

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 IRRIGATION OF 163.3 ACRES AND SUPPLEMENTAL IRRIGATION OF 4.5 ACRES.

The right has been perfected under Permit 31615. The date of priority is MAY 25, 1966. The right is limited to not more than 2.10 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:

	PRIMARY	SUPPLEMENTAL
SW 1/4 NE 1/4	3.4 ACRES	0.6 ACRES
SE 1/4 NE 1/4	8.0 ACRES	1.8 ACRES
AS PROJECTED WITHIN DLC 61		
LOT 8 (SE 1/4 NE 1/4)	5.0 ACRES	2.0 ACRES
LOT 9 (NE 1/4 SE 1/4)	3.6 ACRES	
NE 1/4 SE 1/4	24.1 ACRES	0.1 ACRE
NW 1/4 SE 1/4	1.3 ACRES	
BOTH AS PROJECTED WITHIN DLC 61		
LOT 10 (NW 1/4 SE 1/4)	8.7 ACRES	
SW 1/4 SE 1/4	11.5 ACRES	
SE 1/4 SE 1/4	35.2 ACRES	
BOTH AS PROJECTED WITHIN DLC 61		
SECTION 35		
NW 1/4 SW 1/4	2.3 ACRES	
SW 1/4 SW 1/4	18.6 ACRES	
BOTH AS PROJECTED WITHIN DLC 61		
SECTION 36		
TOWNSHIP 9 SOUTH, RANGE 2 WEST, W.M.		

SEE NEXT PAGE

NW 1/4 NW 1/4 12.2 ACRES
AS PROJECTED WITHIN DLC 52
SECTION 1

NE 1/4 NE 1/4 29.3 ACRES
NW 1/4 NE 1/4 0.1 ACRE
BOTH AS PROJECTED WITHIN DLC 52
SECTION 2
TOWNSHIP 10 SOUTH, RANGE 2 WEST, W.M.

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 confirm a change in PLACE OF USE, ADDITIONAL POINT OF DIVERSION, AND REMAINING RIGHT AS PROVIDED by an order of the Water Resources Director entered MARCH 22, 1977, and supersedes certificate 36947, 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 and 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 57733

T-3516