

STATE OF OREGON
 COUNTY OF UMATILLA
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FUJI ORCHARDS INC.
 PO BOX 80
 MILTON FREEWATER OREGON 97862

confirms the right to use the waters of A WELL in the WALLA WALLA RIVER Basin for IRRIGATION of 72.7 ACRES.

This right was perfected under Permit G-1358. The date of priority is MAY 26, 1959. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.40 CUBIC FOOT PER SECOND, if available at the original point of appropriation located in the NW¼ NW¼, Section 3, T 5 N, R 35 E, WM; 151 feet South and 1018 feet East from the NW corner, Section 3, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
5 N	35 E	WM	4	NE NE			479 FEET SOUTH AND 748 FEET WEST FROM NE CORNER, SECTION 4

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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

This right shall conform to any reasonable rotation system ordered by the proper state officer.

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

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 N	35 E	WM	3	NW NW			1.3
5 N	35 E	WM	3	SW NW			17.5
5 N	35 E	WM	3	NW SW			4.8
5 N	35 E	WM	4	NE NE			7.2
5 N	35 E	WM	4	SW NE			5.8
5 N	35 E	WM	4	SE NE			36.1

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either 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.

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 quantity of water diverted at the new point of appropriation shall not exceed the quantity of water available from the original point of appropriation

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

Water shall be acquired from the same aquifer as the original point of appropriation.

This certificate is issued to confirm a change in POINT OF APPROPRIATION approved by an order of the Water Resources Director, entered March 28, 1991, at Special Order Volume 45, Page 168, approving Transfer Application 6436, and supersedes Certificate 28528, State Record of Water Right Certificates.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

Issued JUL 25 2008



Phillip C. Ward, Director
Water Resources Department