

## STATE OF OREGON

COUNTY OF JOSEPHINE

## CERTIFICATE OF WATER RIGHT

**This Is to Certify,** That **ERROL I. SMITH, Administrator,** and  
**JOHN E. SMITH,**

of Applegate, State of Oregon, has a right  
to the use of the waters of O'Brien and Sturgis Forks of Carberry Fork of Applegate River

a tributary of Applegate River for the purpose of  
domestic, stock and irrigation of 42.0 acres  
and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Jackson County, and the said decree entered of record at Salem, in the Order Record of  
the STATE ENGINEER, in Volume 16, at page 523; that the priority of the right thereby  
confirmed dates from 1857 for 0.11 c.f.s.; 1906 for 0.28 c.f.s.;

that the amount of water to which such right is entitled, 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.

The point of diversion is located in the Sturgis Fork: SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 15, T. 40 S., R. 5 W.,  
W.M.; O'Brien Fork: SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 12, T. 40 S., R. 5 W., W.M.  
A description of the place of use under the right, and to which such right is appurtenant, is as  
follows:

8.5 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$   
15.5 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$   
18.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 24,  
T. 39 S., R. 5 W., W.M.

(Note. Of the foregoing right, that appurtenant to 7 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  and  
18 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 24, T. 39 S., R. 5 W., W.M., is supplemental to  
vested rights allowed the claimants' predecessors, Jas. Bingham and John Bingham,  
to the use of water from Thompson Creek which are set out in the Rogue River Decree  
on Page 33, Column 3, under Proofs 1003 and 1004.

The supplemental right allowed herein is limited to use on the land to  
which it is appurtenant in an amount not exceed 0.0094 cubic foot per second of  
water for each acre irrigated during the irrigation season, and the quantity  
used from all sources shall not exceed 0.0143 cubic foot per second of water for  
each acre irrigated during the irrigation season.)

And said right shall be subject to all other conditions and limitations contained in said decree.  
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 date January 5, 1966.

CHRIS. L. WHEELER  
State Engineer