

STATE OF OREGON

COUNTY OF

CLACKAMAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That BUTTE CREEK ORCHARDS, INC.

of Mt. Angel, State of Oregon, 97362, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Butte Creek

a tributary of Pudding River for the purpose of irrigating 98.3 acres

under Permit No. 14464 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 July 3, 1940 for 0.61 c.f.s. and July 22, 1940 for 0.62 c.f.s.

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 1.23 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 NE 1/4 NW 1/4; SW 1/4 NE 1/4, Section 25, T. 5 S., R. 1 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 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:

- 4.9 acres SE 1/4 SW 1/4
- 12.1 acres SW 1/4 SE 1/4
- Both projected within John W. Newman DLC 73 Section 24
- 35.1 acres NW 1/4 NE 1/4
- 12.3 acres SW 1/4 NE 1/4
- 32.6 acres NE 1/4 NW 1/4
- 1.3 acres SE 1/4 NW 1/4
- All projected within John W. Newman DLC 73 Section 25
- T. 5 S., R. 1 W., W. M.

An order of the Water Resources Director entered November 13, 1975 approved a change in place of use for the irrigation of 24.0 acres. This certificate is issued to confirm the remaining right not involved in the change and supersedes the certificate heretofore issued to Butte Creek Orchards, Inc. recorded at Page 15111, Volume 12, 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, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. August 30, 1976

James K. Sexson Water Resources Director