

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-74440

SOURCE OF WATER: BIG CREEK, TRIBUTARY OF FLORAS LAKE

STORAGE FACILITY: AN UNNAMED RESERVOIR

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

MAXIMUM VOLUME ALLOWED: 35.0 ACRE-FEET EACH YEAR

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

DATE OF PRIORITY: AUGUST 23, 1994

The area submerged by the reservoir, when full, will be 17.5 acres and  
the maximum depth of water will be 2.0 feet. The maximum height of  
the dam shall not exceed 2.0 feet.

DAM LOCATION: SW 1/4 NW 1/4, SECTION 21, TOWNSHIP 31 SOUTH, RANGE 15  
WEST, W.M.; RESERVOIR - 1660 FEET SOUTH & 180 FEET EAST FROM NORTHWEST  
CORNER, SECTION 21

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

SW 1/4 NW 1/4  
NW 1/4 SW 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

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

#### **STANDARD CONDITIONS**

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.

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.

This permit is issued to correctly identify the coordinates of the point of diversion on Big Creek. Permit R-12959 issued January 30, 2001 is superceded by this instrument and is of no further force or effect.

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 March 14, 2002

  
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Paul J. 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.

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AMH

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