

STATE OF OREGON  
COUNTY OF UNION  
**CERTIFICATE OF WATER RIGHT**

**This is to Certify, That** Chas. Smutz

of La Grande, 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 Wagner Springs for the purpose of a tributary of Irrigation under Permit No. 9394 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 November 19, 1929;

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 1.0 cubic foot per second;

The point of diversion is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 17, Township 3S, Range 40E, W. M. The use hereunder for irrigation 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, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation or any other purpose), is as follows: 52.5 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 18, 20 acres in the W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  and 32.5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 17, Township 3 South, Range 40 East of the Willamette Meridian in Union County, Oregon.

The right to the use of the water for any purpose 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 5728, Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this 12th day  
of May, 1950

Rhea Luper  
State Engineer.

Recorded in State Record of Water Right Certificates, Volume 8, page 8680