

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 9.6 ACRES.

The right has been perfected under Permit 41742. The date of priority is APRIL 22, 1977. The right is limited to not more than 0.12 CUBIC FOOT 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.; 4700 FEET NORTH & 1580 FEET WEST FROM SW CORNER MCDONALD DLC 52; 0.3 CHAIN NORTH & 0.6 CHAIN 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.

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:

0.3 ACRE NE1/4 SE1/4
4.5 ACRES SE1/4 SE1/4
BOTH AS PROJECTED WITHIN MCDONALD DLC 61
SECTION 35

1.0 ACRE NW1/4 SW1/4
3.8 ACRES SW1/4 SW1/4
BOTH AS PROJECTED WITHIN MCDONALD DLC 61
SECTION 36
TOWNSHIP 9 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. 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 57885