another approved, suitable measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department 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.

**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 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, 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.

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.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation for the lands included in this right. The original point of appropriation is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	11 E	WM	4	NW NE	KLAM 10506: 650 FEET SOUTH AND 1465 FEET WEST FROM THE NE CORNER, SECTION 4.

**Limited Water Level Decline/Interference Condition**

Use of water under this right shall be discontinued, or reduced if static water level measurements of the original point of appropriation, KLAM 10506, reveal declines as described below.

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The reference level against which any future measurements of KLAM 10506 will be compared is 103.9 feet below land surface as measured.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the water user’s and/or the Department’s data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this right. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge to determine the water level elevation in the well at all times.

The Director may require water level or pump tests every ten years.

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.

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

This certificate is issued to confirm a change in Point of Appropriation approved by an order of the Water Resources Director entered August 27, 2010, at Special Order Volume 81, Page 761, approving Transfer Application 11065, and together with Certificate 86545, supersedes Certificate 86099, State Record of Water Right Certificates.

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

Issued     **AUG 29 2012**    .



Dwight W. French  
Water Right Services Administrator, for  
Phillip C. Ward, Director  
Water Resources Department