

STATE OF OREGON
COUNTY OF GRANT
CERTIFICATE OF WATER RIGHT

This is to Certify, That Roy G. Barber

of **Fox**, State of **Oregon**, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Smith Creek and 2 Forks of same
a tributary of **Fox Creek** for the purpose of
irrigation

under Permit No. **8396** of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from **March 17, 1928;**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.56 cubic foot per second;

The point of diversion is located in the **SW $\frac{1}{4}$** of Section **28**, Township **10S**, Range **30E**, W. M.
The use hereunder for irrigation shall conform to such reasonable rotation system as may be
ordered by the proper state officer.

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 in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such
right is appurtenant (if for irrigation or any other purpose), is as follows: **5 acres in the**
**SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, 12.3 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, 6.5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$,
15.5 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 2.5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, and 3 acres in the
NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 10 South, Range 30 East of the Willamette Meridian,
in Grant County, Oregon, being a total of 44.8 acres.**

The right to the use of the water for any purpose is restricted to the lands or place of use
herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of
any federal power license issued in connection with this right, and after not less than two years
notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have
the right to take over the dams, plants and other structures and all appurtenances thereto which have
been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon
condition that before taking possession the State or municipality shall pay not to exceed the fair
value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and
dependable property of the holder of this certificate, not taken over, as may be caused by the
severance therefrom of the property taken in accordance with the provisions of section 5728,
Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this **24th** day

of **August**, 19**28**

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State Engineer.