

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MODOC ORCHARD COMPANY
C/O BEN DARRAS
P.O. BOX 56
MEDFORD, OREGON 97501

confirms the right to use the waters of SOUTH FORK LITTLE BUTTE CREEK AND NORTH FORK LITTLE BUTTE CREEK, a tributary of LITTLE BUTTE CREEK, for the purpose of TEMPERATURE CONTROL FOR 30.7 ACRES.

The right has been perfected under Permit 40510. The date of priority is APRIL 6, 1976. The right is limited to not more than 4.6 CUBIC FEET PER SECOND FROM SOUTH FORK LITTLE BUTTE CREEK WHEN AVAILABLE. ANY DEFICIENCY IN THE AVAILABLE SUPPLY FROM SOUTH FORK LITTLE BUTTE CREEK TO BE MADE UP BY APPROPRIATION FROM NORTH FORK LITTLE BUTTE CREEK. THE TOTAL QUANTITY DIVERTED FROM BOTH SOURCES SHALL NOT EXCEED 4.6 CFS or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

NE 1/4 SE 1/4, SECTION 29, SE 1/4 NE 1/4, SECTION 20,
T 36 S, R 2 E, W.M.; SOUTH FORK - 600 FEET SOUTH & 525 FEET WEST FROM
E1/4 CORNER SECTION 29; NORTH FORK - 70 FEET NORTH & 530 FEET WEST
FROM E1/4 CORNER SECTION 20.

The right 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, and to which such right is appurtenant, is as follows:

LOT 5 (NW 1/4 NE 1/4)	4.9 ACRES
SW 1/4 NE 1/4	18.3 ACRES
LOT 10 (SE 1/4 NW 1/4)	0.9 ACRES
LOT 9 (NE 1/4 SW 1/4)	1.3 ACRES
LOT 8 (NW 1/4 SE 1/4)	5.3 ACRES
SECTION 6	
TOWNSHIP 38 SOUTH, RANGE 1 WEST, W.M.	

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 right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed this date DECEMBER 9, 1988.

/s/ WILLIAM F. YOUNG
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 58653

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