

STATE OF OREGON
COUNTY OF MARION
CERTIFICATE OF WATER RIGHT

This Is to Certify, That CORNELIA MORTON McNARY, ELLA M. STOLZ AND MARGARET S. MARSHALL

of 196 East Washington St., Salem, 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 Ford Creek and Labish Creek a tributary of Clear Lake and Willamette River for the purpose of Irrigation and Fish Culture under Permit No. 3856 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 July 20, 1928

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 1.008 cubic feet per second, being 1.0 cubic foot per second for fish culture and 0.008 cubic foot per second for irrigation,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ & NW $\frac{1}{4}$ NW $\frac{1}{4}$ in Nimrod Ford D.L.C. 40, Section 35, Township 6 South, Range 3 West, 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-sixtieth of one cubic foot per second per acre, for each acre irrigated, to be taken from Labish Creek in so far as possible and during low water periods will be supplemented by pumping from Ford Creek,

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:

4.4 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 26,
T. 6 S., R. 3 W., W. M.

14.2 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$
24.2 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 27,
T. 6 S., R. 3 W., W. M.

32 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$
18.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 34,
T. 6 S., R. 3 W., W. M.

19 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$
fish culture in the NE $\frac{1}{4}$ NW $\frac{1}{4}$
31 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 35,
T. 6 S., R. 3 W., W. M.

Land on which water is to be used is a part of the property more explicitly described by appropriator as follows:

FIRST PARCEL:

Beginning at the corner to Sections 25, 26, 35 and 36, in Township 6 South, Range 3 West of the Willamette Meridian, in Marion County, Oregon; thence South

9.55 chains to an iron pipe; thence West 23.70 chains to an iron pipe; thence North 20° 30' West 7.28 chains to the middle of the outlet of Lake Labish; thence down the middle of the main channel of the outlet of Lake Labish to a point where same is intersected by the County Road leading from Salem to Wheatland; thence North 30° 45' West 2.30 chains along the middle of said road; thence North 8° 30' West 2 chains along said road; thence North 17° 15' West 4.68 chains along the middle of the County Road; thence North 89° 42' West 10.04 chains to a point in the middle of Labish Creek; thence down the middle of Labish Creek as follows: North 79° 15' West 79.5 links; thence North 84° 30' West 2.59 chains; thence South 66° 42' West 1.05 chains; thence South 28° 48' West 2.31 chains; thence South 82° 30' West 66 links to the middle of Claggett Creek; thence up the middle of said Claggett Creek to the South line of the Stolz and McNary land, as described in volume 120, on page 179, of the Records of Deeds for Marion County, Oregon; thence following the southern boundary of said land South 76° 45' West .515 chains to an angle in said land; thence South 14° East 3.25 chains to an iron rod; thence West 56.75 chains on the North line of a 101.35-acre tract of land once owned by Mary E. Bruce as described in volume 100, on page 449, of the Records of Deeds for Marion County, Oregon; thence North 27.585 chains to an iron pipe (from which an oak 10 inches in diameter bears North 70° 30' West 38 links); thence East 32.11 chains to the center of the outlet of Lake Labish; thence South 25° 45' East 14.21 chains to the Southeast corner of the Donation Land Claim of Alvis Smith and wife; thence North 0.59 chains to the line between sections 26 and 35; thence East 73.62 chains to the place of beginning;

SECOND PARCEL:

Beginning in the middle of the County Road leading from Salem to Mission Bottom, at a point 9.013 chains South 23° 13' West from the quarter-section corner between Sections 26 and 35 in Township 6 South, Range 3 West of the Willamette Meridian, in Marion County, Oregon; thence North 15° 48' West 4.497 chains, along the middle of the County Road leading from Salem to Mission Bottom; thence North 89° 42' West 10.04 chains, to a point in the middle of Labish Creek; thence down the middle of Labish Creek as follows: North 79° 15' West 79.5 links; thence North 84° 30' West 2.59 chains; thence South 66° 42' West 1.05 chains; thence South 28° 48' West 2.31 chains; thence South 82° 30' West 66 links, to the middle of Claggett Creek; thence up the middle of said Claggett Creek to the South line of the Stolz and McNary land as described in volume 120, on page 179, of the Records of Deeds for Marion County, Oregon; thence following the Southern boundary of said land, North 76° 45' East 2.215 chains to an angle in said land; thence South 55° 15' East 1.60 chains; thence South 40° East 3.00 chains; thence North 89° 45' East 10.25 chains, to the Southeast corner of the Stolz and McNary land, in the County Road; thence North 38° 30' West 3.893 chains along the middle of said County Road to the middle of the Labish Creek; thence North 27° 27' West 2.175 chains, along the middle of the County Road; thence North 15° 48' West 1.477 chains, to the place of beginning, being situated in Section 35; and in the Nimrod Ford D.L.C. in Township 6 South Range 3 West of the Willamette Meridian, in Marion County, State of Oregon;

Said above-described "FIRST PARCEL" and said above-described "SECOND PARCEL" being hereby conveyed subject, to the extent that said parcels are respectively affected thereby, to all roads and rights of way; and also two small parcels conveyed to Marion County, Oregon, for road purposes as described in volume 240, on pages 458 and 460, Records of Deeds for Marion County, Oregon; and also rights and interests of the United States of America as shown on pages 79 et seq. of volume 254 of said Records of Deeds for Marion County, Oregon.

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

WITNESS the signature of the State Engineer, affixed

this 15th day of May, 19 47

CHAS. E. STRICKLIN

State Engineer