

STATE OF OREGON

COUNTY OF CURRY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SEA WIND FARMS INC.  
PO BOX 242  
SIXES OR 97476

**SUPERSEDED BY**  
**CERT. NO. 88640**

confirms the right to use the waters of BIG CREEK AND SEVEN UNNAMED RESERVOIRS 1, 2, 3, 4, 5, 6, and 7 TO BE CONSTRUCTED UNDER APPLICATIONS R-74440 AND R-74441, PERMITS R-12959 AND R-12960, TRIBUTARIES OF FLORAS LAKE for PRIMARY AND SUPPLEMENTAL CRANBERRY OPERATIONS on 56.9 ACRES.

This right was perfected under Permit S-53713. The date of priority is AUGUST 26, 1994. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.2 CUBIC FEET PER SECOND (CFS) OF LIVE FLOW FROM BIG CREEK TO REFILL RESERVOIRS AS NEEDED AND 80.0 ACRE-FEET (AF) PER YEAR, FROM STORED WATER, BEING 35.0 AF FROM RESERVOIR 1 AND 9.0 AF EACH FROM RESERVOIRS 2, 3, 4, 5, 6 AND 7, FOR SUPPLEMENTAL CRANBERRY OPERATIONS measured at the points of diversion.

The period of use for live flow from Big Creek is 0.79 CFS during the month of December, 0.95 CFS during the month of January, 1.20 CFS during the month of February, 1.20 CFS during the month of March, 0.73 CFS during the month of April, and 0.24 CFS during the month of May; stored water may be used year-round.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
31 S	15 W	WM	21	SW NE	PS-5 - 2450 FEET SOUTH & 2865 FEET EAST FROM NW CORNER, SECTION 21
31 S	15 W	WM	21	NW NW	PS-6 - 890 FEET SOUTH & 1230 FEET EAST FROM NW CORNER, SECTION 21
31 S	15 W	WM	21	SW NW	DAM - 1670 FEET SOUTH & 140 FEET EAST FROM NW CORNER, SECTION 21
31 S	15 W	WM	21	SW NW	PS-1 - 2170 FEET SOUTH & 565 FEET EAST FROM NW CORNER, SECTION 21
31 S	15 W	WM	21	SW NW	PS-2 - 2160 FEET SOUTH & 620 FEET EAST FROM NW CORNER, SECTION 21
31 S	15 W	WM	21	NE SW	PS-4 - 3010 FEET SOUTH & 2410 FEET EAST FROM NW CORNER, SECTION 21
31 S	15 W	WM	21	NW SW	PS-3 - 2775 FEET SOUTH & 660 FEET EAST FROM NW CORNER, SECTION 21

**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.

The amount of water diverted for CRANBERRY OPERATIONS, together with amounts secured under any other rights existing for the same lands, is limited as follows: For temperature control, 0.15 cubic foot per second per acre. For flood harvesting or pest control, 0.05 cubic foot per second per acre. For irrigation of cranberries, ONE-FORTIETH of one cubic foot per second and 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year. For the irrigation of any other crop, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
31 S	15 W	WM	21	SW NE	7.0
31 S	15 W	WM	21	NE NW	16.4
31 S	15 W	WM	21	NW NW	4.7
31 S	15 W	WM	21	SW NW	2.1
31 S	15 W	WM	21	SE NW	9.7
31 S	15 W	WM	21	NE SW	8.2
31 S	15 W	WM	21	NW SE	8.8

Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing flow meters or other suitable measuring device(s) in good working order. The totalizing flow meters must be maintained as identified in OAR 690-507-645. The water user 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 at its request. 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.

To the extent that water is naturally available, it is the water user's responsibility to allow 0.5 CFS to pass the authorized point of diversion for this right on Big Creek. In the event that less than 0.5 CFS is naturally available, ALL natural flow will be allowed to pass the diversion point. Measurement is required through weirs or other suitable measuring devices upstream and downstream from the diversion point.

Diversions and use of water under this right must comply with the Clean Water Act and utilize the best management practices as identified in the plan developed as specified in the New River Alternation Dispute Resolution Team Agreement of file with the Department.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

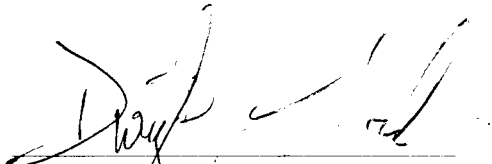
Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

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 19 2013



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