

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-74439

SOURCE OF WATER: BIG CREEK AND EIGHT UNNAMED RESERVOIRS, TO BE CONSTRUCTED UNDER APPLICATIONS R-74440 AND R-74441, PERMITS R-12959 AND R-12960, TRIBUTARIES OF FLORAS LAKE

PURPOSE OR USE: PRIMARY AND SUPPLEMENTAL CRANBERRY OPERATIONS ON 56.9 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 1.2 CUBIC FEET PER SECOND (CFS) OF LIVE FLOW FROM BIG CREEK TO REFILL RESERVOIRS AS NEEDED AND 89.0 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

PERIOD OF USE: LIVE FLOW FROM BIG CREEK - 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

DATE OF PRIORITY: AUGUST 26, 1994

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, 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.; BIG CREEK - 1660 FEET SOUTH & 180 FEET EAST; RESERVOIR 1 - (PUMP SITE 1) 2210 FEET SOUTH & 570 FEET EAST, AND (PUMP SITE 2) 2360 FEET SOUTH & 650 FEET; 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 amount of water diverted for CRANBERRY OPERATIONS, together with

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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:

NE 1/4 NE 1/4	3.0 ACRES
NW 1/4 NE 1/4	7.5 ACRES
SW 1/4 NE 1/4	20.0 ACRES
SE 1/4 NE 1/4	0.3 ACRES
NW 1/4 NW 1/4	4.6 ACRES
SW 1/4 NW 1/4	2.4 ACRES
SE 1/4 NW 1/4	0.1 ACRES
NE 1/4 SW 1/4	5.0 ACRES
NE 1/4 SE 1/4	0.8 ACRES
NW 1/4 SE 1/4	13.2 ACRES

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.

To the extent that water is naturally available, it is the permittee's responsibility to allow 0.5 cfs to pass the authorized point of diversion for this permit 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.

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.

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

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 by January 30, 2002. Complete application of the water to the use shall be made on or before October 1, 2005.

Dated January 30, 2001


Paul R. Cleary, Director

Application S-74439
Basin 17
AMH

Water Resources Department
Volume 3 Floras Lake & Misc

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District 19

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.