

STATE OF OREGON
COUNTY OF GRANT
CERTIFICATE OF WATER RIGHT

This Is to Certify, That CLARENCE ROBERTSON
of Kimberly, 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
Birch Creek
a tributary of John Day River for the purpose of
irrigation
under Permit No. 12871 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 November 4, 1937;

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
0.05 c.f.s. measured at the point of diversion from the stream,

or its equivalent in case of rotation.

The point of diversion is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 9 South, Range
26 East, W. M.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second
per acre, for each acre irrigated prior to June 1st and thereafter, 1/80th of one cubic
foot per second or its equivalent for each acre irrigated and shall be limited to a
diversion of not to exceed 1 acre foot per acre for each acre irrigated during any
month prior to June 1st and shall be further limited to a total diversion of not to
exceed 4 acre feet per acre for each acre irrigated during the irrigation season from
April 1st to September 30th of each year, and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right
is appurtenant, is as follows:

2 acres in the
NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29
Township 9 South, Range 26 East., 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 con-
structed 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 prop-
erty 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 31st day of January, 1939.

CHAS. E. STRICKLIN
State Engineer

Recorded in State Record of Water Right Certificates, Volume 11, page 12206