

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that WALTER R. MILLER, of P.O. BOX 12395, SALEM, OREGON 97309, has a right to the use of the waters of SMALLMAN CREEK, a tributary of NORTH SANTIAM RIVER, for the purpose of IRRIGATING 84.8 ACRES.

The right has been perfected under Permit 20802. The date of priority is OCTOBER 8, 1951. The right is limited to not more than 1.06 cubic feet per second or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NW 1/4 SE 1/4, AS PROJECTED WITHIN MCDONALD DLC 61, SECTION 35, T 9 S, R 2 W, W.M.; #1 - 430 FEET NORTH & 680 FEET EAST; #2 10 FEET SOUTH & 90 FEET EAST BOTH FROM MOST WESTERLY NW CORNER MCDONALD DLC 61.

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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The right 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, and to which such right is appurtenant, is as follows:

5.8 ACRES NE 1/4 NW 1/4
30.0 ACRES NW 1/4 NW 1/4
29.5 ACRES SW 1/4 NW 1/4
5.7 ACRES SE 1/4 NW 1/4
0.3 ACRE NW 1/4 SW 1/4
ALL AS PROJECTED WITHIN MCDONALD DLC 52
SECTION 1
4.4 ACRES NE 1/4 NE 1/4
9.1 ACRES SE 1/4 NE 1/4
BOTH AS PROJECTED WITHIN MCDONALD DLC 52
SECTION 2
TOWNSHIP 10 SOUTH, RANGE 2 WEST, W.M.

SEE NEXT PAGE

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate is issued to correctly describe the quantity of water and to confirm a change in point of diversion & place of use approved by an order of the Water Resources Director entered MARCH 22, 1977, approving transfer application 3515 and supersedes certificate 23760, State Record of Water Right Certificates.

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 is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed this date SEPTEMBER 27, 1988.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 57693

T-3515