

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PETER W. SCHOENINGH, JR.
ROUTE 1, BOX 115 A
HAINES, OREGON 97833

confirms the right to use the waters of WARM SPRINGS CREEK, a tributary of the POWDER RIVER, for PRIMARY IRRIGATION OF 3.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 79.2 ACRES.

This right was perfected under Permit 51045. The date of priority is AUGUST 9, 1989. This right is limited to 2.06 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

NW 1/4 NW 1/4, SECTION 4, T 7 S, R 39 E, W.M. AND SW 1/4 SW 1/4, SECTION 33, T 6 S, R 39 E, W.M.; 1 - 750 FEET SOUTH AND 320 FEET EAST; 2 - 40 FEET NORTH AND 620 FEET EAST, BOTH FROM SW CORNER OF SECTION 33.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 3.5 acre-feet for each acre irrigated during the irrigation season of each year.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The use 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:

PRIMARY

NW 1/4 NW 1/4 3.0 ACRES
SECTION 33

SUPPLEMENTAL

NE 1/4 NW 1/4 35.5 ACRES
SW 1/4 NW 1/4 9.5 ACRES
SE 1/4 NW 1/4 15.0 ACRES
SECTION 33

SE 1/4 NW 1/4 19.2 ACRES
SECTION 34
TOWNSHIP 6 SOUTH, RANGE 39 EAST, W.M.

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Failure to comply with any of the provisions of this right may result in action including, but not limited to restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

WITNESS the signature of the Water Resources Director, affixed
FEBRUARY 16, 1993.

MS MARTHA O. PAGEL

Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 68070.

BASIN 9

VOLUME 1 HOT CREEK & MISC.

DISTRICT 8

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