

## STATE OF OREGON

Canceled Sp.Or.Rec.Vol. 46 P. 134

139-140

COUNTY OF MARION

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That BERNARD M. SMITH

of Route 2, Woodburn, State of Oregon <sup>97071</sup>, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of an unnamed stream and Pudding River a tributary of Pudding River and Molalla River for the purpose of irrigation under Permit No. 15399 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 November 30, 1942

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 0.676 cubic foot per second, being 0.312 cubic foot per second from the unnamed stream and 0.364 cubic foot per second from Pudding 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 3 (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) and Lot 4 (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ), Section 29 and NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 32, 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:

7.9 acres in Lot 3 (NE $\frac{1}{4}$  SW $\frac{1}{4}$ )  
 0.6 acre in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected on George M. Baker D.L.C. No. 44  
 2.9 acres in Lot 4 (SW $\frac{1}{4}$  SW $\frac{1}{4}$ )  
 17.4 acres in Lot 4 (SE $\frac{1}{4}$  SW $\frac{1}{4}$ )

Section 29

15.1 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$   
 10.3 acres in Lot 1 (NW $\frac{1}{4}$  NW $\frac{1}{4}$ )

Section 32

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:

All of the fractional Southwest Quarter of Section 29, the fractional North half of the Northwest Quarter of Section 32 and the Northwest Quarter of the Northeast Quarter of Section 32, all in Township 5 South, Range 1 West of the Willamette Meridian, containing 164.16 acres, more or less;

Also, that certain tract of land sold by H. S. Reed to Joseph Engle and sons and described as follows: Being all that part of the H. S. Reed's Donation Land Claim which lies on the South side of Pudding River, the same being the Southwest corner of the said H. S. Reed's Donation Land Claim and containing 10 acres, more or less. The land hereby conveyed containing in the aggregate 174.16 acres, more or less; and being the same land conveyed to the Union Central Life Insurance Company by deed dated May 28, 1936 and recorded in Vol. 224, Page 527, Deed Records of Marion County, Oregon. All of said premises being in Marion County, Oregon

Also, all of the following described premises lying West of the center line of Pudding River; Beginning at an iron pipe 20.00 chains North of the quarter section corner between Sections 32 and 33 in Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence South 89° 54' West 20.00 chains to an iron

T-6431

bar; thence North 10.00 chains; thence North 89° 54' East 20.00 chains to an iron bar in the East line of Section 32; thence South 10.00 chains to the point of beginning, and being part of the Northeast one-quarter of Section 32 in Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon.

Save and except the following described lands:

Beginning at the most Southerly corner of the George M. Baker D. L. C. No. 44, 5-1 W; thence North 20° East along the Easterly line of said D. L. C. 500.00 feet; thence South 69° 45' East parallel with a direct South-Easterly extension of the South-Westerly line of said D. L. C. about 600.00 feet more or less to the center of a creek; thence South-Westerly up said creek center line to the South line of the North 1/2 of the North 1/2 of Section 32 in said Township and range; thence West along said line to the line between Sections 31 and 32 in said town-ship; thence North along said line to said South-westerly line of said Baker D. L. C.; thence South 69° 45' East along said D. L. C. line to the place of beginning, and being a part of the J. B. Withrow D. L. C. Section 32 5-1 W.

Also, save and except 75.925 acres of land located in Sections 29 and 32, Township 5 South, range 1 West of the Willamette Meridian in Marion County, Oregon, further described by metes and bounds as follows:

BEGINNING at a point in the North line of said Section 32, which point is 1,320' westerly from the Northeast corner of said section thence South 89° 54' West, 80.0'; thence South 2° 17' West, 275.28'; thence South 21° 32' East, 434.05'; thence South 11° 09' East, 180.01'; thence South 3° 48' East, 463.21'; thence South 89° 54' West, 3,106.59'; thence North 46° 41' East, 202.34'; thence North 47° 54' East, 108.91'; thence North 65° 05' East, 270.38'; thence North 63° 58' East, 348.48'; thence North 56° 43' East, 235.39'; thence North 69° 24' East, 118.79'; thence North 59° 09' East, 137.58'; thence North 77° 47' East, 193.38'; thence North 58° 53' East, 357.64'; thence North 25° 54' East, 245.50'; thence North 30° 43' East, 297.61'; thence North 70° 22' West, 259.20'; thence North 53° 24' West, 489.30'; thence North 42° 20' West, 305.46'; thence North 34° 40' West, 199.55'; thence East 672.45'; thence South 284.76'; thence South 38° 25' East, 168.09'; thence South 34° 34' East, 327.92'; thence North 85° 19' East, 258.05'; thence North 51° 54' East, 208.09'; thence North 21° 39' East, 210.61'; thence North 63° 54' East, 149.83'; thence North 79° 16' East, 282.03'; thence South 68° 24' East, 100.02'; thence South 624.97' to the point of beginning, 75.925 acres of land.

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 January, 19 50.

SUPERSEDED BY  
CERT. NO. 86653

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 14 page 16877  
Canceled Sp. Of. Rec. Vol. 146 P. 134