

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CRATER LAKE ORCHARDS
 PO BOX 129
 MEDFORD OR 97501

confirms the right to use the waters of SOUTH FORK LITTLE BUTTE CREEK, A TRIBUTARY OF LITTLE BUTTE CREEK AND AN UNNAMED RESERVOIR CONSTRUCTED UNDER PERMIT R-11842, for AIR TEMPERATURE CONTROL FOR FROST PROTECTION.

This right was perfected under Permit 52414. The date of priority is MARCH 21, 1988. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 6.4 CUBIC FEET PER SECOND OF LIVE FLOW AND 4.0 ACRE-FEET STORED WATER, measured at the point of diversion.

Period of allowed use is Year round from stored water and March 1 through April 30 from live flow

The points of diversion are located as follows:

| POD | Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----------|------|-----|-----|-----|-------|--|
| Creek | 36 S | 2 E | WM | 29 | NE SE | 600 FEET SOUTH & 525 FEET WEST FROM E1/4 CORNER, SECTION 29 |
| Reservoir | 37 S | 1 W | WM | 8 | NE SE | 1120 FEET SOUTH & 1210 FEET WEST FROM E1/4 CORNER, SECTION 8 |

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

| Twp | Rng | Mer | Sec | Q-Q | Acres |
|------|-----|-----|-----|-------|-------|
| 37 S | 1 W | WM | 8 | NE SE | 23.4 |
| 37 S | 1 W | WM | 8 | NW SE | 18.3 |

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.

- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The water user shall maintain and operate fish screening to prevent fish from entering the diversion.

The amount of water used for temperature control under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of 0.15 of one cubic foot per second (or its equivalent) for each acre.

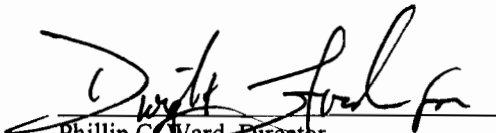
Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Issued JAN 23 2009


Phillip C. Ward, Director
Water Resources Department