

STATE OF OREGON  
 COUNTY OF KLAMATH  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DRISCOLL STRAWBERRY ASSOCIATES, INC.  
 C/O HOLLY BURGESS  
 434 REDCLIFF RD, SUITE D  
 REDDING, CA 96002

confirms the right to use the waters of WELL 1 and WELL 3 in the LOST RIVER BASIN for SUPPLEMENTAL IRRIGATION of 786.38 ACRES.

This right was perfected under Permit G-15347. The date of priority is JUNE 24, 2002. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 9.80 CUBIC FEET PER SECOND (CFS); BEING 5.49 CFS FROM WELL #1 AND 4.31 CUBIC FEET PER SECOND FROM WELL #3 or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	11 E	WM	9	NE NW	WELL 3 - 90 FEET SOUTH AND 139 FEET WEST FROM THE N1/4 CORNER OF SECTION 9
41 S	11 E	WM	10	NE SW	WELL 1 - 643 FEET NORTH AND 70 FEET WEST FROM THE SE CORNER OF NESW OF SECTION 10

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. 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 period of allowed use is March 1 through October 31.

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

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
41 S	11 E	WM	8	NE NE		14.52
41 S	11 E	WM	8	SE NE	15	5.38
41 S	11 E	WM	9	NE NW		34.90
41 S	11 E	WM	9	NW NW		35.53
41 S	11 E	WM	9	SW NW	4	23.20
41 S	11 E	WM	9	SW NW	5	15.41
41 S	11 E	WM	9	SE NW	6	13.87

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
41 S	11 E	WM	9	SE NW	3	26.13
41 S	11 E	WM	9	NE SW		37.53
41 S	11 E	WM	9	NW SW	9	20.77
41 S	11 E	WM	9	NW SW	10	8.01
41 S	11 E	WM	9	SW SW	10	25.00
41 S	11 E	WM	9	SE SW	10	7.27
41 S	11 E	WM	9	SE SW	11	23.20
41 S	11 E	WM	9	NE SE	8	18.08
41 S	11 E	WM	9	NW SE	7	38.00
41 S	11 E	WM	9	SW SE		40.00
41 S	11 E	WM	9	SE SE		24.13
41 S	11 E	WM	10	SW NW	5	5.62
41 S	11 E	WM	10	SW NW	4	14.38
41 S	11 E	WM	10	SE NW	3	1.30
41 S	11 E	WM	10	SE NW	6	0.70
41 S	11 E	WM	10	NE SW	6	35.00
41 S	11 E	WM	10	NW SW	5	38.87
41 S	11 E	WM	10	SW SW		40.00
41 S	11 E	WM	10	SE SW		30.52
41 S	11 E	WM	10	NE SE	8	1.92
41 S	11 E	WM	10	NW SE	7	18.00
41 S	11 E	WM	10	SW SE		38.13
41 S	11 E	WM	10	SE SE		34.59
41 S	11 E	WM	15	NE NE	1	4.86
41 S	11 E	WM	15	NE NE	4	9.85
41 S	11 E	WM	15	NW NE	1	14.45
41 S	11 E	WM	15	NW NE	5	3.04
41 S	11 E	WM	15	NE NW	2	17.54
41 S	11 E	WM	15	NW NW	3	18.00
41 S	11 E	WM	16	NE NE	1	17.48
41 S	11 E	WM	16	NW NE	2	15.63
41 S	11 E	WM	16	NE NW	3	5.54
41 S	11 E	WM	16	NE NW	4	8.19
41 S	11 E	WM	16	NW NW		1.84
Total:						786.38

**Measurement, recording and reporting conditions:**

- A. The water user shall maintain the meter or 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 permit.
- 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.

To monitor the effect of water use from the well(s) authorized under this right, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (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 period of non-use or restricted use shall continue until the 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 permit. 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.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an

alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interference.

The wells 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 results 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.

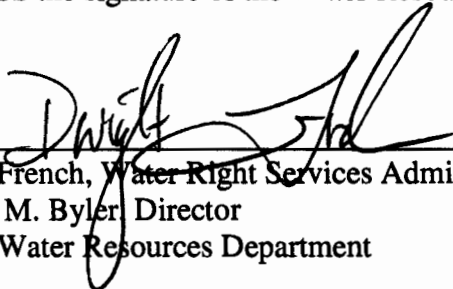
In the event that rights are determined in the Klamath River Adjudication for the lands, source, and use(s) involved in this right, the Department may, following review of the rights, proceed to modify or cancel those portions of this right duplicated by the decreed right.

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

This certificate describes that portion of the water right confirmed by Certificate.86143, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered October 19, 2015, approving Transfer Application T-11503.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed October 19, 2015.



Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department