

STATE OF OREGON
COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

This Is To Certify, That JOHN V. and LILLIAN J. ELSEBERRY

of Route 2, Box 448, Cornelius, 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 Tualatin River a tributary of Willamette River for the purpose of irrigation of 28.7 acres under Permit No. 17033 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 May 29, 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 0.215 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 SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, as projected within Emerick DLC 46, T. 1 S., R. 3 W., 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:

1.2 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Emerick DLC 46
Section 3

2.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Emerick DLC 46
2.7 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Geiger, Jr. DLC 47
15.2 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Emerick DLC 46
Section 4

7.6 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Geiger, Jr. DLC 47
Section 9
T. 1 S., R. 3 W., W. M.

Land on which water is to be used is a part of the property more explicitly described by the appropriator as follows: Being parcels of the DLC of Solomon Emerick and Lucetta Emerick, husband and wife, said parcels described thus: Commencing at a point where the Tualatin River crosses the south boundary of said DLC in T. 1 S., R. 3 W., and running thence west on said south boundary line 20.00 chains to the northeast corner of said Solomon Emerick's Cemetery ground; thence N. 25 links; thence W. 9.50 chains to the center of right of way belonging to Nestor, Nearpass and Shaw; thence N. 5° E. (Mag. Var. 21° E.) in center of said right of way 7.50 chains; thence east 14.78 chains to the West bank of the Tualatin River; thence up said river with all its meanderings to the place of beginning, containing 22 acres, more or less. Second parcel: Commencing at a post in the center of the right of way sold by said Emerick and wife to George Shaw and John Nestor 7.50 chains N. 5° E. from the south line of said DLC thence N. 5° E. (Var. 21° E.) 9.50 chains; thence E. 12.50 chains; thence N. 26° E. 2.10 chains;

thence E. 2.00 chains to the W; bank of Tualatin River; thence up said river to the N. E. Corner of a tract of land said Sol. Emerick sold to Alex Couture on the 17th day of December 1879; thence west on the north line of said Alex couture tract 14.78 chains to the starting point, containing 14.36 acres, more or less. Reserving always 15 feet on the west for the right of way of road conveyed to John Nestor and George Shaw. The several tracts hereinbefore described and hereby conveyed containing 40 acres, more or less.

Certificate of water right issued to D. W. McBeth and recorded at page 16942, Volume 14, State Records of Water Right Certificates, confirms the right to the use of water from Tualatin River and Unnamed Lake for irrigation. Subsequently, the right to the use of 0.145 cubic foot per second of water from the Unnamed Lake was canceled by order of the State Engineer entered February 8, 1967. This certificate is issued to confirm the remaining right to the use of water and supersedes the certificate heretofore issued to D. W. McBeth.

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 4 day of May , 1967.

.....CHRIS. I. WHEELER.....
State Engineer

Recorded in State Record of Water Right Certificates, Volume 25 , page 33898