

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MODOC ORCHARD COMPANY
P.O. BOX 56
MEDFORD, OREGON 97501

confirms the right to use the waters of MODOC SLOUGH, a tributary of the ROGUE RIVER, for the purpose of TEMPERATURE CONTROL FOR 54.9 ACRES.

This right has been perfected under Permit 38080. The date of priority is DECEMBER 13, 1972. This right is limited to 7.95 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the points of diversion from the source.

The points of diversion are located as follows:

NW 1/4 SE 1/4, AS PROJECTED WITHIN DLC 37, SECTION 12, T 36 S, R 2 W, W.M.; 2050 FEET NORTH AND 2950 FEET EAST, 1960 FEET NORTH AND 2900 FEET EAST, 1840 FEET NORTH AND 2820 FEET EAST, ALL FROM THE SW CORNER OF SECTION 12.

This right shall conform to any reasonable rotation system ordered by the proper state officer.

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

LOT 9 (SW 1/4 NE 1/4) 10.8 ACRES
SW 1/4 NE 1/4 5.0 ACRES
SE 1/4 NW 1/4 8.4 ACRES
BOTH AS PROJECTED WITHIN DLC 37
LOT 8 (SE 1/4 NW 1/4) 0.6 ACRE
NE 1/4 SW 1/4 16.1 ACRES
NW 1/4 SW 1/4 2.1 ACRES
BOTH AS PROJECTED WITHIN DLC 37
NW 1/4 SW 1/4 1.0 ACRE
SW 1/4 SW 1/4 2.0 ACRES
BOTH AS PROJECTED WITHIN DLC 38
NW 1/4 SE 1/4 7.4 ACRES
AS PROJECTED WITHIN DLC 37
LOT 10 (NW 1/4 SE 1/4) 1.5 ACRES
SECTION 12
TOWNSHIP 36 SOUTH, RANGE 2 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. This 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
JANUARY 3, 1991.

/s/ WILLIAM H. YOUNG

William H. Young

Recorded in State Record of Water Right Certificates numbered 65103.

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