

STATE OF OREGON
COUNTY OF BENTON
CERTIFICATE OF WATER RIGHT

This Is To Certify, That WALTER G. SMITH

of Box 181, Alsea, 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 South Fork Alsea River a tributary of Alsea River for the purpose of irrigation under Permit No. 17489 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 29, 1947

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 0.39 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 $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within David Fudge D.L.C. No. 38, Section 7, Township 14 South, Range 7 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:

17.6 acres in Lot 10 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
6.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within David Fudge D.L.C. No. 38
3.2 acres in Lot 9 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 7
Township 14 South, Range 7 West, W. M.
0.4 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within David Fudge D.L.C. No. 38
2.8 acres in Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
1.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 18
Township 14 South, Range 7 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 stone at the NE corner of David Fudge's D.L.C. #38, T. 14 S., R. 7 W., W.M., in Benton County, Oregon; and running thence S. 19.208 chains on the E. line of said D.L.C. to an oak post, thence N. 89 degrees and 32' E. 15.803 chains to a stone 5"x5"x10", thence N. 19.416 chains to a stone which is the SW corner of John A. Williams D.L.C. #42, thence S. 89 degrees 43' W. 15.803 chains to the place of beginning containing 30.519 acres more or less; EXCEPT 3.97 acres deeded by W. M. Malone to W. D. and Nevella Hargon as recorded in Book of Deeds #87, page 235, Benton County, Oregon; ALSO, Beginning at the NE corner of David Fudge D.L.C. #38 T. 14 S., R. 7 W., W.M., and running thence S. 0° 07' W. along the E. line of said claim 16.279 chains, thence S. 89° 50' W. 3.00 chains more or less to the E. edge of the water in the S. F. of the Alsea R., thence in a NW'ly direction down stream along the E. edge of said water to the N. line of said claim, thence N. 89° 50' E. 9.28 chains to the place of beginning, containing 9 acres, more or less.

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 September, 1954.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 20598.