

STATE OF OREGON

COUNTY OF

MARION

CERTIFICATE OF WATER RIGHT

This is to certify, That PROSPER J. BERNING

of 19215 Arbor Grove Road NE, Woodburn, State of OR 97071, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Case Creek and Case Creek Reservoir enlarged under Permit R-7973

a tributary of Willamette River for the purpose of irrigation of 78.4 acres

under Permit No. 44594 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 June 15, 1973 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 0.85 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW 1/4 SW 1/4, as projected within B. Kennedy DLC 48, Section 24, T4S, R2W, WM; 1790 feet North and 330 feet East from NW corner Jackson DLC 51.

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-eighth 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,

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:

- 0.9 acre SW 1/4 SW 1/4 Section 23
- 2.4 acres NW 1/4 NW 1/4
- 0.2 acre SW 1/4 NW 1/4 Section 25
- 15.5 acres NE 1/4 NE 1/4
- 14.6 acres NW 1/4 NE 1/4
- 4.5 acres SW 1/4 NE 1/4
- 14.8 acres SE 1/4 NE 1/4
- 18.3 acres NE 1/4 NW 1/4
- 7.2 acres NW 1/4 NW 1/4 Section 26

all as projected within J. Kennedy DLC 49 Township 4 South, Range 2 West, WM

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

this date. December 23, 1986

/s/ William H. Young Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 50, page 55405