

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

Superseded by
Cert. No. 76249

THIS CERTIFICATE ISSUED TO

J.R. SIMPLOT COMPANY
P.O. BOX 27
BOISE, IDAHO 83707

confirms the right to use the waters of WELL 3 in the UMATILLA RIVER BASIN for FOOD PROCESSING PLANT, PRIMARY IRRIGATION OF 37.9 ACRES, AND SUPPLEMENTAL IRRIGATION OF 88.5 ACRES.

This right was perfected under Permit G-7077. The date of priority is DECEMBER 2, 1975. This right is limited to 0.80 CUBIC FOOT PER SECOND, PROVIDED THAT THE PRIMARY SOURCE OF WATER FOR IRRIGATION SHALL BE FROM WASTE WATER FROM FOOD PROCESSING AND LIMITED TO 0.52 CFS, AND DIRECT APPROPRIATION FROM THE WELL 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 0.80 CFS, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 27, T 4 N, R 28 E, W.M.; 880 FEET NORTH AND 230 FEET EAST FROM THE 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year, PROVIDED FURTHER THAT THE WELL 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 use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW $\frac{1}{4}$ SW $\frac{1}{4}$	0.4 ACRE SECTION 26	7.3 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	5.8 ACRES AND FOOD PROCESSING	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	15.3 ACRES	2.8 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	8.3 ACRES	13.3 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	4.4 ACRES	11.2 ACRES
	SECTION 27	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	0.3 ACRE	2.7 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	2.5 ACRES	8.0 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$		15.2 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$		18.0 ACRES
	SECTION 34	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	0.9 ACRE	10.0 ACRES
	SECTION 35	
	TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.	

SEE NEXT PAGE

This certificate describes that portion of the water right confirmed by Certificate 61850, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered May 4, 1992, approving Transfer Application 6416.

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 MAY 4, 1992.

/s/ WILLIAM H. YOUNG

William H. Young

Recorded in State Record of Water Right Certificates numbered 67322.

T-6416.LHN