

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J. R. SIMPLOT COMPANY
P.O. BOX 27
BOISE, IDAHO 83707-0027

confirms the right to use the waters of WELL 1R, WELL 2R and WELL 3 (WRD #2), within the UMATILLA RIVER BASIN for USES WITHIN A FOOD PROCESSING PLANT.

This right has been perfected under Permit G-7077. The date of priority is DECEMBER 2, 1975. The amount of water to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 2.45 CUBIC FEET PER SECOND from direct appropriation from the well for USES WITHIN A FOOD PROCESSING PLANT, provided that together with the appropriation of water for irrigation under the portion of Permit G-7077 (as modified in T-6783), shall not exceed 2.45 CUBIC FEET PER SECOND of water measured at the wells, provided that the primary source of water for irrigation and supplemental irrigation shall be from waste water from food processing, and direct appropriation from the well shall be for periods and in quantities required to make up any deficiency in the available supply from waste water providing the TOTAL QUANTITY appropriated shall not exceed 2.45 CUBIC FEET PER SECOND from this certificate and the confirming right certificate issued for T-6783.

The source of water allowed herein is limited to the alluvium water bearing aquifer overlying the basalt formation estimated to be 200 feet below land surface.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4 N	28 E	WM	28	NW SE	Well #1R - 2120 feet North and 2400 feet West from the SE Corner of Section 28
4 N	28 E	WM	28	SW SE	Well #2R - 1650 feet West from the SE Corner of Section 28
4 N	28 E	WM	27	SW SW	Well #3 (WRD #2) - 1030 feet North and 360 feet East from the SW Corner of Section 27

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

FOOD PROCESSING PLANT				
Twp	Rng	Mer	Sec	Q - Q
4 N	28 E	WM	27	SW SW

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.

This certificate describes that portion of the water right confirmed by 76249, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered June 8, 2009, in Special Order Volume 78 Pages 48 - 65, approving Transfer Application T-6783.

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.

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, and the use shall be limited when it interferes with any prior surface or ground water rights.

WITNESS the signature of the Water Resources Director, affixed JUN 29 2009



Phillip C. Ward, Director *PCW*