

STATE OF OREGON  
 COUNTY OF KLAMATH  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TERRY BENGARD  
 20250 LAKE CALIFORNIA BLVD.  
 COTTONWOOD CA 96022

confirms the right to use the waters of a WELL, (KLAM 10292), in the Lost River Basin for SUPPLEMENTAL IRRIGATION of 1478.2 ACRES.

This right was perfected under Permit G-12442. The date of priority is AUGUST 23, 1991. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 7.55 CUBIC FEET PER SECOND measured at the wells.

The well are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	11.5 E	WM	26	NW SE	(KLAM 10292) - SO 41 DEG 43 MIN 16 SEC EAST, 5628 FEET FROM S1/16 CORNER BETWEEN SEC 22 & 23

The amount of water used for irrigation under this right, 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) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

The period of allowed use is April 15 through October 15.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	GLot	Q-Q	Acres
39 S	11.5 E	WM	22		SE SE	28.5
39 S	11.5 E	WM	23		SW SW	32.1
39 S	11.5 E	WM	23		SE SW	9.7
39 S	11.5 E	WM	23		SW SE	0.3
39 S	11.5 E	WM	25		SW NW	2.5
39 S	11.5 E	WM	25		SE NW	17.9
39 S	11.5 E	WM	25		NE SW	37.5
39 S	11.5 E	WM	25		NW SW	34.3
39 S	11.5 E	WM	25		SW SW	23.5
39 S	11.5 E	WM	25		SE SW	18.5
39 S	11.5 E	WM	25		NE SE	9.7

**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 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, 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. 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 within three months after issuance of the certificate.

Twp	Rng	Mer	Sec	GLot	Q-Q	Acres
39 S	11.5 E	WM	25		NW SE	37.2
39 S	11.5 E	WM	25		SW SE	11.5
39 S	11.5 E	WM	26		NW NE	16.5
39 S	11.5 E	WM	26		SW NE	34.0
39 S	11.5 E	WM	26		SE NE	19.3
39 S	11.5 E	WM	26		NE NW	26.9
39 S	11.5 E	WM	26		NW NW	37.1
39 S	11.5 E	WM	26		SW NW	39.8
39 S	11.5 E	WM	26		SE NW	37.0
39 S	11.5 E	WM	26		NE SW	39.7
39 S	11.5 E	WM	26		NW SW	39.0
39 S	11.5 E	WM	26		SW SW	34.7
39 S	11.5 E	WM	26		SE SW	36.6
39 S	11.5 E	WM	26		NE SE	37.5
39 S	11.5 E	WM	26		NW SE	36.4
39 S	11.5 E	WM	26		SW SE	38.4
39 S	11.5 E	WM	26		SE SE	39.3
39 S	11.5 E	WM	27		NE NE	22.8
39 S	11.5 E	WM	27		SE NE	13.7
39 S	11.5 E	WM	27	1	SW NW	36.0
39 S	11.5 E	WM	27		SE NW	14.9
39 S	11.5 E	WM	27	3	NE SW	22.5
39 S	11.5 E	WM	27	2	NW SW	2.7
39 S	11.5 E	WM	27		NE SE	6.8
39 S	11.5 E	WM	27	4	NW SE	14.0
39 S	11.5 E	WM	27	5	SW SE	14.8
39 S	11.5 E	WM	27	6	SE SE	28.3
39 S	11.5 E	WM	34	1	NE NE	33.0
39 S	11.5 E	WM	34	2	SE NE	7.1
39 S	11.5 E	WM	35	1	NE NE	15.6
39 S	11.5 E	WM	35	16	NE NE	17.0
39 S	11.5 E	WM	35		NW NE	32.6
39 S	11.5 E	WM	35		SW NE	39.0
39 S	11.5 E	WM	35	2	SE NE	10.0
39 S	11.5 E	WM	35	15	SE NE	21.2
39 S	11.5 E	WM	35		NE NW	36.6
39 S	11.5 E	WM	35		NW NW	38.7
39 S	11.5 E	WM	35	8	SW NW	30.5
39 S	11.5 E	WM	35	5	SE NW	36.0
39 S	11.5 E	WM	35	4	NE SW	8.9
39 S	11.5 E	WM	35	6	NE SW	0.2
39 S	11.5 E	WM	35	7	NW SW	2.6
39 S	11.5 E	WM	35	4	SE SW	0.1
39 S	11.5 E	WM	35	2	NE SE	5.5
39 S	11.5 E	WM	35	3	NW SE	32.4
39 S	11.5 E	WM	35	3	SW SE	3.0
39 S	11.5 E	WM	36		NE NW	36.9
39 S	11.5 E	WM	36	1	NW NW	38.8
39 S	11.5 E	WM	36		SW NW	30.0

39 S	11.5 E	WM	36		SE NW	39.4
39 S	11.5 E	WM	36		NE SW	8.6
39 S	11.5 E	WM	36		NW SW	2.6

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other 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 by April 15, 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.
- 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.

The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

The water user shall obtain a static water-level measurement for the well during March and October of each year and report the measurement to the Department. The measurement shall be made by a certified water rights examiner, registered geologist, licensed land surveyor or registered professional engineer, licensed water well constructors, licensed water well drillers or the water user/appropriators. Water levels shall be reported as depth-to-water below ground level in feet and inches or to one-hundredth of a foot and shall be accompanied by supporting calculations. The water user shall report the static water level in the well to the Groundwater/Hydrology Section of the Water Resources Department by April 15 and November 15, respectively, of each year.

If substantial interference with a senior surface or ground water right occurs due to withdrawal of water from the well listed on this right, then use of water from such well shall be discontinued or reduced or the schedule of withdrawal shall be regulated until the Department approves or implements an alternative administrative action to mitigate such interference.

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 water right is for the beneficial use of water without waste.

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

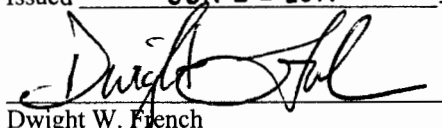
This right is limited to any deficiency in the available supply of any prior right existing for the same lands.

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 use described in this right is supplemental to a portion of the place of use described in Klamath Adjudication Project Claim 321-17/293/323-3 or subsequent decree issued for said claim.

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

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