

STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PORT OF MORROW
PO BOX 200
BOARDMAN OR 97818

WESTLAND ENTERPRISES LLC
822 HWY 395, STE #423
HERMISTON OR 97838

EARL L AYLETT
74854 WASHINGTON LN
IRRIGON OR 97844-7102

confirms the right to use the waters of COLUMBIA RIVER (MESSNER POND), tributary to the PACIFIC OCEAN for SUPPLEMENTAL IRRIGATION of 1156.6 ACRES.

This right was perfected under Permit 43606. The date of priority is JUNE 14, 1978. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 19.0 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	Measured Distances
4 N	25 E	WM	10	SE NE	SUMP #1 - 1213 FEET NORTH & 427 FEET WEST FROM E1/4 CORNER, SECTION 10
4 N	25 E	WM	10	SE NE	SUMP #2 - 1220 FEET NORTH & 107 FEET WEST FROM E1/4 CORNER, SECTION 10
4 N	25 E	WM	10	SE NE	SUMP #3 - 1248 FEET NORTH & 1110 FEET WEST FROM E1/4 CORNER, SECTION 10
4 N	25 E	WM	10	NE NE	MESSNER POND - 795 FEET SOUTH & 1137 FEET WEST FROM NE CORNER, SECTION 10

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-FORTIETH 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 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, and is subject to the maintenance of an intake screening device approved by the Oregon Department of Fish and Wildlife, provided further that although declared herein to be for supplemental irrigation the right allowed may, in the interest of conserving the ground water supplies, be exercised at times when water is available in the ground water supply provided that the total quantity diverted from all sources of supply does not exceed the limitation allowed herein, provided further that in the event of a request for a change in point of diversion, an additional point of diversion or repair of this system, the quantity of water allowed herein together with the right perfected under Certificate 51781 shall not exceed 19.0 cubic feet per second, the capacity of this system at the time of perfection of this right.

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either 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.

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:

SUPPLEMENTAL IRRIGATION - EARL AYLETT SUMP 1, 2, 3 and MESSNER POND					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	25 E	WM	21	NE NE	5.3
4 N	25 E	WM	21	SW NE	29.2
4 N	25 E	WM	21	SE NE	38.7
4 N	25 E	WM	21	SW NW	31.3
4 N	25 E	WM	21	SE NW	32.0
4 N	25 E	WM	21	NE SW	38.8
4 N	25 E	WM	21	NW SW	33.4
4 N	25 E	WM	21	SW SW	32.8
4 N	25 E	WM	21	SE SW	38.2
4 N	25 E	WM	21	NE SE	37.8
4 N	25 E	WM	21	NW SE	38.1
4 N	25 E	WM	21	SW SE	37.9
4 N	25 E	WM	21	SE SE	37.9
4 N	25 E	WM	28	NE NE	32.6
4 N	25 E	WM	28	NW NE	32.4
4 N	25 E	WM	28	NE NW	32.8
4 N	25 E	WM	28	NW NW	33.5

SUPPLEMENTAL IRRIGATION - PORT OF MORROW & WESTLAND ENTERPRISES, LLC MESSNER POND					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	25 E	WM	22	NE NE	29.4
4 N	25 E	WM	22	NW NE	19.7
4 N	25 E	WM	22	SW NE	20.8
4 N	25 E	WM	22	SE NE	36.9
4 N	25 E	WM	22	NE NW	12.0
4 N	25 E	WM	22	SW NW	29.0
4 N	25 E	WM	22	SE NW	34.9
4 N	25 E	WM	22	NE SW	32.8
4 N	25 E	WM	22	NW SW	34.9
4 N	25 E	WM	22	SW SW	34.1
4 N	25 E	WM	22	SE SW	32.5
4 N	25 E	WM	22	NE SE	37.9
4 N	25 E	WM	22	NW SE	29.8
4 N	25 E	WM	22	SW SE	29.4
4 N	25 E	WM	22	SE SE	32.7
4 N	25 E	WM	23	SE NE	4.6
4 N	25 E	WM	23	NE SW	32.8
4 N	25 E	WM	23	NW SW	31.9
4 N	25 E	WM	23	SW SW	29.6
4 N	25 E	WM	23	SE SW	32.7
4 N	25 E	WM	23	NE SE	4.6
4 N	25 E	WM	24	SW NW	5.4
4 N	25 E	WM	24	NW SW	5.5

The water user shall maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated.

This certificate is issued to confirm a change in PLACE OF USE, POINT OF DIVERSION, AND POINT OF APPROPRIATION approved by an order of the Water Resources Director entered December 30, 2004, at Special Order Volume 62, Pages 435 through 441, approving Transfer Application 9599, and supersedes Certificate 55314, State record of Water Right Certificates.

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

NOV 01 2013

Issued _____



Dwight W. French
Administrator Water Rights and Adjudications, for
Phillip C. Ward, Director
Oregon Water Resources Department