

DC

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WINDBLOWN RANCH
32327 OREGON TRAIL ROAD
ECHO, OREGON 97826

confirms the right to use the waters of WASTE WATER FROM FOOD PROCESSING PLANT, a tributary of UMATILLA RIVER, for SUPPLEMENTAL IRRIGATION OF 351.3 ACRES.

This right was perfected under Permit 50955. The date of priority is FEBRUARY 8, 1990. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 5.0 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 SW 1/4, SECTION 19, TOWNSHIP 4 NORTH, RANGE 29 EAST, W.M.; 1540 FEET NORTH AND 1070 FEET WEST FROM THE SOUTH 1/4 CORNER OF SECTION 19.

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-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the period from March 1 to November 1 of each year. The use of water is further limited to a diversion of not to exceed 1.5 acre-feet per acre irrigated during the period from November 2 to the end of February, provided the use of water shall not exceed 4.5 acre-feet for each acre irrigated in any one year.

The use allowed herein may be made at any time when water can be put to beneficial use by irrigation, either for immediate crop growth or for forecast requirements to raise the soil moisture to field capacity in the soil profile to be utilized by plant growth in the subsequent growing season.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

In the interest of proper operation of the food processing plant, the use of waste waters for supplemental irrigation may be exercised at times when water is available at the primary source, provided the total quantity diverted from all sources of supply does not exceed the limitation allowed herein. Lands listed as being supplemental irrigation may be considered as primary irrigation if no primary right exists for these lands.

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:

NE 1/4 NE 1/4	31.5 ACRES
NW 1/4 NE 1/4	31.5 ACRES
SW 1/4 NE 1/4	31.5 ACRES
SE 1/4 NE 1/4	31.5 ACRES
SE 1/4 NW 1/4	31.8 ACRES
NE 1/4 SW 1/4	32.1 ACRES
SE 1/4 SW 1/4	34.5 ACRES
NE 1/4 SE 1/4	31.5 ACRES
NW 1/4 SE 1/4	31.5 ACRES
SW 1/4 SE 1/4	32.4 ACRES
SE 1/4 SE 1/4	31.5 ACRES

SECTION 19
TOWNSHIP 4 NORTH, RANGE 29 EAST, W.M.

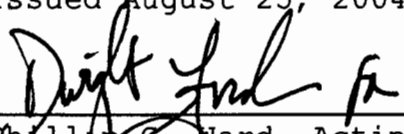
Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

Issued August 25, 2004.


 Phillip E. Ward, Acting Director
 Water Resources Department