

STATE OF OREGON

DEPT. OF AGRICULTURE

SERV. NO.

43544

COUNTY OF CLACKAMAS

L.S. No. 26-187
(7-3100)

CERTIFICATE OF WATER RIGHT

This Is to Certify, That BUTTE CREEK ORCHARDS, INC.

of Mt. Angel, 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 Butte Creek a tributary of Pudding River for the purpose of Irrigation under Permit No. 14454 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 3, 1940 for 0.76 c.f.s. and July 22, 1940 for 0.77 c.f.s.; 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 1.53 cubic feet 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 NE $\frac{1}{4}$ NW $\frac{1}{4}$ & SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25, Township 5 South, Range 1 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-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:

28.9 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on D.L.C. 73
 12.1 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected on D.L.C. 73
 Section 24
 35.1 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected on D.L.C. 73
 12.3 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected on D.L.C. 73
 32.6 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on D.L.C. 73
 1.3 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on D.L.C. 73
 Section 25
 T. 5 S., R. 1 W., W.M.

Land on which water is to be used is a part of the property more explicitly described by appropriator as follows: Beginning at the most westerly north-west corner of the John W. Newman D.L.C. No. 73 in sections 24 and 25, T. 5 S., R. 1 W. of the Willamette Meridian in Clackamas County, Oregon; thence East along the North line of said claim 20.20 chains to an angle in said claim, thence S. 21° 19' E. along the center line of the County road 8.195 chains, thence S. 43° 52' E. still along the center line of said road 16.35 chains to an iron pipe; thence S. 23° E. 52.45 chains to the center line of Butte Creek; thence following down the center of said creek to where it crosses the West line of said Newman D.L.C. thence North along the West line of said D.L.C. 59.50 chains to the place of beginning, containing 224.6 acres of land 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 15th day of May , 19 47 .

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 12 , page 15111