

This is a final 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.

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DENNIS AND JUDITH CULP
80605 CULP LANE
HERMISTON, OR 97838

MILTON AND GLADYS CULP
1200 E. AIRPORT ROAD
HERMISTON, OR 97838

RODNEY D. AND MARILYN K. COX
PO BOX 59
MEACHAM, OR 97859

confirms the right to use the waters of THREE (3) WELLS in the UMATILLA RIVER BASIN for IRRIGATION OF 52.7 ACRES.

This right was perfected under Permit G-12416. The date of priority is JUNE 7, 1994. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.65 CUBIC FOOT PER SECOND (CFS); BEING 0.15 CFS FOR DENNIS AND JUDITH CULP, 0.31 CFS FOR MILTON AND GLADYS CULP, AND 0.19 FOR RODNEY D. AND MARYLYN K. COX, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

WELL 1 (DENNIS AND JUDITH CULP) - NW 1/4 SE 1/4, SECTION 36, TOWNSHIP 5 NORTH, RANGE 28 EAST, W.M.; 520 FEET SOUTH AND 810 FEET EAST FROM THE C 1/4 CORNER OF SECTION 36.

WELL 2 (MILTON AND GLADYS CULP) - SE 1/4 SE 1/4, SECTION 36, TOWNSHIP 5 NORTH, RANGE 28 EAST, W.M.; 555 FEET NORTH AND 770 FEET WEST FROM THE SE CORNER OF SECTION 36.

WELL 4 (RODNEY D. AND MARYLYN K. COX) - SW 1/4 SE 1/4, SECTION 36, TOWNSHIP 5 NORTH, RANGE 28 EAST, W.M.; 1210 FEET NORTH AND 1740 FEET WEST FROM THE SE CORNER OF SECTION 36.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

DENNIS AND JUDITH CULP

NE 1/4 SE 1/4 1.2 ACRES

NW 1/4 SE 1/4 11.0 ACRES

SECTION 36

TOWNSHIP 5 NORTH, RANGE 28 EAST, W.M.

MILTON AND GLADYS CULP

NE 1/4 SE 1/4 3.8 ACRES

SW 1/4 SE 1/4 9.2 ACRES

SE 1/4 SE 1/4 12.0 ACRES

SECTION 36

TOWNSHIP 5 NORTH, RANGE 28 EAST, W.M.

RODNEY D. AND MARILYN K. COX

NE 1/4 SE 1/4 5.1 ACRES

NW 1/4 SE 1/4 6.3 ACRES

SW 1/4 SE 1/4 4.0 ACRES

SE 1/4 SE 1/4 0.1 ACRES

SECTION 36

TOWNSHIP 5 NORTH, RANGE 28 EAST, W.M.

Measurement, recording and reporting conditions:

- A. The water user shall install a meter or other suitable measuring device as approved by the Director. The water user shall maintain the meter or measuring device in good working order.

- 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.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

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 interferences.

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 adequate to determine water level elevation in the well at all times.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The Director may require water level or pump test 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.

The right to use water for the above purpose is restricted to beneficial use, without waste, on the lands or place of use described. The water user is advised that new regulations may require use of best practical technologies or conservation practices to achieve this end.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

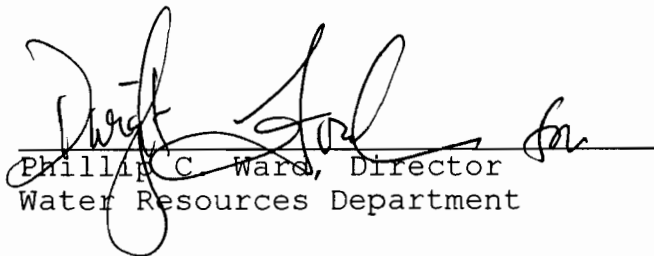
This right is limited to any deficiency in the available supply of any prior right existing on the same land.

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

WITNESS the signature of the Water Resources Director, affixed

FEB 23 2007


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 83197.

G-13704.GEC