

STATE OF OREGON  
COUNTY OF WASHINGTON  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAMES A. SMEJKAL  
280 EAST SAUNDERS LAKE DRIVE  
NORTH BEND, OREGON 97459

confirms the right to use the waters of MENDENHALL CREEK AND WEST DAIRY CREEK, a tributary of TUALATIN RIVER, for IRRIGATION OF 47.4 ACRES.

This right was perfected under Permit 12697. The date of priority is JUNE 23, 1937. This right is limited to 0.606 CUBIC FOOT PER SECOND, BEING 0.238 CFS FROM WEST DAIRY CREEK, AND 0.368 CFS FROM MENDENHALL CREEK or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 4 AND NE $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 5, T 2 N, R 4 W, W.M.; MENDENHALL CREEK - 1000 FEET SOUTH AND 800 FEET EAST, 1020 FEET SOUTH AND 500 FEET EAST; WEST DAIRY CREEK - 500 FEET SOUTH AND 640 FEET WEST, 1320 FEET SOUTH AND 700 FEET WEST, ALL FROM THE W $\frac{1}{4}$  CORNER OF SECTION 4.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2 $\frac{1}{2}$  acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

NW $\frac{1}{4}$  SW $\frac{1}{4}$  18.4 ACRES  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  10.0 ACRES  
SECTION 4

SE $\frac{1}{4}$  NE $\frac{1}{4}$  0.1 ACRES  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  13.6 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  5.3 ACRES  
SECTION 5

TOWNSHIP 2 NORTH, RANGE 4 WEST, W.M.

SEE NEXT PAGE

This certificate describes that portion of the water right confirmed by Certificate 45837, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered April 22, 1992, approving Transfer Application 6181.

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 above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed April 22, 1992.

/s/ WILLIAM H. YOUNG

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William H. Young

Recorded in State Record of Water Right Certificates numbered 67282.

T-6181.LHN