

STATE OF OREGON

Ch. in pt of div. for 2^d Ac.
Sp. Or. Vol. 8, p. 444

COUNTY OF LINN

PARTIAL CANCELLATION

Date Dec. 9, 1964CERTIFICATE OF WATER RIGHT Sp. Or. Vol. 13 Pg. 567Superseded by
Cert. No. 32146**This Is to Certify, That** V. V. HARVEY

of Route 2, Box 573, Albany, 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 Burkhart Creek a tributary of Willamette River for the purpose of irrigation under Permit No. 18604 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 January 10, 1949,

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 0.078 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 SE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected on Robert Houston D.L.C. #38, Section 4, Township 11 South, Range 3 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:

6.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected on Robert Houston D.L.C. #38, Sec. 4 Township 11 South, Range 3 West, W. M.

Land on which water is to be used is a part of that more explicitly described by appropriator as follows:

Beginning at a point in the center line of the county road from which a 3/4" bar bears N. 89° 39' W. 20 feet, said point being S. 0° 05' W. 8.34 chains, N. 89° 39' W. 24.392 chains and S. 0° 16' E. 20.861 chains from the Northeast corner of the Robert Houston D.L.C. No. 38 in T. 10 and 11 S., R. 3W. of the Will. Mer. in Linn County, Oregon; and running thence N. 89° 39' W. 7.385 chains to the Northeast corner of a tract conveyed to R. E. and I. Orton by deed (146-147); thence S. 0° 16' E. on the East line of said Tract 10.34 chains to the center line of the Market Road; thence S. 85° 41' E. on the center line of said road 7.406 chains; thence N. 0° 16' W. on the center line of the county road 11.169 chains to the place of beginning; excepting therefrom a 2.07 acre tract conveyed to C. R. and B. A. Norris by deed recorded on Page 574 of Volume 158 of Linn County Deed Records; and excepting therefrom that portion included in Harvey's Subdivision as recorded in Book of Flats Volume 9 on Page 44 of Linn County Records.

ALSO: Beginning S. 89° 48' E. 1015.74 feet from a 1/2" pipe which bears South 1927.20 feet and West 3104.64 feet from the Northeast corner of the Robert Houston D.L.C. No. 38 in T. 10 and 11 S., R. 3W.; thence S. 0° 40' E. 703.86 feet to the center line of Market Road No. 7; thence N. 85° 50' W. along the center line of Market Road No. 7 a distance of 74.40 feet; thence N. 0° 40' W. 698.71 feet; thence S. 89° 48' E. 74.14 feet to the place of beginning and containing 1.193 acres.

ALSO: Beginning S.89°48'E. 941.6 feet from a $\frac{1}{2}$ " pipe which bears South 1927.2 feet and West 3104.64 feet from the Northeast corner of Robert Houston D.L.C. No. 38 in T.10 and 11 S., R. 3 W. of the Will. Mer. in Lin County, Oregon; and running thence S. 0° 40' E. 698.71 feet to a railroad spike in the center line of Market Road No. 7; thence N.85° 50' W. along said center line 83.97 feet to a railroad spike; thence N. 3° 10' E. 693.75 feet to a 5/8" bolt; thence S.89°48' E. 37.3 feet to the place of beginning and containing 0.995 acres.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use hereinafter described.

WITNESS the signature of the State Engineer, affixed

this 30th day of April, 1951.

CHAS. E. STRICKLIN
State Engineer

Recorded in State Record of Water Right Certificates, Volume 14, page 19604.