

STATE OF OREGON  
COUNTY OF UMATILLA  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
SALEM, OR 97301

confirms the right to use the waters of the WALLA WALLA RIVER, a tributary of the COLUMBIA RIVER, for INSTREAM USE for the support of aquatic life.

This right was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County. The decree is of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 12, at Page 9. The dates of priority are 1886 for 0.040 CUBIC FOOT PER SECOND and 1903 for 0.049 CUBIC FOOT PER SECOND. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.089 CUBIC FOOT PER SECOND or its equivalent in case of rotation, during the period April 1 through October 31 and at any other times during which the originating right is being exercised.

A description of the stream reach to which this right is appurtenant is as follows:

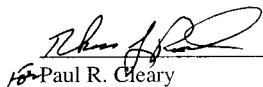
AT THE SITE OF THE TUMALUM DITCH DIVERSION LOCATED AT A POINT 1,750 FEET SOUTH AND 2,200 FEET EAST OF THE NORTHWEST CORNER OF SECTION 1, T 5 N, R 35 E, WM (APPROXIMATELY RIVERMILE 45). THE FLOWS, LESS ANY CHANNEL LOSSES AS DETERMINED BY THE WATERMASTER DURING DISTRIBUTION AND REGULATION, SHALL BE PROTECTED DOWNSTREAM TO A POINT IMMEDIATELY BELOW THE LOWER END OF THE NURSERY BRIDGE DIVERSION DAM FISH LADDER LOCATED AT 45 DEGREES, 56 MINUTES, 45 SECONDS NORTH LATITUDE AND 118 DEGREES, 22 MINUTES, 59 SECONDS WEST LONGITUDE.

The quantity of water to be protected under this instream water right shall be combined with the quantity to be protected under Instream Water Right Certificate 77006, State Record of Water Right Certificates.

This certificate is issued to confirm the new place of use and rate of diversion allowed under the provisions of an order of the Water Resources Director entered June 27, 2001, in Volume 55, Page 705, Special Order Records of the Water Resources Department, approving Allocation of Conserved Water Application 11 and supersedes Certificate 12872, State Record of Water Right Certificates.

The right to the use of the water for the above purpose is restricted to beneficial use in the place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights and is subject to all other terms and conditions of the original certificate, including those of the decree.

WITNESS the signature of the Water Resources Director, affixed JUL 13 2001.

  
Paul R. Cleary

Recorded in State Record of Water Right Certificates numbered 77007.