

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-74441

SOURCE OF WATER: UNNAMED CREEKS AND BIG CREEK, TRIBUTARY OF FLORAS LAKE

STORAGE FACILITY: RESERVOIRS 2, 3, 4, 5, 6, AND 7

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-74439, PERMIT 53713 FOR SUPPLEMENTAL CRANBERRY OPERATIONS

MAXIMUM VOLUME ALLOWED: 54.0 ACRE-FEET (AF) EACH YEAR , BEING 9.0 AF EACH FOR RESERVOIRS 2, 3, 4, 5, 6 AND 7

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

DATE OF PRIORITY: AUGUST 26, 1994

The areas submerged by the Reservoirs 2, 3, 4, 5, 6 and 7, when full, will be 1.0 acre for each reservoir and the maximum depth of water will be 14.0 feet for each reservoir. The maximum height of the dam shall not exceed 6.0 feet for each reservoir.

DAM LOCATION: NE 1/4 SW 1/4, NW 1/4 SE 1/4, SW 1/4 NE 1/4, SECTION 21, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.; RESERVOIR 2 - 3070 FEET SOUTH & 2110 FEET EAST; RESERVOIR 3 - 3070 FEET SOUTH & 2680 FEET EAST; RESERVOIR 4 - 3070 FEET SOUTH & 3215 FEET EAST; RESERVOIR 5 - 3070 FEET SOUTH & 3690 FEET EAST; RESERVOIR 6 - 2550 FEET SOUTH & 3200 FEET EAST; RESERVOIR 7 - 2170 FEET SOUTH & 3200 FEET EAST; ALL FROM NORTHWEST CORNER, SECTION 21

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

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

SECTION 21

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.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of eight inches, or the provision of other means to evacuate water when determined necessary for public safety, to satisfy prior downstream users rights, or pass natural inflow as determined by the Water Resources Director.

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 by January 30 , 2002. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2005.

Dated January 30 , 2001


Paul R. Cleary, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

Application R-74441
Basin 17
AMH

Water Resources Department
Volume 3 Floras Lake & Misc

PERMIT R12960
District 19