

STATE OF OREGON

COUNTY OF Curry

PERMIT TO APPROPRIATE 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: S-73734

SOURCE OF WATER: MILL CREEK AND FIVE UNNAMED RESERVOIRS, CONSTRUCTED UNDER APPLICATION R-73733, PERMIT R-12095, TRIBUTARIES OF FLORAS LAKE

PURPOSE OR USE: PRIMARY CRANBERRY OPERATIONS ON 16.0 ACRES AND SUPPLEMENTAL CRANBERRY OPERATIONS ON 30.2 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 2.0 CUBIC FOOT PER SECOND (CFS) OF LIVE FLOW FROM MILL CREEK, AND 45.0 ACRE-FEET (AF) PER YEAR FROM STORED WATER, BEING 9.0 AF EACH FROM RESERVOIRS 1, 2, 3, 4 AND 5

PERIOD OF USE: SEPTEMBER 1 THROUGH MAY 31 FROM MILL CREEK AND YEAR ROUND WHEN AVAILABLE FROM FIVE UNNAMED RESERVOIRS

DATE OF PRIORITY: OCTOBER 13, 1993

POINT OF DIVERSION LOCATION: NE 1/4 NW 1/4, 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.; MILL CREEK - 1230 FEET SOUTH & 1940 FEET EAST; RESERVOIR 3 - 1720 FEET SOUTH & 410 FEET WEST; RESERVOIR 1 - 290 FEET SOUTH & 840 FEET WEST; RESERVOIR 2 - 730 FEET SOUTH & 520 FEET WEST; UNNAMED STREAM - 1650 FEET SOUTH & 420 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 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, ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW 1/4 NW 1/4	2.7 ACRES	
SW 1/4 NW 1/4	2.2 ACRES	5.6 ACRES
SECTION 29		
NE 1/4 NE 1/4	8.9 ACRES	4.0 ACRES
SE 1/4 NE 1/4	2.2 ACRES	20.6 ACRES
SECTION 30		

TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, 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 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.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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.

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

To the extent that water is naturally available, it is the permittee's responsibility to allow 0.05 cfs to pass the authorized point of diversion for this permit on Mill Creek. 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.

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

**STANDARD CONDITIONS**

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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.

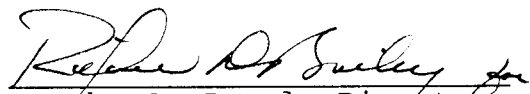
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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. Complete application of the water to the use shall be made on or before October 1, 2000.

Issued January 31, 1997



Martha O. Pagel, Director  
Water Resources Department