

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WALTER MILLER  
P.O. BOX 12708  
SALEM, OREGON 97309

confirms the right to use the waters of SMALLMAN CREEK, a tributary of NORTH SANTIAM RIVER, for IRRIGATION OF 13.2 ACRES.

This right was perfected under Permit 44036. The date of priority is MARCH 22, 1979. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.17 CUBIC FOOT PER SECOND [IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION DESCRIBED AS BEING LOCATED WITHIN LOT 4 (NW 1/4 SE 1/4), SECTION 3, TOWNSHIP 10 SOUTH, RANGE 2 WEST, W.M.; 550 FEET SOUTH AND 660 FEET WEST FROM THE WESTERLY NW CORNER OF DLC 53], or its equivalent in case of rotation, measured at the points of diversion from the source.

The point of diversion is located as follows:

LOT 2 (SE 1/4 NE 1/4), SECTION 3, T 10 S, R 2 W, W.M.; 430 FEET NORTH AND 180 FEET EAST FROM THE WESTERLY NW CORNER DLC 53.

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.

T-7375.LHN

CERTIFICATE NUMBER 81480

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

LOT 9 (SW 1/4 NE 1/4)	4.7 ACRES
LOT 2 (SE 1/4 NE 1/4)	6.8 ACRES
LOT 4 (NW 1/4 SE 1/4)	1.7 ACRES

## SECTION 3

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

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

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.

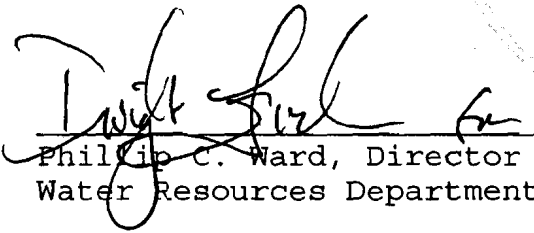
The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife.

THIS CERTIFICATE IS ISSUED TO CORRECTLY DESCRIBE THE POINT OF DIVERSION AND SUPERSEDES CERTIFICATE 80685.

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 AUGUST 4, 2005.



Philip C. Ward, Director  
Water Resources Department

Recorded in State Record of Water Right Certificates Number 81480.

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