

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

This Is to Certify, That FRED SMALLEY

of Route 2, Box 225, McMinnville, 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 Berry Creek, a tributary of Baker Creek for the purpose of irrigation under Permit No. 16930 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 March 25, 1946

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 0.31 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 SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, all as projected within C. Berry Cl. #42, Township 4 South, Range 5 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:

0.8 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$
2.8 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$
7.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$
7.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 11

3.2 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$
4.2 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 12

all as projected within C. Berry Cl. #42
Township 4 South, Range 5 West, W. M.

Land on which water is to be used is part of that described as follows:

Those parts of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, & NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, and W $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ & NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, within C. Berry DLC #42, and lying South of the County Road in T. 4 S., R. 5 W., W. M.

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 21st day of December, 1956.

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LEWIS A. STANLEY

State Engineer