

STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That RALPH & OPAL KESTER

of **Route 1, Box 190, Monmouth**, 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 **Berry Creek and reservoir constructed under Application number R-47418, Permit number R-5715** a tributary of **Soap Creek** for the purpose of **fish culture, recreation, and supplemental irrigation of 3.9 acres**

under Permit No. **35533** 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 **August 17, 1970**

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 **0.10 cubic foot per second from Berry Creek and reservoir for fish culture and recreation and 6.0 acre feet stored water from reservoir for supplemental irrigation**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, T. 10 S., R. 5 W., W. M., 970 feet South and 240 feet West from E $\frac{1}{2}$ Corner, Section 3.**

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 ~~of one cubic foot per second per acre,~~ a diversion of **2 $\frac{1}{2}$ acre feet for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein,**

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:

**Fish Culture, Recreation, and 3.9 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
Fish Culture and recreation NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 2
T. 10 S., R. 5 W., 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.

WITNESS the signature of the State Engineer, affixed

this date. **June 12, 1974**

.....**Chris L. Wheeler**.....

State Engineer