

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **MODOC ORCHARD COMPANY**

of **P. O. Box 56, Medford**, **97501**, 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 **Rogue River and reservoir constructed under Application No. R-47768, Permit No. R-5767**

a tributary of **Pacific Ocean** for the purpose of **temperature control of 83.4 acres and fire protection**

under Permit No. **35777** 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 **December 7, 1970**

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 **5.53 cubic feet per second, being 5.48 c.f.s. for temperature control and 0.05 c.f.s. for fire protection**

or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the **River-Lot 7 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 6 T. 36 S., R. 1 W., Res.-NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, T. 36 S., R. 2 W., W. M., River-420 ft. South & 1810 ft. East, from the NW Corner, Section 6, Res.-1220 ft. South and 920 ft. West from ***

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:

- | | |
|---|---|
| 0.1 acre NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 1.7 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 0.2 acre SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 4.5 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| As projected within Dickey DLC 39 | 4.9 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 12.0 acres Lot 1 (SE $\frac{1}{4}$ NE $\frac{1}{4}$) | 6.6 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 7.8 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$ | All as projected within Mattoon DLC 37 |
| 24.8 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 1.1 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| Both as projected within Mattoon DLC 37 | 4.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 3.6 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ | As projected within Nye DLC 38 |
| 12.1 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ | Section 12 |
| Both as projected within Nye DLC 38 | T. 36 S., R. 2 W., W. M. |
| Section 11 | |
| T. 36 S., R. 2 W., W. M. | |

* NE Corner, Section 11.

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. Saxson
Water Resources Director XXXXXXXXXX
State Engineer