

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LAMB WESTON INC.
P.O. BOX 705
HERMISTON, OREGON 97838

confirms the right to use the waters of COLUMBIA RIVER AND EFFLUENT FROM FOOD PROCESSING PLANT, for IRRIGATION OF 656.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 4.0 ACRES.

This right was perfected under Permit 46678. The date of priority is MAY 18, 1981, FOR USE FROM COLUMBIA RIVER AND JULY 20, 1981, FOR USE FROM EFFLUENT FROM FOOD PROCESSING PLANT. This right is limited to not more than 11.49 CUBIC FEET PER SECOND, BEING 8.41 CFS FOR IRRIGATION AND SUPPLEMENTAL IRRIGATION FROM COLUMBIA RIVER AND 3.08 CFS FOR IRRIGATION AND SUPPLEMENTAL IRRIGATION FROM EFFLUENT, if available at the original points of diversion: COLUMBIA RIVER - NW ¼ SW ¼, SECTION 17, T 5 N, R 28 E, W.M.; 1860 FEET NORTH AND 150 FEET EAST FROM SW CORNER, SECTION 17; EFFLUENT - NE ¼ NW ¼, SECTION 30, T 4 N, R 28 E, W.M.; 720 FEET SOUTH AND 2470 FEET EAST FROM NW CORNER, SECTION 30; or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

COLUMBIA RIVER - NW ¼ SW ¼, SECTION 17, T 5 N, R 28 E, W.M.;
1860 FEET NORTH AND 150 FEET EAST FROM SW CORNER, SECTION 17.
C&B LIVESTOCK - LOT 4 (NW ¼ SW ¼), SECTION 13, T 5 N, R 27 E, W.M.;
2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER, SECTION 13.
EFFLUENT - NE ¼ NW ¼, SECTION 30, T 4 N, R 28 E, W.M.;
720 FEET SOUTH AND 2470 FEET EAST FROM NW CORNER, SECTION 30.

The use allowed herein for irrigation and supplemental irrigation may be made anytime during the year that water can be put to beneficial use by irrigation, either for immediate crop growth or for forecast requirements to raise the soil moisture to field capacity in the soil profile to be utilized by plant growth in the subsequent growing season.

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 per acre, from direct flow (or its equivalent) and shall be further limited to a diversion of not to exceed 1.5 acre-feet per acre for each acre irrigated during the period from October 1 to March 31, provided further that the right allowed herein, together with the amount secured under any other right existing for the same land shall not exceed 4.5 acre-feet for each acre irrigated in any one year. The use of water authorized herein shall not establish priority of right as against future appropriations of surface water for beneficial uses or for storage for such beneficial uses, other than similar rights for irrigation from October 1 to March 31.

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

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water available at the original points of diversion.

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

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

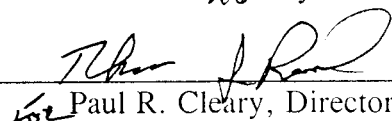
		PRIMARY ACRES
NE 1/4	NE 1/4	30.7
NW 1/4	NE 1/4	33.2
SW 1/4	NE 1/4	30.5
SE 1/4	NE 1/4	28.6
NE 1/4	SE 1/4	32.8
NW 1/4	SE 1/4	34.5
SW 1/4	SE 1/4	28.5
SE 1/4	SE 1/4	25.2
SECTION 1		
NE 1/4	NE 1/4	33.3
NW 1/4	NE 1/4	33.2
SW 1/4	NE 1/4	32.9
SECTION 12		
TOWNSHIP 4 NORTH, RANGE 27 EAST, W.M.		
NE 1/4	NE 1/4	11.6
NW 1/4	NE 1/4	31.3
SW 1/4	NE 1/4	31.2
NE 1/4	NW 1/4	34.2
NW 1/4	NW 1/4	25.1
SW 1/4	NW 1/4	28.7
SE 1/4	NW 1/4	32.7
NE 1/4	SW 1/4	36.1
NW 1/4	SW 1/4	22.5
SW 1/4	SW 1/4	26.1
SE 1/4	SW 1/4	33.5
SECTION 6		
TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.		
Supplemental Acres		
SE 1/4	NE 1/4	4.0
SECTION 12		
TOWNSHIP 4 NORTH, RANGE 27 EAST, W.M.		

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, including rights for maintaining instream flows.

This certificate describes that portion of the water right confirmed by certificate 76180, State Record of Water Right NOT modified by an order of the Water Resources Director entered on February 26, 2001, and recorded in Special Order Volume 55, Page 36, approving a petition by Westland Irrigation District under ORS 541.329 for mapping water rights within a district, and confirms an order of the Director entered on February , 2001 and recorded in Special Order Volume 55, Page 98, diminishing 4 acres to supplemental irrigation.

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 Oregon Water Resources Director,
affixed this 26 day of February, 2001.


 for Paul R. Cleary, Director