

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

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

confirms the right to use the waters of WELL 1R, WELL 2R AND WELL 3(WRD #2) in the UMATILLA BASIN for FOOD PROCESSING PLANT, IRRIGATION OF 37.9 ACRES AND SUPPLEMENTAL IRRIGATION OF 88.5 ACRES. The primary source of water for irrigation shall be from waste water from food processing 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 2.45 cubic feet per second. The source of water allowed herein is limited to the alluvium water bearing aquifer overlying the basalt formation estimated to be 200 feet below land surface.

This right was perfected under Permit G-7077. The date of priority is DECEMBER 2, 1975. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.45 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

WELL 1R - NW 1/4 SE 1/4, SECTION 28, TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.; 2120 FEET NORTH AND 2400 FEET WEST FROM THE SE CORNER OF SECTION 28;

WELL 2R - SW 1/4 SE 1/4, SECTION 28, TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.; 1650 FEET WEST FROM THE SE CORNER OF SECTION 28; AND

WELL 3 (WRD #2) - SW 1/4 SW 1/4, SECTION 27, TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.; 1030 FEET NORTH AND 360 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 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.

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:

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

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

PRIMARY IRRIGATION

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.

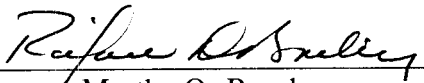
The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

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

This certificate is issued to confirm changes in POINTS OF APPROPRIATION approved by orders of the Water Resources Director entered FEBRUARY 27, 1989, MAY 4, 1992, and corrects the location of the remaining right point of appropriation authorized by Certificate 67322.

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.

WITNESS the signature of the Water Resources Director, affixed JULY 12, 1999.

  
Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76249.