

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Hudson Bay District Improvement Company
P.O. Box 110
Milton-Freewater, OR 97862

confirms the right to use the waters of the WALLA WALLA RIVER a tributary of the COLUMBIA RIVER, for PRIMARY IRRIGATION of 689.6 acres and SUPPLEMENTAL IRRIGATION of 15.0 acres.

This right was perfected under Permit S-53662. The date of priority is January 11, 1988. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 15.53 CUBIC FEET PER SECOND (cfs) being 15.22 cfs for PRIMARY IRRIGATION and 0.31 cfs for SUPPLEMENTAL IRRIGATION or its equivalent in case of rotation, from the points of diversion.

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

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands is limited to a diversion of THREE-EIGHTIETHS of one cubic foot per second (or its equivalent) for each acre irrigated during the authorized period of use of each year.

The authorized period of use shall be November 1 through May 15.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
5 N	35 E	WM	12	SW NE	1030 FEET NORTH AND 900 FEET EAST FROM THE CENTER CORNER OF SECTION 12

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

When water is diverted under this right, the use is further limited to times when there is, at a minimum, the following streamflows in the Tum A Lum branch of the Walla Walla River, between the Little Walla Walla River diversion and Nursery Bridge Dam and flowing past Nursery Bridge Dam:

Time Period	Minimum CFS flowing past Nursery Bridge Dam
November	64.0 cfs
December - January	95.0 cfs
February – May 15	132.0 cfs

Nursery Bridge Dam is located just downstream of Nursery Bridge and is downstream of the Little Walla Walla diversion, the East Side Canal and the District's Canal.

In order for diversion to occur under this right, the above described streamflows must be met in the Tum A Lum branch of the Walla Walla River, between the Little Walla Walla River diversion and Nursery Bridge Dam and flowing past Nursery Bridge Dam. Said streamflows shall be measured at the gaging station below Nursery Ridge Dam. The Director, based on gage readings and/or streamflow measurements, shall make the determination that the above described streamflows are flowing past Nursery Bridge Dam. Diversion under this right shall cease when said streamflows are not being met.

The water user shall maintain and cause to be operated, to the satisfaction of the Director, a permanent recording gaging station. The design and location of the gaging station shall be completed to the satisfaction of the Director. With respect to design, at a minimum, the gage shall consist of a stage recorder and recording system capable of recording +/- .01 feet of stage over the range of flow, a shelter, and shall have telemetric capabilities or other real time access capabilities. With respect to location, at a minimum, the gaging station shall be in a stream reach with a reasonably definable control that will maintain a pool at the gage at all stages and shall be located such that the gage provides an accurate reading of the control crest depth at all elevations. Maintenance of the measuring device, records work up, and associated rating curve shall substantially comply with the applicable provisions of OAR 690-085-015(4) (methods for measuring open channels). The gaging station and data shall be accessible to the Director and his/her agent at all times. The water user is responsible for operating the gaging station only for the November 1 to May 15 period of use. The water user agrees to allow the Department to use the gaging station outside the November 1 to May 15 period of use in order to collect streamflow data. However, if the Department operates the gaging station, the costs to operate it including but not limited to electrical power and telephone service during this outside period shall be the sole responsibility of the Department.

When water is being diverted under this right, the water user shall be responsible for monitoring streamflows to comply with the above conditions: 1) during the November 1 through May 15 period, at those times when streamflows are over 300 cfs, the water user shall monitor and record gaged streamflows once a month; and during the November 1 through May 15 period, at those times when streamflows are under 300 cfs, the water user shall monitor and record gaged streamflows daily. Streamflow monitoring may be conducted through remote access of the gaging station. A copy of the water user's monitoring record shall be submitted to the Watermaster by October 1 of each year.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this right, at the point of diversion used, the water user shall install a meter or other suitable measuring device as approved by the Director. The water user shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under the right.
- B. The water user shall allow Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.

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

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Name
6 N	34 E	WM	14	NE SW	9.5	HELLBERG
6 N	34 E	WM	14	SE SW	39.1	HELLBERG
6 N	34 E	WM	14	NE SE	38.0	HELLBERG
6 N	34 E	WM	14	NW SE	40.0	HELLBERG
6 N	34 E	WM	14	SW SE	26.7	HELLBERG
6 N	34 E	WM	14	SE SE	36.0	HELLBERG
6 N	34 E	WM	22	SE NE	5.3	WILLIAMS DAIRY
6 N	34 E	WM	22	NE SE	15.7	WILLIAMS DAIRY
6 N	34 E	WM	23	NW SW	33.5	WILLIAMS DAIRY
6 N	34 E	WM	26	NE NW	28.2	WILLIAMS DAIRY
6 N	34 E	WM	26	SW NW	33.6	WILLIAMS DAIRY
6 N	34 E	WM	26	SE NW	26.0	WILLIAMS DAIRY
6 N	34 E	WM	26	NE SW	3.5	WILLIAMS DAIRY
6 N	34 E	WM	26	NW SW	40.0	WILLIAMS DAIRY
6 N	34 E	WM	26	SW SW	37.0	WILLIAMS DAIRY
6 N	34 E	WM	26	SE SW	20.0	WILLIAMS DAIRY
6 N	34 E	WM	26	SW SE	20.0	WILLIAMS DAIRY
6 N	34 E	WM	35	NW NE	40.0	WILLIAMS DAIRY
6 N	34 E	WM	35	NE NW	39.0	WILLIAMS DAIRY
6 N	34 E	WM	35	NW NW	13.1	WILLIAMS DAIRY
6 N	34 E	WM	35	NW NW	3.5	WILLIAMS DAIRY
5 N	35 E	WM	2	NW NE	0.1	GOEBEL, ROBERT
6 N	35 E	WM	18	SW SE	20.0	CHVATAL, J.
6 N	35 E	WM	20	NW NE	15.0	PALMER, B.
6 N	35 E	WM	29	NE SE	10.0	BOLLING, B.
6 N	35 E	WM	30	NW NE	38.8	SILVA, E.
6 N	35 E	WM	30	SW NE	10.0	SCHICHTEL'S NURSERY
6 N	35 E	WM	30	NE NW	20.0	LOCKE, W.
6 N	35 E	WM	30	NW SE	20.0	SCHICHTEL'S NURSERY

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Name
6 N	35 E	WM	30	NW SE	8.0	BROUGH

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Name
6 N	34 E	WM	23	NE NE	15.0	WILLIAMS DARIY

For lands identified as under supplemental irrigation, this right is limited to any deficiency in the available supply of any prior right existing for the same land.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized appropriation, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This water right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

This certificate confirms an order of the Water Resources Director entered on March 26, 2008 and recorded in Special Order Volume 74, Page 455 approving a petition by Hudson Bay District Improvement Company under ORS 541.329 for mapping water rights within a district.

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.

WITNESS the signature of the Water Resources Director, affixed MAR 26 2008


Phillip C. Ward, Director