

STATE OF OREGON
COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

This Is to Certify, That RAPHAEL S. LEONARD
of Kerby , State of Oregon , has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Emerald Tunnel Seepage
a tributary of Illinois River for the purpose of
Irrigation
under Permit No. 8568 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from July 23, 1928;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.5 cubic foot per second,

or its equivalent in case of rotation.
The point of diversion is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 40 South, Range
7 West, W. M.

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,

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

A description of the place of use under the right hereby confirmed, and to which such right
is appurtenant, is as follows:

25 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$,
15 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 5,
Township 40 South, Range 7 West, W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or
place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of
any federal power license issued in connection with this right, and after not less than two years'
notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have
the right to take over the dams, plants and other structures and all appurtenances thereto which
have been constructed for the purpose of devoting to beneficial use the water rights specified
herein, upon condition that before taking possession the State or municipality shall pay not to
exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable,
serviceable and dependable property of the holder of this certificate, not taken over, as may be
caused by the severance therefrom of the property taken in accordance with the provisions of section
47-503, Oregon Code 1930.

WITNESS the signature of the State Engineer, affixed

this 28th day of January , 193 5.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 10, page 11062