

STATE OF OREGON  
COUNTY OF CLACKAMAS  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SCHABER BROTHERS  
ROUTE 1, BOX 132  
SHERWOOD, OREGON 97140

confirms the right to use the waters of ATHEY CREEK, TUALATIN RIVER, AND RESERVOIR CONSTRUCTED UNDER PERMIT R-1421, a tributary of the TUALATIN RIVER, for IRRIGATION OF 49.8 ACRES.

This right was perfected under Permit 21665. The date of priority is MARCH 21, 1952 FOR 0.374 CUBIC FOOT PER SECOND (CFS) AND FEBRUARY 9, 1953 FOR 0.246 CFS. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.62 CUBIC FOOT PER SECOND (CFS), BEING 0.33 CFS FROM THE TUALATIN RIVER AND 0.29 CFS FROM ATHEY CREEK AND RESERVOIR, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE $\frac{1}{4}$  SE $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 20, T 2 S, R 1 E, W.M..

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$  acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoir constructed under Permit R-1421.

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:

|                                   | <u>ATHEY CREEK</u> | <u>TUALATIN RIVER</u> |
|-----------------------------------|--------------------|-----------------------|
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ |                    | 9.4 ACRES             |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 4.8 ACRES          | 2.6 ACRES             |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 18.7 ACRES         | 4.2 ACRES             |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ |                    | 10.1 ACRES            |

SECTION 20


TOWNSHIP 2 SOUTH, RANGE 1 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 23523, State Record of Water Right Certificates, NOT cancelled by the provisions of an order of the Water Resources Director entered DEC 30 2002, approving Transfer Application 8899.

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.

WITNESS the signature of the Water Resources Director, affixed DEC 30 2002.

  
 Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 79823.