

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 NO.'S 4, 6 AND SPARKS WELL in the UMATILLA RIVER BASIN for INDUSTRIAL USE AND IRRIGATION OF 15.5 ACRES.

This right was perfected under Permit G-5812. The date of priority is JUNE 12, 1972. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.05 CUBIC FEET PER SECOND (CFS); BEING 1.86 CFS FROM WELLS NO.'S 4 AND 6 NOT TO EXCEED 445.8 ACRE-FEET PER YEAR FOR INDUSTRIAL USE AND 0.19 CFS FROM SPARKS WELL FOR IRRIGATION (IF AVAILABLE AT THE ORIGINAL POINT OF APPROPRIATION - SPARKS WELL) or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

SPARKS WELL - NW 1/4 SE 1/4, SECTION 34, TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.; 1300 FEET NORTH AND 60 FEET WEST FROM THE SE CORNER, NW 1/4 SE 1/4, SECTION 34;

WELL NO. 4 - SW 1/4 SE 1/4, SECTION 26, TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.; 600 FEET NORTH AND 220 FEET EAST FROM THE SOUTH 1/4 CORNER OF SECTION 26; AND

WELL NO. 6 - SW 1/4 SE 1/4, SECTION 26, TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.; 400 FEET NORTH AND 200 FEET EAST FROM THE SOUTH 1/4 CORNER OF SECTION 26.

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 for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use of water for industrial use may be made at any time of the year.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

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:

NW 1/4 NW 1/4	0.1 ACRE
SW 1/4 NW 1/4	7.9 ACRES
SE 1/4 NW 1/4	0.2 ACRE
NW 1/4 SW 1/4	7.3 ACRES

SECTION 34
TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

SW 1/4 SW 1/4 INDUSTRIAL USE
SECTION 27
TOWNSHIP 4 NORTH, RANGE 28 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.

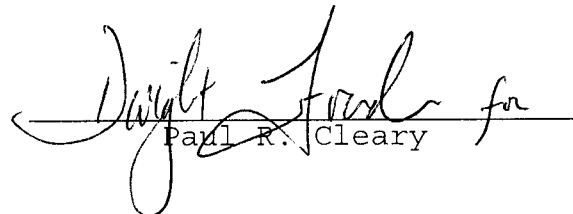
The water user shall install in-line flow meters or other suitable devices for measuring and recording the quantity of water used. The type and plans of the measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

In the event of a request for a change in point of appropriation, an additional point of appropriation or repair of these wells, the quantity of water allowed herein together with any other right from these points of appropriation shall not exceed the capacity of the wells at the time of perfection of this right.

This certificate is issued to confirm a change in USE, PLACE OF USE AND POINT OF APPROPRIATION approved by an order of the Water Resources Director entered AUGUST 2, 1999, and together with Certificate 76263, supersedes Certificate 51295, State Record of Water Right Certificates.

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 April 14, 2003.


Paul R. Cleary

Recorded in State Record of Water Right Certificate Number 79993.