

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **MODOC ORCHARD COMPANY**
By Ben Darras

of **P. O. Box 56, Medford**, 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 **Modoc sumps 1 and 2**

97501

a tributary of **Rogue River** for the purpose of **temperature control of 19.9 acres and supplemental temperature control of 5.8 acres**

under Permit No. **G-4973** 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 **March 2, 1972**

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 **3.15 cubic feet per second, being 1.50 c.f.s. from sump #1 and 1.65 c.f.s. from sump #2**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **#1-SW $\frac{1}{4}$ SW $\frac{1}{4}$** , as projected within **Nye DLC 38, #2-NE $\frac{1}{4}$ SW $\frac{1}{4}$** , as projected within **Mattoon DLC 37, Section 12, T. 36 S., R. 2 W., W. M., #1-750 feet South and 1940 feet East, #2-800 feet South and 2700 feet East, both***

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,

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:

<u>Sump No. 1</u>	<u>Primary</u>	<u>Sump No. 2</u>	<u>Supplemental</u>	
0.1 acre	NW $\frac{1}{4}$ SW $\frac{1}{4}$	2.6 acres	1.2 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$
As projected within	Mattoon DLC 37	3.3 acres	4.6 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$
0.2 acre	NW $\frac{1}{4}$ SW $\frac{1}{4}$	All as projected within	Mattoon DLC 37	NW $\frac{1}{4}$ SW $\frac{1}{4}$
11.7 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$	0.9 acre		NW $\frac{1}{4}$ SW $\frac{1}{4}$
Both as projected within	Nye DLC 38	1.1 acres		SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 12		Both as projected within	Nye DLC 38	
T. 36 S., R. 2 W., W. M.		Section 12		
		T. 36 S., R. 2 W., W. M.		

* from NE Corner, Wrisley DLC 42.

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. **January 27, 1976**

James E. Saxon
Water Resources Director ~~XXXXXX~~ State Engineer