

STATE OF OREGON

COUNTY OF CURRY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SEA WIND FARMS INC.  
PO BOX 242  
SIXES OR 97476

confirms the right to use the waters of BIG CREEK, TRIBUTARY TO FLORAS LAKE for STORAGE.

This right was perfected under Permit R-13159. The date of priority is AUGUST 23, 1994. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 35.0 ACRE-FEET measured at the point of diversion.

The dam and the point of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
31 S	15 W	WM	21	SW NW	1670 FEET SOUTH & 140 FEET EAST FROM NW CORNER, SECTION 21

The purpose or use of the stored water is for it to be appropriated under Application S-74439, Permit S-53713 for cranberry operations.

The period that water may be stored is December 1 through May 31.

The area to be submerged by the reservoir is located as follows:

Twp	Rng	Mer	Sec	Q-Q
31 S	15 W	WM	21	SW NW
31 S	15 W	WM	21	NW SW

**SUPERSEDED BY**  
**CERT. NO. 88682**

Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing flow meter or other suitable measuring device in good working order. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The water user shall keep a complete record of the amount of water used each month. The water user shall submit a report which includes the recorded water use measurements to the Department at its request. The water user may be required to report annually or more frequently as may be required by the Director. Further, the director may require the water user to report general water use information, including place and nature of use of water under the right.

**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 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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 within three months after issuance of the certificate.

To the extent that water is naturally available, it is the water user's responsibility to pass 0.5 cfs through Res #1 on Big Creek. In the event that less than 0.5 cfs is naturally available, ALL natural flow will be passed through the reservoir. Measurement is required through weirs or other suitable measuring devices upstream and downstream from the reservoir.

The dam shall be operated and maintained according to the approved plans and specifications dated **August 1, 2000** on file with the Water Resources Department.

The storage of water herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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           **JUN 14 2013**          .

  
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Dwight W. French  
Administrator, Water Right Services, for  
Phillip C. Ward, Director