

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 LITTLE WALLA WALLA RIVER and the WALLA WALLA RIVER, tributaries of the COLUMBIA RIVER, for IRRIGATION of 857.21 acres and SUPPLEMENTAL IRRIGATION of 312.65 acres.

This right was perfected under Permit S-43973. The date of priority is September 28, 1978. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 32.15 CUBIC FEET PER SECOND (cfs) from the point of diversion from the stream.

The points of diversion are located as follows:

| Twp | Rng  | Mer | Sec | Q-Q   | Survey Coordinates  |
|-----|------|-----|-----|-------|---|
| 5 N | 35 E | WM  | 1   | NE NW | POD #1 - 910 FEET SOUTH AND 700 FEET WEST FROM THE N1/4 CORNER OF SECTION 1     |
| 5 N | 35 E | WM  | 12  | SW NE | POD #2 - 1030 FEET NORTH AND 900 FEET EAST FROM THE CENTER CORNER OF SECTION 12 |

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 0.0375 of one cubic foot per second (or its equivalent) for each acre irrigated during the irrigation season of each year provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

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          |
| 5 N        | 35 E | WM  | 4   | NW NE | 31.50 | FUJI ORCHARDS |
| 5 N        | 35 E | WM  | 4   | SW NE | 18.20 | FUJI ORCHARDS |

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.

| IRRIGATION |      |     |     |       |       |                      |
|------------|------|-----|-----|-------|-------|----------------------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Acres | Name                 |
| 5 N        | 35 E | WM  | 4   | SE NE | 0.90  | FUJI ORCHARDS        |
| 6 N        | 34 E | WM  | 13  | SE NE | 7.10  | BOSTWICK             |
| 6 N        | 34 E | WM  | 13  | SW SW | 30.00 | HELLBERG             |
| 6 N        | 34 E | WM  | 13  | SE SW | 1.20  | RICHARTZ BROS.       |
| 6 N        | 34 E | WM  | 13  | NE SE | 34.40 | RICHARTZ BROS.       |
| 6 N        | 34 E | WM  | 13  | SW SE | 9.10  | RICHARTZ BROS.       |
| 6 N        | 34 E | WM  | 13  | SE SE | 10.00 | RICHARTZ BROS.       |
| 6 N        | 34 E | WM  | 17  | SW SW | 39.50 | WHITE BROS INC.      |
| 6 N        | 34 E | WM  | 18  | SE SE | 12.39 | WHITE BROS INC.      |
| 6 N        | 34 E | WM  | 21  | NW NW | 17.80 | WILLIAMS DAIRY       |
| 6 N        | 34 E | WM  | 21  | NE SW | 15.40 | WILLIAMS             |
| 6 N        | 34 E | WM  | 21  | SE SW | 8.80  | WILLIAMS             |
| 6 N        | 34 E | WM  | 21  | NW SE | 1.40  | WILLIAMS             |
| 6 N        | 34 E | WM  | 21  | NW SE | 19.60 | DERUWE               |
| 6 N        | 34 E | WM  | 21  | SW SE | 4.90  | WILLIAMS             |
| 6 N        | 34 E | WM  | 21  | SW SE | 18.10 | DERUWE               |
| 6 N        | 34 E | WM  | 21  | SE SE | 9.00  | DERUWE               |
| 6 N        | 34 E | WM  | 23  | NE NW | 6.00  | WILLIAMS             |
| 6 N        | 34 E | WM  | 23  | NW NW | 2.40  | WILLIAMS             |
| 6 N        | 34 E | WM  | 24  | NW NE | 3.80  | BEAUCHAMP            |
| 6 N        | 34 E | WM  | 24  | SE NE | 6.30  | WAGNER               |
| 6 N        | 34 E | WM  | 24  | NE NW | 9.40  | RICHARTZ             |
| 6 N        | 34 E | WM  | 24  | SW SW | 7.00  | KEY, E.              |
| 6 N        | 34 E | WM  | 24  | SE SW | 8.00  | DEMARIS              |
| 6 N        | 34 E | WM  | 24  | SW SE | 16.80 | CARROLL, F.          |
| 6 N        | 34 E | WM  | 24  | SE SE | 34.40 | WEBSTER              |
| 6 N        | 34 E | WM  | 25  | SW NW | 40.00 | FHA (RICHARTZ, JACK) |
| 6 N        | 34 E | WM  | 25  | SE NW | 12.00 | FHA (RICHARTZ, JACK) |
| 6 N        | 34 E | WM  | 25  | SE SW | 10.00 | LIEUALLEN            |
| 6 N        | 34 E | WM  | 25  | SW SE | 9.00  | HALL, DOUG           |
| 6 N        | 34 E | WM  | 25  | SE SE | 15.90 | HALL, DOUG           |
| 6 N        | 34 E | WM  | 27  | NE NW | 3.90  | DERUWE               |
| 6 N        | 35 E | WM  | 19  | NE NW | 4.10  | GRAY                 |
| 6 N        | 35 E | WM  | 19  | NW NW | 4.50  | GRAY                 |
| 6 N        | 35 E | WM  | 19  | SE NW | 6.60  | GRAY                 |
| 6 N        | 35 E | WM  | 19  | SE NW | 6.30  | GRAY                 |
| 6 N        | 35 E | WM  | 19  | NE SE | 16.00 | LEE                  |
| 6 N        | 35 E | WM  | 19  | NW SE | 8.00  | LEE                  |
| 6 N        | 35 E | WM  | 19  | SW SE | 27.80 | LEE                  |
| 6 N        | 35 E | WM  | 20  | NW NE | 16.40 | LEE                  |
| 6 N        | 35 E | WM  | 20  | SW NE | 15.00 | LEE                  |
| 6 N        | 35 E | WM  | 20  | NE NW | 1.60  | LEE                  |
| 6 N        | 35 E | WM  | 20  | SW SW | 4.00  | FOX                  |
| 6 N        | 35 E | WM  | 20  | NE SE | 7.27  | HENDRICKS            |
| 6 N        | 35 E | WM  | 30  | NE NW | 0.60  | DELAHAYE             |
| 6 N        | 35 E | WM  | 30  | SE NW | 2.50  | DEVINK               |
| 6 N        | 35 E | WM  | 30  | SW SW | 18.70 | HODENFIELD           |
| 6 N        | 35 E | WM  | 30  | SE SW | 20.40 | TUCKER               |

| IRRIGATION   |      |     |     |       |               |                   |
|--------------|------|-----|-----|-------|---------------|-------------------|
| Twp          | Rng  | Mer | Sec | Q-Q   | Acres         | Name              |
| 6 N          | 35 E | WM  | 31  | NW NE | 15.70         | HALL, S.          |
| 6 N          | 35 E | WM  | 32  | NE NW | 40.00         | HODENFIELD, R.    |
| 6 N          | 35 E | WM  | 32  | NW NW | 17.10         | HODENFIELD, R.    |
| 6 N          | 35 E | WM  | 32  | NW NW | 18.90         | BROWN, E.         |
| 6 N          | 35 E | WM  | 32  | SW NW | 36.90         | BROWN, E.         |
| 6 N          | 35 E | WM  | 32  | SE NW | 5.00          | BROWN, E.         |
| 6 N          | 35 E | WM  | 32  | SE NW | 20.00         | BROWN, E.         |
| 6 N          | 35 E | WM  | 32  | NE SE | 12.80         | PREMIERE PARTNERS |
| 6 N          | 35 E | WM  | 32  | NE SE | 0.30          | PREMIERE PARTNERS |
| 6 N          | 35 E | WM  | 32  | SW SE | 12.20         | HENDRICKS, S.     |
| 6 N          | 35 E | WM  | 34  | NE SW | 1.70          | WONDRA, BILL      |
| 6 N          | 35 E | WM  | 34  | NE SW | 2.70          | RUIZ              |
| 6 N          | 35 E | WM  | 34  | SE SW | 0.30          | WONDRA, BILL      |
| 6 N          | 35 E | WM  | 34  | SE SW | 0.80          | STURGEON          |
| 6 N          | 35 E | WM  | 34  | SE SW | 0.30          | THOMPSON          |
| 6 N          | 35 E | WM  | 34  | NE SE | 19.70         | M & F FARM        |
| 6 N          | 35 E | WM  | 34  | NE SE | 9.50          | JONES             |
| 6 N          | 35 E | WM  | 34  | NE SE | 9.35          | ARNZEN            |
| <b>Total</b> |      |     |     |       | <b>857.21</b> |                   |

| SUPPLEMENTAL IRRIGATION |      |     |     |       |       |                |
|-------------------------|------|-----|-----|-------|-------|----------------|
| Twp                     | Rng  | Mer | Sec | Q-Q   | Acres | Name           |
| 6 N                     | 34 E | WM  | 13  | SE SW | 5.80  | RICHARTZ BROS. |
| 6 N                     | 34 E | WM  | 21  | NW NW | 18.20 | WILLIAMS DAIRY |
| 6 N                     | 34 E | WM  | 22  | NE NE | 10.00 | WILLIAMS.      |
| 6 N                     | 34 E | WM  | 22  | SW SW | 11.70 | DERUWE         |
| 6 N                     | 34 E | WM  | 25  | SW SE | 5.00  | HALL, DOUG     |
| 6 N                     | 34 E | WM  | 25  | SE SE | 1.80  | HALL, DOUG     |
| 6 N                     | 34 E | WM  | 27  | NW NE | 13.00 | SCHUBERT       |
| 6 N                     | 34 E | WM  | 27  | SW NE | 18.80 | SCHUBERT       |
| 6 N                     | 34 E | WM  | 27  | SE SW | 21.86 | DERUWE         |
| 6 N                     | 34 E | WM  | 27  | NE SE | 0.70  | DERUWE         |
| 6 N                     | 34 E | WM  | 27  | SE SE | 19.50 | DERUWE         |
| 6 N                     | 35 E | WM  | 18  | SE SW | 20.00 | CHVATAL        |
| 6 N                     | 35 E | WM  | 19  | NW NE | 32.00 | CHVATAL        |
| 6 N                     | 35 E | WM  | 19  | NE NW | 35.00 | GRAY           |
| 6 N                     | 35 E | WM  | 20  | NE SE | 8.73  | HENDRICKS      |
| 6 N                     | 35 E | WM  | 21  | SW SW | 8.90  | ROFF           |
| 6 N                     | 35 E | WM  | 28  | NW NE | 9.50  | DELAHAYE       |
| 6 N                     | 35 E | WM  | 28  | NE NW | 7.80  | DELAHAYE       |
| 6 N                     | 35 E | WM  | 28  | NE NW | 6.80  | TELLEFSON      |
| 6 N                     | 35 E | WM  | 30  | NE NE | 7.20  | HARDESTY       |
| 6 N                     | 35 E | WM  | 30  | SW NW | 1.70  | PALMER, H.     |
| 6 N                     | 35 E | WM  | 30  | SE NW | 5.00  | DEVINK         |
| 6 N                     | 35 E | WM  | 30  | SE NW | 3.30  | PALMER, H.     |
| 6 N                     | 35 E | WM  | 34  | NE SW | 4.71  | RESCIALLO, G.  |
| 6 N                     | 35 E | WM  | 34  | NE SW | 5.20  | WONDRA, BILL   |

| SUPPLEMENTAL IRRIGATION |      |     |     |       |               |               |
|-------------------------|------|-----|-----|-------|---------------|---------------|
| Twp                     | Rng  | Mer | Sec | Q-Q   | Acres         | Name          |
| 6 N                     | 35 E | WM  | 34  | NE SW | 5.00          | RUIZ          |
| 6 N                     | 35 E | WM  | 34  | NE SW | 10.65         | THOMPSON      |
| 6 N                     | 35 E | WM  | 34  | SE SW | 2.80          | PESCIALLO, G. |
| 6 N                     | 35 E | WM  | 34  | SE SW | 1.30          | WONDRA, BILL  |
| 6 N                     | 35 E | WM  | 34  | SE SW | 0.90          | STURGEON      |
| 6 N                     | 35 E | WM  | 35  | SW SW | 4.80          | LEFORE, J.    |
| 6 N                     | 35 E | WM  | 35  | SW SW | 5.00          | ZERBA, C.     |
| <b>Total</b>            |      |     |     |       | <b>312.65</b> |               |


When required by the Department, the water user shall install and maintain a headgate, an inline 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.

This certificate corrects a scrivener's error in the place of use as listed on Certificate 83955. Certificate 83955 confirmed Permit S-53662, modified by the provisions of a reconsideration order of the Water Resources Director entered on 3-4-09, and recorded in Special Order Volume 77, Page 333, approving a petition by Hudson Bay District Improvement Company under ORS 541.329 for mapping water rights within a district.

Certificate 85239 supersedes Certificate 83955.

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 04 2009.

  
 For Phillip C. Ward, Director