

STATE OF OREGON  
 COUNTY OF UMATILLA  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HALE FARMS, LLC  
 73120 HIGHWAY 207  
 ECHO, OR 97826

confirms the right to use the waters of COLUMBIA RIVER, a tributary to PACIFIC OCEAN for IRRIGATION of 2583.9 ACRES.

This right was perfected under Permit S-37121. The dates of priority are OCTOBER 3, 1973 and DECEMBER 11, 1973. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 18.19 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion, and is further described and limited to:

The rate, duty and priority dates for 723.9 of primary acres are:

| Priority Date                     | Rate (CFS)  | Duty (AF)      |
|-----------------------------------|-------------|----------------|
| October 3, 1973 plus one minute   | 6.17        | 1,798.7        |
| December 11, 1973 plus one minute | 1.66        | 482.2          |
| <b>Total:</b>                     | <b>7.83</b> | <b>2,280.9</b> |

The rate, duty and priority dates for 1860.0 acres are:

| Priority Date                     | Rate (CFS)   | Duty (AF)     |
|-----------------------------------|--------------|---------------|
| October 3, 1973 plus one minute   | 8.17         | 1,467.9       |
| December 11, 1973 plus one minute | 2.19         | 393.1         |
| <b>Total:</b>                     | <b>10.36</b> | <b>1861.0</b> |

The point of diversion is located as follows:

| Twp | Rng  | Mer | Sec | Q-Q   | Measured Distances  |
|-----|------|-----|-----|-------|---|
| 5 N | 30 E | WM  | 8   | SW NW | 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8 |

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-SIXTIETH 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. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer. The irrigation season is March 1 through October 31.

To conserve use of water in the critical ground water area, the 1,861 AF of water may be used by the water user for primary irrigation on the 1,860.0 acres covered by additional rights.

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

| <b>PRIMARY IRRIGATION WITH A TOTAL RATE OF 7.83 CFS AND A TOTAL DUTY OF 2,280.9 AF</b> |      |     |     |       |       |
|--|------|-----|-----|-------|-------|
| Twp  | Rng  | Mer | Sec | Q-Q   | Acres |
| 3 N  | 29 E | WM  | 13  | NE SW | 30.1  |
| 3 N  | 29 E | WM  | 13  | NW SW | 31.0  |

**PRIMARY IRRIGATION WITH A TOTAL RATE OF 7.83 CFS AND A TOTAL DUTY OF 2,280.9 AF**

| Twp   | Rng  | Mer | Sec | Q-Q   | Acres |
|-------|------|-----|-----|-------|-------|
| 3 N   | 29 E | WM  | 13  | SW SW | 31.0  |
| 3 N   | 29 E | WM  | 13  | SE SW | 30.1  |
| 3 N   | 29 E | WM  | 14  | NE SE | 31.0  |
| 3 N   | 29 E | WM  | 14  | SE SE | 31.0  |
| 3 N   | 30 E | WM  | 5   | NE SW | 29.8  |
| 3 N   | 30 E | WM  | 5   | NW SW | 28.2  |
| 3 N   | 30 E | WM  | 5   | SW SW | 34.0  |
| 3 N   | 30 E | WM  | 5   | SE SW | 31.8  |
| 3 N   | 30 E | WM  | 7   | NE NE | 3.9   |
| 3 N   | 30 E | WM  | 7   | NW NE | 9.5   |
| 3 N   | 30 E | WM  | 7   | SW NE | 28.6  |
| 3 N   | 30 E | WM  | 7   | SE NE | 14.2  |
| 3 N   | 30 E | WM  | 7   | NE SE | 29.0  |
| 3 N   | 30 E | WM  | 7   | NW SE | 28.5  |
| 3 N   | 30 E | WM  | 7   | SW SE | 28.9  |
| 3 N   | 30 E | WM  | 7   | SE SE | 31.3  |
| 3 N   | 30 E | WM  | 8   | NE NW | 30.5  |
| 3 N   | 30 E | WM  | 8   | NW NW | 31.4  |
| 3 N   | 30 E | WM  | 8   | SW NW | 31.2  |
| 3 N   | 30 E | WM  | 8   | SE NW | 30.7  |
| 3 N   | 30 E | WM  | 8   | NE SW | 31.0  |
| 3 N   | 30 E | WM  | 8   | NW SW | 28.1  |
| 3 N   | 30 E | WM  | 8   | SW SW | 27.5  |
| 3 N   | 30 E | WM  | 8   | SE SW | 31.6  |
| TOTAL |      |     |     |       | 723.9 |

**IRRIGATION WITH A TOTAL RATE OF 10.36 CFS AND A TOTAL DUTY OF 1861.0 AF**

| Twp | Rng  | Mer | Sec | Q-Q   | GLot | Acres |
|-----|------|-----|-----|-------|------|-------|
| 3 N | 29 E | WM  | 1   | NE NE | 1    | 15.9  |
| 3 N | 29 E | WM  | 1   | NW NE | 2    | 30.4  |
| 3 N | 29 E | WM  | 1   | SW NE |      | 31.7  |
| 3 N | 29 E | WM  | 1   | SE NE |      | 17.6  |
| 3 N | 29 E | WM  | 1   | NE NW | 3    | 30.5  |
| 3 N | 29 E | WM  | 1   | NW NW | 4    | 38.7  |
| 3 N | 29 E | WM  | 1   | SW NW |      | 36.4  |
| 3 N | 29 E | WM  | 1   | SE NW |      | 18.7  |
| 3 N | 29 E | WM  | 1   | NE SW |      | 22.7  |
| 3 N | 29 E | WM  | 1   | NW SW |      | 40.0  |
| 3 N | 29 E | WM  | 1   | SW SW |      | 31.1  |
| 3 N | 29 E | WM  | 1   | SE SW |      | 39.0  |
| 3 N | 29 E | WM  | 1   | NE SE |      | 11.6  |
| 3 N | 29 E | WM  | 1   | NW SE |      | 40.0  |
| 3 N | 29 E | WM  | 1   | SW SE |      | 25.1  |
| 3 N | 29 E | WM  | 1   | SE SE |      | 11.0  |
| 3 N | 29 E | WM  | 2   | NE NE | 1    | 29.2  |
| 3 N | 29 E | WM  | 2   | NW NE | 2    | 34.0  |
| 3 N | 29 E | WM  | 2   | SW NE |      | 29.2  |
| 3 N | 29 E | WM  | 2   | SE NE |      | 33.3  |
| 3 N | 29 E | WM  | 2   | NE SE |      | 34.7  |

| IRRIGATION WITH A TOTAL RATE OF 10.36 CFS<br>AND A TOTAL DUTY OF 1861.0 AF |      |     |     |       |      |        |
|--|------|-----|-----|-------|------|--------|
| Twp  | Rng  | Mer | Sec | Q-Q   | GLot | Acres  |
| 3 N  | 29 E | WM  | 2   | NW SE |      | 38.1   |
| 3 N  | 29 E | WM  | 2   | SW SE |      | 26.9   |
| 3 N  | 29 E | WM  | 2   | SE SE |      | 33.1   |
| 3 N  | 29 E | WM  | 9   | NW NE |      | 3.6    |
| 3 N  | 29 E | WM  | 9   | SW NE |      | 37.5   |
| 3 N  | 29 E | WM  | 9   | SE NE |      | 0.6    |
| 3 N  | 29 E | WM  | 9   | NW SE |      | 26.2   |
| 3 N  | 29 E | WM  | 11  | NE NE |      | 40.0   |
| 3 N  | 29 E | WM  | 11  | NW NE |      | 36.4   |
| 3 N  | 29 E | WM  | 11  | SW NE |      | 7.0    |
| 3 N  | 29 E | WM  | 11  | SE NE |      | 12.4   |
| 3 N  | 29 E | WM  | 11  | NE NW |      | 30.7   |
| 3 N  | 29 E | WM  | 11  | NW NW |      | 30.7   |
| 3 N  | 29 E | WM  | 11  | SW NW |      | 27.2   |
| 3 N  | 29 E | WM  | 11  | SE NW |      | 26.0   |
| 3 N  | 29 E | WM  | 11  | NE SW |      | 15.3   |
| 3 N  | 29 E | WM  | 11  | NW SW |      | 23.0   |
| 3 N  | 29 E | WM  | 11  | SW SW |      | 22.3   |
| 3 N  | 29 E | WM  | 11  | SE SW |      | 22.9   |
| 3 N  | 29 E | WM  | 12  | NE NE |      | 39.6   |
| 3 N  | 29 E | WM  | 12  | NW NE |      | 38.2   |
| 3 N  | 29 E | WM  | 12  | SW NE |      | 25.9   |
| 3 N  | 29 E | WM  | 12  | SE NE |      | 22.3   |
| 3 N  | 29 E | WM  | 12  | NE NW |      | 32.6   |
| 3 N  | 29 E | WM  | 12  | NW NW |      | 28.0   |
| 3 N  | 29 E | WM  | 12  | SW NW |      | 35.9   |
| 3 N  | 29 E | WM  | 12  | SE NW |      | 36.7   |
| 3 N  | 29 E | WM  | 12  | NE SW |      | 29.3   |
| 3 N  | 29 E | WM  | 12  | NW SW |      | 25.4   |
| 3 N  | 29 E | WM  | 12  | NE SE |      | 35.7   |
| 3 N  | 29 E | WM  | 12  | NW SE |      | 39.9   |
| 3 N  | 29 E | WM  | 12  | SW SE |      | 9.0    |
| 3 N  | 29 E | WM  | 12  | SE SE |      | 10.1   |
| 3 N  | 30 E | WM  | 6   | NW NW | 4    | 44.7   |
| 3 N  | 30 E | WM  | 6   | SW NW | 5    | 51.3   |
| 3 N  | 30 E | WM  | 6   | SE NW |      | 3.5    |
| 3 N  | 30 E | WM  | 6   | NE SW |      | 35.5   |
| 3 N  | 30 E | WM  | 6   | NW SW | 6    | 39.5   |
| 3 N  | 30 E | WM  | 6   | SW SW | 7    | 27.8   |
| 3 N  | 30 E | WM  | 6   | SE SW |      | 23.3   |
| 3 N  | 30 E | WM  | 7   | NE NW |      | 27.7   |
| 3 N  | 30 E | WM  | 7   | NW NW | 1    | 29.1   |
| 3 N  | 30 E | WM  | 7   | SW NW | 2    | 11.4   |
| 3 N  | 30 E | WM  | 7   | SE NW |      | 10.7   |
| 3 N  | 30 E | WM  | 7   | NW SW | 3    | 49.1   |
| 3 N  | 30 E | WM  | 7   | SW SW | 4    | 37.1   |
| TOTAL  |      |     |     |       |      | 1860.0 |

The water user must maintain the totalizing flow meters, or other measurement system as approved by the Department, in good working order according to manufacturer's specifications. A different plan for measurement of diverted water at each

field diversion, which is acceptable to, and approved by the Department may be allowed. Testing of the approved measurement devices shall occur at such intervals as deemed appropriate and necessary by the Watermaster.

The totalizing flow meters or other measurement system shall be located as follows:

- a) The point of diversion from the Columbia River and all other points of diversion or appropriation, which supply water to the lands;
- b) The northern boundary connection of the Echo Irrigation District; and
- c) All field diversions (center pivots or other method of water delivery) used to apply water to the lands described above.

The water user shall maintain a complete record of water usage on a monthly basis and shall submit monthly and annual reports to the Watermaster's office in Pendleton. The water use reports shall include recorded monthly water usage measurements from each point of diversion, the measurement device located at the North Echo ID boundary connection and for each field diversion (center pivot or other means of application). The reports shall also include dates of measurement and other information as may be requested by the Watermaster. The frequency or timing of the reports may be modified upon a determination by the Department that an alternate frequency is needed or appropriate. The reporting frequency may also be modified after the second full season of use, if requested by the water user and approved by the Department. The reports may be e-mailed, faxed or mailed.

The water user shall allow the Watermaster access to the water meters described above. Where a meter is located within a private structure, the Watermaster shall request access upon reasonable notice.

Additional measurement and reporting conditions, including, but not limited to, additional measuring sites, general water-use information and the place and nature of water use may be required at the discretion of the Department.

This certificate describes that portion of the water right confirmed by Certificate 86214, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAY 24 2011, approving Transfer Application T-11170.

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 use of water shall be limited when it interferes with the prior SURFACE WATER rights of others.

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

WITNESS the signature of the Water Resources Director, affixed MAY 24 2011.

  
Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR