

STATE OF OREGON
 COUNTY OF YAMHILL
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

K. A. BERGER FARMS INC.
 ATTN: REBECCA BERGER
 PO BOX 1359
 HILLSBORO OR 97123

confirms the right to use the waters of DEER CREEK, a tributary of SOUTH YAMHILL RIVER for IRRIGATION of 106.23 ACRES.

This right was perfected under Permit S-20147. The date of priority is MARCH 19, 1951. The amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.27 CUBIC FOOT PER SECOND (cfs), or its equivalent in case of rotation, measured at the point of diversion from the stream.

The points of diversion are located as follows:

| Twp | Rng | Mer | Sec | Q-Q | GLot | DLC | Measured Distances |
|-----|-----|-----|-----|-------|------|-----|--|
| 5 S | 5 W | WM | 22 | SE SW | | 51 | POD 4 (ORIGINAL) - 110 FEET NORTH AND 1930 FEET EAST FROM SW CORNER, SECTION 22 |
| 5 S | 5 W | WM | 22 | SE NE | 3 | | POD 5 (ORIGINAL) - 1940 FEET SOUTH AND 960 FEET WEST FROM NE CORNER, SECTION 22 |
| 5 S | 5 W | WM | 27 | NW NW | | | POD 3 (ORIGINAL) - 260 FEET SOUTH AND 890 FEET EAST FROM NW CORNER, SECTION 27 |
| 5 S | 5 W | WM | 28 | SE NE | | | POD 2 (ADDITIONAL) - 1690 FEET SOUTH AND 1420 FEET WEST FROM NE CORNER, SECTION 28 |

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre feet per acre for each acre irrigated during the irrigation season of each year, and shall be still further limited to a diversion of not to exceed 0.27 cfs, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which this right is appurtenant, is as follows:

| Twp | Rng | Mer | Sec | Q-Q | Acres |
|-----|-----|-----|-----|-------|-------|
| 5 S | 5 W | WM | 27 | SW NW | 19.60 |
| 5 S | 5 W | WM | 27 | NW SW | 28.90 |
| 5 S | 5 W | WM | 28 | SE NE | 29.50 |
| 5 S | 5 W | WM | 28 | NE SE | 28.23 |

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.

Water use measurement conditions:

- A. The water user shall maintain the totalizing flow meter or other suitable measuring device as approved by the Director in good working order at each point of diversion.
- B. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

The water user shall maintain and operate the fish screen at the additional point of diversion (POD 2) consistent with the Oregon Department of Fish and Wildlife's (ODFW) operational and maintenance standards.

The quantity of water diverted at the additional point of diversion (POD 2), together with that diverted at the original points of diversion (POD 1, POD 3, POD 4, POD 5, AND POD 6), shall not exceed the quantity of water lawfully available at the original points of diversion (POD 1, POD 3, POD 4, POD 5, AND POD 6). The locations of POD 1 and POD 6 are described as follows:

| Twp | Rng | Mer | Sec | Q-Q | DLC | Measured Distances |
|-----|-----|-----|-----|-------|-----|--|
| 5 S | 5 W | WM | 23 | SW NW | 49 | POD 6 (ORIGINAL) - 2180 FEET SOUTH AND 270 FEET EAST FROM NW CORNER, SECTION 23 |
| 5 S | 5 W | WM | 28 | NW SE | | POD 1 (ORIGINAL) - 1990 FEET NORTH AND 1810 FEET WEST FROM SE CORNER, SECTION 28 |

The right to use water for the purposes aforesaid is restricted to the lands or place of use herein described.

This certificate is issued to confirm a change in ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered FEBRUARY 4, 2021, at Special Order Volume 118, Page 503, approving Transfer Application T-13448, and together with Certificate 95227, supersedes Certificate 22691, State Record of Water Right Certificates.

Issued **SEP 22 2023**



Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department