

STATE OF OREGON  
 COUNTY OF HARNEY  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WHITING AND SON  
 PO BOX 1025  
 BURNS OR 97720

confirms the right to use the waters of WHITING WELL 1 and WHITING WELL 2, tributary to FOLEY SLOUGH (SILVIES RIVER) for SUPPLEMENTAL IRRIGATION of 148.8 ACRES.

This right was perfected under Permit G-2089. The date of priority is August 29, 1961. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.86 cubic feet per second in any combination between the two wells, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

| Well                 | Twp  | Rng  | Mer | Sec | Q-Q   | Measured Distances  |
|----------------------|------|------|-----|-----|-------|---|
| WELL 1<br>(ORIGINAL) | 23 S | 31 E | WM  | 9   | NW SE | 29 FEET SOUTH & 83 FEET EAST FROM CENTER 1/4 CORNER, SECTION 9      |
| WELL 2<br>(NEW)      | 23 S | 31 E | WM  | 9   | NW SE | 1292 FEET SOUTH AND 687 FEET EAST FROM CENTER 1/4 CORNER, SECTION 9 |

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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use is as follows:

| SUPPLEMENTAL IRRIGATION |      |     |     |       |       |
|-------------------------|------|-----|-----|-------|-------|
| Twp                     | Rng  | Mer | Sec | Q-Q   | Acres |
| 23 S                    | 31 E | WM  | 9   | NE SE | 40.0  |
| 23 S                    | 31 E | WM  | 9   | NW SE | 38.2  |
| 23 S                    | 31 E | WM  | 9   | SW SE | 35.2  |
| 23 S                    | 31 E | WM  | 9   | SE SE | 35.4  |

**NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW**

This is a final order in 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 may 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.

The quantity of water diverted at the new point of appropriation (well), together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available from the original point of appropriation.

When required by the Department, the water user shall install in-line flow meters or other suitable devices for measuring and recording the quantity of water used. The types and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

While, according to the well report, Whiting Well 1 does not conform with current construction standards, staff have concluded that the well was constructed in accordance with the standards in effect at the time that the well was constructed. If at any time, however, the well or its use:

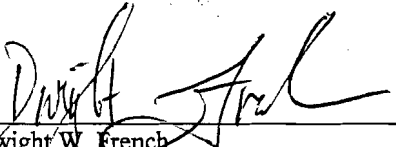
- a. acts as a conduit for groundwater contamination,
- b. allows loss of artisan pressure,
- c. allows waste of groundwater,
- d. interferes with senior groundwater users, or
- e. interferes with nearby surface water sources,

the Department may require that the well be repaired in accordance with current well construction standards.

This certificate is issued to confirm a change approving an ADDITIONAL POINT OF APPROPRIATION by an order of the Water Resources Director entered NOVEMBER 9, 1995, at Special Order Volume 49, Page 395, approving Transfer Application 6782, and together with Certificate 68680, supersedes Certificate 35217, State record of Water Right Certificates.

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.

Issued NOV 14 2011

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