

STATE OF OREGON
 COUNTY OF JACKSON
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BEAR CREEK ORCHARDS INC.
 PO BOX 299
 MEDFORD OR 97501

confirms the right to use the waters of WAGNER CREEK, tributary to BEAR CREEK for IRRIGATION of 24.0 ACRES, BEING 14.6 ACRES WITH 1852 PRIORITY AND 9.4 ACRES WITH 1854 PRIORITY .

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jackson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The dates of priority are 1852 (Wagner and Thornton Ditch) and 1854 (Rockefellow Ditch). The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.30 CUBIC FOOT PER SECOND (CFS), BEING 0.20 CFS FOR PRIORITY OF 1852 AND 0.10 CFS FOR PRIORITY OF 1854, if available at the authorized points of diversion, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
38 S	1 W	WM	26	NE SW			1785 FEET NORTH & 985 FEET WEST FROM 1/4 CORNER, BETWEEN SECTION 26

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

Priority	Twp	Rng	Mer	Sec	Q-Q	Acres
1852	38 S	1 W	WM	26	SW NW	0.2
1852	38 S	1 W	WM	26	SE NW	4.4
1852	38 S	1 W	WM	26	NE SW	9.1
1854	38 S	1 W	WM	26	NE SW	8.9
1852	38 S	1 W	WM	26	NW SW	0.9
1854	38 S	1 W	WM	26	SW SW	0.1
1854	38 S	1 W	WM	26	SE SW	0.4

The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion described as follows:

WAGNER AND THORNTON DITCH
ROCKEFELLOW DITCH

The water user shall maintain and operate a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted.

NOTICE OF RIGHT TO 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.

Water shall be acquired from the same surface water source as the original point of diversion.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered June 16, 1997, at Special Order Volume 51, Page 548, approving Transfer Application 7336, and together with Certificate 74512, supersedes Certificate 50371, State record of Water Right Certificates.

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 and is subject to all other conditions and limitations contained in said decree.

Issued FEB 11 2011



Dwight W. French
Administrator Water Rights and Adjudications, for
Phillip C. Ward, Director