

STATE OF OREGON
 COUNTY OF CLATSOP
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT B WHANNELL
 88987 DELMOOR LP
 WARRENTON, OR 97146

confirms the right to use the waters of CULLABY CREEK, tributary of CULLABY LAKE, and an UNNAMED STREAM, for IRRIGATION, CHEMICAL APPLICATION, AND TEMPERATURE CONTROL FROM CULLABY CREEK, AND SUPPLEMENTAL IRRIGATION, SUPPLEMENTAL CHEMICAL APPLICATION, SUPPLEMENTAL TEMPERATURE CONTROL, AND SUPPLEMENTAL FLOOD HARVESTING FROM THE UNNAMED STREAM, ON 20.5 ACRES.

This right was perfected under Permit 47476. The dates of priority are DECEMBER 22, 1982 for 0.019 CFS and APRIL 7, 1983 for 2.501 CFS. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.52 CUBIC FEET PER SECOND (CFS), being

2.06 CFS from CULLABY CREEK, further being 0.51 CFS for IRRIGATION, 0.51 CFS for CHEMICAL APPLICATION, AND 2.06 CFS for TEMPERATURE CONTROL, and

0.46 CFS from the UNNAMED STREAM, further being 0.08 CFS for SUPPLEMENTAL IRRIGATION, 0.08 CFS for SUPPLEMENTAL CHEMICAL APPLICATION, 0.46 CFS for SUPPLEMENTAL TEMPERATURE CONTROL, and 0.46 CFS not to exceed 3.12 ACRE-FEET (AF) per season for SUPPLEMENTAL FLOOD HARVESTING, further provided that the use of water from the UNNAMED STREAM for supplemental flood harvesting may only be made when 24.12 AF is not available in Cullaby Creek for flooding cranberry bogs,

or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion are located as follows:

	Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
CULLABY CREEK	7 N	10 W	WM	27	SE NE			380 FEET NORTH & 190 FEET WEST FROM E¼ CORNER, SECTION 27
UNNAMED STREAM	7 N	10 W	WM	27	NW SE		39	170 FEET SOUTH & 2610 FEET WEST FROM E¼ CORNER, SECTION 27

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. 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.

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-FORTIETH 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 for CRANBERRIES. If for the irrigation of ANY OTHER CROP, this appropriation shall be limited to 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein. 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.

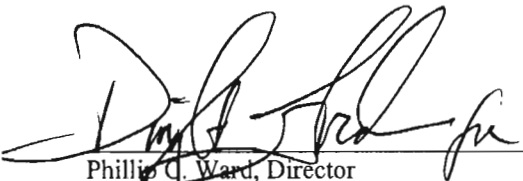
A description of the place of use to which this right is appurtenant is as follows:

CRANBERRY							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
7 N	10 W	WM	27	SW NE	2		7.8
7 N	10 W	WM	27	SE NE			7.6
7 N	10 W	WM	27	NE SE	4		0.2
7 N	10 W	WM	27	NW SE	3		2.2
7 N	10 W	WM	27	NW SE		39	2.7

The water user shall record and submit annually to the Water Resources Department all pertinent data pertaining to use of water for temperature control (frost protection) on forms furnished.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Issued **DEC 28 2007**



Phillip C. Ward, Director
Water Resources Department