

STATE OF OREGON
COUNTY OF LINN
CERTIFICATE OF WATER RIGHT

This Is to Certify, That KENNETH W. CUNNINGHAM

of Route 2, Scio, 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 Smallman Creek and North Santiam River a tributary of North Santiam River for the purpose of irrigation under Permit No. 16343 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 May 23, 1945

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 0.50 cubic foot per second, being 0.25 cubic foot per second from Smallman Creek and 0.25 cubic foot per second from North Santiam River.

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) and NW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on Lewis Stewart D.L.C. No. 54, Section 10, Township 10 South, Range 2 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:

- 10.4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected on Lewis Stewart D.L.C. No. 54 Section 9
- 0.1 acre in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on Lewis Stewart D.L.C. No. 54
- 12.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on Lewis Stewart D.L.C. No. 54
- 17.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on Lewis Stewart D.L.C. No. 54
- 0.5 acre in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on Lewis Stewart D.L.C. No. 54 Section 10

T. 10 S., R. 2 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:

Tract I:

Beginning at the Southwest corner of the D.L.C. of Lewis Stewart, Not. No. 1610, Claim No. 54, Township 10 South, Range 2 West of the Willamette Meridian, in Linn County, Oregon, thence West of the Willamette Meridian, in Linn County, Oregon, thence North 55 degrees 30' East 20.70 chains, thence North 28 degrees 15' West 75.68 chains to the North line of said D.L.C., thence South 60 degrees 15' West 40.70 chains to the Northwest corner of said D.L.C., thence 28 degrees 15' East 22.04 chains, thence North 55 degrees 30' East 20.00 chains to an angle in said D.L.C., thence South 28 degrees 15' East 56.68 chains to the place of beginning.

Also Lot Two (2) of Section 9, Township 10 South, Range 2 West of the Willamette Meridian in Linn County, Oregon.

Also Lot Number One (1) of Section 10, Township 10 South, Range 2 West of Willamette Meridian in Linn County, Oregon

Excepting from the real property above described a tract of 40 acres thereof

conveyed by J. T. Funk and wife to Wilbur Funk by deed recorded at page 134 of Volume 97, DEED of Records, in Linn County, Oregon

Also excepting a tract of 40 acres conveyed by J. T. Funk and wife to Guy Funk by Deed recorded at page 135 of Volume 97 of Deed Records of Linn County, Oregon

Also excepting 40 acres conveyed by J. T. Funk and wife to Ada L. Arnold by deed recorded at page 98 of Volume 105 of the Deed Records of Linn county, Oregon.

Tract II:

Beginning at a point which is North 55 degrees 30' East and 29½ feet distant from the Southwest corner of the Donation Land Claim of Lewis Stewart, Not. No. 1610, Claim No. 54 in Township 10 South of Range 2 West of the Willamette Meridian, in Linn County, Oregon, and running thence North 55 degrees 30' East 40½ rods, thence North 28 degrees 15' West 158 rods, thence South 55 degrees 30' West 40½ rods, thence South 28 degrees 15' East 158 rods to the place of beginning, all situate, lying and being in Linn 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, 1919

CHAS. F. STRICKLIS State Engineer

Recorded in State Record of Water Right Certificates, Volume 14, page 16764