

This is a final 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.

STATE OF OREGON
COUNTY OF HOOD RIVER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DIAMOND FRUIT GROWERS, INC.
PO BOX 325
HOOD RIVER, OREGON 97031

confirms the right to use the waters of ONE SPRING, a tributary of HOOD RIVER, for COMMERCIAL FRUIT PROCESSING.

This right was confirmed by decree of the Circuit Court of the State of Oregon for HOOD RIVER COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 6 at page 200. The date of priority is 1882.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.07 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NW 1/4 NW 1/4, SECTION 35, T 2 N, R 10 E, W.M.; 70 FEET SOUTH AND 420 FEET EAST FROM THE NW CORNER, SECTION 35.

The period of use of water is limited to the period April 15 to October 1 of each year.

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

SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4

SECTION 26

TOWNSHIP 2 NORTH, RANGE 10 EAST, W.M.

When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the wateruser is entitled;

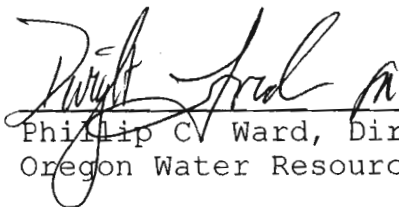
the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

This certificate is issued to confirm a change in USE approved by an order of the Water Resources Director entered NOVEMBER 18, 1983, and together with Certificate 51977, and together with an order of the Water Resources Director entered November 18, 1983, cancelling a portion of this right, supersedes Certificate 14958, 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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed

DEC 06 2006


Phillip C. Ward, Director
Oregon Water Resources Department

Recorded in State Record of Water Right Certificates numbered 82802.