

STATE OF OREGON
COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

This Is To Certify, That EDWARD KINDEL

of Route 2, Box 237, Forest Grove, 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 West Dairy Creek a tributary of Tualatin River for the purpose of irrigation under Permit No. 16759 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 February 5, 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 0.48 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 NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, T. 1 N., R. 3 W., W.M. as projected within the Richard Arthur DLC #43.

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:

5.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected in Richard Arthur D.L.C. # 43
26.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected in Richard Arthur D.L.C. # 43
2.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected in Richard Arthur D.L.C. # 43
1.0 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected in Chas. Conklin D.L.C. # 53
Section 17
3.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected in Richard Arthur D.L.C. # 43
Section 18
T. 1 N., R. 3 W., W.M.

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SP. 0.016/10 p 201

Land on which water is to be used is a part of that more explicitly described as follows:
Tract 1: Beginning at the northwest corner of Section 17 in Township 1 North of Range 3 West of the Willamette Meridian, and running thence South 40 chains, thence East 16 chains, thence North 13.90 chains, thence South 45° West along the bank of Dairy Creek 3 chains, thence South 70° West 2.50 chains, thence North 1° West 9 chains, thence North 50° East 5.50 chains, thence North 34° West 6 chains, thence North 45° West 2 chains, thence North 5 $\frac{1}{2}$ ° West 2.50 chains, thence North 10° West 9 chains to a stake in the center of the road, thence South 71 $\frac{1}{2}$ ° West 5 chains, more or less to the place of beginning and being parts of Sections 17 and 18 in Township 1 North of Range 3 West of the Willamette Meridian and containing 39.25 acres of land, be the same more or less.
Tract 2: Commencing 30 chains South of the Northeast corner of Section 18, T. 1 N. R. 3 W. Willamette Meridian, thence West 6.05 chains to a 16 inch ash tree on the North bank of Dairy Creek, thence to the center of said Creek, thence up the center of Dairy Creek to the North line of William Raymond estate, thence East 13.35 chains, thence North 10 chains to the place of beginning, containing 6.647 acres of land.

Tract 3: Beginning at an iron on the south line of the Richard Arthur Claim No. 43 in Section 17, Township 1 North, Range 3 West of the Willamette Meridian, 1141.0 feet Easterly of an iron at the Southwest corner of the said Arthur Claim; thence North 1° 08' West 748.8 feet to an iron; thence North 54° 10' East 69.9 feet to an iron; thence North 8° 33' East 318.0 feet, more or less, to the center line of Dairy Creek; thence following the center line of Dairy Creek with all its meanderings upstream to a point due west of a stone set 896.2 feet north of a point 16 chains easterly of the said Southwest corner of the said Arthur Claim No. 43; thence East to said stone on the right bank of Dairy Creek; thence South 896.2 feet to a point east 16 chains from the said Southwest corner of said Arthur Claim, said point being on the South line of Claim; thence on said South line of Claim North 88° 42' East 385.0 feet to the place of beginning, containing 11.465 acres, more or less.

This certificate is issued to confirm a change in point of diversion of water approved by an order of the State Engineer entered May 13, 1960, pursuant to the provisions of ORS 540.510 to 540.530, and supersedes certificate of water right heretofore issued to Edward Kindel and recorded at page 19859, Volume 14, State Record of Water Right Certificates.

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 17th day of October, 19 60

Lewis A. Stanley

State Engineer

Recorded in State Record of Water Right Certificates, Volume 19, page 27612