

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVIS ORCHARDS INC.
53285 APPLETON RD
MILTON FREEWATER OR 97862

confirms the right to use the waters of WEST FORD BRANCH LITTLE WALLA WALLA RIVER, tributary to LITTLE WALLA WALLA RIVER for IRRIGATION of 5.39 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 12, at Page 9. The date of priority is 1890 for 3.39 acres and 1900 for 2.00 acres.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE AND ONE-HALF MINTER'S INCHES PER ACRE, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION IN SE¼ SW¼, SECTION 26, T6N, R35E, WM; MORRIS DITCH – 50 FEET NORTH AND 1295 FEET WEST FROM SOUTH QUARTER CORNER, SECTION 26, or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion (POD) are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	35 E	WM	26	NW SW	ORIGINAL POD - 1365 FEET NORTH AND 985 FEET EAST FROM SW CORNER, SECTION 26
6 N	35 E	WM	26	SE SW	ADDITIONAL POD - 120 FEET NORTH AND 1340 FEET EAST FROM SW CORNER, SECTION 26

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	26	NW SW	5.39

The quantity of water diverted at the additional point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available from the original point of diversion.

Any water stored in ponds (bulges in the system) may only be stored for the purpose of irrigation and only during the irrigation season.

The water user shall maintain a headgate or other suitable device for controlling the water at the point where water is diverted. It shall be of such construction that it can be locked and kept closed by the Watermaster.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

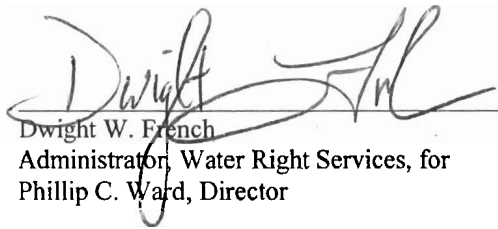
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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 water user shall maintain an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted.

The right to the use of the water for the above purpose is restricted to beneficial use on place of use described, and is subject to all other conditions and limitations contained in said decree.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered JANUARY 25, 2007, at Special Order Volume 71, Page 79, approving Transfer Application 9163, and supersedes Certificate 54121, State Record of Water Right Certificates.

Issued NOV 08 2013



Dwight W. French
Administrator, Water Right Services, for
Phillip C. Ward, Director