

STATE OF OREGON  
COUNTY OF UMATILLA  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J. R. SIMPLOT  
PO BOX 27  
BOISE, IDAHO 83707

confirms the right to use the waters of TWO WELLS in the UMATILLA RIVER BASIN for the purpose of FOOD PROCESSING PLANT, PRIMARY IRRIGATION OF 37.9 ACRES AND SUPPLEMENTAL IRRIGATION OF 88.5 ACRES.

The right has been perfected under Permit G-7077. The date of priority is DECEMBER 2, 1975. The right is limited to not more than 1.65 CUBIC FEET PER SECOND, BEING 0.85 CFS FROM WELL 2 AND 0.80 CFS FROM WELL 3; PROVIDED THAT THE PRIMARY SOURCE OF WATER FOR IRRIGATION SHALL BE FROM WASTE WATER FROM FOOD PROCESSING AND LIMITED TO 1.07 CFS; BEING 0.55 CFS FROM WELL 2 AND 0.52 CFS FROM WELL 3, AND DIRECT APPROPRIATION FROM THE WELLS FOR IRRIGATION SHALL BE LIMITED TO THE PERIODS AND IN QUANTITIES REQUIRED TO MAKE UP ANY DEFICIENCY IN THE AVAILABLE SUPPLY FROM WASTE WATER PROVIDED THE TOTAL QUANTITY APPROPRIATED FOR ALL USES SHALL NOT EXCEED 1.65 CFS or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

SW 1/4 SW 1/4, SECTION 27, T 4 N, R 28 E, W.M.; WELL 2-1030 FEET NORTH & 360 FEET EAST; WELL 3 - 880 FEET NORTH & 230 FEET EAST, BOTH FROM SW CORNER OF SECTION 27.

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 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, PROVIDED FURTHER THAT THE WELLS SHALL BE COMPLETED IN THE ALLUVIUM ESTIMATED TO BE 200 FEET IN DEPTH AND RESTRICTED TO APPROPRIATION OF WATER FROM THE ALLUVIUM AQUIFER AND SHALL NOT PENETRATE THE UNDERLYING BASALT ESTIMATED TO BE 200 FEET BELOW LAND SURFACE.

The right 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, and to which such right is appurtenant, is as follows:

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PRIMARY IRRIGATION

SW 1/4 SW 1/4 0.4 ACRE  
SECTION 26

SW 1/4 SW 1/4 5.8 ACRES AND FOOD PROCESSING  
SE 1/4 SW 1/4 15.3 ACRES  
SW 1/4 SE 1/4 8.3 ACRES  
SE 1/4 SE 1/4 4.4 ACRES  
SECTION 27

NE 1/4 NE 1/4 0.3 ACRE  
NW 1/4 NE 1/4 2.5 ACRES  
SECTION 34

NW 1/4 NW 1/4 0.9 ACRE  
SECTION 35

TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

SUPPLEMENTAL IRRIGATION

SW 1/4 SW 1/4 7.3 ACRES  
SECTION 26

SE 1/4 SW 1/4 2.8 ACRES  
SW 1/4 SE 1/4 13.3 ACRES  
SE 1/4 SE 1/4 11.2 ACRES  
SECTION 27

NE 1/4 NE 1/4 2.7 ACRES  
NW 1/4 NE 1/4 8.0 ACRES  
NE 1/4 NW 1/4 15.2 ACRES  
NW 1/4 NW 1/4 18.0 ACRES  
SECTION 34

NW 1/4 NW 1/4 10.0 ACRES  
SECTION 35

TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

This certificate describes that portion of the water right confirmed by certificate 51607, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered FEBRUARY 27, 1989, approving transfer application 5779.

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.

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.

WITNESS the signature of the Water Resources Director, affixed this date JULY 7, 1989.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 61850

T-5779.BE