

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MILLER FORESTS, INC.
P.O. BOX 12395
SALEM, OREGON 97309

confirms the right to use the waters of SMALLMAN CREEK AND NORTH SANTIAM RIVER, tributaries of SANTIAM RIVER, for IRRIGATION OF 54.3 ACRES FROM THE NORTH SANTIAM RIVER AND 78.3 ACRES FROM SMALLMAN CREEK.

This right was perfected under Permit 36132. The date of priority is APRIL 12, 1971. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.66 CUBIC FEET PER SECOND(CFS); BEING 0.68 CFS FROM NORTH SANTIAM RIVER AND 0.98 CFS FROM SMALLMAN CREEK [IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSIONS DESCRIBED AS BEING NORTH SANTIAM RIVER - LOT 5 (SW 1/4 NW 1/4) AND LOT 4 (NE 1/4 SW 1/4), SECTION 9, TOWNSHIP 10 SOUTH, RANGE 2 WEST, W.M., SMALLMAN CREEK - LOT 3 (SW 1/4 NE 1/4), SECTION 9 AND NW 1/4 NW 1/4, AS PROJECTED WITHIN STEWART DLC 54, SECTION 10, TOWNSHIP 10 SOUTH, RANGE 2 WEST, W.M., NORTH SANTIAM RIVER - 2690 FEET NORTH AND 4190 FEET WEST; 2510 FEET NORTH AND 3060 FEET WEST; SMALLMAN CREEK - 3200 FEET NORTH AND 1360 FEET WEST; AND 4760 FEET NORTH AND 430 FEET EAST; ALL FROM THE SE CORNER OF SECTION 9.], or its equivalent in case of rotation, measured at the points of diversion from the source.

The points of diversion are located as follows:

LOT 5 (SW 1/4 NW 1/4), SECTION 9, TOWNSHIP 10 SOUTH, RANGE 2 WEST, W.M.; 2780 FEET NORTH AND 4450 FEET WEST FROM THE SE CORNER OF SECTION 9;

LOT 4 (NE 1/4 SW 1/4), SECTION 9, TOWNSHIP 10 SOUTH, RANGE 2 WEST, W.M.; 2470 FEET NORTH AND 3770 FEET WEST FROM THE SE CORNER OF SECTION 9;

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

T-7319E.SB

Cancelled due to
T-9977 Sp. Or.
Vol. 69 P. 274

Certificate Number 80682

LOT 3 (SW 1/4 NE 1/4), SECTION 9, TOWNSHIP 10 SOUTH, RANGE 2 WEST, W.M.; 3130 FEET NORTH AND 1430 FEET WEST FROM THE SE CORNER OF SECTION 9; AND

NW 1/4 NW 1/4, AS PROJECTED WITHIN DLC 54, SECTION 10, TOWNSHIP 10 SOUTH, RANGE 2 WEST, W.M.; 4820 FEET NORTH AND 380 FEET EAST FROM THE SE CORNER OF SECTION 9.

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 and shall be further limited to a diversion of not to exceed 2 1/2 acre-feet per acre 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:

NORTH SANTIAM RIVER

- LOT 5 (SW 1/4 NW 1/4) 1.2 ACRES
- LOT 4 (NE 1/4 SW 1/4) 6.4 ACRES
- NE 1/4 SW 1/4 0.4 ACRE
- SW 1/4 SW 1/4 19.1 ACRES
- SE 1/4 SW 1/4 10.6 ACRES

ALL AS PROJECTED WITHIN W. STARKWEATHER DLC 62

LOT 9 (SE 1/4 SW 1/4) 16.6 ACRES

SECTION 9

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

SMALLMAN CREEK

- LOT 1 (NE 1/4 NE 1/4) 1.5 ACRES
- NE 1/4 NE 1/4 2.5 ACRES
- SE 1/4 NE 1/4 2.4 ACRES

BOTH AS PROJECTED WITHIN STEWART DLC 54

LOT 2 (SE 1/4 NE 1/4) 18.2 ACRES

NE 1/4 SE 1/4 31.8 ACRES

SE 1/4 SE 1/4 1.0 ACRE

SECTION 9

LOT 1 (NW 1/4 NW 1/4) 0.5 ACRE

NW 1/4 NW 1/4 6.0 ACRES

SW 1/4 NW 1/4 4.8 ACRES

SE 1/4 NW 1/4 9.6 ACRES

ALL AS PROJECTED WITHIN STEWART DLC 54

SECTION 10

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

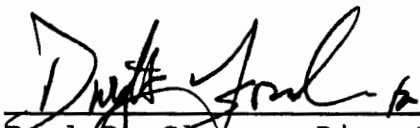
When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

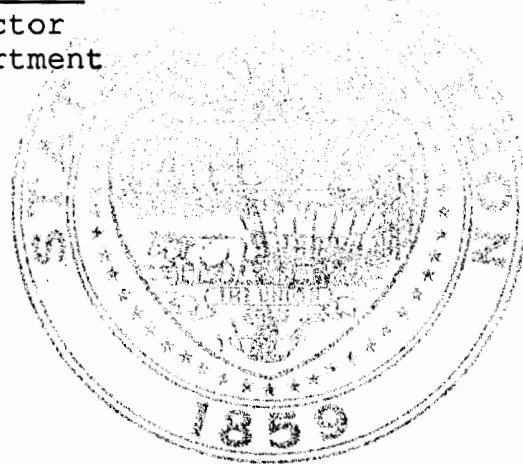
This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered AUGUST 5, 1997 and supersedes Certificate 43912, State Record of Water Right Certificates.

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.

Issued April 22, 2004.


Paul R. Cleary, Director
Water Resources Department



SUPERSEDED BY
CERT. NO. 91376

Recorded in State Record of Water Right Certificates Number 80682.