

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 SUPPLEMENTAL IRRIGATION OF 321.2 ACRES.

The right has been perfected under Permit 40260. The date of priority is MARCH 8, 1976. The right is limited to not more than 3.02 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:

NW1/4 SE1/4 AS PROJECTED WITHIN MCDONALD DLC 61, SECTION 35, T9S, R2W, W.M.; 50 FEET SOUTH & 100 FEET EAST FROM THE 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, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

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:

11.8 ACRES	LOT 3 (NW 1/4 SW 1/4)	40.0 ACRES	NE 1/4 NE 1/4
39.6 ACRES	(SW 1/4 SW 1/4	34.0 ACRES	NW 1/4 NE 1/4
	SECTION 1	39.6 ACRES	SW 1/4 NE 1/4
		40.0 ACRES	SE 1/4 NE 1/4
			SECTION 11
2.1 ACRES	LOT 2 (NE 1/4 SE 1/4)		
3.0 ACRES	LOT 2 (SW 1/4 SE 1/4)		
31.9 ACRES	LOT 2 (SE 1/4 SE 1/4)	39.6 ACRES	NW 1/4 NW 1/4
	SECTION 2	39.6 ACRES	SW 1/4 NW 1/4
			SECTION 12

TOWNSHIP 10 SOUTH, RANGE 2 WEST, W.M.

SUPERSEDED BY
CERT. NO. 92095
T-10117
87253

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. 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 OCTOBER 21, 1988.

/s/ WILLIAM H. YOUNG
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 57884