

Cancelled - Superseded  
by Cut No. 14081, Vol. 12

STATE OF OREGON

COUNTY OF COOS

C E R T I F I C A T E O F W A T E R R I G H T

THIS IS TO CERTIFY, That COOS BAY PULP CORPORATION, of Empire, State of Oregon, has made proof to the satisfaction of the State Engineer of Oregon, of a right to the use of the waters of North Branch of First Creek, South Branch of First Creek, Second Creek, Third Creek, Fourth Creek, and Tarheel Creek, tributaries of Coos Bay, and the water stored under Permits Nos. R-614, R-615, R-616, R-617, R-618 and R-619, for the purpose of municipal for the town of Empire and a supply for boilers and manufacturing purposes, under Permit No. 9013 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from January 10, 1927; that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 4.1 cubic feet per second, being 0.5 cubic foot per second from North Branch of First Creek, 0.75 cubic foot per second from South Branch of First Creek, 0.6 cubic foot per second from Second Creek, 0.5 cubic foot per second from Third Creek, 0.75 cubic foot per second from Fourth Creek and 1.0 cubic foot per second from Tarheel Creek, or its equivalent in case of rotation.

The points of diversion are located as follows: North Branch of First Creek: NE $\frac{1}{4}$ SE $\frac{1}{4}$  (A. N. Foley D. L. C.), Section 19, Township 25 South, Range 13 West, W. M.; South Branch of First Creek: Lot 3 (P. B. Marple D. L. C.), Section 19, Township 25 South, Range 13 West, W. M.; Second Creek: NW $\frac{1}{4}$ SE $\frac{1}{4}$  (E. J. Foley D. L. C.), Section 30, Township 25 South, Range 13 West, W. M.; Third Creek: NE $\frac{1}{4}$ SW $\frac{1}{4}$  (E. J. Foley D. L. C.), Section 30, Township 25 South, Range 13 West, W. M.; Fourth Creek: Lot 1, Section 30, Township 25 South, Range 14 West, W. M.; Tarheel Creek: Lot 1, Section 36, Township 25 South, Range 14 West, W. M.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows: E. J. Foley D. L. C. # 40 (Lots 2, 3 and 4), Section 30, Township 25 South, Range 13 West, W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years' notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer,

affixed this 15th day of July, 1935.

CHAS. E. STRICKLIN  
State Engineer.