

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, a tributary of NORTH SANTIAM RIVER, for IRRIGATION OF 71.4 ACRES.

This right was perfected under Permit 37628. The date of priority is FEBRUARY 22, 1973. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.89 CUBIC FOOT PER SECOND [IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION DESCRIBED AS BEING LOCATED WITHIN LOT 3 (SW 1/4 NE 1/4), SECTION 9, TOWNSHIP 10 SOUTH, RANGE 2 WEST, W.M.; 3190 FEET NORTH AND 1370 FEET WEST 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;

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.

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-7319F.SB

Cancelled due to
T-992, S.D. Of.
Vol. 69, P. 274

Certificate Number 80683

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:

NE 1/4 SE 1/4	7.5 ACRES
SW 1/4 SE 1/4	25.8 ACRES
SE 1/4 SE 1/4	38.1 ACRES

SECTION 9
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.

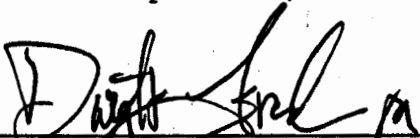
This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered AUGUST 5, 1997 and supersedes Certificate 50391, State Record of Water Right Certificates.

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 C. Cleary, Director
Water Resources Department

SUPERSEDED BY
CERT. NO. 91377