

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

This Is to Certify, That FRED AEBI

of Route 2, McMinnville, 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 Fork Yamhill River a tributary of Yamhill River for the purpose of Irrigation under Permit No. 15542 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 12, 1943

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 0.19 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 SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ & SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, Township 4 South, Range 4 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:

9.4 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected on Chas. S. Tustin D.L.C. 45
5.4 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on Chas. S. Tustin D.L.C. 45
Section 10
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:

Commencing at the SE corner of the Donation Land Claim of Charles S. Tustin and Mary J. Tustin, his wife, Claim No. 45, situate in Sections 10 and 3, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon; thence W. along the S. line of said Donation Land Claim, 28 chains to the line dividing the lands of Mary J. Tustin and John B. Pennington (at the time when said lands were so owned by them); thence North along said dividing line a distance of 44.35 chains to the most westerly southwest corner of those premises conveyed by John B. Pennington and Elizabeth Pennington, his wife, to Samuel Gaunt by deed recorded in Book "K" at page 403 deed records for Yamhill County, Oregon; thence E. 18.50 chains; thence S. 18.63 chains to the Southwest corner of that tract of land conveyed by David McCarty and Elizabeth J. McCarty to David Smith by deed recorded in Book "L" at page 53, Records of Deeds for Yamhill County, Oregon; thence E. 13.86 chains to the East Boundary line of the Tustin Donation Land Claim; thence southwesterly along said boundary line 10⁰ East 25.75 chains to the point of beginning, except lands conveyed for highway purposes.

SUBJECT to a right of way to the Pacific Telephone and Telegraph Company across the NW $\frac{1}{4}$ of Section 10, Township 4 South, Range 4, for the erection and maintenance of poles, wires and fixtures thereon as granted in that certain deed recorded July 9, 1924 in Book-90, page 325, Records of Deeds for Yamhill County, Oregon.

Also Lots 2 and 3 of Section 10, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon.

Also all that part of the Donation Land Claim No. 49, of Madison Malone and Virginia Malone, deceased, lying on the North side of the North Yamhill River in that certain tract of land described as beginning at the Northeast corner of the said Donation Land Claim; thence South 160 rods; thence West 64 rods; thence North 160 rods; thence East 64 rods to the place of beginning, situate in the Southwest quarter of Section 10, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, State of 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