

STATE OF OREGON

COUNTY OF

MARION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ROBERT THOMAS AND FRANK FERY

of 10338 Stayton Road, SE, Aumsville, State of Oregon 97325, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of an unnamed pond formed by springs and stream

a tributary of North Santiam River for the purpose of supplemental irrigation of 12.2 acres

under Permit No. 20027 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 December 1, 1950 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 0.15 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 NE 1/4 SE 1/4, as projected within Niel DLC 42, Section 18, T9S, R1W, WM.

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:

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12.2 acres NE 1/4 SE 1/4 as projected within Niel DLC 42
Section 18
Township 9 South, Range 1 West, WM

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

Beginning at a point 80 rods East of the Southwest Corner of the DLC of Alexander Niel, being Claim 42, T9S, R1W, WM, Marion County, Oregon; running thence East 48.16 rods; thence North 80.0 rods; thence West 48.16 rods; thence South 80.0 rods to the place of beginning. Also, commencing at the Northeast Corner of the above described premises and running thence North to the right-of-way of the Benham Ditch Company; thence Westerly along the South line of said right-of-way to the center of the county road leading from Stayton to West Stayton, Oregon; thence Westerly along the center of said road to a point due North of the Northwest Corner of the above described premises; thence Southwesterly along the center of said road to a point which is about 5 rods West of said Northwest Corner; thence Easterly to said Northwest Corner; thence East to the place of beginning and containing in all 32.7 acres of land, more or less.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 23491, Volume 16, State Record of Water Right Certificates, changed from primary irrigation to supplemental irrigation by the provisions of an order of the Water Resources Director entered on August 27, 1984.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 minimum flows established by the Water Policy Review Board with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed

this date. December 4, 1984

/s/ William H. Young

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 47 , page 52570