

STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WINDY RIVER II
 822 HIGHWAY 395 SOUTH, #423
 HERMISTON, OR 97838

confirms the right to use the waters of the COLUMBIA RIVER, a tributary to the PACIFIC OCEAN for IRRIGATION of 1606.67 ACRES.

This right was perfected under Permit S-36940. The date of priority is JUNE 29, 1973. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 30.89 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE FIFTY-SECOND (1/52) 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 3.5 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.

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

Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	26 E	WM	16	SW NE	14.20
4 N	26 E	WM	16	SE NE	6.30
4 N	26 E	WM	16	NW NW	6.40
4 N	26 E	WM	16	SW NW	39.96
4 N	26 E	WM	16	SE NW	26.10
4 N	26 E	WM	16	NE SW	22.80
4 N	26 E	WM	16	NW SW	10.00
4 N	26 E	WM	16	NE SE	29.01
4 N	26 E	WM	16	NW SE	29.80
4 N	26 E	WM	16	SW SE	0.20
4 N	26 E	WM	16	SE SE	1.20
4 N	26 E	WM	17	NE NE	0.80
4 N	26 E	WM	17	SE NE	15.59
4 N	26 E	WM	17	SW NW	7.52
4 N	26 E	WM	17	SE NW	0.31

Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	26 E	WM	17	NE SW	15.50
4 N	26 E	WM	17	NW SW	39.99
4 N	26 E	WM	17	SW SW	35.71
4 N	26 E	WM	17	SE SW	35.64
4 N	26 E	WM	17	NE SE	1.80
4 N	26 E	WM	17	NW SE	1.40
4 N	26 E	WM	17	SW SE	6.30
4 N	26 E	WM	18	SW NE	17.13
4 N	26 E	WM	18	SE NE	11.52
4 N	26 E	WM	18	SE SW	8.30
4 N	26 E	WM	18	NE SE	34.95
4 N	26 E	WM	18	NW SE	28.65
4 N	26 E	WM	18	SW SE	40.54
4 N	26 E	WM	18	SE SE	34.84
4 N	26 E	WM	19	NE NE	34.97
4 N	26 E	WM	19	NW NE	36.03
4 N	26 E	WM	19	SW NE	41.41
4 N	26 E	WM	19	SE NE	35.25
4 N	26 E	WM	19	NE NW	3.80
4 N	26 E	WM	19	SE NW	8.50
4 N	26 E	WM	19	NE SW	4.40
4 N	26 E	WM	19	SE SW	9.00
4 N	26 E	WM	19	NE SE	35.54
4 N	26 E	WM	19	NW SE	36.99
4 N	26 E	WM	19	SW SE	40.93
4 N	26 E	WM	19	SE SE	34.91
4 N	26 E	WM	20	NW NE	5.70
4 N	26 E	WM	20	SW NE	5.10
4 N	26 E	WM	20	NE NW	32.63
4 N	26 E	WM	20	NW NW	39.51
4 N	26 E	WM	20	SW NW	34.69
4 N	26 E	WM	20	SE NW	35.56
4 N	26 E	WM	20	NE SW	31.75
4 N	26 E	WM	20	NW SW	38.82
4 N	26 E	WM	20	SW SW	35.25
4 N	26 E	WM	20	SE SW	36.02
4 N	26 E	WM	20	NW SE	4.50
4 N	26 E	WM	20	SW SE	4.00
4 N	26 E	WM	29	NW NE	3.80
4 N	26 E	WM	29	SW NE	4.20
4 N	26 E	WM	29	NE NW	32.49
4 N	26 E	WM	29	NW NW	39.48
4 N	26 E	WM	29	SW NW	35.44
4 N	26 E	WM	29	SE NW	36.40
4 N	26 E	WM	29	NE SW	33.48
4 N	26 E	WM	29	NW SW	39.22
4 N	26 E	WM	29	SW SW	34.05
4 N	26 E	WM	29	SE SW	35.64
4 N	26 E	WM	29	NW SE	4.60
4 N	26 E	WM	29	SW SE	4.80
4 N	26 E	WM	30	NE NE	34.94
4 N	26 E	WM	30	NW NE	34.70
4 N	26 E	WM	30	SE NE	14.60

Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	26 E	WM	30	NE NW	4.91
4 N	26 E	WM	30	NE SE	21.80
4 N	26 E	WM	30	SE SE	15.00
4 N	26 E	WM	32	NW NE	4.50
4 N	26 E	WM	32	NE NW	24.90
TOTAL					1606.67

The water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for controlling, measuring and recording the quantity of water diverted. In-line flow meters shall be installed at the Cherokee Strip pump site, Booster Pump Station #1, and each field control manifold. The type of plans of the headgates and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The water user shall operate and maintain the headgates and measuring devices as needed. The Watermaster may operate the headgates and monitor accuracy of the measuring devices as needed.

The water user shall install and maintain a soil moisture monitoring program. The monitoring shall include Troxler Sentry capacitance probe data (or other monitoring data of similar or superior accuracy) at 1, 2, 3, 4, and 5 foot depths, at weekly intervals, beginning one week prior to the irrigation season and continuing one week past the end of the irrigation season. The monitoring program and the location of the monitoring sites shall be approved by the Watermaster. Review of the monitoring program can occur at any time with a formal request from the water user or the Watermaster.

Monitoring shall include on paired data sampling site with access tubes between adjacent tree rows for every 1000 acres of each major soil type in each age class (each paired site shall consist of a pair of access tubes located within the non-irrigated strip between the tree rows and at the outer edges of that strip). Major soil types with less than 1000 acres in a given age class with have one paired site. Monitoring shall include one access tube for each soil type located outside the planted area to be used as control for each major soil type. Soil types are as identified in attached soil classification map dated 12/2/2000. This data will be supplemented with other ongoing monitoring data from tubes in the tree rows as normally required by the water user for accurate irrigation scheduling, and as reasonably approved by the Watermaster.

Monitoring sites, monitoring data and flow data shall be available to the Watermaster promptly upon request.

The water user shall supply to the Watermaster, bi-annual reports of water use and monitoring data. The first report will cover the period through June of each year and the second report will cover the remainder of the growing season. Monitoring data report shall be provided in a reasonable summary format as approved by the Watermaster. The water user shall promptly inform the Watermaster of encroachment events into any areas without water rights including the areas between tree rows and inform the Watermaster of the course of action to correct the problem.

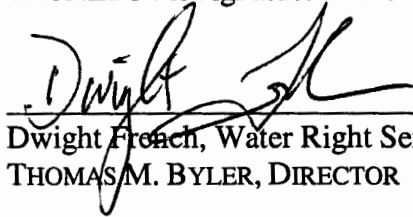
If water use under the irrigation system delivers water to areas without water rights including the area between the tree rows, the Watermaster may regulate the water use until soil moisture and flow data demonstrate that the areas without water rights are no longer receiving water.

This certificate describes that portion of the water right confirmed by Certificate 89304, State Record of Water Right Certificates reduced in rate by the provisions of an order of the Water Resources Director entered September 22, 2014, approving Allocation of Conserved Water Application CW-85. This Certificate together with Certificates 89511 and 90152, and the conserved water under CW-85, supersedes Certificate 89304, State Record of Water Right Certificates.

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.

WITNESS the signature of the Water Resources Director, affixed APR 02 2015.



Dwight French, Water Right Services Administrator, for
THOMAS M. BYLER, DIRECTOR