

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SEA WIND FARMS, INC.
P.O. BOX 242
SIXES, OREGON 97476

(541)348-9937

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-73733

SOURCE OF WATER: FIELD RUN-OFF IN RESERVOIRS 1, 2, AND 3 AND AN UNNAMED STREAM IN RESERVOIRS 4 AND 5, TRIBUTARIES OF FLORAS LAKE

STORAGE FACILITY: FIVE UNNAMED RESERVOIRS

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-73734, PERMIT 52993, FOR SUPPLEMENTAL CRANBERRY OPERATIONS

MAXIMUM VOLUME ALLOWED: 45.0 ACRE-FEET (AF) PER YEAR, BEING 9.0 AF EACH IN RESERVOIRS 1, 2, 3, 4 AND 5

PERIOD OF ALLOWED STORAGE: WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD NOVEMBER 1 THROUGH MAY 31

DATE OF PRIORITY: OCTOBER 13, 1993

The area submerged by the Reservoir 1, when full, will be 1.0 acre and the maximum depth of water will be 12.0 feet. The maximum height of the dam shall not exceed 3.0 feet.

The area submerged by the Reservoir 2, when full, will be 1.0 acre and the maximum depth of water will be 12.0 feet. The maximum height of the dam shall not exceed 3.0 feet.

The area submerged by the Reservoir 3, when full, will be 1.0 acres and the maximum depth of water will be 10.0 feet. The maximum height of the dam shall not exceed 4.0 feet.

The area submerged by the Reservoir 4, when full, will be 1.8 acres and the maximum depth of water will be 12.0 feet. The maximum height of the dam shall not exceed 9.8 feet.

The area submerged by the Reservoir 5, when full, will be 3.0 acres and the maximum depth of water will be 10.0 feet. The maximum height of the dam shall not exceed 9.8 feet.

DAM LOCATION: SW 1/4 NW 1/4, SECTION 29, NE 1/4 NE 1/4, SE 1/4 NE 1/4, SECTION 30, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.; RESERVOIR 3 - 1720 FEET SOUTH & 410 FEET WEST; RESERVOIR 1 - 290 FEET SOUTH & 840 FEET WEST; RESERVOIR 2 - 730 FEET SOUTH & 520 FEET WEST; RESERVOIR 4 - 1770 FEET SOUTH & 680 FEET WEST; RESERVOIR 5 - 1320 FEET SOUTH & 530 FEET WEST; ALL FROM THE NORTHEAST CORNER, SECTION 30

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

SW 1/4 NW 1/4
SECTION 29
NE 1/4 NE 1/4
SE 1/4 NE 1/4
SECTION 30
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, a totalizing flow meter or other suitable measuring device(s) as approved by the watermaster must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The permittee shall keep a complete record of the amount of water used each month. The permittee shall submit a report which includes the recorded water use measurements to the Department at its request. The permittee may be required to report annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

To the extent that water is naturally available, it is the permittee's responsibility to allow 0.05 cfs to pass the Mill Creek diversion point. In the event that less than 0.05 cfs is naturally available, ALL natural flow will be allowed to pass the diversion point on Mill Creek. Measurement is required through weirs or other suitable measuring devices upstream and downstream from the diversion point.

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

No diversion screening or fish passage facilities are required.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water from Reservoirs 1, 2 and 3 when determined necessary by the Water Resources Director to satisfy prior downstream rights.

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches on Reservoirs 4 and 5.

STANDARD CONDITIONS

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

This permit 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.

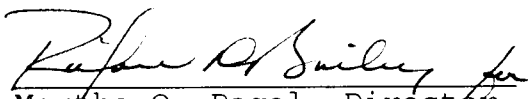
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1999. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2000.

Issued January 31, 1997


Martha O. Pagel, Director
Water Resources Department