

STATE OF OREGON  
COUNTY OF MORROW  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BAIC, INC.  
75906 THREEMILE ROAD  
BOARDMAN, OREGON 97818

confirms the right to use the waters of the COLUMBIA RIVER a tributary of the PACIFIC OCEAN, for IRRIGATION OF 9200 acres.

This right was perfected under Permit 35426. The date of priority is SEPTEMBER 14, 1971. This rights is limited to 230.0 CUBIC FEET PER SECOND; or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:  
RDO River Pump Station - NW ¼ SE ¼, SECTION 36, T 4 N, R 22 E, W.M.; 1657 FEET NORTH AND 2166 FEET WEST FROM THE SE CORNER OF SECTION 36.

Boeing River Pump Station - NW ¼ SE ¼, SECTION 36, T 4 N, R 22 E, W.M.; 1668 FEET NORTH AND 1997 FEET WEST FROM THE SE CORNER OF SECTION 36.

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), PROVIDED that the combined use of water under permits 35425, 35426, 37346, 40920, 41314, and 41645 and the certificates issued in respect thereto shall not exceed 582 cubic feet per second at any one point in time, and PROVIDED FURTHER that before completion of consultation between the National Marine Fisheries Service (NMFS) and the Corps of Engineers (Corps) under section 7(a)(2) of the Endangered Species Act, final agency action by the Corps and conclusion of challenges, if any, arising out of this process, water users shall not use the Willow Creek Pump Station to pump or divert water from the Columbia River at a rate greater than 480 cfs.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands is further limited to 4.0 acre-feet for each acre irrigated during the irrigation season of each year, PROVIDED that the maximum volume of water diverted during a season under permits 35425, 35426, 37346, 40920, 41314, and 41645 and the certificates issued in respect thereto shall not exceed an average of 3 acre feet per acre times the total number of acres irrigated that season. The maximum number of acres to be irrigated under these permits and certificates is 41,000 acres.

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

	ACRES		Acres
NENE	30.8	NESW	39.0
NWNE	2.7	NWSW	31.1
SWNE	28.0	SWSW	39.4
SENE	39.3	SESW	31.6
NENW	30.3	NESE	31.5
NWNW	28.8	NWSE	39.9
SWNW	9.5	SWSE	31.9
SENW	33.0	SESE	40.1

SECTION 1  
TOWNSHIP 3 NORTH, RANGE 23 EAST, W.M.

76710

NENE	31.8
NWNE	32.2
SWNE	36.7
SENE	39.1
NENW	37.1
NWNW	31.3
SWNW	33.0
SENW	34.4
NESW	38.8
NWSW	35.2
SWSW	6.9
SESW	31.5
NESE	32.1
NWSE	7.9
SWSE	33.5
SESE	37.8

SECTION 2

NENE	27.5
NWNE	4.0
SWNE	17.2
SENE	35.5
NESW	2.1
NWSW	0.8
SWSW	30.6
SESW	38.1
NESE	36.4
NWSE	27.1
SWSE	33.6
SESE	38.2

SECTION 3

NENE	32.6
NWNE	6.8
SWNE	38.1
SENE	36.3
NENW	38.0
NWNW	29.1
SWNW	32.2
SENW	35.2
NESW	32.7
NWSW	35.1
SWSW	15.4
SESW	36.7
NESE	33.7
NWSE	36.8
SWSE	9.7
SESE	34.6

SECTION 10

NENE	31.3
NWNE	38.9
SWNE	30.3
SENE	40.0
NENW	36.8
NWNW	36.8
SWNW	38.8
SENW	31.3
NESW	40.1
NWSW	30.9
SWSW	29.5
SESW	8.9
NESE	14.2
NWSE	37.0
SWSE	29.0
SESE	22.5

SECTION 11

TOWNSHIP 3 NORTH, RANGE 23 EAST, W.M.

76710

NENE	21.3
NWNE	36.8
SWNE	33.7
SENE	23.8
NENW	40.1
NWNW	30.9
SWNW	36.6
SENW	17.9
NESW	26.5
NWSW	34.0
SWSW	40.3
SESW	33.0
NESE	34.1
NWSE	40.7
SWSE	17.2
SESE	10.9

SECTION 12

NENE	34.6
NWNE	26.8
SWNE	33.0
SENE	29.6
NENW	39.8
NWNW	35.4
SWNW	33.0
SENW	38.2
NESW	33.7
NWSW	40.0
SWSW	33.2
SESW	33.8
NESE	30.4
NWSE	40.2
SWSE	30.7
SESE	32.3

SECTION 13

NENE	37.8
NWNE	34.4
SWNE	33.0
SENE	36.7
NENW	33.8
NWNW	28.3
SWNW	33.3
SENW	36.7
NESW	33.8
NWSW	37.4
SWSW	32.9
SESW	31.3
NESE	35.3
NWSE	38.6
SWSE	34.0
SESE	33.0

SECTION 14

NENE	32.1
NWNE	29.6
SWNE	34.1
SENE	36.1
NENW	34.0
NWNW	31.0
SWNW	35.9
SENW	35.1
NESW	36.0
NWSW	36.3
SWSW	33.0
SESW	31.6
NESE	34.5
NWSE	36.5
SWSE	31.6
SESE	31.3

SECTION 15

TOWNSHIP 3 NORTH, RANGE 23 EAST, W.M.

76710

NENE	28.4
NWNE	31.2
SWNE	36.3
SENE	35.3
NENW	27.6
NWNW	25.4
SWNW	33.6
SENW	34.8
NESW	38.3
NWSW	32.1
SWSW	30.1
SESW	32.9
NESE	38.0
NWSE	34.9
SWSE	33.1
SESE	33.6

SECTION 16

NENE	36.5
NWNE	39.1
SWNE	34.6
SENE	34.5
NENW	35.8
NWNW	35.0
SWNW	31.4
SENW	35.8
NESW	37.5
NWSW	33.9
SWSW	35.4
SESW	36.2
NESE	34.6
NWSE	35.9
SWSE	34.9
SESE	37.2

SECTION 21

NENE	38.2
NWNE	36.8
SWNE	34.8
SENE	32.7
NENW	36.7
NWNW	37.7
SWNW	35.8
SENW	34.6
NESW	35.5
NWSW	37.4
SWSW	34.2
SESW	37.5
NESE	33.8
NWSE	37.3
SWSE	33.6
SESE	37.0

SECTION 22

NENE	39.5
NWNE	35.1
SWNE	36.0
SENE	32.7
NENW	39.2
NWNW	36.3
SWNW	34.8
SENW	33.1
NESW	34.2
NWSW	37.3
SWSW	34.8
SESW	37.8
NESE	32.4
NWSE	37.1
SWSE	34.7
SESE	38.3

SECTION 23

TOWNSHIP 3 NORTH, RANGE 23 EAST, W.M.

76710

NENE	40.1
NWNE	32.5
SWNE	38.6
SENE	20.5
NENW	39.1
NWNW	34.8
SWNW	30.5
SENW	26.2
NESW	31.1
NWSW	35.9
SWSW	33.4
SESW	40.6
NESE	2.9
NWSE	26.3
SWSE	12.1

SECTION 24

NWNE	1.3
NENW	14.4
NWNW	7.9

SECTION 25

NENE	31.1
NWNE	33.2
SWNE	14.7
SENE	13.5
NENW	33.9
NWNW	33.0
SWNW	16.6
SENW	13.9

SECTION 26

NENE	33.3
NWNE	32.1
SWNE	17.0
SENE	16.1
NENW	33.3
NWNW	32.5
SWNW	16.5
SENW	15.4

SECTION 27

NENE	33.9
NWNE	32.8
SWNE	17.1
SENE	16.5
NENW	33.8
NWNW	33.2
SWNW	17.4
SENW	18.1

SECTION 28

TOWNSHIP 3 NORTH, RANGE 23 EAST, W.M.

SWNE	6.7
NWNW	24.2
SWNW	43.9
SENW	19.6
NESW	40.1
NWSW	39.3
SWSW	39.9
SESW	26.8
NWSE	26.2
SWSE	28.8
SESE	6.2

SECTION 6

TOWNSHIP 3 NORTH, RANGE 24 EAST, W.M.

NENE	24.5
NWNE	40.1
SWNE	35.7
SENE	14.2
NENW	26.0
NWNW	38.3
SWNW	49.1
SENW	32.0
NESW	32.2
NWSW	40.6
SWSW	49.6
SESW	20.8
NESE	35.8
NWSE	40.2
SWSE	29.5
SESE	34.0

## SECTION 7

SWNW	17.8
SENW	0.6
NESW	5.7
NWSW	29.4
SWSW	12.7

## SECTION 8

NENE	7.3
NWNE	19.0
NENW	35.6
NWNW	40.1
SWSW	17.4
SESW	23.2
SWSE	16.0
SESE	4.8

## SECTION 18

NENE	23.9
NWNE	40.2
SWNE	20.3
SENE	5.8
NENW	29.0
NWNW	39.7
SWNW	39.6
SENW	37.2
NESW	35.4
NWSW	11.7
SWSW	37.7
SESW	24.3
NWSE	23.3
SWSE	1.5

## SECTION 19

NENW	16.3
NWNW	37.2

## SECTION 30

TOWNSHIP 3 NORTH, RANGE 24 EAST, W.M.

SESE	3.8
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## SECTION 34

SWSW	2.3
SESW	3.0
SWSE	1.2

## SECTION 35

SESE	24.8
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## SECTION 36

TOWNSHIP 4 NORTH, RANGE 23 EAST, W.M.

SWSW	1.9
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## SECTION 31

TOWNSHIP 4 NORTH, RANGE 24 EAST, W.M.

9200 Acres

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Water user shall install, operate and maintain a continuous telemetric measurement and recording device for rate and volume of water use, and shall report monthly volumes of water use to the Water Resources Department on an annual basis. The information shall be available to the State as a public record at any time. Further, the Director may require water user to report general water use information, including the place and nature of use of water under the permit.

Certificate holders shall contribute \$1,250,000 to the Oregon Water Trust to be used for acquisition of instream water rights in tributaries of the Columbia River on the terms and conditions described in the Water Resources Department Final Order dated February 28, 2001 authorizing issuance of this Certificate.

Certificate holders shall request that the consultation between NMFS (and the USFWS if applicable) and the Corps under section 7(a)(2) of the ESA address issues related to attraction flows from existing and future pumping, screening, ongoing and future dredge operations and effects of Certificate Holders' water withdrawals on Columbia River System target flows.

During the NMFS consultation, Certificate holders shall seek the views of ODFW, provide ODFW with copies of the Biological Assessment that the Corps submits to NMFS, and provide ODFW with copies of any draft Biological Opinion Certificate Holders receive from the Corps or NMFS.

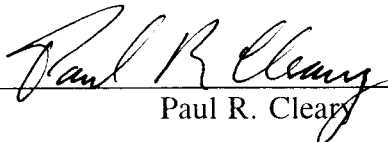
Water use under this certificate shall be exercised consistent with and subject to the final conditions on water use, including screening, in the Corps permits for construction and maintenance of pump stations resulting from any NMFS consultation, following exhaustion of appeals, if any. Certificate holder shall, within 30 days following exhaustion of appeals, if any, submit to the Salem office of the Water Resources Department and to the office of the applicable Watermaster District, a copy of such Corps permits.

A condition of the final order extending the permit and approving issuance of this certificate is that the water user shall not farm, develop, or perform any activity in the Conservation Area described in Exhibits B and H of said order, except for activities that are in furtherance of the purpose of the Conservation Area and for activities that are consistent with implementation of any Multi-Species Candidate Conservation Agreement developed by BAIC, Inc. and approved by the U.S. Fish and Wildlife Service covering various federally unlisted upland species, including the Washington ground squirrel. In addition, the water user will not undertake any activity that is inconsistent with survival guidelines adopted pursuant to the state ESA listing process.

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights.

WITNESS the signature of the Water Resources Director,

affixed this 28<sup>th</sup> day of February 2001.

  
Paul R. Cleary

Recorded in State Record of Water Right Certificates numbered 76710.