

STATE OF OREGON
COUNTY OF BAKER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DWAYNE BENNETT
653 OVERSTREET ROAD
NYSSA, OREGON 97913

confirms the right to use the waters of **OWYHEE RIVER**, tributary of THE SNAKE RIVER for the purpose of **SUPPLEMENTAL IRRIGATION of 14.9 acres.**

This right was perfected under Permit 4020. The date of priority is **MARCH 17, 1919**. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed **0.19 CUBIC FEET PER SECOND** or its equivalent in case of rotation.

The authorized point of diversion is located as follows:

821 FEET EAST and 382 FEET NORTH from the NW corner of SECTION 5, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of SECTION 32, T. 20 S., R. 46 E., W.M.

Water must be available at the original point of diversion located as follows:

1226 FEET SOUTH and 696 FEET WEST from the NW corner of SECTION 5, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 6, T. 21 S., R 46 E., W.M.

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

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-EIGHTIETH** of one cubic foot per second for each acre irrigated during the irrigation season of each year, or the equivalent in case of rotation.

A description of the place of use to which this right is appurtenant is as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ TAX LOT 7200 14.9 ACRES
SECTION 31
TOWNSHIP 20 SOUTH, RANGE 46 EAST, W.M.

This Certificate describes the new location and type of use of the water right confirmed by Certificate 5022 State Record of Water Right Certificates, modified by the provisions of orders of the Water Resources Director entered on November 14, 1995 and recorded in Special Order Volume 49, page 404 approving Transfer 6977 for a change in point of diversion and entered on JAN 25 1999 approving a petition by the Owyhee Irrigation District under ORS 541.329.

SEE NEXT PAGE

Recorded in State Record of Water Right Certificates numbered 75673.

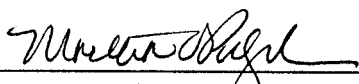
5022.SLH

The right to the use of the water for the above purposes is restricted to beneficial use on the lands or place of use herein 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 water rights.

The water user shall install, maintain, and operate fish screening to prevent fish from entering the diversion. The required screen is to be in place, functional, and approved by Oregon Department of Fish and Wildlife.

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Witness the signature of the Water Resources Director, affixed 1/25/99



Martha O. Pagel, Director