

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WALTER R. MILLER
 PO BOX 12395
 SALEM, OR 97309

confirms the right to use the waters of SUCKER SLOUGH, a tributary to THOMAS CREEK and SMALLMAN CREEK, a tributary to the NORTH SANTIAM RIVER for IRRIGATION OF 301.5 ACRES.

This right was perfected under Permit S-37753. The date of priority is FEBRUARY 27, 1975. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 3.77 CUBIC FEET PER SECOND (CFS) FROM THE SLOUGH WHEN AVAILABLE WITH A DEFICIENCY IN THE AVAILABLE SUPPLY FROM THE SLOUGH TO BE MADE UP BY APPROPRIATION FROM SMALLMAN CREEK PROVIDED THAT THE QUANTITY DIVERTED FROM THE CREEK SHALL NOT EXCEED 0.94 CFS, or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion are located as follows:

| Twp | Rng | Mer | Sec | Q-Q | GLot | DLC | Measured Distances |
|------|-----|-----|-----|-------|------|-----|---|
| 9 S | 2 W | WM | 35 | NW SE | | 61 | SMALLMAN CREEK - 50 FEET SOUTH AND 100 FEET EAST FROM THE MOST WESTERLY NW CORNER OF DLC 61 |
| 10 S | 2 W | WM | 2 | SE SE | 2 | | SUCKER SLOUGH - 1120 FEET NORTH AND 650 FEET WEST FROM THE SE CORNER OF SECTION 2 |

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 for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The right 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:

| IRRIGATION | | | | | | |
|------------|-----|-----|-----|-------|------|-------|
| Twp | Rng | Mer | Sec | Q-Q | GLot | Acres |
| 10 S | 2 W | WM | 1 | SW SW | | 35.3 |
| 10 S | 2 W | WM | 2 | SW SE | 2 | 3.0 |
| 10 S | 2 W | WM | 2 | SE SE | 2 | 30.4 |
| 10 S | 2 W | WM | 11 | NE NE | | 40.0 |
| 10 S | 2 W | WM | 11 | NW NE | | 34.0 |
| 10 S | 2 W | WM | 11 | SW NE | | 39.6 |
| 10 S | 2 W | WM | 11 | SE NE | | 40.0 |
| 10 S | 2 W | WM | 12 | NW NW | | 39.6 |
| 10 S | 2 W | WM | 12 | SW NW | | 39.6 |

This certificate describes that portion of the water right confirmed by Certificate 57883, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JAN 18 2012, approving Transfer Application T-10117.

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 right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed JAN 18 2012



Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR