

STATE OF OREGON
COUNTY OF MARION
CERTIFICATE OF WATER RIGHT

This Is to Certify, That LUDWIG HITZ

of Route 2, Box 115, Woodburn, 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. 111113 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 June 22, 1940

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 0.97 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 NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, 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:

- 20.3 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected on Joseph Magoon D.L.C. No. 57
- 6.5 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected on Joseph Magoon D.L.C. No. 57
- 15.6 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected on Joseph Magoon D.L.C. No. 57
- 27.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected on Joseph Magoon D.L.C. No. 57
- 4.0 acres in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$)
- 2.8 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected on Joseph Magoon D.L.C. No. 57
- 0.5 acre in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected on Joseph Magoon D.L.C. No. 57
Section 22
- 0.3 acre in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on Joseph Magoon D.L.C. No. 57
Section 23

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 the appropriator as follows: Commencing on the West boundary of the Donation Land Claim of Joseph Magone and wife in Township 5 South, Range 1 West of the Willamette Meridian, Marion County, Oregon, at the terminal point of the division line between said Joseph Magone and wife; thence North 32 degrees East in accordance with said division line 56.84 chains to the East boundary of aforesaid land claim; thence North 24 degrees 15' West on claim line a distance of 5.65 chains; thence South 64 degrees 12' West 48.7 chains to the West boundary of claim; thence South 25 degrees 48' East on Claim line 35.98 chains to the place of beginning.

Save and except from the foregoing description all of that part situated East and North of Butte Creek in Clackamas County, said premises hereby described being situated in Marion County, Oregon.

Also, commencing on the West boundary of the Donation Land Claim of Joseph Magone and wife, at a point where is planted a large stone from which a cedar tree 3 feet

in diameter and marked with two notches about 4 feet from the ground, bears North 86 degrees 10' West, 72 links distant; thence West 28.86 chains to the legal subdivision line dividing the Northwest quarter of Section 22, Township 5 South, Range 1 West of the Willamette Meridian, Marion County, Oregon, into East and West halves; thence North on said subdivision line, 5.86 chains to the center of the Northwest quarter of said Section 22; thence East on the legal subdivision line, 20 chains to the legal subdivision line dividing the Section into East and West halves; thence North on said legal subdivision line, 11.80 chains to its intersection with the West boundary of the aforesaid Magone Claim; thence South 25 degrees 48' East on the Magone line, 19.80 chains to the place of beginning.

Save and except the land described in the deed from Eliza J. Peters, widow of C. W. Peters, deceased, to C. F. Peters, dated April 3, 1926, recorded April 9, 1931 in Volume 210, Page 138, Deed Records of Marion County, Oregon.

Also, save and except the land described in deed from John Ernest Stone and Cora Mae Stone, his wife, to Carl Kroll and Alice E. Kroll, his wife, dated October 25, 1926, recorded November 6, 1926, in Volume 189, Page 245, Deed Records of Marion County, Oregon.

Also, save and except the land described in deed from P. H. Seely and Irma Seely, his wife, Delbert Seely and Mary Seely, his wife, to Herman Kuper and Hattie F. Kuper, his wife, dated March 8, 1939, recorded March 8, 1939, in Volume 234, Page 514, Deed Records 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 30th day of December, 19 49

.....CHAS. E. STRICKLIN.....
State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16659