

STATE OF OREGON  
COUNTY OF YAMHILL

SUPERSEDED BY  
CERT. NO. 88102

## CERTIFICATE OF WATER RIGHT

**This Is to Certify, That** JOHN KIRECH

of Route 2, McMinnville, State of Oregon <sup>97128</sup>, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of North Yamhill River a tributary of Yamhill River for the purpose of Irrigation under Permit No. 13491 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 February 21, 1939

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 0.56 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  & SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 3, T. 4 S., R. 4 W., W. M., in Chas. S. Tustin D.L.C. 45; & Lots 1 & 2, Sec. 4, T. 4 S., R. 4 W., 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-eightieth 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 2 $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season 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:

- 3.3 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  as projected on D.L.C. 79
- 7.8 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  as projected on D.L.C. 79
- Section 33
- T. 3 S., R. 4 W., W. M.
- 1.8 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  as projected on D.L.C. 45
- 1.2 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  as projected on D.L.C. 85
- 14.6 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  as projected on D.L.C. 45
- 1.0 acre in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  as projected on D.L.C. 45
- Section 3
- 5.5 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  as projected on D.L.C. 85
- 2.0 acres in Lot 1 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ )
- 4.1 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  as projected on D.L.C. 85
- 3.4 acres in Lot 2 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ )
- Section 4
- T. 4 S., R. 4 W., W. M.

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

Being a part of the James H. Gaunt Donation Land Claim, Notification No. 7333, in Section 4, Township 4 South of Range 4 West of the Willamette Meridian in Yamhill County, State of Oregon, and said part described as follows: Beginning at a point 4.51 chains East of the Southeast corner of Lot 2 in said Section 4; thence North 11.48 chains to the South line of A. T. Hembree Donation Land Claim; thence North 59° West along South line of said Hembree Claim 8.06 chains; thence South 15° 17' West 16.06 chains to South line of said Lot 2; thence East 10.60 chains to place of beginning and containing 12.25 acres, more or less.

Lot two (2) as set off and allowed to Clyde H. Rowland by decree of the Circuit Court of the State of Oregon, for Yamhill County, which said decree is duly entered at pages 214 and 215 of Volume 8 of the Record Journals of said Circuit Court, and which said Lot two (2) is more particularly bounded and described as follows, to-wit: Beginning at a point twenty-four and 63/100 (24.63) chains West of the Southeast corner of the Donation Land Claim of A. T. Hembree, in Townships three (3) and four (4) South, Range four (4) West of the Willamette Meridian, in said County and State, and running thence West on South line of said Claim thirty-seven and 3/100 (37.03) chains to angle corner; thence North fifty-nine (59) degrees West thirty-six and 31/100 (36.31) chains; thence East sixty-eight and 21/100 (68.21) chains to a point forty (40) feet West of the West line of Lot one (1) set off by said Court to T. J. Rowland; thence South eighteen and 75/100 (18.75) chains to the place of beginning, containing one hundred (100) acres, more or less.

Also Lot three (3) as set off and allowed to Herbert E. Rowland by decree of the Circuit Court of the State of Oregon for Yamhill County, which said decree is duly entered at pages 214 and 215 of Volume 8 of the Record Journals of said Circuit Court, and which said Lot three (3) is more particularly bounded and described as follows, to-wit: Beginning at a point twenty-four and 3/100 (24.03) chains West and eighteen and 75/100 (18.75) chains North of the Southeast corner of the A. T. Hembree Donation Land Claim in Townships three (3) and four (4) South, Range four (4) West of the Willamette Meridian, and being in said County and State, and running thence North seventeen and 96/100 (17.96) chains to the Northwest corner of Lot one (1) set off by said Court to T. J. Rowland; thence West on the division line of the Claim seventy-two (72) chains to the West line of Claim; thence South five and 88/100 (5.88) chains to an Oak twelve (12) inches in diameter at angle corner; thence South twenty-four (24) degrees East eight and 12/100 (8.12) chains to a corner; thence South fifty-nine (59) degrees East five and 69/100 (5.69) chains to the Northwest corner of Lot Two (2) set off by said court to Clyde H. Rowland; thence East sixty-eight and 21/100 (68.21) chains to Northeast corner of said Lot two (2); thence South eighteen and 75/100 (18.75) chains to South line of claim; thence East forty (40) feet; thence North eighteen and 75/100 (18.75) chains to the place of beginning, containing one hundred twenty-eight (128) acres, more or less.

Situated in the County of Yamhill and State of Oregon and bounded and described as follows: Beginning at a stake on line between Sections 3 and 4 in T. 4 S., R. 4 W. of the Willamette Meridian in said Yamhill County, Oregon, said beginning point being the Northwest corner of the Donation Land Claim of Charles S. Tustin and wife, Claim No. 45 in said County; thence East 52.16 chains; thence South 24.56 chains; thence West 17.96 chains to the West boundary line of the East half of said Donation Land Claim; thence North 4.56 chains; thence West 34.38 chains to Section line between said Sections 3 and 4; thence North on said section line 20.00 chains to place of beginning and containing 112.50 acres, more or less.

ALSO: The following premises, to-wit: Part of said Donation Land Claim above named and said part being bounded as follows, to-wit: Beginning at a stone in center of County Road, on West line of said Donation Land Claim and 23.50 chains South of Northwest corner of said claim; thence South 85° East with center of said County Road 565.40 feet; thence North 54° 10' East 108 feet to center of Yamhill River under bridge now there, and center of County Road now there; thence North 43° West 35 links; thence North 37° 30' West 2.25 chains; thence North 39° 20' West 2.38 chains; thence West 7.35 chains to West line of said Donation Land Claim; thence South 3.25 chains to place of beginning, containing 2.27 acres, more or less.

*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 15<sup>th</sup> day of May, 19 47

CHAS. E. STRICKLEN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 12, page 15108