

R-74440

File#: R 74440
 SE/ SEA WIND FARMS
 PO PO BOX 1027
 SI: LANGLOIS, OR 97450

Application No. R-74440Permit No. R-12959Certificate No. 88463-88682Stream Index, Page No. 17

FEES PAID

Date	Amount	Receipt No.
8/26/14	300.00	115966
4-30-09	350.00	916310
2-13-13	125.00	108055
2-13-13	250.00	108065
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

Date filed _____

Priority _____

Action suspended until 8/12

Return to applicant _____

Date of approval _____

CONSTRUCTION

Date for beginning 1/30/02

Date for completion _____

Extended to _____

Date for application of water 1/30/02 10/1/05Extended to 10-1-2012

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received 2/13/2013Date Certificate issued June 14, 2013

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

SEE 74439, R-74441, T-7215COBU MAP # 754

AUG 13 2013

Also See Dam File 5-87

Awaiting plans & specifications for our review & approval. Do not issue permit until ~~until~~ P&S have been signed by director. See letter dated 10-17-94
John T. Dam Safety

Design approved 9/21/2000. See letter w/ attachments dated 9-21-00. J

12-74440

STATE OF OREGON

COUNTY OF CURRY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SEA WIND FARMS INC.
PO BOX 242
SIXES OR 97476

confirms the right to use the waters of BIG CREEK, TRIBUTARY TO FLORAS LAKE for STORAGE.

This right was perfected under Permit R-13159. The date of priority is AUGUST 23, 1994. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 35.0 ACRE-FEET measured at the point of diversion.

The dam and the point of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
31 S	15 W	WM	21	SW NW	1670 FEET SOUTH & 140 FEET EAST FROM NW CORNER, SECTION 21

The purpose or use of the stored water is for it to be appropriated under Application S-74439, Permit S-53713 for cranberry operations.

The period that water may be stored is December 1 through May 31.

The area to be submerged by the reservoir is located as follows:

Twp	Rng	Mer	Sec	Q-Q
31 S	15 W	WM	21	SW NW
31 S	15 W	WM	21	NW SW
31 S	15 W	WM	21	SW SW
31 S	15 W	WM	21	SE SW

Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing flow meter or other suitable measuring device in good working order. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The water user shall keep a complete record of the amount of water used each month. The water user shall submit a report which includes the recorded water use measurements to the Department at its request. The water user may be required to report annually or more frequently as may be required by the Director. Further, the director may

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

require the water user to report general water use information, including place and nature of use of water under the right.

To the extent that water is naturally available, it is the water user'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 operated and maintained according to the approved plans and specifications dated August 1, 2000 on file with the Water Resources Department.

The storage of water herein is subject to the 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 right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

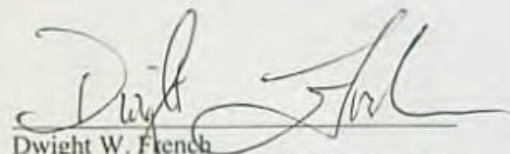
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

This superseding certificate is being issued because of scrivener's errors contained in Certificate 88463.

Issued AUG 13 2013



Dwight W. French
Administrator, Water Right Services, for
Phillip C. Ward, Director



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

Date Mailed: August 13, 2013

NOTICE OF CERTIFICATE ISSUANCE

Attached are certificates that confirm water rights established under the terms of permits issued by this Department. The water rights are now appurtenant to the specific place where the use was established as described by the certificates. The water rights are limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificates.

These certificates are final orders in other than a contested case. These orders are subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of these orders. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of these certificates within three months after issuance of the certificates.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Craig Kohanek at 503-986-0823.

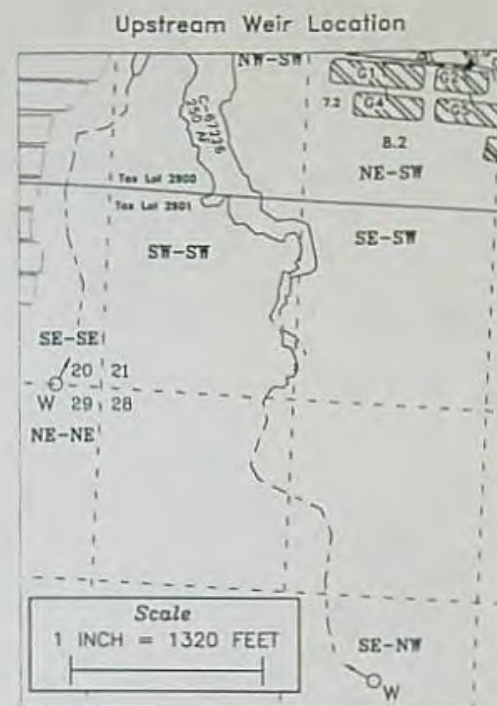
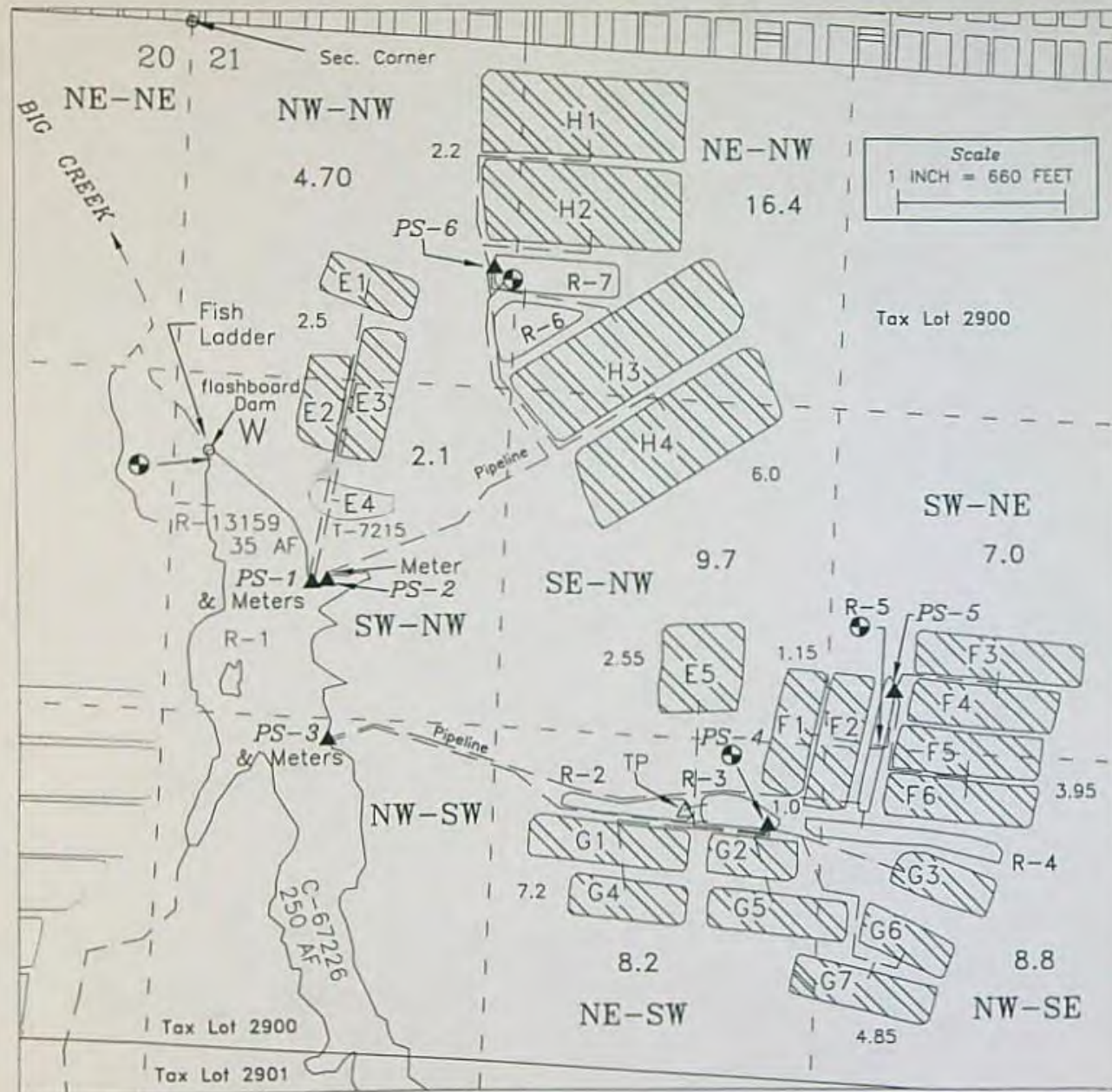
COB 17 AP 754

TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M. CURRY COUNTY OREGON

CLAIM OF BENEFICIAL USE

APPLICATION R-74441 PERMIT R-12960
APPLICATION R-74440 PERMIT R-13159
APPLICATION S-74439 PERMIT S-53713

IN THE NAME OF SEA WIND FARMS, INC.



RECEIVED BY OWRD

FEB 19 2013

POINTS OF DIVERSION

POD/SOURCE	FEET SOUTH	FEET EAST	1/4 1/4
DAM, R-1, BIG CR.	1670	140	SW-NW
PS-1, BIG CR, R-1	2170	565	SW-NW
PS-2, BIG CR, R-1	2160	620	SW-NW
PS-3, BIG CR, R-1	2775	660	NW-SW
PS-4, R-2 & 3	3010	2410	NE-SW
PS-5, R-4 & 5	2450	2895	SW-NE
PS-6, R-6 & 7	890	1230	NW-NW

RESERVOIRS - 89 AF

Reservoir	Volume
R-1	35.0 AF
R-2	5.0 AF
R-3	7.5 AF
R-4	9.3 AF
R-5	5.0 AF
R-6	12.2 AF
R-7	15.0 AF

All from the NW Corner of Section 21 and within Section 21, Township 31 South, Range 15 West, W.M.
(Measurements are perpendicular to and along Section Lines)

W - Weir with staff gage
▲ - POD (PS - Pump Station)
● - Staff Gage
△ TP - Transfer Pump
G-1 - Bog Number
R-1 - Reservoir Number

CRANBERRY OPERATIONS - 56.9 ACRES

Base map - Curry County GIS with 2005 FSA aerial photo overlay & 8/2/2012 Google aerial for assumed best fit

Mapped from field inspection September 25, 2012

This map is not intended to provide legal dimensions or locations of property ownership lines

JORDAN ENGINEERING
460 JORDAN LANE
ROSEBURG, OR 97471
(541) 673-1931

Drawn 10/29/2012 n.e.d.
Revised 12/6/2012 n.e.d.

154

Mailing List for Certificate

Scheduled Mailing Date:

Application: R-74440

Permit: R-13159

Certificate: 88682

Permit/Certificate Holder:

SEA WIND FARMS INC.
PO BOX 242
SIXES OR 97476 ✓

Copies Mailed

by: Connie Vance
(STAFF)

on: AUG 13 2013
(DATE)

Copies of Final Certificate to be sent to:

1. Watermaster District 19, Mitch E. Lewis (include copy of map) ✓
2. Data Center ✓
3. Water Availability ✓
4. Vault ✓
5. File

Other persons to receive copies: (include map):

1. Clay Jordan, CWRE ✓

R12036-11
SEA WIND FARMS INC.
R-74440



Application # R-74440 Permit # R-13159 Transfer #

Applicant's Name: Sea RA#
Wind Farms Inc. R12036-11

Reimbursement Authority Process

Itemized Estimate Sheet

for

Certificates

	Est. Time (hr)	Individual	Est. Cost	Date	Act. Time (hr)
1. Review Claim of Beneficial Use report and map	1.00	Craig	\$92	2-27 6-8	0.5 hrs c. 5 hrs
2. Conflict Check		Craig	\$0		
3. Preparation of deficiency letter		Craig	\$0		
4. Preparation of proposed certificates	1.00	Craig	\$92	6-7. 1 hr	
5a. Peer review		Jon	\$0		
5b. Peer review	0.10	Dwight	\$12	6/8	0.1 hr
5c. Peer review	0.50	Gerry Ann	\$46	6-10	.25
6. Project Management	2.50	Craig	\$229	2-27	0.5 hrs - 6/7 0.5 hrs - 6/10 - 0.8 hrs 6/13 0.3
7a. Water right data record update	0.20	Connie	\$12	10/12	actue
7b. Water right data record update	1.00	Data Tech	\$59		1.00
8. Pump test (if applicable)	0.00	Mike Z	\$0		
Total	6.30		\$540		

\$92.00

\$92.00

\$12.00

\$23.00

\$193.00

\$12.00

\$59.00

\$483.00

\$568.00

Craig Kohanek

From: KCJ <kcjengineer@zoho.com>
Sent: Saturday, August 10, 2013 10:22 AM
To: Craig Kohanek; Norm Daft
Subject: Re: Superseding certificates for Sea Winds, application S-74439 and S-74440

Graig:
Sorry about that, we thought those were finals! They look ok. Thanks for interacting with us, it helps. Thanks again, Clay

----- On Tue, 06 Aug 2013 13:37:33 -0700 **Craig Kohanek** <ron.c.kohanek@state.or.us> wrote -----

Clay,

Here are the superseding certificates for Sea Winds, application S-74439 and S-74440. Gerry Clark and I discussed each of the issues you identified in your June 25th email and these documents reflect the changes we incorporated.

R. Craig Kohanek

Water Rights Specialist

Reimbursement Authority

Oregon Water Resources Department

Phone: 503-986-0823

Fax: 503-986-0901

Ron.C.Kohanek@wrd.state.or.us

Craig Kohanek

From: Craig Kohanek
Sent: Friday, August 09, 2013 1:22 PM
To: kcjengineer@zoho.com
Subject: Sea Wind Farms Inc. superseding certificates

Clay,

I sent you the proposed superseding certificates for Sea Wind Farms Inc. application R-74440, permit R-13159 and application S-74439, permit S-53713 earlier in the week and wanted to know if you had any objections to my proceeding with the issuance of the new certificates.

R. Craig Kohanek
Water Rights Specialist
Reimbursement Authority
Oregon Water Resources Department
Phone: 503-986-0823
Fax: 503-986-0901
Ron.C.Kohanek@wrд.state.or.us

Craig Kohanek

From: KCJ <kcjengineer@zoho.com>
Sent: Tuesday, June 25, 2013 9:03 AM
To: Craig Kohanek
Cc: Norm Daft; Ian Legge(Sea Wind); knute Andersson(Sea Wind); Knute Andersson
Subject: Re: RA project R12039-11 for Sea Wind Farms Inc Application R-74441

Craig:

As per our phone call R-6 and R-7 are excavated. Also please note we found some concerns with two Certs that have been ensued. As noted below and outlined, Certificates 88463 and 88471.

Proposed changes to certificate 88463: -88682-

1. The area listed as submerged should also include the COBU, Section 4, Variations, lists these two additional $\frac{1}{4}$ $\frac{1}{4}$'s. The COBU map shows these $\frac{1}{4}$ $\frac{1}{4}$'s. The reservoir hasn't changed and the application map should be updated.
2. Condition A on the first page doesn't make sense for the water stored. A sentence should be added: "The water level shall be measured by a staff gage in lieu of totalizing meters for measuring storage of water." 13 requires metering.
3. Page 2, line 6 refers to "installation" of an outlet. This should be removed to say "subject to the maintenance of a fully functional conduit/gate..." We already established it's installed. OK
4. Page 2, paragraph 1: In 1999 John Drolet, then watermaster, stated that no functional weir is required for measurement so long as the fish ladder is functioning. Suggest adding the following language to the last sentence: "when there is insufficient water for the fish ladder to function."

Proposed changes to certificate 88471:

1. Page 1, Paragraph 1, first line: indicates reservoirs are to be constructed. The words "TO BE" should be removed as the reservoirs are constructed as per R-12960.
2. Page 1, Paragraph 1, second line: reference to application, Permit R-12959 should be omitted and replaced by R-13159. R-12959 was canceled when R-13159 was issued.
3. Page 1, Paragraph 2, Total storage to be used is 89.0 Acre-Feet not 80.
4. Page 1, Paragraph 2, Storage to be used from reservoirs 2 through 7 should be:
 - a. R-2 - 5.0 AF
 - b. R-3 - 7.5 AF
 - c. R-4 - 9.3 AF
 - d. R-5 - 5.0 AF
 - e. R-6 - 12.2 AF
 - f. R-7 - 15.0 AF

hooked it over -
with the record, modeling or change -
I don't understand this comment -

40 min
data

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2. Condition A on the first page doesn't make sense for a storage right. There is no way to "meter" the water stored. A sentence should be added: "The watermaster has approved the use of a staff gage in lieu of totalizing meters for measuring storage of water." NOTE: The use permit S-53713 requires metering.
3. Page 2, line 6 refers to "installation" of an outlet. This should be removed to say "subject to the maintenance of a fully functional conduit/gate..." We already established it's installed. *OK*
4. Page 2, paragraph 1: In 1999 John Drolet, then watermaster, stated that no functional weir is required for measurement so long as the fish ladder is functioning. Suggest adding the following language to the last sentence: "when there is insufficient water for the fish ladder to function."

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 - e. R-6 - 12.2 AF
 - f. R-7 - 15.0 AF

*hooked it over -
with the record, model or change -
I don't understand this comment -*

5. Page 2, Condition A, line 1, add after "...or other suitable measuring device(s)" "(as shown on the Claim of Beneficial Use Map)" NOTE: The watermaster indicated staff gages were acceptable in interconnected reservoirs and existing meters at diversions in reservoir 1 should be maintained. The COBU map shows the location of meters and staff gages.

6. Page 2, Condition A, paragraph 2. The following should be added to the last sentence : "when there is insufficient water for the fish ladder to function."

Thanks, Clay Jordan

----- On Thu, 20 Jun 2013 09:01:07 -0700 **Craig Kohanek** <ron.c.kohanek@state.or.us> wrote -----

Clay,

I have the certificate for RA project R12039-11 for Sea Wind Farms Inc., Application R-74441 ready to go, however I would like you to confirm that reservoirs R-6 and R-7 are excavated reservoirs with no associated dam. (I.e. water is at land level and there is no dam.)

I tried to call you a couple of times this morning but the number was busy.

R. Craig Kohanek

Water Rights Specialist

Reimbursement Authority

Oregon Water Resources Department

Phone: 503-986-0823

Fax: 503-986-0901

Ron.C.Kohanek@wrd.state.or.us

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 - f. R-7 - 15.0 AF

5. Page 2, Condition A, line 1, add after "...or other suitable measuring device(s)" "(as shown on the Claim of Beneficial Use Map)" NOTE: The watermaster indicated staff gages were acceptable in interconnected reservoirs and existing meters at diversions in reservoir 1 should be maintained. The COBU map shows the location of meters and staff gages.

6. Page 2, Condition A, paragraph 2. The following should be added to the last sentence : "when there is insufficient water for the fish ladder to function."

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R. Craig Kohanek

Water Rights Specialist

Reimbursement Authority

Oregon Water Resources Department

Phone: 503-986-0823

Fax: 503-986-0901

Ron.C.Kohanek@wrd.state.or.us

1:40 1:45

STATE OF OREGON

COUNTY OF CURRY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SEA WIND FARMS INC. ✓
PO BOX 242 ✓
SIXES OR 97476 ✓

confirms the right to use the waters of BIG CREEK, TRIBUTARY TO FLORAS LAKE for STORAGE.

This right was perfected under Permit R-13159. The date of priority is AUGUST 23, 1994. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 35.0 ACRE-FEET measured at the point of diversion.

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The purpose or use of the stored water is for it to be appropriated under Application S-74439, Permit S-53713 for cranberry operations.

The period that water may be stored is December 1 through May 31. ✓

The area to be submerged by the reservoir is located as follows:

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31 S	15 W	WM	21	NW SW ✓

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- water user

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To the extent that water is naturally available, it is the water user'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 operated and maintained according to the approved plans and specifications dated August 1, 2000 on file with the Department.

[^]Water Resources

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

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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.

Issued _____

Dwight W. French
Administrator, Water Right Services, for
Phillip C. Ward, Director

Mailing List for Certificate

Scheduled Mailing Date:

Application: R-74440 ✓

Permit: R-13159 ✓

Certificate: *****

Permit/Certificate Holder:

SEA WIND FARMS INC. ✓

PO BOX 242 ✓

SIXES OR 97476 ✓

Copies Mailed

by: _____
(STAFF)

on: _____
(DATE)

Copies of Final Certificate to be sent to:

1. Watermaster District 19, Mitch E. Lewis (include copy of map)
2. Data Center
3. Water Availability
4. Vault
5. File

Other persons to receive copies: (include map):

1. Clay Jordan, CWRE ✓

Craig Kohanek

From: Craig Kohanek
Sent: Wednesday, February 27, 2013 10:54 AM
To: kwaaaa@yahoo.com
Cc: kcjengineer@zoho.com
Subject: RA Agreement for Seawind Farm R12036-11 involving application R-74440, R12038-11 involving application S-74439 and R12039-11 involving application R-74441
Attachments: RA Contract Executed.pdf; RA contract executed.pdf; RA contract executed.pdf; RA contract receipt.pdf

Knute & Clay,

Attached are copies of the fully executed Applicant Agreements signed by the required parties and receipts for the monies paid for these expedited services. The agreements detail the terms and conditions under which the Work Orders were issued for the expedited services that you requested.

If you have any questions concerning the agreements or the program, please contact me.

R. Craig Kohanek
Water Rights Specialist
Reimbursement Authority
Oregon Water Resources Department
Phone: 503-986-0823
Fax: 503-986-0901
Ron.C.Kohanek@wrđ.state.or.us



OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT

Contract Number: R12036-11



This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Sea Wind Farms Inc. hereafter Applicants, hereafter known together as the parties.

OWRD Information

Project Contact: R. Craig Kohanek
Reimbursement Authority
Oregon Water Resources Department
725 Summer Street, NE
Salem, OR 97301-1271
Phone: 503-986-0823
Email: Ron.c.kohanek@state.or.us

Applicant's Information

Name: Knute Anderson
Title: Farm Manager
Company: Sea Wind Farms Inc.
Address: P.O. Box 242
Sixes, OR 97476
Phone: 541-348-9937
Email: kwaaaa@yahoo.com

Applicant's Representative

Name: Clay Jordan
Title: Representative
Company: Jordan Engineering
Address: 460 Jordan Lane
Roseburg, OR 97471
Phone: 541-673-1931
Email: kcjengineering@zoho.com

- Purpose.** The purpose of this Agreement is to expedite the processing of the Claim of Beneficial Use. (Application Number: R-74440)
- Authority.** ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- Restrictions.** Sea Wind Farms Inc. and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service has been received by OWRD.
- Consideration.** Sea Wind Farms Inc. shall pay OWRD in advance for actual costs incurred by OWRD. Sea Wind Farms Inc. agrees to pay the full amount of \$540 to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.
- Confidentiality.** Sea Wind Farms Inc. agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

RECEIVED BY OWRD

FEB 20 2013

SALEM, OR

8. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.
9. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
10. **Duration of Estimate.** The Estimate of Time to complete the work is no later than one hundred and twenty days (120) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.
11. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
12. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
13. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
14. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

Applicant: *Knute Anderson*

Name: Knute Anderson

Title: Farm Manager

Company: Sea Wind Farms Inc.

Date: Feb. 19, 2013

For OWRD: *R. Craig Kohanek*

Name: R. Craig Kohanek

Water Rights and Adjudication Division

Date: 27th February 2013

Mail signed Agreement to:

Craig Kohanek

Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

RECEIVED BY OWRD

FEB 20 2013

SALEM, OR

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **108134**

INVOICE # _____

RECEIVED FROM: Seawind Farms, Inc.

APPLICATION see below

BY: _____

PERMIT

TRANSFER

CASH: ☐ CHECK: # 6749 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1850.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47126
0408 OTHER: (IDENTIFY)

Reimbursement Auth.

\$ _____
\$ 1850.00

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS
0407 COPY & TAPE FEES
0410 RESEARCH FEES
0408 MISC REVENUE: (IDENTIFY)
TC162 DEPOSIT LIAB. (IDENTIFY)
0240 EXTENSION OF TIME

*R-74440 - \$540.00
R-74441 - \$700.00
S-74439 - \$610.00

R/2036
R/2037
R/2038
\$ _____
\$ _____
\$ _____

WATER RIGHTS:

0201 SURFACE WATER
0203 GROUND WATER
0205 TRANSFER

EXAM FEE

\$ _____

\$ _____

\$ _____

0202

0204

RECORD FEE

\$ _____

\$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR
LANDOWNER'S PERMIT

EXAM FEE

\$ _____

0219

0220

LICENSE FEE

\$ _____

\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE
0210 MONITORING WELLS

\$ _____

\$ _____

CARD #

CARD #

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)
0231 HYDRO LICENSE FEE (FW/WRD)
HYDRO APPLICATION

\$ _____

\$ _____

\$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$ _____

RECEIPT: **108134**

DATED 2-20-13 BY B. Williamson

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **108134**

INVOICE # _____

RECEIVED FROM: Seawind Farms, Inc.

BY: _____

APPLICATION	see below
PERMIT	
TRANSFER	

CASH: ☐ CHECK # 6749 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 1850.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47126 \$ _____
0408 OTHER: (IDENTIFY) Reimbursement Auth. \$ 1850.00

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS* R-74440 - \$540.00 } R/2036 11
 0407 COPY & TAPE FEES R-74441 - \$700.00 } \$12039 11
 0410 RESEARCH FEES S-74439 - \$610.00 } \$210038 11
 0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
 TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
 0240 EXTENSION OF TIME _____ \$ _____

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

WELL CONSTRUCTION

	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
LANDOWNER'S PERMIT		0220	\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$ _____	CARD #	_____
0210 MONITORING WELLS	\$ _____	CARD #	_____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)	_____	\$ _____
0231 HYDRO LICENSE FEE (FW/WRD)	_____	\$ _____
HYDRO APPLICATION		\$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
 OBJ. CODE _____ VENDOR # _____
 DESCRIPTION _____ \$ _____

RECEIPT: **108134**

DATED 2.20.13 BY B. Williamson

Craig Kohanek

From: Christopher Andrews
Sent: Wednesday, February 13, 2013 3:47 PM
To: Sandra Todd
Cc: Craig Kohanek; Dave Nelson; Salem Opeifa
Subject: Certificate Request

Hello,

Applicant: Sea Wind Farms

Related to Application # R-74440

Receipt # 108065

Thanks,

Chris Andrews



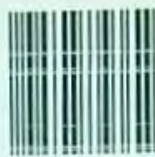
PLACE STICKER AT TOP OF ENVELOPE. IF THERE IS NO RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL™



7010 0780 0001 1027 8608

SEA WIND FA
P.O. BOX 24
SIXES, OREGON 97476



1006

97301

U.S. POSTAGE
PAID
PORT ORFORD, OR
97465
FEB 19, '13
AMOUNT

\$10.79

00076519-01



**RETURN RECEIPT
REQUESTED**

Flat Rate
Mailing Envelope

For Use With EP14B & EP14H Only

Label FREE

January 2010

Graig Kohanek
Oregon Water Resources Dept.
725 Summer St. N.E. Suite A
Salem, OR.

**RETURN RECEIPT
REQUESTED**

Craig Kohanek

From: Craig Kohanek
Sent: Friday, February 15, 2013 12:41 PM
To: 'kwaaaa@yahoo.com'
Cc: kcjengineer@zoho.com
Subject: RA Certificate Estimates for Sea Wind Farms Inc. R12036-11 involving Application R-74440, R12038-11 involving Application S-74439, and R12039-11 involving application R-74441
Attachments: RA Contract.pdf; RA contract.pdf; RA contract.pdf

Knute & Clay,

Please find the attached estimates and agreements to process your applications/permits into certificates. If the proposed agreements are acceptable to you, please return a signed copy of each to our office along with the payments of the estimated cost to process the applications/permits into certificates.

If you have any questions, please call me.

R. Craig Kohanek
Water Rights Specialist
Reimbursement Authority
Oregon Water Resources Department
Phone: 503-986-0823
Fax: 503-986-0901
Ron.C.Kohanek@wrd.state.or.us



OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION

ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

The purpose of this application is to obtain estimates of the cost and time required to process a Certificate Request. A separate estimate application is required for each application and/or transfer number. There is a non-refundable application fee of \$125.00 per request.

REQUEST	TYPE	FILE NUMBER
☒	Certificate Request	Application Number <u>R-74440</u> Permit Number <u>R-13159</u> Transfer Number/Permit Amendment (if applicable) _____

	Applicant Information	Applicant's Representative/Contact
Name:	Sea Wind Farms, Inc.	Jordan Engineering
Address:	P.O. Box 242	460 Jordan Lane
	Sixes, OR 97476	Roseburg, OR 97471
Phone:	(541) 348-9937	(541) 673-1931
Fax:		
E-Mail Address:	kwaaaa@yahoo.com	KCJ [kcjengineer@zoho.com]

I certify that I (check one):

- ☐ have previously filed a Claim of Beneficial Use
☒ am attaching the Claim of Beneficial Use with this request and have included the appropriate claim fee.

I understand the following:

- That upon receipt of my non-refundable application fee in the amount of \$ 125.00, OWRD will, within fourteen (14) days, notify me in writing of the estimates of cost and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate Claim of Beneficial Use may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:
Oregon Water Resources Department
Certificate Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1271

I certify that I am the (check one):

- ☒ Applicant ☐ Applicant's Representative ☐ Other (Please specify) _____

Name: Knute Andersson, Farm Manager

Signature: Knute Andersson Farm Manager

RECEIVED BY OWRD

FEB 13 2013

SALEM, OR

OWRD USE ONLY: Reimbursement Authority Number: R12036-11

RECEIPT # 108055

INVOICE # _____

RECEIVED FROM: Seawind Farms Inc.
BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: ☐ CHECK # 6727 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 375.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES PCA 47126 \$
0408 OTHER: (IDENTIFY) Reimbursement Authority \$ 375.00
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS		<u>R-12960-R1203911</u>	
0407	COPY & TAPE FEES	<u>R-13156-R1203611</u>	\$
0410	RESEARCH FEES	<u>S-53713-R1203911</u>	\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$
WATER RIGHTS:		EXAM FEE	RECORD FEE
0201	SURFACE WATER	\$	0202 \$
0203	GROUND WATER	\$	0204 \$
0205	TRANSFER	\$	
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$	0219 \$
	LANDOWNER'S PERMIT		0220 \$
	OTHER (IDENTIFY)		

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #
0210	MONITORING WELLS	\$	CARD #
	OTHER (IDENTIFY)		

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FWWRD)	\$
0231	HYDRO LICENSE FEE (FWWRD)	\$
	HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: 108055 DATED 2-13-13 BY: C. Andrews

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Craig Kohanek

From: Sandra Todd
Sent: Wednesday, February 13, 2013 4:08 PM
To: Christopher Andrews
Cc: Craig Kohanek; Dave Nelson; Salem Opeifa
Subject: RE: Certificate Request

R12036 11 PCA 47126

From: Christopher Andrews
Sent: Wednesday, February 13, 2013 3:55 PM
To: Sandra Todd
Cc: Craig Kohanek; Dave Nelson; Salem Opeifa
Subject: Certificate Request

Hello,

Applicant: Seawind Farms

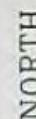
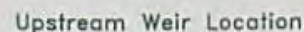
Related to Application # R-13156

Receipt # 108055

Thanks,

Chris Andrews

CLAIM OF BENEFICIAL USE



APPLICATION R-74441	PERMIT R-12960
APPLICATION R-74440	PERMIT R-13159
APPLICATION S-74439	PERMIT S-53713

IN THE NAME OF SEA WIND FARMS, INC.



FEB 13 2013

754

POINTS OF DIVERSION

POD/SOURCE	FEET SOUTH	FEET EAST	1/4 1/4
DAM, R-1, BIG CR.	1670	140	SW-NW
PS-1, BIG CR, R-1	2170	565	SW-NW
PS-2, BIG CR, R-1	2160	620	SW-NW
PS-3, BIG CR, R-1	2775	660	NW-SW
PS-4, R-2 & 3	3010	2410	NE-SW
PS-5, R-4 & 5	2450	2895	SW-NE
PS-6, R-6 & 7	890	1230	NW-NW

RESERVOIRS - 89 AF

Reservoir	Volume
R-1	35.0 AF
R-2	5.0 AF
R-3	7.5 AF
R-4	9.3 AF
R-5	5.0 AF
R-6	12.2 AF
R-7	15.0 AF

All from the NW Corner of Section 21 and within Section 21,
Township 31 South, Range 15 West, W.M.

(Measurements are perpendicular to and along Section Lines)

W - Weir with staff gage
▲ - POD (PS - Pump Station)

 - Staff Gage
 TP - Transfer Pump

G-1 - Bog Number
R-1 - Reservoir Number

CRANBERRY OPERATIONS - 56.9 ACRES

Base map - Curry County GIS with 2005
FSA aerial photo overlay & 8/2/2012
Google aerial for assumed best fit

Mapped from field inspection
September 25, 2012

This map is not intended to provide legal dimensions or locations of property ownership lines.

JORDAN ENGINEERING
460 JORDAN LANE
ROSEBURG, OR 97471
(541) 673-1931

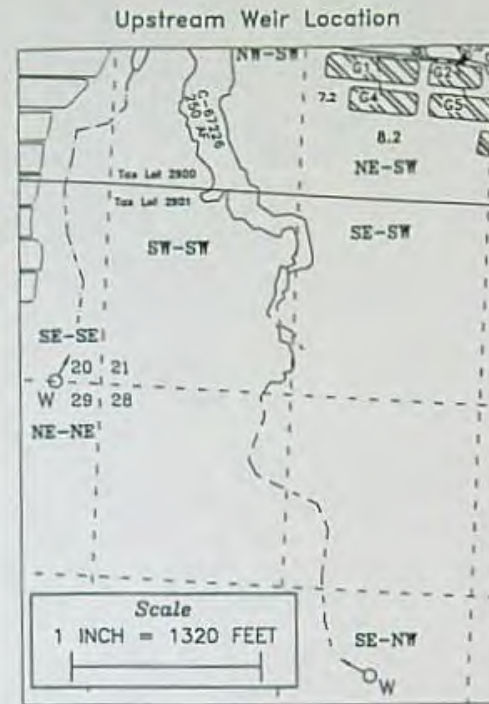
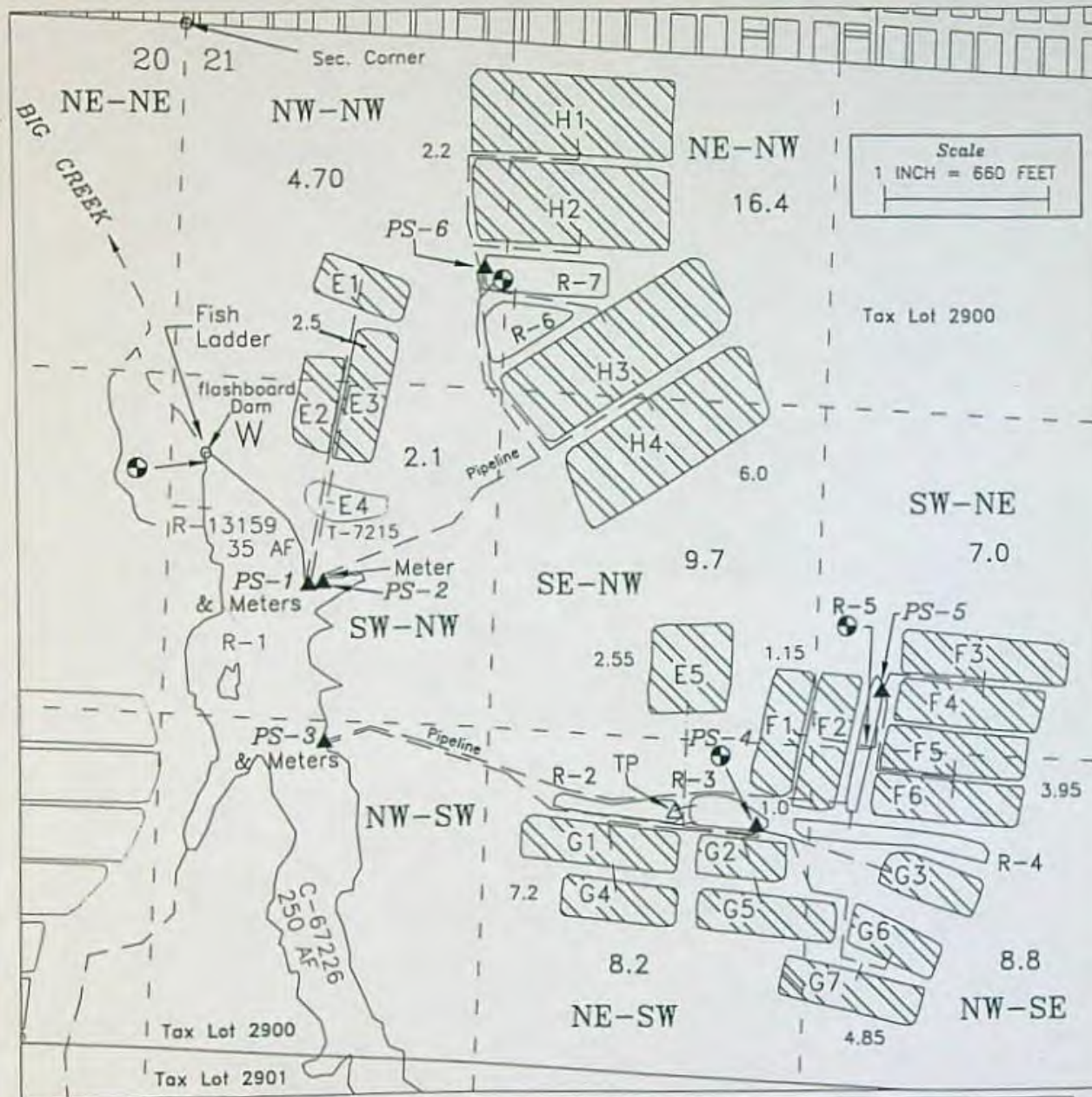
Drawn 10/29/2012 n.e.d.
Revised 12/6/2012 n.e.d.

TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M. CURRY COUNTY OREGON

CLAIM OF BENEFICIAL USE

APPLICATION R-74441 PERMIT R-12960
APPLICATION R-74440 PERMIT R-13159
 APPLICATION S-74439 PERMIT S-53713

IN THE NAME OF SEA WIND FARMS, INC.



NORTH



RECEIVED BY OWRD

FEB 13 2013

CU FM OF

POINTS OF DIVERSION

POD/SOURCE	FEET SOUTH	FEET EAST	1/4 1/4
DAM, R-1, BIG CR.	1670	140	SW-NW
PS-1, BIG CR, R-1	2170	565	SW-NW
PS-2, BIG CR, R-1	2160	620	SW-NW
PS-3, BIG CR, R-1	2775	660	NW-SW
PS-4, R-2 & 3	3010	2410	NE-SW
PS-5, R-4 & 5	2450	2895	SW-NE
PS-6, R-6 & 7	890	1230	NW-NW

RESERVOIRS - 89 AF

Reservoir	Volume
R-1	35.0 AF
R-2	5.0 AF
R-3	7.5 AF
R-4	9.3 AF
R-5	5.0 AF
R-6	12.2 AF
R-7	15.0 AF

All from the NW Corner of Section 21 and within Section 21, Township 31 South, Range 15 West, W.M.
 (Measurements are perpendicular to and along Section Lines)

W - Weir with staff gage
 ▲ - POD (PS - Pump Station)
 ● - Staff Gage
 △ TP - Transfer Pump
 G-1 - Bog Number
 R-1 - Reservoir Number



CRANBERRY OPERATIONS - 56.9 ACRES

Base map - Curry County GIS with 2005 FSA aerial photo overlay & 8/2/2012 Google aerial for assumed best fit

Mapped from field inspection September 25, 2012

This map is not intended to provide legal dimensions or locations of property ownership lines

JORDAN ENGINEERING
 460 JORDAN LANE
 ROSEBURG, OR 97471
 (541) 673-1931

Drawn 10/29/2012 n.e.d.
 Revised 12/5/2012 n.e.d.

753

STATE OF OREGON

COUNTY OF CURRY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SEA WIND FARMS INC.
PO BOX 242
SIXES OR 97476

confirms the right to use the waters of BIG CREEK, TRIBUTARY TO FLORAS LAKE for STORAGE.

This right was perfected under Permit R-13159. The date of priority is AUGUST 23, 1994. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 35.0 ACRE-FEET measured at the point of diversion.

The dam and the point of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
31 S	15 W	WM	21	SW NW	1670 FEET SOUTH & 140 FEET EAST FROM NW CORNER, SECTION 21

The purpose or use of the stored water is for it to be appropriated under Application S-74439, Permit S-53713 for cranberry operations.

The period that water may be stored is December 1 through May 31.

The area to be submerged by the reservoir is located as follows:

Twp	Rng	Mer	Sec	Q-Q
31 S	15 W	WM	21	SW NW
31 S	15 W	WM	21	NW SW

Measurement, recording and reporting conditions:

DSW SW
SE SW

- A. The water user shall maintain the totalizing flow meter or other suitable measuring device in good working order. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The water user shall keep a complete record of the amount of water used each month. The water user shall submit a report which includes the recorded water use measurements to the Department at its request. The water user may be required to report annually or more frequently as may be required by the Director. Further, the director may require the water user to report general water use information, including place and nature of use of water under the right.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

To the extent that water is naturally available, it is the water user'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 operated and maintained according to the approved plans and specifications dated August 1, 2000 on file with the Water Resources Department.

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

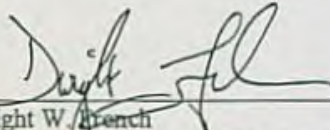
Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right 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.

Issued JUN 14 2013



Dwight W. French
Administrator, Water Right Services, for
Phillip C. Ward, Director

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.

RECEIVED

APR 30 2008

WATER RESOURCES DEPT
SALEM, OREGON

Measurement, recording and reporting conditions:

① A. Before water use may begin under this permit, a totalizing

Application R-74440 Water Resources Department

PERMIT R13159

APR 30 2009

WATER RESOURCES DEPT
SALEM, OREGON

PAGE 2

- ① 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.

- ② 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.

- ③ 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

- ④ 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.

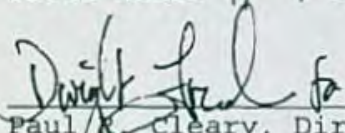
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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



Paul 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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APR 30 2009

WATER RESOURCES DEPT
SALEM, OREGON

Application R-74440
Basin 17
AMH

Water Resources Department
Volume 3 Floras Lake & Misc

PERMIT R13159
District 19

STATE OF OREGON

COUNTY OF CURRY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SEA WIND FARMS INC.
PO BOX 242
SIXES OR 97476

confirms the right to use the waters of BIG CREEK, TRIBUTARY TO FLORAS LAKE for STORAGE.

This right was perfected under Permit R-13159. The date of priority is AUGUST 23, 1994. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 35.0 ACRE-FEET measured at the point of diversion.

The dam and the point of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
31 S	15 W	WM	21	SW NW	1670 FEET SOUTH & 140 FEET EAST FROM NW CORNER, SECTION 21

The purpose or use of the stored water is for it to be appropriated under Application S-74439, Permit S-53713 for cranberry operations.

The period that water may be stored is December 1 through May 31.

The area to be submerged by the reservoir is located as follows:

Twp	Rng	Mer	Sec	Q-Q
31 S	15 W	WM	21	SW NW
31 S	15 W	WM	21	NW SW

Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing flow meter or other suitable measuring device in good working order. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The water user shall keep a complete record of the amount of water used each month. The water user shall submit a report which includes the recorded water use measurements to the Department at its request. The water user may be required to report annually or more frequently as may be required by the Director. Further, the director may require the water user to report general water use information, including place and nature of use of water under the right.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

To the extent that water is naturally available, it is the water user'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 operated and maintained according to the approved plans and specifications dated August 1, 2000 on file with the Water Resources Department.

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

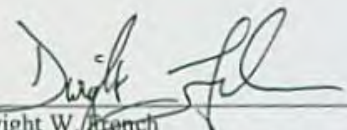
Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right 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.

Issued JUN 14 2013


Dwight W. French
Administrator, Water Right Services, for
Phillip C. Ward, Director



Oregon

Theodore R. Kulengoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900

Date Mailed: June 14, 2013

NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the terms of a permit issued by this department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

Under ORS 537.260 and 537.270, a water right certificate may be contested before the Water Resources Department within three (3) months of the date it is issued. If a certificate is contested, the qualifying contestant shall be offered an administrative hearing.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, then that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact R. Craig Kohanek at 503-986-0823.

Mailing List for Certificate

Scheduled Mailing Date:

Application: R-74440

Permit: R-13159

Certificate: 88463

Permit/Certificate Holder:

SEA WIND FARMS INC.
PO BOX 242
SIXES OR 97476

Copies Mailed

by: Connie Jones
(STAFF)

on: 6/14/2013
(DATE)

Copies of Final Certificate to be sent to:

1. Watermaster District 19, Mitch E. Lewis (include copy of map) ✓
2. Data Center ✓
3. Water Availability ✓
4. Vault ✓
5. File ✓

Other persons to receive copies: (include map):

1. Clay Jordan, CWRE ✓



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

March 14, 2002

SEA WIND FARMS, INC.
PO BOX 242
SIXES, OR 97476

REFERENCE FILE: R-74440

Dear Permittee:

On January 30, 2001 the Department issued Permit R-12959 for the above referenced application. However, the Department recently discovered a scrivens error on the permit.

The Department has issued the enclosed superceding Permit R-13159 to correct the error. Permit R-12959 is of no further force or effect. The issuance of superceding Permit R-13159 does not change any conditions or the date for complete application of water to the beneficial use stated on permit R-12959.

If you have any questions, please contact the Water Rights Information Group at (503)378-8455 extension 201.

Sincerely,

Anita M. Huffman
Senior Water Rights Technician

cc: Watermaster District 19

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

Application R-74440 Water Resources Department

PERMIT R13159

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 in the reservoir is subject to the installation and maintenance of a fully functional sluiceway/gate assembly having a minimum diameter of 8 inches.

Failure to comply with the terms and conditions of this permit may result in action including, but not limited to, civil penalties, or cancellation of the permit.

This permit is issued for the purpose of allowing the user to store water in the reservoir for use in the future. The user is advised to use the water in a practical and efficient manner, and to avoid waste. The water user must be in compliance with the use of best management practices to achieve this end.

By law, the user must be in compliance with the local land-use plan. The water use must be in accordance with any local acknowledged water use plan.

The use of water allowed in the reservoir shall be made only at times when sufficient water is available. The user shall maintain all prior rights, including the right to use the water for other purposes.

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.

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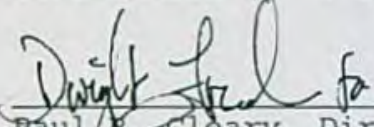
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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



Paul 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.

Completion Checklist for Claims of Beneficial Use

Application # R-74440
 Date Received 2/13/13
 CWRE Name Clay Jordan
 File Marked wa
 Oversized Map # 759
 Reviewer REC

Transfer # _____

Claim Logged yes

Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))
- ☒ Source illustrated if surface water (OAR 690-014-0170(3))
- ☒ Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)
- ☒ Point(s) of diversion or appropriation (coordinates) (OAR 690-014(4) & 690-310-0050)
- ☒ Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
- ☒ Description of the location, in relation to the point of diversion or appropriation, of any fish screens, ~~by-pass devices,~~ and measuring devices required (OAR 690-014-0170(4))
- ☒ Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

Report Review:

- ☒ On form or format provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- ☒ Source(s) of water (OAR 690-014-0100)
- ☒ Place of use location (OAR 690-014-0100) Reservoir location
- ☒ Type of use (OAR 690-014-0100)
- ☒ Extent of use (OAR 690-014-0100)
- ☒ Rate and Duty (OAR 690-014-0100)
- ☒ Diversion rate for each use (OAR 690-014-0100)
- ☒ Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- ☒ System capacity (OAR 690-014-0100)
 - ☒ Calculated capacity of system (required) As Bui it plus provided.
 - ☒ Measured amount of use (optional)
- ☒ Permit/Transfer Final Order Conditions (OAR 690-014-0100)
 - ☐ Time limits
 - ☐ Initial water level measurements
 - ☐ Annual static water level measurements
 - ☐ Measurement, recording, and reporting
 - ☒ Meter/measuring device
 - ☐ Water use reporting
 - ☐ Fish screening and/or by-pass
 - ☐ Pump test (ground water)
 - ☐ Other conditions
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of permittee of transfer holder (OAR 690-014-0100)

DEF = deficient

N/A = Not Applicable

S:\groups\wrcerts\Resource Center\Forms_Checklists_Mailing Instructions\COBU Checklist 11-20-2012.rtf

Certificate Issuance Processing Checklist

☒ Map and COBU reviewed
☒ Conflict check Any Conflicts? _____
☒ Check for ownership

Check Area of Interest ☐ YES ☐ NO
Identified Party _____

Staff Recommendations:

_____☒ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

_____ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: _____

_____ Proof to the Satisfaction has not been established for the following reasons: _____

Proposed Actions:
Send letter requesting the following items/information: _____
Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?

☒ Yes

If "Yes":

☒ Proposed
_____ Final

Certificate # _____

Mailing list:

Proposed:

Final:

**CLAIM OF
BENEFICIAL USE
for Reservoir Permits by
CWRE's (not self-certified)**



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

A fee of \$150 must accompany this form to be accepted for permits
with a priority date of July 9, 1987, or later. (ORS 536.050(1))

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
http://www.wrd.state.or.us/OWRD/WR/cwre_info.shtml#.

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml.

**SECTION 1
GENERAL INFORMATION**

1. File Information

APPLICATION #	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
R-74440	R-13159	

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME		PHONE NO.	ADDITIONAL CONTACT NO.
Sea Wind Farms, Inc.		(541) 348-9937	(541) 297-1329
ADDRESS			
P.O. Box 242			
CITY	STATE	ZIP	E-MAIL
Sixes	OR	97476	kwaaaaa@yahoo.com

If the current property owner is not the permit holder of record, it is recommended that an assignment be filed with the Department. **The COBU must be signed by each permit holder of record.**

3. Permit holder of record (this may, or may not, be the current property owner)

PERMIT HOLDER OF RECORD Sea Wind Farms, Inc.		
ADDRESS		
CITY	STATE	ZIP

ADDITIONAL PERMIT HOLDER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection: **9/25/2012**

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Knute Andersson	9/25/2012	Farm manager

6. County: **Curry**

7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

****Mark "NA" if there are no owners of property not included in this claim**

OWNER OF RECORD NA		
ADDRESS		
CITY	STATE	ZIP

ADDITIONAL OWNER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

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FEB 13 2013

SALEM, OR

SECTION 2

SYSTEM DESCRIPTION

A. Reservoir(s)

1. Reservoir source and, if from surface water, the tributary:

RESERVOIR NAME OR NUMBER	SOURCE	TRIBUTARY
Reservoir #1 (R-1)	Big Creek	Floras Lake

2. Developed use(s), period of use, and rate for each use:

RESERVOIR NAME OR NUMBER	USES	SEASON OR MONTHS WHEN WATER WAS STORED	VOLUME STORED (AF)
R-1	Cranberry Operations	Dec 1 – May 31	35
Total Quantity of Water Stored			35

3. Provide a general narrative description of the distribution works. This description must trace the water system from **each** point of diversion to the reservoir:

Water is stored in existing in-channel reservoir by raising water level using flashboards in spillway

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FEB 13 2013

SALEM, OR

SECTION 2
SYSTEM DESCRIPTION (B through F)

Are there multiple reservoirs?

NO

If "YES" you will need to copy and complete Sections 2B through 2F for each reservoir.

Reservoir Name or Number this section describes (only needed if there is more than one):

B. Reservoir Location

1. Is the reservoir on-channel?

YES

2. Provide dam outlet location and/or point of diversion(s).

TWP	RNG	MER	SEC	QQ	GLOT	DLC	MEASURED DISTANCES
31S	15W	WM	21	SW/NW			1670 feet South & 140 feet East from the NW corner of section 21

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLOT), and Quarter-Quarters (QQ).

C. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport the water from the point(s) of diversion to the reservoir.

1. Is a pump used?

NO

If "NO" items 2 through item 5 may be deleted.

6. Additional notes or comments related to the system:

D. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

NO

If "NO", items 2 through 4 relating to this section may be deleted.

E. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

NO

If "NO", items 2 through 4 relating to this section may be deleted.

F. Reservoir

1. Does the reservoir require the submittal of as-built plans and specifications?

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If "YES", answer items 2; items 3 through 8 relating to this section may be deleted.
If "NO", skip items 2; answer items 3 through 8.

2. Complete the table:

HAVE THE DOCUMENTS BEEN SUBMITTED? YES OR NO	WHEN WERE THE DOCUMENTS SUBMITTED?	HAVE THEY BEEN APPROVED BY THE DEPARTMENT?	NUMBER OF ACRE FEET STORED
Yes	August 1, 2000	Yes	35

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FEB 13 2013

SALEM, OR

SECTION 3 CONDITIONS

All conditions contained in the permit, permit amendment, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Permits and any extension final orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or extension final order:

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	3/14/2002		
BEGIN CONSTRUCTION (A)	January 30, 2002	January 2002	(This was an existing reservoir) Flashboards installed
COMPLETE CONSTRUCTION (B)			
COMPLETE APPLICATION OF WATER (C)	October 1, 2005 (extended to 10/1/2012)	2011	Flashboards installed and water stored under terms and conditions of permit and extension order. Water diverted and used for cranberry operations under Permit S-53713

* MUST BE WITHIN PERIOD BETWEEN PERMIT OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)?

YES

3. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device?

YES

If "NO", items 3b through 3f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

b. Has a meter been installed?

NO

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED

If a meter has been installed, items 6d through 6g relating to this section may be deleted.

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department?

YES

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SALEM, OR

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

NAME	TITLE	APPROXIMATE DATE
See attachment 2		

f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION (WORKING OR NOT)	DATE INSTALLED
Staff gage to measure height above spillway floor	working	Original 2002, replaced 2012

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department?

NO

If "NO", item 4b relating to this section may be deleted.

5. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion?

NO

If "NO", items 5b through 5e relating to this section may be deleted.

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

6. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

NO

If "NO", items 6b and 6c relating to this section may be deleted.

Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

7. Other conditions required by permit, permit amendment final order, or extension final order

a. Was the water user required to restore the riparian area if it was disturbed?

NO

b. Was a fishway required?

NO

c. Was submittal of a letter from an engineer required prior to storage of water?

NO

d. Was submittal of a water management and conservation plan required?

NO

e. Other conditions?

YES

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

Weirs above and below reservoir. Two V-notch weirs have been installed above the reservoir. A V-notch weir is installed in the reservoir spillway when flows drop below those required to operate the existing fish ladder.

NOTE: totalizing flow meters are an inappropriate condition as there is no diversion of water other than flashboards in existing spillway. A staff gage is installed to measure water depth above spillway floor. Diversion of water for use under the secondary permit (S-53713) at 3 pump stations is fully metered by totalizing meters (see attachment-2)

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8 inch outlet – A 3 foot outlet with cast iron gate is functional and was installed prior to submittal of this permit application.

SECTION 4 VARIATIONS

Include a description of variations from the permit, permit amendment final order, or extension final order. (i.e. *"The permit allowed three reservoirs. The water user only developed one of the reservoirs."* or *"The permit allowed for the storage of 40.0 AF. The water user only stored 10.0 AF."*)

POD described slightly different but hasn't changed on the ground.

Water is also stored in SW-SW and SE-SW of section 21, T-31S-R-15W, WM.

SECTION 5 ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Attachment-1	Memo from Watermaster Dist-19, dated 6/15/1999 concerning measurement of water below reservoir
Attachment 2	Letter from Mitch Lewis, Watermaster, on measurement condition A
Attachment-3	E-mail from Gerry Clark (WRD certificates section) approving 1"=660' scale

SECTION 6 CLAIM SUMMARY

RESERVOIR NAME OR #	MAXIMUM STORAGE AUTHORIZED BY PERMIT (AF)	MAXIMUM STORAGE DEVELOPED (AF)
Reservoir-1 (R-1)	35.0	35.0

SECTION 7 CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

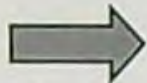
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Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

2005 FSA and 8-2-2011 Google aerial photos scaled to Curry County GIS tax lot overlay for assumed best fit.



Map Checklist

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film.
- ☒ ** Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map) ** 1=660' Scale approved by WRD
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☒ Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☒ Locations of meters and/or measuring devices in relationship to point of diversion
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☒ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

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SALEM, OR

SECTION 8 SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME KENNA CLAY JORDAN		PHONE NO. (541) 673-1931	ADDITIONAL CONTACT NO.
ADDRESS 460 JORDAN LANE			
CITY ROSEBURG	STATE OR	ZIP 97471	CITY ROSEBURG

Permit Holder's of Record Signature or Acknowledgement

This Claim of Beneficial Use must be signed by each permit or transfer holder of record.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	DATE
	IAN LEGGE	JAN 3, 2013

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FEB 13 2013

SALEM, OR



STATE OF OREGON

INTEROFFICE MEMO

TO: Dwight French
Administrator, Water Rights

DATE: 06-15-99

FROM: John P. Drolet *[Signature]*
Watermaster, District 19

File # R-74440

SUBJECT: Request to Modify Measurement Condition

Dwight, the above referenced application contains a condition that requires measurement, to wit:

"...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 or downstream from the reservoir."

Since the final order was thus worded in 1997, the applicant has installed an Alaska steep pass fish ladder at the reservoir which requires 5-6 cfs in order to function. It is the applicant's intention to allow the fish ladder to function to the extent that water is naturally available.

It would appear that to the extent that the fish ladder is functioning, the applicant is exceeding the conditional requirements for passing flow.

Seawind therefore requests that the proposed permit conditions be modified to recognize that when the fish ladder is in operation it shall not be necessary to maintain a functional weir, but that the measured flow through the fish ladder meets (and, as stated above, actually exceeds) flow passage requirements. Unchanged would be the condition, as currently drafted, that requires measurement, by weir, of natural flow when the fish ladder is not functioning.

I would support the applicants request for the additional reason that verification of flow passage at the reservoir's fish ladder would be infinitely more time efficient than travel to the weir site upstream from the reservoir.

Please get in touch if you have questions.

JPD/dt

CF: AJC
BSA
Knute Anderson

SeaWind1.D19

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FEB 13 2013

SALEM, OR



Oregon

John A. Kitzhaber, MD, Governor

ATTACHMENT 2 - COBU R-13159

Water Resources Department
District #19 Watermaster Office
Coos County Courthouse
Coquille, Oregon 97423
541-396-1905
Fax: 541-396-1906

Mr. Norm Daft

Permits R-12960, R-13159, S-53713

Watermaster approval or suitable measuring devices.

Norm,

I am in receipt of your October 30, 2012 E-mail requesting approval of suitable measuring devices for the above referenced Permits.

Permit R-13159

I approve a staff gage for measuring the level of the reservoir under Condition A.

Permit R-12960

I approve a staff gage for measuring in each of the connected reservoirs under Condition A.

Permit S-53713

I approve a staff gage for measuring in each of the connected reservoirs under Condition A.

I understand the existing totalizing flow meters will remain in place.

I will forward a copy of this approval memo to the file in Salem.

Mitch Lewis
Watermaster District 19
Oregon Water Resources Department

RECEIVED BY OWRD

FEB 13 2013

SALEM, OR

Norm Daft

From: Gerry Clark [gerald.e.clark@state.or.us]
Sent: Friday, November 02, 2012 8:28 AM
To: Gerald.E.Clark; Norm Daft
Cc: kcjengineer
Subject: RE: COBU map scale

Clay and Norm,

Your request for a waiver is approved as requested.

Please let me know if you have any additional questions.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811

Fax: 503-986-0901

WRD Home Page: www.wrd.state.or.us

From: Norm Daft [mailto:normthewaterguy@charter.net]
Sent: Tuesday, October 30, 2012 10:04 AM
To: Gerald. E. Clark
Cc: kcjengineer
Subject: COBU map scale

Gerry,

Clay Jordan and I are working on COBU's for Sea Wind Farms, Inc.

The application and permit numbers are as follows:

- | | |
|------------------------|----------------|
| 1. Application R-74441 | Permit R-12960 |
| 2. Application R-74440 | Permit R-13159 |
| 3. Application S-74439 | Permit S-53713 |

These permits are inter-related and are being mapped on one map.

In order to show pumps, pipelines, staff gages, meter location, as well as cranberry bog location, we request that a mapping scale of 1 inch to 660 feet (8 inches to a mile) be approved.

This will allow us to prepare the map for legal size printing (8 1/2 by 14 inches).

A portion of the map that shows the location of upstream weirs will be at 1 inch = 1320 feet.

Please let Clay and I know if this can be approved.

RECEIVED BY OWRD

FEB 13 2013

SALEM, OR

WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: **Fiscal Services Section**

DATE: June 18, 2013

FROM: R. Craig Kohanek
Phone: (503) 986-0823

SUBJECT: **REIMBURSEMENT AUTHORITY - Request for Payment or Refund**

FILE #: R-74440

RA #: R12036-11

RECEIPT #: 108134

Please prepare payment in the amount of **\$56.80**, made payable to:

Name: Sea Wind Farms Inc.

Address: P.O. Box 242

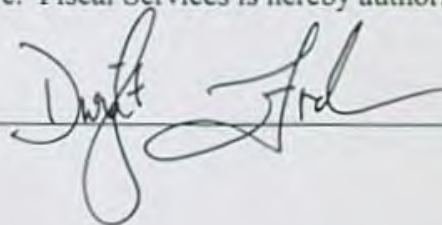
City: Sixes, OR 97476

These funds are being paid or refunded as a result of (check one):

- ☐ Excess fees were collected for Claim of Beneficial Use
☒ Excess fees were collected for Reimbursement Authority
☐ Other:

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: _____



Date: 6.18.13

✓ MAILED ON 6/25/13

STATE OF OREGON REMITTANCE ADVICE

TO SIGN UP FOR DIRECT DEPOSIT PAYMENT SERVICE AND RECEIVE CONVENIENT, ELECTRONIC PAYMENTS, LOG IN TO [HTTP://WWW.OREGON.GOV/DAS/EGS/FBS/SFMS/PAGES/ACH.ASPX](http://www.oregon.gov/DAS/EGS/FBS/SFMS/PAGES/ACH.ASPX) ON THE INTERNET. CLICK ON FORMS AND BROCHURES. THEN SELECT DIRECT DEPOSIT (ACH) AUTHORIZATION FORM.

WATER RESOURCES DEPARTMENT

(503) 986-0924 EXT. [REDACTED]

INVOICE NO.	INVOICE DATE	INVOICE DESCRIPTION	AGY	DOCUMENT	AMOUNT
		REVENUE REFUND 108134 R74440	690	VP036497	56.80
Records have been redacted or withheld pursuant to the exemption for financial transfer records specified in ORS 192.345(27)					
VENDOR NAME: SEA WIND FARMS INC			ISSUE DATE: 06/21/13		WARRANT AMOUNT 56.80

FOLD ON PERFORATION LINE BELOW  BEFORE DETACHING.

STATE OF OREGON

Dept of Administrative Services

To the State Treasurer, Salem, Oregon
PAYABLE THROUGH US BANK98-10
1232CHECK DATE
06/21/13BANK
12 [REDACTED]PAY THIS AMOUNT
\$56.80WATER RESOURCES DEPARTMENT
(503) 986-0924 EXT.

VP036497

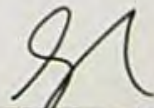
*****FIFTY SIX AND 80/100 DOLLARS*****

PAY TO THE ORDER OF:

SEA WIND FARMS INC
PO BOX 242
SIXES

OR 97476

VOID 2 YEARS AFTER DATE ISSUED


 AUTHORIZED SIGNATURE

THE FACE OF THIS CHECK HAS A COLORED BACKGROUND. IF EXPLANATION OF ADDITIONAL SECURITY FEATURES INDICATED ON REVERSE SIDE.

WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: **Fiscal Services Section**

DATE: June 18, 2013

FROM: R. Craig Kohanek
Phone: (503) 986-0823

SUBJECT: **REIMBURSEMENT AUTHORITY - Request for Payment or Refund**

FILE #: R-74440

RA #: R12036-11

RECEIPT #: 108134

Please prepare payment in the amount of **\$56.80**, made payable to:

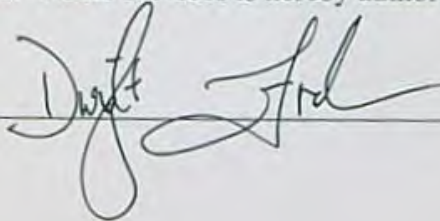
Name: Sea Wind Farms Inc.
Address: P.O. Box 242
City: Sixes, OR 97476

These funds are being paid or refunded as a result of (check one):

- ☐ Excess fees were collected for Claim of Beneficial Use
☒ Excess fees were collected for Reimbursement Authority
☐ Other:

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: _____



Date: 6.18.13



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

June 18, 2013

Sea Wind Farms Inc.
Attn: Knute Anderson
P.O. Box 242
Sixes, OR 97476

RE: Refund for Reimbursement Authority Contract R12036-11; App. File # R-74440

Dear Mr. Anderson,

Thank you for using the Certificate Reimbursement Authority Program to expedite the processing of your Claim of Beneficial Use. The Department completed its processing of your claim for less than the estimated amount. Consequently, we are refunding the difference to you.

I hope you were pleased with the Certificate Reimbursement Authority Program and would consider using again if the need arises. Please call R. Craig Kohanek at (503) 986-0823 if you have any questions about this refund.

Sincerely,

Dwight French
Water Right Services Administrator

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **108065**

INVOICE # _____

RECEIVED FROM: Seawind Farms Inc

APPLICATION R-74440

BY: _____

PERMIT R-13159

TRANSFER

CASH: ☐ CHECK: # X6709 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 150.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$

OTHER: (IDENTIFY) \$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES PCA 46111 \$

0410 RESEARCH FEES \$

0408 MISC REVENUE: (IDENTIFY) _____ \$

TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$

0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER \$

0203 GROUND WATER \$

0205 TRANSFER \$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$

LANDOWNER'S PERMIT

EXAM FEE

\$

0202

\$

0204

\$

EXAM FEE

\$

0219

0220

RECORD FEE

\$

\$

LICENSE FEE

\$

\$

0200 OTHER (IDENTIFY) Claim of Beneficial Use \$ 150.00

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$

0210 MONITORING WELLS \$

OTHER (IDENTIFY) _____

CARD #

CARD #

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$

0231 HYDRO LICENSE FEE (FW/WRD) \$

HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$

RECEIPT: **108065**

DATED: 2-13-13 BY: C. Andrews

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **108065**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Sealand Farms Inc

BY: _____

APPLICATION	<u>R-74440</u>
PERMIT	<u>R-13159</u>
TRANSFER	

CASH: ☐ CHECK: # 6709 ☒ OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 150.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$	0220	\$

0200 OTHER (IDENTIFY) Claim of Beneficial Use \$ 150.00

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #
0210 MONITORING WELLS	\$	CARD #
OTHER (IDENTIFY)		

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)	\$
0231 HYDRO LICENSE FEE (FW/WRD)	\$
HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **108065**

DATED: 2-13-13 BY: C. Andrews

Jordan Engineering

Structural-Civil-Geotech

460 Jordan Lane
Roseburg, OR 97471
541-673-1931

Water Resources Department
Mr. Gerry Clark
725 Summer St. NE, Suite A
Salem, OR 97301

Three Claims of Beneficial Use and
Reimbursement Authority Estimate:
Application R-74441; Permit R-12960
Application R-74440; Permit R-13156
Application S-74439; Permit S-53713

February 11, 2013

Mr. Clark:

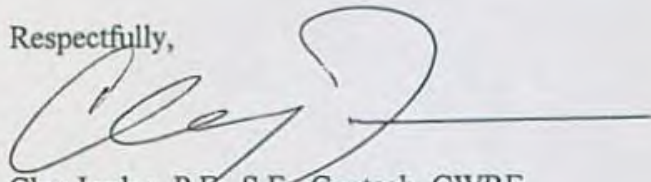
Inclosed are the three (3) Claims of Beneficial Use (COBU) forms with several attachments each, three Mylar maps (copies) representing each of the COBU submittals and three reimbursement estimate requests.

Also inclosed are four (4) checks:

ck 6707 at \$150 Claim of Beneficial Use
ck 6708 at \$150 Claim of Beneficial Use
ck 6709 at \$150 Claim of Beneficial Use
ck 6727 at \$375 Three (3) Reimbursement

If there are any questions please officially contact the applicant with a copy to me.

Respectfully,



Clay Jordan, P.E., S.E., Geotech, CWRE

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FEB 13 2013

SALEM, OR

cc: Sea Wind Farms Inc.

file: SeaWind R-12960 R-13159 S-53713 COBU WRDcl.wpd

Gerry Clark

From: Gerry Clark
Sent: Friday, November 02, 2012 8:27 AM
To: 'Norm Daft'; Gerald. E. Clark
Cc: kcjengineer
Subject: RE: COBU map scale

Clay and Norm,

Your request for a waiver is approved as requested.

Please let me know if you have any additional questions.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811
Fax: 503-986-0901

WRD Home Page: www.wrd.state.or.us

From: Norm Daft [<mailto:normthewaterguy@charter.net>]
Sent: Tuesday, October 30, 2012 10:04 AM
To: Gerald. E. Clark
Cc: kcjengineer
Subject: COBU map scale

Gerry,

Clay Jordan and I are working on COBU's for Sea Wind Farms, Inc.

The application and permit numbers are as follows:

1. Application R-74441 Permit R-12960
2. Application R-74440 Permit R-13159
3. Application S-74439 Permit S-53713

These permits are inter-related and are being mapped on one map.

In order to show pumps, pipelines, staff gages, meter location, as well as cranberry bog location, we request that a mapping scale of 1 inch to 660 feet (8 inches to a mile) be approved.

This will allow us to prepare the map for legal size printing (8 ½ by 14 inches).

A portion of the map that shows the location of upstream weirs will be at 1 inch = 1320 feet.



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

July 29, 2011

SEA WIND FARMS
PO BOX 242
SIXES, OR 97476

REFERENCE: Application S-74440 / Permit R-12960

Dear Permit Holder:

The Water Rights and Adjudications Division received your written progress report for Permit R-12960. Receipt of the progress report was published on the Department's weekly Public Notice, dated June 14, 2011. The Department did not receive any public comment on the progress report.

After reviewing your Progress Report, the Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permit and extension has been demonstrated.

If you have any questions, please feel free to contact me by telephone at (503) 986-0827.

Sincerely,

Ann Reece
Extensions
Water Rights Services Division

Enclosure

cc: Application S-74440
Watermaster District 19 - Mitch Lewis



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Extension of Time Progress Reporting Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Sea Wind Farms

Application S-74439

Permit S-53713

Report Due no later than October 1, 2010

RECEIVED

Progress Report Form for 2010

OCT 04 2010

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit S-53713

WATER RESOURCES DEPT
SALEM, OREGON

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2005 and October 1, 2010	FINANCIAL INVESTMENT
2010	Completed Construction of Reservoirs 2, 3, 4, 5, 6, 7	26,843.00
	Installed 5HP Submersible Pump	3,600.00
	Installed Staff gauges	580.00

2. Compliance with terms and conditions of the permit and/or previous extension. yes

3. Total number of acres irrigated to date = 56.9 AC (if applicable)

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

Maximum rate used to date = _____ cfs (cubic feet per second), or

Maximum rate used to date = _____ gpm (gallons per minute), or

Acre Feet stored to date = 560 AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

Signature [Signature] Farm Manager Date Sept 30, 2010

For OWRD use only

Diligence Shown ☐ Yes ☐ No

Date Public Noticed: _____



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Extension of Time Progress Reporting Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Sea Wind Farms

Application R-74441
Permit R-12960

Report Due no later than October 1, 2010

Progress Report Form for 2010

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit R-12960

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2005 and October 1, 2010	FINANCIAL INVESTMENT
	See progress report	
	for Appl S-74439	
	Permit S-53713	

RECEIVED

OCT 04 2010

WATER RESOURCES DEPT
SALEM, OREGON

2. Compliance with terms and conditions of the permit and/or previous extension.

I believe all condition have been completed

3. Total number of acres irrigated to date = 56.9 AC (if applicable)

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

Maximum rate used to date = _____ cfs (cubic feet per second), or

Maximum rate used to date = _____ gpm (gallons per minute), or

Acre Feet stored to date = 54 AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

Signature

[Handwritten Signature]

Date Sept 30, 2010

For OWRD use only

Diligence Shown ☒ Yes ☐ No

Date Public Noticed: 6-14-2011

Reviewed by: AR

Date: 7-29-2011

Route Slip.....Extension of Time Progress Report

1. Extension Specialist: Progress Report Review

Date Report Received: 10/4/10

Report Complete: YES

2. Jonnine: Publish on the Department's Public Notice

315 OAR Division under which Progress Report was required

- ☒ Publish on Public Notice Date: 10/14/11
- ☒ Update workflow in WRIS (Fill in Extension Checkpoint 'Completed Date' in appropriate work flow record) 2010
- ☒ Return to Extension Specialist

3. Extension Specialist: Prepare Progress Report Confirmation Letter

See progress report procedures.doc

(date / mail out after 30 day comment period)

Date Confirmation Letter Needed:

- ☒ Update Progress Report Worksheet.xls
- ☒ Send to permit holder + anyone who made comments after 30 day public notice
CC: Watermaster _____
File _____

4. Return file to cabinet

PUBLIC NOTICE INFORMATION

Permit Holder's Name: SEA WIND FARMS, INC

Application: R-74441

Permit: R-12960

County: Curry

Source: Unnamed Creeks and Big Creek, Tributary of Floras Lake

Use: Storage in Six Reservoirs to be Appropriated Under Permit S-53713 for Supplemental Cranberry Operations

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number R-74440

Final Order
Extension of Time for Permit Number R-13159

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file for judicial review, or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

Permit R-13159 was issued by the Department on March 14, 2002. The permit called for complete application of water to beneficial use by October 1, 2005. On April 30, 2009, Sea Wind Farms submitted to the Department an Application for Extension of Time for Permit R-13159. In accordance with OAR 690-315-0050(2), on January 5, 2010 the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2012. The protest period closed February 19, 2010, in accordance with OAR 690-315-0060(1). No protest was filed.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

Mailing List for Extension FO Copies

Note: Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

FO Date: March 2, 2010

Copies Mailed

Application R-74440

Permit R-13159

By: MS
On: 3/3/10

Original mailed to permit holder

Sea Wind Farms
PO Box 242
Sixes, OR 97476

Copies sent to:

1. WRD - App. File R-74440/ Permit R-13159
2. WRD - Watermaster District 19, Mitch Lewis
3. WRD - SWR Regional Manager, Bruce Sund
4. Jordan Engineering, Attn: Norm Daft, 460 Jordan Lane, Roseburg, OR 97471
5. ~~WRD - Support Staff, Salem~~

Fee paid as specified under ORS 536.050 to receive copy:

6. None

Receiving via e-mail (10 AM day of signature date)

7. None

If Progress Reports are included:

Add record to Progress Report tracking sheet.xls Done: by SA Date 3/1/10

CASEWORKER: SBK

**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time



In the Matter of the Application for an Extension of Time)
for Permit R-13159, Water Right Application R-74440)
in the name of Sea Wind Farms.) **PROPOSED FINAL ORDER**

Permit Information

Application File R-74440 Permit R-13159

Basin: 17 – South Coast / Watermaster District 19

Date of Priority: August 23, 1994

Authorized Use of Water

Source of Water: Big Creek, tributary of Floras Lake
Purpose of Use: Stored water to be appropriated under Application S-74439,
 Permit S-53713, for Cranberry Operations.
Maximum Rate: 35.0 AF (AF)

**This Extension of Time request is being processed in accordance with Oregon
Administrative Rule Chapter 690, Division 315**

***Please read this Proposed Final Order in its entirety as it contains
additional conditions not included in the original permit.***

This Proposed Final Order applies only to Permit R-13159, water right Application R-74440.
A copy of Permit R-13159 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time to apply water to full beneficial use from October 1, 2005 to October 1, 2012.
- Make the extension subject to certain conditions set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
PFO – Proposed Final Order

Units of Measure

cfs – cubic feet per second
gpm – gallons per minute
AF – acre-feet

AUTHORITY

Generally, see ORS 537.230 and OAR Chapter 690 Division 315.

ORS 537.230(3) provide in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

OAR 690-315-0050(6) allows the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

FINDINGS OF FACT

Background

1. Permit R-13159 was granted by the Department on March 14, 2002. The permit authorizes storage of up to 35.0 AF of water each year in an unnamed reservoir. Water for the reservoir is diverted from Big Creek, tributary of Floras Lake, for cranberry operations. The permit specified complete application of water was to be made on or before October 1, 2005.
2. The permit holder submitted an "Application for Extension of Time" to the Department on April 30, 2009 requesting the time to apply water to full beneficial use under the terms of Permit R-13159 be extended from October 1, 2005 to October 1, 2012. This is the first permit extension requested for Permit R-13159.
3. Notification of the Application for Extension of Time for Permit R-13159 was published in the Department's Public Notice dated May 12, 2009. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230¹, 537.248² and/or 539.010(5)³.

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

4. On April 30, 2009 the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

5. Actual construction of the water system began prior to the January 30, 2002 deadline specified in the permit.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

6. As of April 30, 2009 the remaining work to be completed consists of completing construction of the water system and applying water to full beneficial use.

¹ ORS 537.230 applies to surface water permits only.

² ORS 537.248 applies to reservoir permits only.

³ ORS 539.010(5) applies to surface water and ground water permits.

7. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2012, to accomplish the application of water to beneficial use under the terms and conditions of Permit R-13159 is both reasonable and necessary.

Good Cause [OAR 690-315-0040(1)(d)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Construction [OAR 690-315-0040(3)(a)]

8. Work was accomplished within the time allowed in the permit or previous extension as follows:
 - a. Construction of the water system began prior to the deadline specified in the permit.
 - b. Work was completed (specified in the Application for an Extension of Time) during the original development time frame under Permit R-13159.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]

9. The following beneficial use was made of the water during the permit or previous extension time limits:
 - a. Since the issuance of Permit R-13159 on March 14, 2002 the permit holder has stored 35.0 AF of water diverted from Big Creek, tributary of Floras Lake, to be appropriated under Application S-74439 for cranberry operations.

Compliance with Conditions [OAR 690-315-0040(3)(c)]

10. The water right permit holder's conformance with the permit or previous extension conditions.
 - a. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

Financial Investments [OAR 690-315-0040(3)(d)]

11. Financial investments made toward developing the beneficial water use.
 - a. As of April 30, 2009 the permit holder has invested approximately \$2000 which is approximately 29 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$5000 investment is needed for the completion of this project.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b)]

12. As of April 30, 2009 the permit holder has invested approximately \$2000 which is approximately 29 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$5000 investment is needed for the completion of this project.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

13. The Department has found good faith of the appropriator under Permit R-13159.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

14. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].
 - a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit R-13159; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The point of diversion is located on Big Creek, tributary of Floras Lake. Big Creek is not located within or above any state or federal scenic waterway, is located within an area ranked "low" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. Big Creek is not listed by the Department of Environmental Quality as a water quality limited stream.
15. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
 - a. As of April 30, 2009 the permit holder has invested approximately \$2000.
16. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
 - a. None have been identified.

17. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
 - a. None have been identified.
18. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this condition.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

19. Use and income from the permitted water development results in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0040(2)(g)]

20. Delay in the development of this project was not caused by any other governmental requirements.

Unforeseen Events [OAR 690-315-0040(2)(h)]

21. Unforeseen events extended the length of time needed to fully develop and perfect Permit S-13159 in that the permit holders were faced with the death of their previous consultant and the fluctuation of cranberry market which contributed to the shortage of financial resource to move the project forward.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230(3).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.230 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Full application of water to beneficial use can be accomplished by October 1, 2012⁴, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the

⁴Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

6. As required by OAR 690-315-0050(6) and as described in Finding 18 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit R-13159.

Proposed Order

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to apply water to beneficial use under Permit R-13159 from October 1, 2005 to October 1, 2012.

Subject to the following conditions:

CONDITIONS

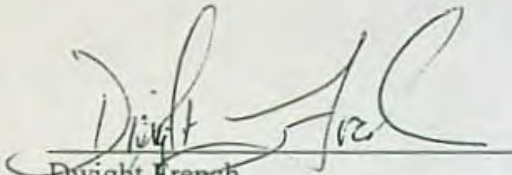
1. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2010. *A form will be enclosed with your Final Order.*

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: January 5, 2010


Dwight French
Administrator
Water Rights & Adjudications Division

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **February 19, 2010**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

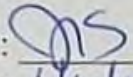
-
- If you have any questions about statements contained in this document, please contact Scott Kudlemyer at 503-986-0813.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
 - Address any correspondence to : Water Rights and Adjudications Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
-
- Fax: 503-986-0901

Mailing List for Extension PFO Copies

PFO Date: January 5, 2010

Copies Mailed

**Application R-74440
Permit R-13159**

By: 
On: 1/6/10

Original mailed to Applicant:

Sea Wind Farms
PO Box 242
Sixes, OR 97476

Copies sent to:

1. WRD - App. File R-74440/ Permit R-13159
2. WRD - Watermaster District 19, Mitch Lewis
3. Jordan Engineering, Attn: Norm Daft, 460 Jordan Lane, Roseburg, OR 97471

Fee paid as specified under ORS 536.050 to receive copy:

4. None

Receiving via e-mail (10 AM Tuesday of signature date)

5. None

CASEWORKER: SBK



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301
(503) 986-0900
www.wrd.state.or.us

Application for
**Extension of Time for a
Water Right Permit**

(Non-Municipal/Non-Quasi-municipal Water Use)

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

*A separate extension application must be submitted for each permit as per
OAR 690-315-0020(2).*

*This application and a summary of review criteria and procedures that are generally applicable to this
application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.*

I, Sea Wind Farms, Inc.

FIRST NAME OF PERMIT HOLDER

LAST NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

P.O. Box 242

ADDRESS

Sixes

CITY

OR

STATE

97476

ZIP

541 297-1329

PHONE

kwa@isp101.com

EMAIL ADDRESS

RECEIVED

APR 30 2009

the permit holder of:

Application Number R - 74440

**WATER RESOURCES DEPT
SALEM, OREGON**

Permit Number R - 13159

☐ do hereby request that the time in which to:

complete construction (of diversion/appropriation works and/or purchase and installation of the
equipment necessary to the use of water), which time now expires on October 1, _____, be
extended to October 1, _____,

☒ and/or the time in which to:

apply water to full beneficial use under the terms and conditions of the permit, which time now
expires on October 1, 2005, be extended to October 1, 2012.

Before submitting your Application for Extension of Time, make sure the following items are included:

- This completed Application for Extension of Time.
- Statutory fee of \$350.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

along with the \$350

STATUTORY FEE TO:

Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301

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APR 30 2009

WATER RESOURCES DEPT
SALEM, OREGON



GENERAL TIPS:

- Permit holders of municipal or quasi-municipal water use permits DO NOT use this form. The correct form is *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, available at the following link:
http://www1.wrd.state.or.us/pdfs/muni_quasi_ext_app_form_6_20_08.pdf
- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at:
<http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.

- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- The water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Answer the Following Questions to Complete this Application for Extension of Time

- [OAR 690-315-0020(3)(d)]
1. Did the actual construction of the water system/well drilling begin within the time specified in the permit? ☒ Yes ☐ No



TIP: Not all permits specify a date by which construction was to begin.

Date construction began is: 2000 _____

Details of construction:

Installation of flashboards in spillway.

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APR 30 2009

**WATER RESOURCES DEPT
SALEM, OREGON**

[OAR 690-315-0020(3)(e)(A)]

2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? [yes/no]

- A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.



TIP: The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

CHART-A

Condition No. **	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	2003	Meters installed for stream diversions and staff gages installed in constructed reservoirs per Watermaster (John Drolet)
2	2003	Operation per John Drolet's (Watermaster) 1999 memo. V-notch weir above Fish ladder operation requires no measurement as it exceeds 0.5 cfs
3	2000	Dam constructed and maintained according to plans and specification of 8/1/2000
4	2000	3 foot gated outlet in place

-- Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

- B) If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-B

Condition No. **	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied

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APR 30 2009

WATER RESOURCES DEPT
SALEM, OREGON

-- Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.

CHART-C

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued - eg. well drilled.</i>	COST*
2001	Flashboards installed in spillway	\$2,000.00

DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
3/14/2002	The permit was signed - find date above signature on last page of permit.	
1/30/2002	The permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
10/1/2005	The permit specified complete application of water to the use shall be made ("C-Date")- all permits contain this date.	

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APR 30 2009

WATER RESOURCES DEPT
SALEM, OREGON

CHART-C (continued)

DATE	WORK ACCOMPLISHED AFTER "C-DATE" <i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
	Total cost for Chart-C	\$2,000.00

* If exact cost is not known, you must provide your best estimate.

- B) If this is not your 1st Application for Extension of Time request, fill out CHART-D below (in addition to CHART-C above). Use chronological order.

CHART-D

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/____	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
10/1/____	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	

CHART-D (Continued)

DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost of Chart-D		0.00

RECEIVED

APR 30 2009

WATER RESOURCES DEPT
SALEM, OREGON

* If exact cost is not known, you must provide your best estimate.

[OAR 690-315-0020(3)(f)]

4. Cost of project to date: \$2,000.00
(The total combined cost from CHART-C and CHART-D)

5. Provide the maximum rate, or duty, of water diverted for beneficial use under this permit, made to date.



TIP: Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet - usually only specified on a reservoir water right). Do not provide daily, monthly or annual water volume totals.

Maximum rate used to date = _____ cfs (cubic feet per second) or,

Maximum rate used to date = _____ gpm (gallons per minute) or,

Acre-feet to date = 35 AF

6. Provide the total number of acres irrigated to date under this permit (if applicable).

Total acres irrigated to date: NA

7. Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2009-2012	Work with Watermaster to insure measuring conditions are acceptable. Continue toward perfecting permit 53713 - use of stored water for cranberry operations.	\$5,000.00
		RECEIVED
		APR 30 2009
		WATER RESOURCES DEPT
		SALEM, OREGON
Year: 2012	Intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$5,000.00

8. Estimated remaining cost to complete the project: \$5,000.00
(The total cost from CHART-E)

9. List the reasons why the project was not constructed, and/or water was not beneficially used within permit time limits. *Provide supporting information for the reason(s) that best fits your circumstances (A, B, C or D).*

- A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.

This is a fairly large project. Reservoirs are phased in according to bog construction and water need for bogs. These types of projects usually take longer than allowed by the permits. The 35 acre-feet addition to reservoir 1 was not a major project, however, use of the stored water under permit 53713 is.

- B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

Fluctuating market for cranberries has contributed to lack of financial resources to complete the project. (use of the stored water under permit 53713)

- C) Good faith attempts to comply with permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

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APR 30 2009

WATER RESOURCES DEPT
SALEM, OREGON

- D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.

Previous consultant, M. John Youngquist died unexpectedly and we have had to secure a new water right consultant and get them familiar with our water rights and water use.

10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2, 3-A, 3-B, 7 and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

We need the additional time to work with the Watermaster and to make full beneficial use of water under permit 53713.

Current uncertain economy will likely contribute to a shortage of financial resources in the next few years.

11. Provide any other information you wish OWRD to consider while evaluating your Extension of Time Application.

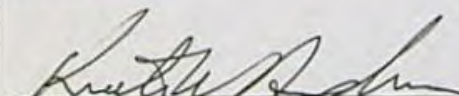
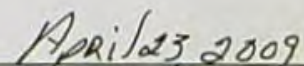
Permits R-13159, R-12960 and S-53713 are all related. Therefor, we would like to do the COBU for all three at the same time.

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APR 30 2009

WATER RESOURCES DEPT
SALEM, OREGON

I am the permit holder, or have authorization from the permit holder, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension.

 Farm Manager 
Signature Date

Jordan Engineering
Structural & Civil

460 Jordan Lane
Roseburg, OR 97471
541-673-1931

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

<u>Extension of Time</u> Sea Wind Farms Inc. Permits: 12960, 13159 & 53713
--

April 29, 2009

Sir:

Inclosed are the three extension of time applications for the permits noted above. Also inclosed is a check #494 made out to the Department in the sum of \$1,050 to cover the \$350 fee for each.

Any correspondence should be directed to Mr. Anderson at Sea Wind Farms Inc. with a copy to me.

If there are any questions please contact me at your convenience.

Respectfully,



Clay Jordan, P.E., S.E., CWRE

file: WRD_3-extensions.wpd
cc: Mr. Anderson

RECEIVED

APR 30 2009

WATER RESOURCES DEPT
SALEM, OREGON

Extension PFO Checklist for
Other than Muni or Quasi-Municipal
 Water Use Permits
(OAR 690-315-0010 through OAR 690-315-0060)

Application: R- 74440 Permit: R- 13159 Permit Amendment? No ☒ Yes ☐ T- ☐ pending ☐ approved

Permit Holder's Name: Sea Wind Farms

Permit Holder's Mailing Address: PO Box 242, Sixes OR. 97476 email kwa@isp101.com

Phone Number: 541-297-1329

POD Location: Township 31 SOUTH Range 15 WEST Section 21 $\frac{1}{4}$ SWNW

Drainage Basin: 17 County: Curry Watermaster District: 19 Watermaster: Mitch Lewis

Date Permit was issued: 3/14/2002

Priority Date: 8/23/1994

Date of PN: 5/12/2009

Source: Big Creek tributary of Floras Lake

Use: To be appropriated for storage during the period December 1 through May 31

"Q": 35.0 acre-feet each year

Orig "A" Date: 1/30/2002

Orig "B" Date: 10/1/

Orig "C" Date: 10/1/2005

Extension
request rec'd: 4/30/2009

Last Authorized
"B" Date: 10/1/

Last Authorized
"C" Date: 10/1/

Request Number (1, 2, 3...): 1

Proposed
"B" Date: 10/1/

Proposed
C Date: 10/1/2012

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
☒	☐	Install Meter before Water Use
☒	☐	Maintain no less than 0.5 cfs of live flow through Reservoir # 1 on Big Creek
☒	☐	Dam shall be constructed, operated and maintained to specs dated 8/1/2000
☒	☐	Water storage subject to to installation and maintenance of operational 8" conduit/gate assembly
☐	☐	

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

Yes No

☒ ☐ Work was accomplished within the time allowed in the permit or previous extension

☒ ☐ Water right permit holder conformed with the permit or previous extension conditions

☒ ☐ Financial investments were made toward developing the beneficial water use.

• Amount Invested to date: \$2,000 Estimated Remaining Cost: \$5,000

☒ ☐ Beneficial use made of the water during the permit or previous extension time limits

• Permit holder has beneficially used 35 ☐ cfs ☐ gpm ☒ af of the total permitted quantity of water on n/a acres

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes ☒ No ☐

Application: _____ Permit: _____ Township _____ Range _____ Section _____

Determination of the market and the present demand for water or power to be supplied:

Identify the closest surface water or localized water basin. Big Creek

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

Yes No

- ☐ ☒ above a state scenic waterway? Name _____ Source: OWRD "Areas Above State Scenic Waterways" Map
- ☐ ☒ within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
- ☒ ☐ within a sensitive, threatened or endangered species area Source: [/gisdata/dev/projects/salmon/div33map.aml](http://gisdata/dev/projects/salmon/div33map.aml)
- ☒ ☐ within a critical or limited Ground Water Area? Name of area _____
- ☒ ☐ within a Withdrawn Area? Name of area _____
- ☐ ☒ in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list _____
- ☒ ☐ within an area ranking ☒ low / ☐ moderate / ☐ high / ☐ highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. ☒ Approval of Extension Request

No ... "Good Cause" cannot be found. ☐ Denial of Extension Request

Conditions to be included in Extension PFO (if applicable)? Yes ☒ No ☐

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

☒ 5-year Progress Report Checkpoints (Years: 2010)

☐ Other: _____

Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

☐ **COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**

"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

☒ **COBU Requirement - Surface Water - post July 9, 1987**

"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

☐ **COBU Requirement - Ground Water - post July 9, 1987**

"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

cc. Clay Jordan P.E. Jordan Engineering, 460 Jordan Lane, Roseburg, OR 97471

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____

Reviewer's Name: _____ Date: _____

Application # R-74440

Permit # R-131-59

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

♦ WRIG...

Money Receipted on: 4/30/09

♦ Extension Specialist...

☒ Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

♦ Jonnine Skaug...

☒ Publish on Public Notice (initial 30-day comment): Date of notice 8/12/09 JCS

☒ Update WRIS Database

☒ In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

☒ In the "Ext Filed" field... Enter the date the Extension Application was received.

Yes or No:

Return file to Extension Specialist after PN

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **96310**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Seawind farms, Inc.
BY: _____

APPLICATION	See below
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 494 ☒ OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1050.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS	\$ 74439 = \$ 350.00	\$
0407 COPY & TAPE FEES	R 74440 = \$ 350.00	\$
0410 RESEARCH FEES	R 74441 = \$ 350.00	\$
0408 MISC REVENUE: (IDENTIFY)		\$
TC162 DEPOSIT LIAB. (IDENTIFY)		\$
0240 EXTENSION OF TIME		\$ 1050.00

WATER RIGHTS:	EXAM FEE		RECORD FEE
0201 SURFACE WATER <u>46111</u>	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		

WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)		\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____	TITLE _____	
OBJ. CODE _____	VENDOR # _____	
DESCRIPTION _____		\$

RECEIPT: **96310**

DATED: 4/30/09 BY: LAG



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

May 12, 2009

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Rights Section has received your application for an extension of time for **APPLICATION FILE#: R-74440 (PERMIT#: R-13159)**. Your application will be reviewed in the near future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you have questions concerning your extension of time application, please contact Scott Kudlemyer at (503) 986-0813. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's Internet home page at: "www.wrd.state.or.us".

Scott Kudlemyer

From: Norm Daft [normthewaterguy@charter.net]
Sent: Thursday, July 16, 2009 10:21 AM
To: Scott B KUDLEMYER
Cc: Clay Jordan
Subject: Extensions - permits 53713, R-12960, R-13159

Scott,

Just wondering where these are in the process.

It appears we will be submitting permit amendments once the extensions are approved.

I reviewed the extension applications and would like to add clarification to the weir conditions. There is a weir above the large reservoir. A V-notch weir is available to install in the flashboards to measure outflow. Mr.

Andersson indicated that it hasn't been necessary to install the downstream weir since the fish ladder has always operated. According to previous Watermaster, John Drolet's memo, measurement is only required if there is insufficient water to operate the fish ladder.

Thanks.

Norm

R-74440



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

April 17, 2009

SEA WIND FARMS INC.
KNUTE ANDERSSON
PO BOX 242
SIXES, OR 97476

Reference: Water use reporting for Permits R-12095, R-12960, S-53713, R-13159

Dear Mr. Andersson,

On April 1, 2009, the Oregon Water Resources Department (Department) sent a reminder card to certain Permit Holders that water use reports are due for the 2008 water year. This reminder was mistakenly sent to you. Please know that the Department is not requesting any water use data at this time and we apologize for any inconvenience that this may have caused.

If you have any questions, please call me at 503-986-0837.

Sincerely,

Alyssa Mucken
Water Measurement Specialist

cc:

Dwight French
Lloyd Van Gordon
File R-73733
File R-74441
File S-74439
File R-74440



Alyssa Mucken

From: Dwight French
Sent: Thursday, April 09, 2009 3:55 PM
To: Alyssa Mucken
Subject: RE: Bandon area rights and water use reporting condition

Hi Alyssa,
 I remember a lot about the history and background for what I call the "New River Permits" or "New River ADR."

These permit holders, with this language, aren't automatically required to provide data unless we determine that we need the data. Then, we can ask for it and they'll have to provide it until we tell them that we don't need it anymore.

The "its" is in reference to WRD. So, if we request the data they have to provide it.
 If you need more information or want to talk about it we can.

Dwight

From: Alyssa Mucken
Sent: Thursday, April 09, 2009 1:38 PM
To: Dwight French
Cc: Lloyd VanGordon
Subject: Bandon area rights and water use reporting condition

Hi Dwight,

I have two users (Coventry Farms and Seawind Farms) down near the Bandon area that have permits with a slightly different language used for the Water use reporting condition.

The following permits use the term "at it's request" in the measurement, recording, and reporting condition:

Permit S-53588
 Permit R-12695
 Permit R-12095
 Permit R-12960
 Permit S-53713
 Permit R-13159

"At it's request" isn't used in the typical water use reporting condition we use today - and I've only seen it used in this particular area. Some of these permits, although not all, reference the New River ADR agreement. Someone in this position made the interpretation that both of these Users were required to submit their data, however, after reading the condition, I'm not so sure.

I just sent both Farms a reminder postcard that water use reports were due. I'm wondering if we shouldn't have. It's not clear from reading the Technical Review or the Proposed Final Orders why the language was modified in such a way. Can you tell me whether we should be requesting their data at this time? I was hoping you might be familiar with the New River ADR and whether that agreement was related to the language that was used for the measurement, recording and reporting condition.

*we shouldn't have
 requested it - (WRD)
 - this is more
 formal request
 by WRD - per
 Dwight
 ∴ removed rights
 from WRD db.*

NOT TO SCALE

AS-BUILT WEIR PLANS

Site is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$
of Section 21, Township 31 South,
Range 15 West, Willamette Meridian
Application R-74440

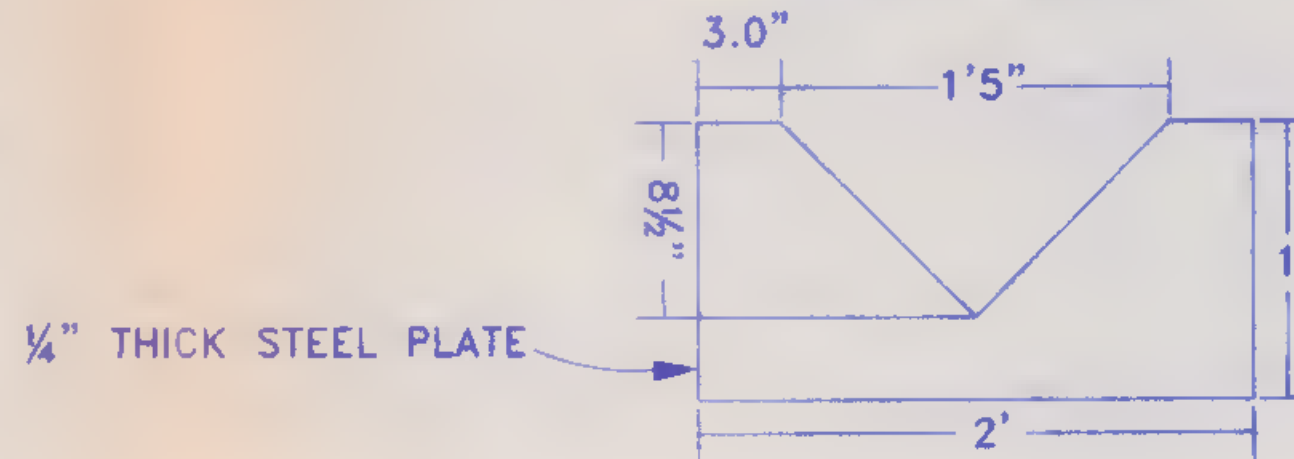
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AUG 01 2000

WATER RESOURCES DEPT.
SALEM, OREGON

Prepared For:
Sea Winds Farms Inc.
P.O. Box 242
Sixes, OR 97476

"V" NOTCH WEIR DIMENSIONS

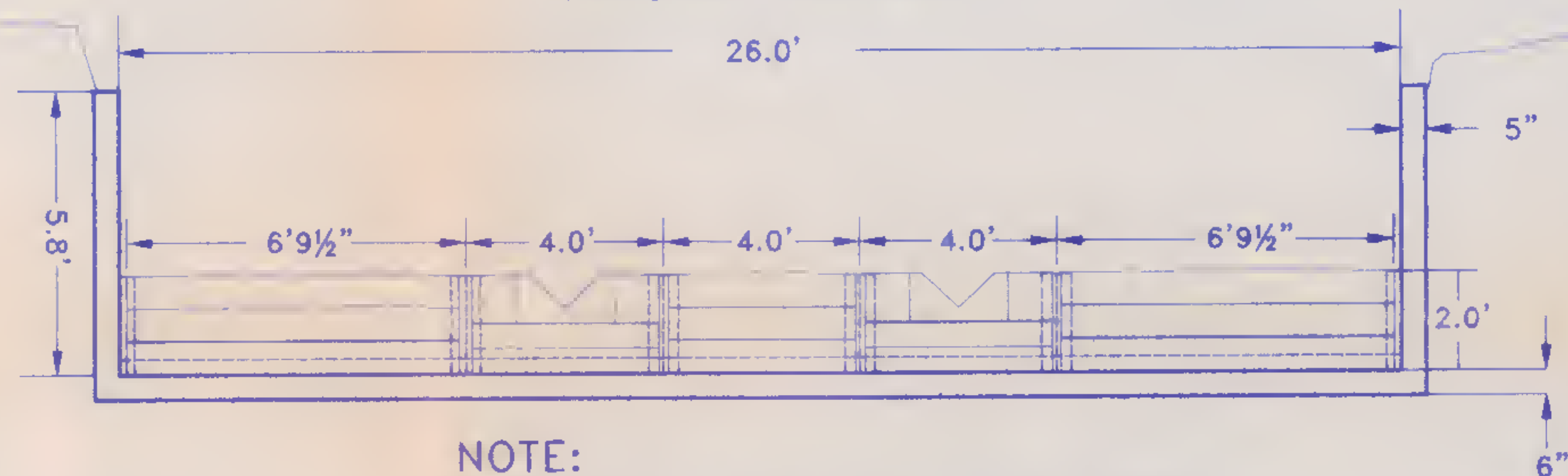


FLOW CAPACITY PER WEIR	
1"	= 0.005 cfs
2"	= 0.028 cfs
3"	= 0.078 cfs
4"	= 0.160 cfs
5"	= 0.280 cfs
6"	= 0.442 cfs
7"	= 0.650 cfs
8"	= 0.907 cfs

FRONT VIEW

Ground Elev. 58.0'

Crest Elev. 50.0'



NOTE:

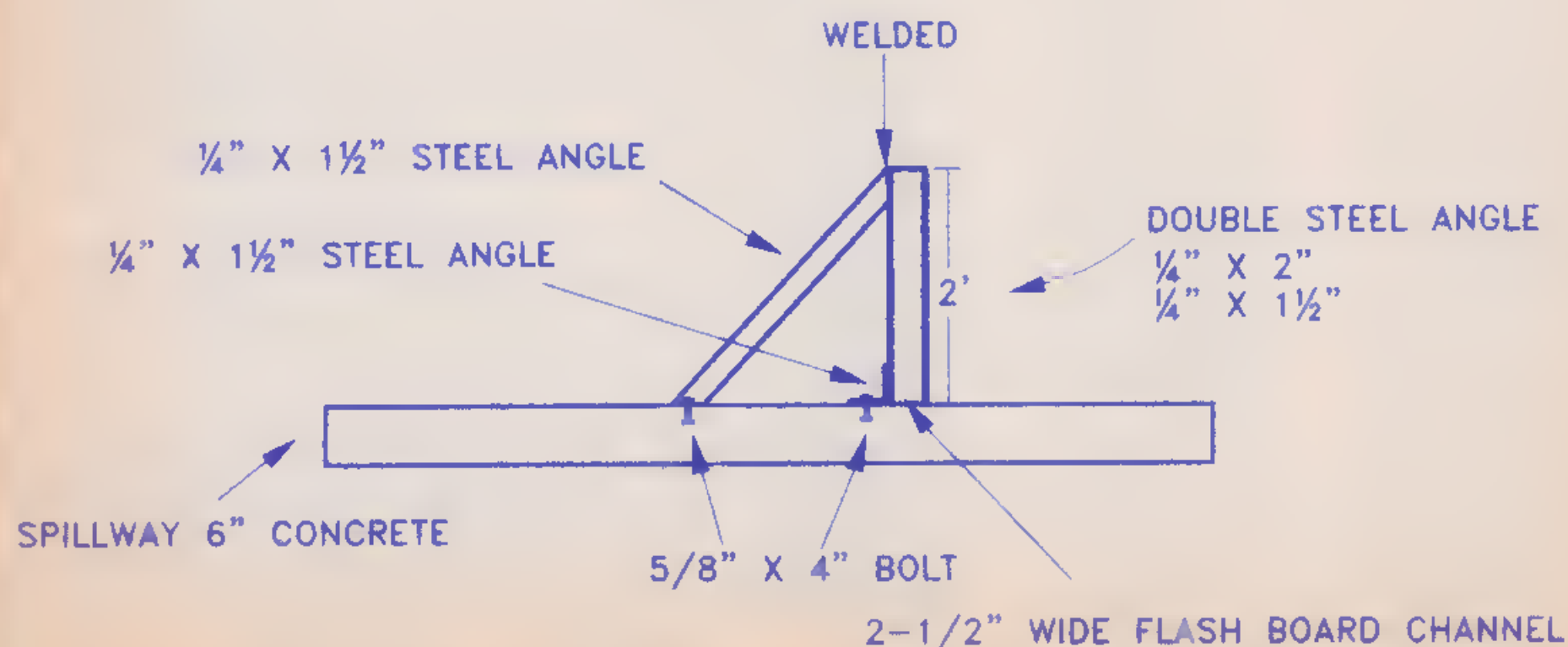
Weir brackets are constructed of steel angle and double angle with a 2 $\frac{1}{2}$ " channel for the flash boards. All flash boards are 2 $\frac{1}{4}$ " thick, lengths are 6'9 $\frac{1}{2}$ " & 4', widths are 6", 8" & 12". Flash boards are installed between December 15 and May 15.

Permit will require 0.5 cfs bypass, flow. An Alaska Fish Passage has been installed nearby and passes a flow of 5 to 6 cfs.

Elevations at the dam site were established by using the 7.5 minute series Sixes Quadrangle map.

SIDE VIEW

TYPICAL WEIR DETAILS & SUPPORT

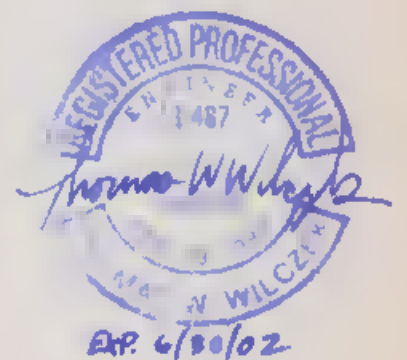


GUN WATER RESOURCES DEPARTMENT
DAM SAFETY

APPROVED *[Signature]*

REVIEW 9-21-2000

DATE



Stuntzner Engineering
& Forestry, L.L.C.

ENGINEERING • LAND SURVEYING • FORESTRY
PLANNING • WATER RIGHTS

705 South 4th St. Phone (541) 287-287
Post Office Box 118 Fax (541) 287-858
Coos Bay Oregon 97438

Drawn By: Dennis Gaudin Date: May 11, 2000

Checked By: Tom Wilczek Project No. 00-101

Designed By: Date: July 10, 2000

Job Name: Sea Winds Farms Sheet 1 of 1

R-74440



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

April 12, 2002

SEA WIND FARMS INC
PO BOX 242
SIXES OR 97476

Application(s): R-73733, R-74441, S-70170, S-73734, R-74440, S-74439

Permit Number(s): R-12095, R-12960, S-52989, S-52993, R-13159, S-53713

Re: Best Management Practices

As you know, your water right permit(s) as referenced above require(s) use of best management practices to protect water quality. The "best management practices" condition was developed as part of a negotiated settlement of challenges to yours and other water right applications in the New River area. The best management practices were to be developed by a consensus process in which participation was available to a broad range of interests, and were to include mechanisms to ensure their effectiveness.

The Oregon Agricultural Water Quality Management Act, ORS 568.900 to 568.933 (SB 1010), provides a framework for the Oregon Department of Agriculture to develop watershed-based plans to address agricultural water quality issues. The Agricultural Water Quality Management Area Plan and the associated rules for the Coos and Coquille Watersheds (SB 1010 plan; OAR Chapter 603, Division 95 sec 1500 to 1560) were adopted by the State Board of Agriculture last month and the rules filed with the Secretary of State on March 7, 2002. The plan and rules were developed by a Local Advisory Committee consisting of stakeholders residing in the Coos and Coquille watershed. A copy of the plan and rules can be found at the following website:

["http://www.oda.state.or.us/Natural_Resources/agwqmpr.htm"](http://www.oda.state.or.us/Natural_Resources/agwqmpr.htm)

The plan identifies best management practices, - measures and strategies to prevent and control water pollution resulting from agricultural activities. The rules identify mechanisms to ensure the effectiveness of the best management practices - to address prohibited conditions with respect to management of sediment, nutrients, pesticides, riparian areas, irrigation and waste (OAR 690-095-1540). The Water Resources Department (WRD) proposes to rely on the SB 1010 plan and rules for the Coos and Coquille

April 12, 2002

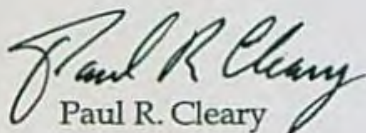
Page 2

Watersheds to satisfy the best management practices permit condition for the New River water right permits, such that compliance with the SB 1010 plan and rules will constitute compliance with the permit condition.

The New River water right permits with the "best management practices" permit condition encompass an area that includes Coos, Coquille and Curry Counties. Within the next year the Department of Agriculture is scheduled to complete a similar plan and rules for the Curry watershed area. WRD proposes to rely on the Coos and Coquille plan for the Curry County permits as well, until the Curry County Agricultural Water Quality Management Plan and associated rule are adopted.

Thank you for your cooperation and assistance. If you have questions or concerns with this proposal, please contact Dwight French, Water Rights Manager, at 503-378-8455, ext. 268.

Sincerely,



Paul R. Cleary
Director

cc: Brad Howe, Croft Lake Association
Doug Richert
Eric Aasen
Lonnie Hull
Wayner Scherer, Bandon Cranberry Water Control District
Carol Russell, Oregon Cranberry Farmers Alliance
Karen Russell, WaterWatch of Oregon
Al Cook, WRD
Lloyd Vangordon, WRD
Ray Jaendl, Department of Agriculture
Pam Blake, Department of Environmental Quality
Todd Confer, ODFW
Jill Zarnowitz, ODFW
John Youngquist
Dan Carpenter, Bureau of Land Management

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.

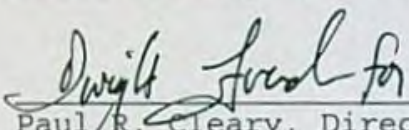
The use of water allowed herein may be made only at times when

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 MAP

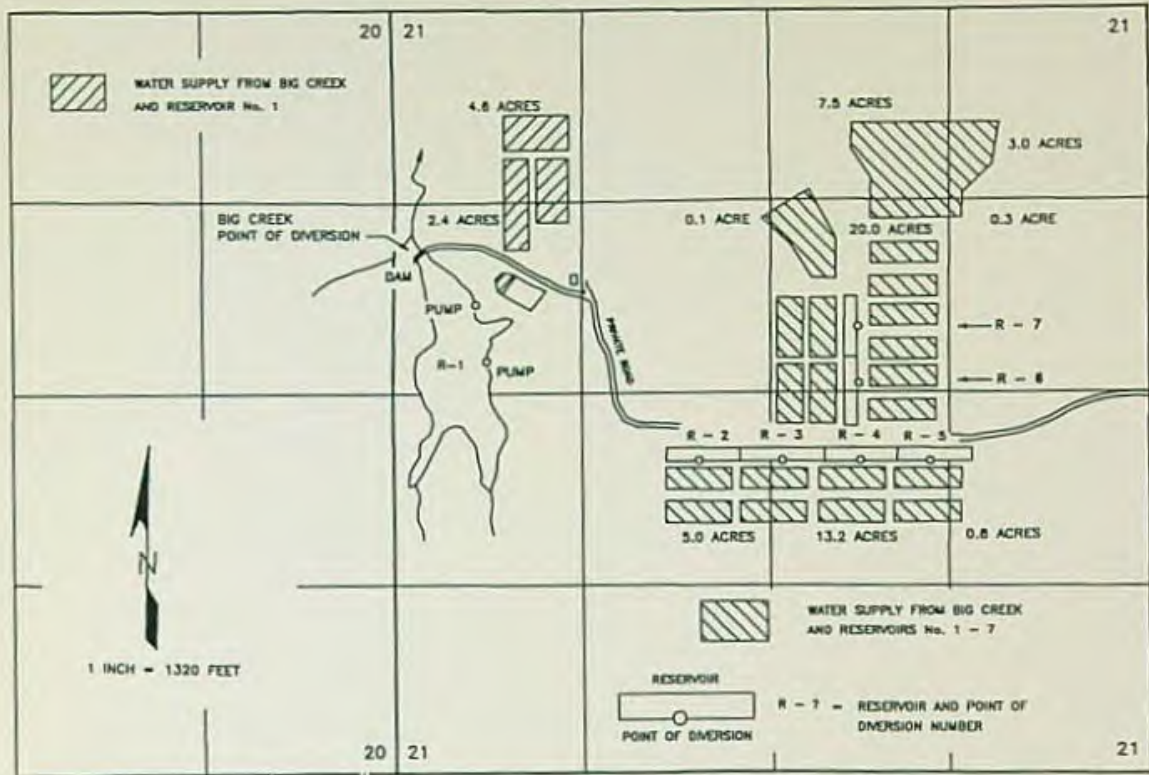
IN THE NAME OF SEAWIND FARMS, INC.

SECTION 21, T 31 S, R 15 W, W.M.

RECEIVED

AUG 26 1994

WATER RES. - PT.
SALEM, OREGON



THE POINTS OF DIVERSION ARE TO BE LOCATED AS FOLLOWS:

SOURCE/POINT OF DIVERSION	FEET SOUTH	FEET EAST	¼ ¼ SECTION
BIG CREEK/RESERVOIR No. 1	1660 FEET	180 FEET	SW¼ NW¼
RESERVOIR No. 1 PUMP SITE	2210 FEET	570 FEET	SW¼ NW¼
RESERVOIR No. 1 PUMP SITE	2360 FEET	650 FEET	SW¼ NW¼
RESERVOIR No. 2	3070 FEET	2110 FEET	NE¼ SW¼
RESERVOIR No. 3	3070 FEET	2680 FEET	NW¼ SE¼
RESERVOIR No. 4	3070 FEET	3215 FEET	NW¼ SE¼
RESERVOIR No. 5	3070 FEET	3690 FEET	NW¼ SE¼
RESERVOIR No. 6	2550 FEET	3200 FEET	SW¼ NE¼
RESERVOIR No. 7	2170 FEET	3200 FEET	SW¼ NE¼

R-74440

> 74430

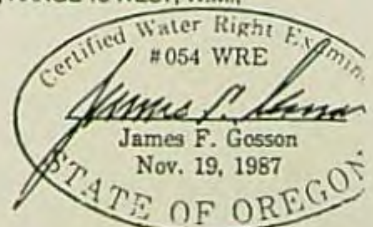
R-7444

ALL FROM THE NORTHWEST CORNER OF SECTION 21 AND WITHIN SECTION 21, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M., CURRY COUNTY.

Application No. R74441

Permit No. R12960

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.



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

Application S-74439 Water Resources Department

PERMIT 53713

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.

Diversions 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.

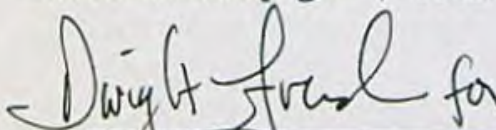
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

PERMIT 53713
District 19

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 NORTH & 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

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.

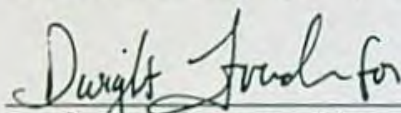
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

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 MAP

IN THE NAME OF SEAWIND FARMS, INC.

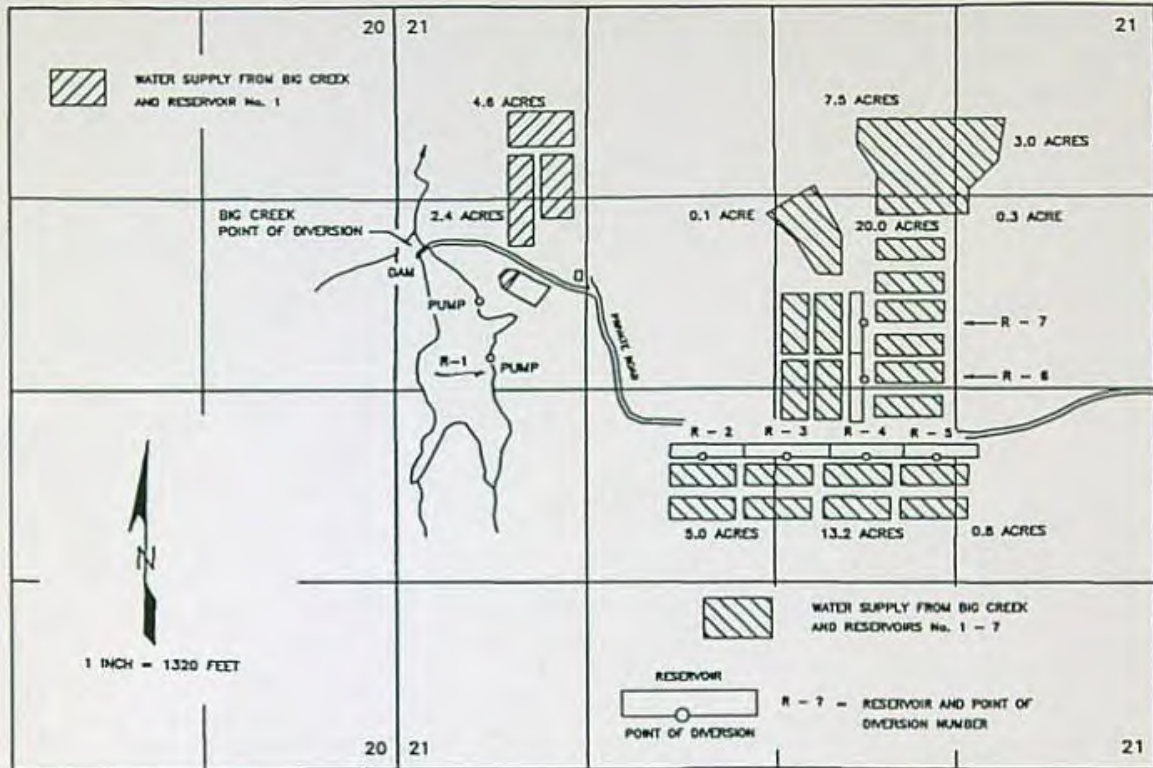
SECTION 21, T 31 S, R 15 W, W.M.

RECEIVED

AUG 20 1994

WATER RESOURCES DIVISION
SALEM, OREGON

Application No. R74440
Permit No. R12954

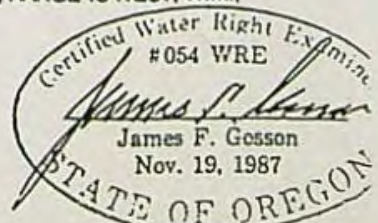


THE POINTS OF DIVERSION ARE TO BE LOCATED AS FOLLOWS:

SOURCE/POINT OF DIVERSION	FEET SOUTH	FEET EAST	¼ ¼ SECTION
BIG CREEK/RESERVOIR No. 1	1660 FEET	180 FEET	SW¼ NW¼
RESERVOIR No. 1 PUMP SITE	2210 FEET	570 FEET	SW¼ NW¼
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RESERVOIR No. 6	2550 FEET	3200 FEET	SW¼ NE¼
RESERVOIR No. 7	2170 FEET	3200 FEET	SW¼ NE¼

ALL FROM THE NORTHWEST CORNER OF SECTION 21 AND WITHIN SECTION 21, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M., CURRY COUNTY.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.



X-Sender: frenchdw@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 4.3.2
Date: Tue, 28 Nov 2000 10:26:01 +0000
To: Laura K Snedaker <Laura.K.SNEDAKER@wrđ.state.or.us>
From: Dwight W French <Dwight.W.FRENCH@wrđ.state.or.us>
Subject: Re: Sea Wind Farms
Cc: anita M Huffman <Anita.M.HUFFMAN@wrđ.state.or.us>

Thanks for the review.
Please proceed with FO processing at your earliest convenience.
Dwight

At 09:32 AM 11/28/2000 -0800, you wrote:

Dwight:

Last week you asked me to look into some applications filed by Sea Wind Farms (two reservoirs and a surface water application). You wanted to know where they were in the process.

Final Orders were issued by the Department for all three applications on January 31, 1997. Approval of the applications was contingent upon submission of plans and specs for the reservoir under application R-74440.

On April 14, 2000, Russ sent the applicant a certified letter requesting that "an engineered design for the dam and reservoir satisfactory to the Department's dam safety section" be submitted by May 15, 2000, or the application would be rejected.

I received an e-mail from John Falk this morning regarding the as-built plans and specs submitted for application R-74440. In his e-mail, he identified that the Department originally received as-built drawings on May 15, 2000. It took two more tries of submitting revised drawings before the as-built drawings were approved by the John on August 1, 2000.

While the as-built drawings that were first submitted were not "satisfactory", they were received on May 15, 2000.

Therefore, I believe that was can say that the applicant met the deadline in the certified letter (we generally ask applicants to submit plans and specs for review and not that they be satisfactory - John will decide based on his review whether they are satisfactory. We don't know and the applicant doesn't know that they are satisfactory until John reviews the plans). Subsequently, the applications should be ready to have permits issued. Unless you disagree or would like to take a look at the files first, I will give the applications to Anita for further processing.

Laura

=====

Dwight French
Water Rights Section Manager, Water Rights Division
Oregon Water Resources Department
158 12th ST NE, Salem Oregon 97301-1724

X-Sender: falkja@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 4.3.2
Date: Wed, 22 Nov 2000 14:31:03 -0800
To: Laura K Snedaker <Laura.K.SNEDAKER@wrd.state.or.us>
From: John Falk <john.a.falk@wrd.state.or.us>
Subject: Re: Sea Wind Farms

Laura: Yes, we received the first set of asbuilt drawings on May 15, 2000. It took two more tries before the engineer got it right per our request. We approved the revised asbuilts on 9/21/2000 after receiving them on August 1, 2000. --jf--

*****Message Separator*****

At 11:00 AM 11/22/00 -0800, you wrote:

John:

I need to find out when the Department received plans and specs (as-builts) for application R-74440. They would have been submitted by Sea Wind Farms (the applicant) or by Stuntzner Engineering (Dennis Goude) on the applicant's behalf. The As-builts I have are dated as being received on August 1, 2000. Was therean earlier set that was submitted that maybe you returned to them? If so, what date were those plans received on?

I have a copy of a letter you sent to Tom Wilczek, PE, with Stuntzner Engineering, on June 15, 2000, regarding a June 6, 2000, letter he submitted to you. So, it appears from your letter that there was an ealier set of as-builts submitted but they were not complete. If this is when the original as-builts were submitted, do we still have a copy or at the very least a copy of the June 6, 2000, letter?

Laura

111

Water Rights
Section

regon

Kitzhaber, M.D., Governor

September 21, 2000

Water Resources Department

Commerce Building

158 12th Street NE

Salem, OR 97301-4172

(503) 378-3739

FAX (503) 378-8130

Tom Wilczek, P.E.
Stuntzner Engineering & Forestry, LLC
705 S. 4th, P.O. Box 118
Coos Bay, OR 97420

Re: Shipler Reservoir, File S-87
(Sea Wind Farms Dam)
Application R-74440

Dear Mr. Wilczek:

Thank you for submitting for our approval the revised asbuilt drawings and area-capacity curve for the referenced structure illustrating the modifications to the existing spillway. We are pleased to inform you that the drawings have been approved. Enclosed, please find a signed copy of the asbuilt drawings for your information and files.

Based on our review of the drawings, we understand the reservoir level will be increased to elevation 51.3' following the placement of the flashboard weir structure across the entrance to the emergency spillway. The 51.3' elevation corresponds to the bottom of the "V" notch weirs, of which there are two. We also understand the flashboard arrangement will be installed on an annual basis, only between December 15th and May 15th.

The existing project has a Certificate Of Water Right for 250 acre-feet reservoir storage (figure 1). According to the original design, this volume corresponds to the crest of the emergency spillway, elevation 50.0'. It is important to note that the area-capacity curve you submitted with the asbuilt drawings (figure 2) shows approximately 234 acre-feet being stored @ 51.3 feet elevation. Thus, after inserting the flashboards and increasing the pool level to 1.3 feet above the existing spillway crest, the revised area-capacity curve indicates *less* volume in the reservoir than the amount for which the Certificate was issued.

A few possible explanations may exist for this apparent discrepancy, as follows:

- Sufficient quantities of sediment have been washed into the reservoir and/or erosion has reconfigured the shoreline over the life of the project to account for the amount of decreased storage,
- The final proof survey that was submitted by the engineer of record for the original Application R-63330/Permit R-8449 overestimates reservoir storage,
- The revised area-capacity curve recently submitted with the asbuilt drawings for Application R-74440 underestimates reservoir storage,
- Any combination of the above.



Oregon

John A. Kitzhaber, M.D., Governor

September 21, 2000

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

Tom Wilczek, P.E.
Stuntzner Engineering & Forestry, LLC
705 S. 4th, P.O. Box 118
Coos Bay, OR 97420

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(Sea Wind Farms Dam)
Application R-74440

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A few possible explanations may exist for this apparent discrepancy, as follows:

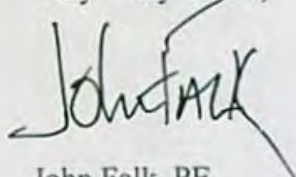
- Sufficient quantities of sediment have been washed into the reservoir and/or erosion has reconfigured the shoreline over the life of the project to account for the amount of decreased storage,
- The final proof survey that was submitted by the engineer of record for the original Application R-63330/Permit R-8449 overestimates reservoir storage,
- The revised area-capacity curve recently submitted with the asbuilt drawings for Application R-74440 underestimates reservoir storage,
- Any combination of the above.

This discrepancy, by itself, is not a problem from a dam safety aspect as it has been shown that the structure can safely impound water @ reservoir elevation 51.3 feet without reducing the capacity of the spillway to pass runoff from the 1% storm event and maintain two feet of freeboard on the embankment. However, please be advised that even though another reservoir permit may be issued for the requested 35 acre-feet additional storage (bringing the paper total in the reservoir to 285 acre-feet storage), the final proof survey for this newest application must somehow resolve the above-mentioned inconsistency prior to another certificate being issued.

Attached is a list of conditions that will be added to the permit if and when a permit is issued for this project. This list provides instructions to assist the applicant with the safe operation and maintenance of the dam. Assuming a permit is issued for this particular project, the items on this list are requirements that must be fulfilled for the continued use of the reservoir and/or storage of water behind the dam. Failure to implement and abide by these conditions may result in enforcement actions being taken by the Water Resources Department against the owner or against their ability to use waters of the State.

Thank you for your cooperation. Should you have any questions, or if you desire to amend any documents submitted to date, please do not hesitate to let me know.

Very Truly Yours,



John Falk, PE
Safety of Dams

c: Sea Wind Farms - Applicant
OWRD Water Rights section
Lloyd Van Gordon - Watermaster Dist. #19

enclosure

This is a Final Order in other than a contested case. Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition the Director for reconsideration of this Order or petition for judicial review of this Order. As provided in ORS 536.075, this Order is subject to judicial review under ORS 183.484. Any petition for judicial review of the Order must be filed within the 60 day time period specified by ORS 183.484(2).

MEMORANDUM

DATE: September 21, 2000
TO: Water Rights Section
FROM: John Falk, (x222) *JF*
Safety of Dams
SUBJECT: Conditions of Permit for the Proposed
Enlargement of an Existing Earthen Dam, File S-87

Please include the following items as conditions of permit for RESERVOIR APPLICATION R-74440, Sea Wind Farms, Inc.:

- The earthen dam, the resultant reservoir, and the emergency spillway, shall be constructed and maintained according to the approved plans and specifications on file with the Oregon Water Resources Dam Safety program.
- Routine maintenance of the dam and all appurtenant structures shall be performed as necessary to remove trees, brush and debris, and to repair slumps, areas of erosion, or defective equipment.
- The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representative. Except for routine repair and maintenance, approval of plans and specifications prepared by an Oregon licensed professional engineer is required prior to any significant modification, alteration, or rehabilitation of the dam, spillway or appurtenant works.

E Copy :

M: \ groups \ ts \ dams \ applications

r-74440

STATE OF OREGON
COUNTY OF CURRY
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SEAWIND FARMS, INC.
580 S. STATE STREET
SUTHERLIN, OR 97479

confirms the right to store the waters of BIG CREEK, a tributary of FLORAS LAKE, in A RESERVOIR, appropriated under Permit 46806, for TEMPERATURE CONTROL AND IRRIGATION.

The right to store these waters was perfected under Reservoir Permit R-8449. The dates of priority is FEBRUARY 25, 1982 FOR 200.0 ACRE-FEET AND JULY 16, 1982 FOR 50.0 ACRE-FEET. The amount of water entitled to be stored each year under this right is 250.0 ACRE-FEET, BEING 125.0 ACRE-FEET FOR IRRIGATION AND 125.0 ACRE-FEET FOR TEMPERATURE CONTROL, PROVIDED THE TOTAL QUANTITY DOES NOT EXCEED 250.0 ACRE-FEET.

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.

THE DAM IS TO BE OPERATED AND MAINTAINED IN ACCORDANCE TO THE APPROVED PLANS AND SPECIFICATIONS.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described.

WITNESS the signature of the Water Resources Director, affixed MARCH 20, 1992.

/s/ WILLIAM H. YOUNG

William H. Young

Recorded in State Record of Water Right Certificates numbered 67226.

R-63330.LMJ

FIGURE 1.

SUBJECT

SEA WIND FARMS

DATE JULY 31, 2000 BY TN

PROJECT NO. 00-101

Stuntzner Engineering & Forestry, LLC

P.O. Box 118, Coos Bay, OR 97420

Phone (541) 267-2872

AREA-CAPACITY CURVE

APPLICATION R-74440
FILE S-87

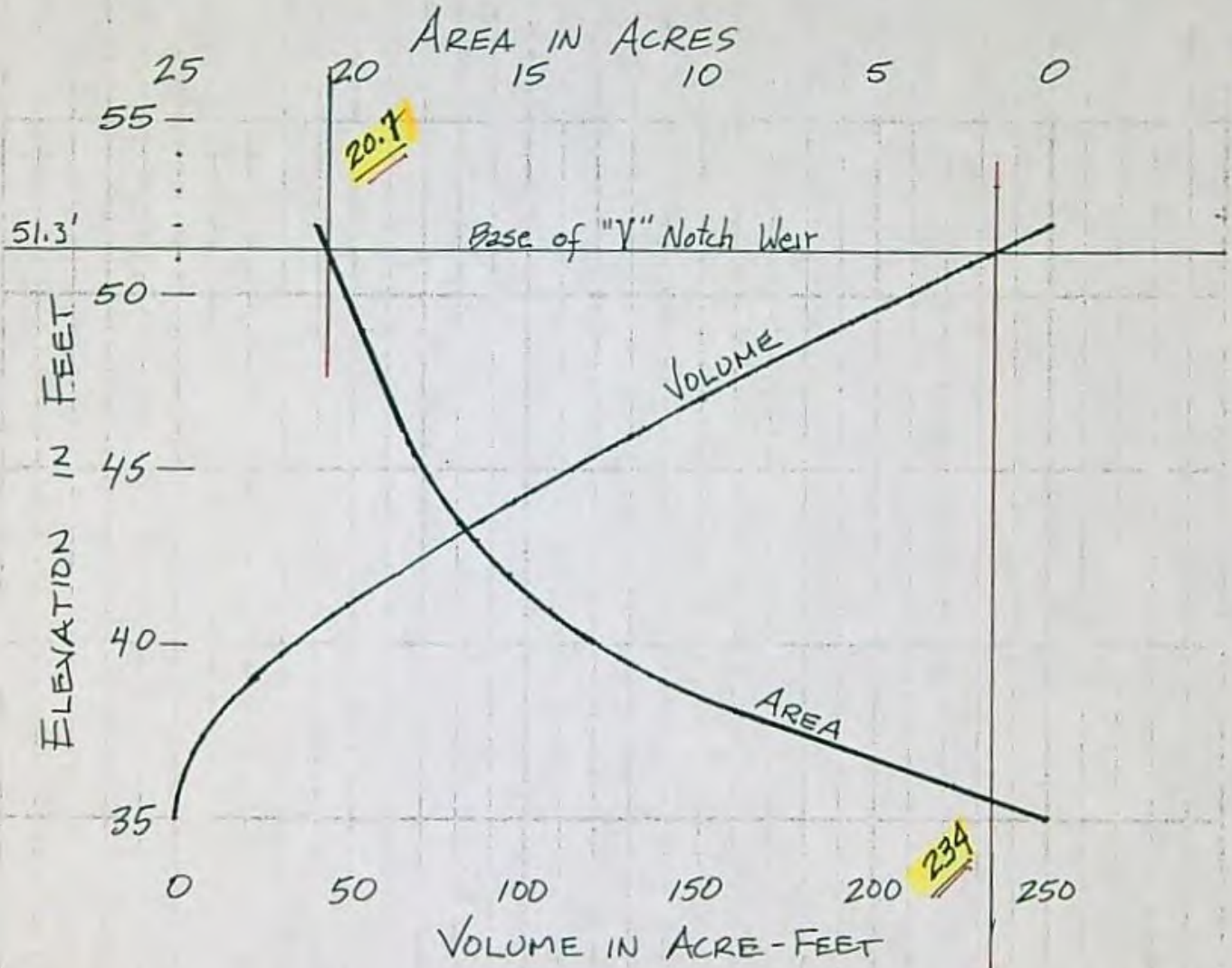


FIGURE 2.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece; or on the front if space permits.

1. Article Addressed to:

Sea Wind Farms Inc.
PO Box 242
Sixes, OR 97476

Russ

R-74440

2. Article Number (Copy from service label)

956671

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

Heather Barton

B. Date of Delivery

C. Signature

x Heather Barton

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

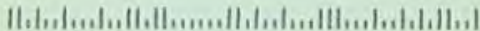
UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM, OR 97301-4172





Oregon

John A. Kitzhaber, M.D., Governor

CERTIFIED MAIL
Return Receipt Requested

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

April 14, 2000

Sea Wind Farms Inc.
PO Box 242
Sixes, OR 97476

RE: Application File # R-74440

Dear Sea Wind Farms, Inc:

The following documents were sent from the Department requesting an engineered design for the dam be submitted: a letter from John Falk on October 17, 1994, a Proposed Final Order on October 15, 1996, a Final Order on February 14, 1997, a certified letter on July 14, 1998, and on August 21, 1998 an E-Mail allowing until December 15, 1998. The following item has not been received, and must be received as specified below, or the Department will reject the application:

- An engineered design for the dam and reservoir satisfactory to the Department's dam safety section.

Please submit this item by **May 15, 2000**. If we do not receive the item requested above by this date, your application **will** be rejected. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost and the proposed use of the storage under application 74439 will not be allowed.

If you need to request additional time to submit the engineered design, the written request must be received in the Salem office of the Department by the deadline above. The Department will evaluate timely requests and determine whether or not the request may be granted.



Oregon

John A. Kitzhaber, M.D., Governor

June 15, 2000

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

Tom Wilczek, P.E.
Stuntzner Engineering & Forestry, LLC
P.O. Box 118
Coos Bay, OR 97420

Re: Shipler Reservoir, File S-87
Application R-74440

Dear Mr. Wilczek:

Thank you for your letter dated 6/6/00 regarding the referenced structure describing spillway capacity with the weir in place. The only thing remaining for Dam Safety approval is our receipt of an asbuilt drawing of the emergency spillway complete with dimensions and elevations, and a revised area-capacity curve or tabulation of reservoir volume and surface area versus height of dam.

Enclosed, please find a copy of the existing Area-Capacity Curve showing a permitted capacity equal to 250 acre-feet. Also included is a copy of the original, approved spillway drawings and Permit R-8449 with language describing the dimensions of the emergency spillway. As you can see, the dimensions listed on the Permit and shown on the drawings do not match the asbuilt drawing recently provided by your firm. This by itself is not a problem if your asbuilt drawings can be revised to show existing, asbuilt conditions: Dimensions, Elevations, and Details.

Unfortunately, I cannot consider the asbuilt complete until we have received the requested area/capacity curve and as-constructed drawings that accurately reflect existing spillway conditions. If you choose to use a benchmark elevation other than NGVD, please be sure to include its description/location on the drawings. Please call me if you have any questions.

Sincerely,

John Falk, P.E.
Safety of Dams

c: Sea Wind Farms, Inc. - Applicant
John Drolet - Watermaster Dist. #19
Water Rights Section

enclosure





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

CERTIFIED MAIL
Return Receipt Requested

July 14, 1998

Sea Wind Farms, Inc.
PO Box 242
Sixes, OR 97476

RE: Application Files # S-74439, R-74440, & S-74441

Dear Sea Wind Farms:

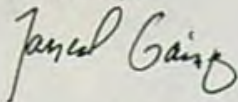
On January 31, 1997, the Department issued a Final Order for applications S-74439, R-74440, S-74441. The Final Order identified that additional information must be submitted to the Department before a permit would be issued. The Department has not yet received the following:

- ▶ Submission of dam construction plans and specifications for application R-74440. The issuance of a permit for applications S-74439 & S-74441 is contingent on the approval of R-74440. If you have any questions pertaining to dam construction plans and specifications, you can call John Falk at (503) 378-8455, extension 222 or toll free within Oregon at 1-800-624-3199

Please submit this information by **September 14, 1998**. If we do not receive the information requested above by this date, we **will** reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me at (503) 378-8455, extension 264, or toll free within Oregon at 1-800-624-3199.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jarred Gainey".

Jarred Gainey
Water Right File Technician

cc: John Drolet, Watermaster District 19
James Gosson, CWRE

October 17, 1994

Oregon

WATER
RESOURCES
DEPARTMENT

George Hamilton
Sea Wind Farms, Inc.
P.O. Box 242
Sixes, OR 97476

RE: Proposed Reservoir Expansion
Application R-74440

Gentlemen:

The Application For A Permit To Construct A Reservoir you submitted for the referenced project located in Section 21, T31S, R15W, Curry County has been forwarded to Dam Safety for our review. It is my understanding the spillway of the existing dam (Shipler Reservoir, Permit R-8449) will be modified to increase the level of water impounded by the dam and consequently, to increase the normal pool storage by an additional 35 acre-feet.

The information included with your application, together with drawings we have on file for the existing dam and reservoir, is sufficient to reserve a priority date. However, it would be to your advantage to submit an engineered design outlining all proposed changes to the dam and the spillway and all appurtenant structures as soon as possible.

Please be advised that no permits can be issued until a final, ready-for-construction design, prepared and stamped by an engineer licensed in Oregon, has been submitted to the Oregon Water Resources Dam Safety program for review and approval. The final set of drawings submitted for approval should be drafted on mylar, vellum, or a similar quality reproducible stock.

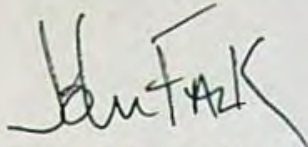
The reproducible drawings and two (2) sets of blue-line prints, together with two (2) sets of specifications and one (1) set of supporting calculations should be sent directly to the Dam Safety Section at the address listed on this letterhead. One set of approved blue-lines and specifications will be returned to you for use during construction when and if the permit is issued; the others will remain here for public record.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

Thank you for your cooperation. We are available for consultation should you have any questions. If we can be of assistance in any way, please do not hesitate to let me know.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'John A. Falk'. The signature is stylized with a large 'J' and 'F'.

John A. Falk
Dam Safety Engineer

cc: Dwight French - Water Rights -----
John Drolet - Watermaster District 19
James Gossan

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-74440

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Additional Information Required: Prior to the issuance of a permit, the applicant must submit plans and specifications prepared by a registered engineer for review and approval from the Department's Dam Safety Engineer.

Application History

On August 23, 1994, SEA WIND FARMS, INC. submitted an application to the Department for the following water use permit:

- Amount of Water: 35.0 ACRE-FEET (AF)
- Use of Water: SUPPLEMENTAL CRANBERRY OPERATIONS
- Source of Water: BIG CREEK, A TRIBUTARY OF FLORAS LAKE, TO BE APPROPRIATED UNDER APPLICATION S-74439
- Area of Proposed Use: Curry County within SECTION 21, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

On AUGUST 11, 1995, the Department mailed the applicant notice of its Initial Review, determining that the STORAGE OF 35.0 AF FROM BIG CREEK, A TRIBUTARY OF FLORAS LAKE, FOR SUPPLEMENTAL CRANBERRY OPERATIONS IS ALLOWED NOVEMBER 1 THROUGH THE LAST DAY OF FEBRUARY. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On AUGUST 29, 1995, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

Within 30 days of the Department's public notice, written comments were received from John Drolet, District 19 Watermaster (8/21/95).

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program

- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

Findings of Fact

Based on continued evaluation, the Department finds the determinations of the Initial Review require modification to expand the period of allowed storage and to incorporate additional conditions as set by the New River Alternate Dispute Resolution team.

The South Coast Basin Program allows the following uses: CRANBERRY OPERATIONS

Senior water rights exist on BIG CREEK, A TRIBUTARY OF FLORAS LAKE, or on downstream waters.

BIG CREEK, A TRIBUTARY OF FLORAS LAKE, is not within or above a State Scenic Waterway.

Water is available for further appropriation (at a 50 percent exceedance probability) for the period OCTOBER 1 THROUGH JUNE 30.

The Department finds that no more than 35.0 AF would be necessary for the proposed use. The amount of water requested, 35.0 AF, is allowable.

There is no evidence in the record of the presence of game fish at the described point of diversion.

The New River Alternate Dispute Resolution team reviewed this proposed use for potential adverse impacts on declining fish populations. This team consisted of representatives from the Oregon Department of Water Resources, Oregon Department of Fish and Wildlife, U.S. Bureau of Land Management, Oregon Cranberry Association, WaterWatch of Oregon, Croft Lake Association, the Audubon Society, and the Bandon Water Control District. In addition, individual applicants participated in the ADR process when issues relevant to their applications were addressed. The ADR team recommended that the following limitations or conditions of use be imposed on this application:

The period of allowed storage has been expanded to DECEMBER 1 THROUGH MAY 31.

Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead pool storage must be installed in the reservoir. The staff gage shall be permanently located in the pool to allow readings of total range of pool elevations or surveyed to a permanent monument and be United States Geological Survey style porcelain enamel iron

staff gage style A, C, E, I or M.

Before water use may begin under this permit, a weir must be installed and maintained upstream and downstream of the reservoir.

Before the storage of water can be allowed under the terms of this permit, the permittee must allow 0.05 cfs to by-pass. However, if inflow to the reservoir is less than 0.05 cfs, then outflow must equal inflow.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the South Coast Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

The proposed use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

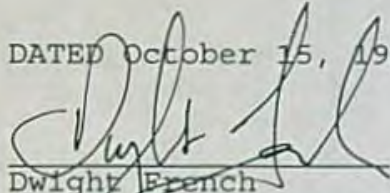
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount of water necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED October 15, 1996



Dwight French
Water Rights Section Manager

Protest Rights

Under the provisions of ORS 537.153(6) or 537.621(7), you have the right to submit a protest against this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050.
- If you are the applicant, a statement of whether or not you are requesting that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than November 29, 1996.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues the director finds that there are significant disputes related to the proposed use of water, or

- the applicant requests a contested case hearing within 30 days after the close of the protest period.

BW

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF CURRY

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

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

(541)348-9937

The specific limits for the use are listed below along with conditions of use.

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 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 NORTH & 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 staff gage that measures the entire range and stage between full reservoir level and dead pool storage must be installed in the reservoir. The staff gage shall be permanently located in the pool to allow readings of total range of pool elevations or surveyed to a permanent monument and be United States Geological Survey style porcelain enamel iron staff gage style A, C, E, I or M. The permittee shall take a reading from the gage once a month and keep a record of these measurements and shall be responsible for maintaining the gage. 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 measure water use more frequently or 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.

Before water use may begin under this permit, a weir must be installed and maintained upstream and downstream of the reservoir.

Before the storage of water can be allowed under the terms of this permit, the permittee must release 0.5 cfs of by-pass flow. However, if inflow to the reservoir is less than 0.5 cfs, then outflow must equal inflow.

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.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1999.

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-74440

Final Order

Application History

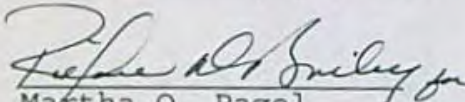
On August 23, 1994, SEA WIND FARMS INC submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on October 15, 1996. The protest period closed November 29, 1996, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe measurement and reporting conditions and bypass flow requirements and to acknowledge that plans and specifications for dam construction have not yet been approved. Approval of those plans may require additional conditions in the permit, if issued.

Order

Upon approval of dam construction plans and specifications, Application R-74440 shall be approved with the above modifications to the Proposed Final Order, and as limited by the conditions set forth in the attached draft permit.

DATED January 31, 1997


Martha O. Pagel
Director



Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

Under the provisions of ORS 183.484, the applicant or any person having standing may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

STATE OF OREGON

COUNTY OF CURRY

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT 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 _____ 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 NORTH & 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
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 _____ 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.

SEE NEXT PAGE

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.

{DATE}

DRAFT

Martha O. Pagel, Director
Water Resources Department

Please File w R74440

mjywater@sorcom.com, 07:54 AM 8/21/98, Re: File No. R74440 in the nam

To: mjywater@sorcom.com
From: Dwight W French <Dwight.W.FRENCH@wrđ.state.or.us>
Subject: Re: File No. R74440 in the name of Seawind Farms
Cc:
Bcc:
X-Attachments:

John,
Waiting until December 15, 1998, will be fine.
I'm printing a copy of this message with my response for the file.
Dwight

At 04:21 PM 8/20/98 -0700, you wrote:

>Dwight:
>
>The land owner has been requested to provide blueprints of the proposed
>structure in his "weir" in an exisiting dam. The installation of the
>measuring device will increase storage, thereby the new application.
>
>Problem is that the engineer, James F. Gosson, PE, is currently in New
>York and will not be back until November 1st. Could the information for
>File No. R-74440 in the name of Seawind Farms be submitted no later than
>December 15, 1998. This will give Jim time to get home, settle down and
>prepare the needed documents for the Department.
>
>Please respond by Email is you need additional information, request
>granted or if we need to get a new engineer and submit data before
>September 1, 1998.
>
>Thank you for your consideration in this matter.
>
>John Youngquist
>
>

WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

To: John Drolet, Watermaster Dist 19
From: Russell W. Klassen
Subject: Application R-74440 Sea Wind Farms Inc.

Date: December 23, 1999

Thank you for your memo of June 15, 1999, regarding the above referenced file. Your memo requested that the condition requiring weirs and measuring and bypass of a minimum of 0.5 cfs be changed. The proposed change would allow use without measurement whenever the fish screens were operating. The reason for the proposed change is that the fish screens require 5 - 6 cfs to operate and the condition only requires 0.5 cfs of natural flow be maintained, so the measuring would be pointless.

We do not have the liberty of changing the condition unless all of the interest groups and agencies that were involved in the New River ADR have the opportunity for comment. However, we will put a copy of this memo in the file which identifies that you are comfortable with this form of "other suitable measuring device." It appears you are comfortable that when the fish screens are in operation, 0.5 cfs of flow is being bypassed.

I have asked John Falk to pursue plans and specifications for the reservoir. After plans and specifications are approved the Final Order and permit will be issued.

THIS MAILCALLY APPEARED ON MY DESK 7/10/00 BAK



STATE OF OREGON

RECEIVED INTEROFFICE MEMO

AUG 11 1999

TO: Dwight French
Manager, Water Rights Div

WATER RESOURCES DEPT.
SALEM, OREGON

DATE 08-10-99

FROM: John P. Drolet *[Signature]*
Watermaster, District 19

File # R-74440

SUBJECT:

Seawind Farms—Measurement Conditions

Dwight, on June 10, 1999, in the company of Knute Anderson, manager of Seawind Farms, I made a field inspection of the measurement site that Seawind proposes to use in order to meet permit conditions. The proposed site is in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec 28, T31S R15W, and I am satisfied that this site meets Department requirements. A copy of the NW portion of the Sixes 1986 provisional USGS 7.5'quad with the highlighted circled X shows the proposed weir location.

Should you have questions, please get in touch.

JPD/dt

CF: AJC
Knute Anderson

Seawind1.D19



RECEIVED

STATE OF OREGON

JUN 16 1999

INTEROFFICE MEMO

WATER RESOURCES DEPT.
SALEM, OREGON

TO: Dwight French
Administrator, Water Rights

DATE: 06-15-99

FROM: John P. Drolet *[Signature]*
Watermaster, District 19

File # R-74440

SUBJECT: Request to Modify Measurement Condition

Dwight, the above referenced application contains a condition that requires measurement, to wit:

"...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 or downstream from the reservoir."

Since the final order was thus worded in 1997, the applicant has installed an Alaska steep pass fish ladder at the reservoir which requires 5-6 cfs in order to function. It is the applicant's intention to allow the fish ladder to function to the extent that water is naturally available.

It would appear that to the extent that the fish ladder is functioning, the applicant is exceeding the conditional requirements for passing flow.

Seawind therefore requests that the proposed permit conditions be modified to recognize that when the fish ladder is in operation it shall not be necessary to maintain a functional weir, but that the measured flow through the fish ladder meets (and, as stated above, actually exceeds) flow passage requirements. Unchanged would be the condition, as currently drafted, that requires measurement, by weir, of natural flow when the fish ladder is not functioning.

I would support the applicants request for the additional reason that verification of flow passage at the reservoir's fish ladder would be infinitely more time efficient than travel to the weir site upstream from the reservoir.

Please get in touch if you have questions.

JPD/dt

CF: AJC
BSA
Knute Anderson

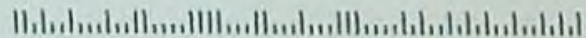
SeaWind1.D19

JOHN DROLET, WATERMASTER
COOS COUNTY COURTHOUSE
COQUILLE, OR 97423



OREGON WATER RESOURCES DEPT
158 12TH STREET NE
SALEM, OR 97310

97310>0705



To: John Drolet
From: John Falk <john.a.falk@wrdd.state.or.us>
Subject: Sea Wind Farms R-74440 (shipler dam)
Cc:
Bcc:
Attached:

T-minus.....

Hello, John. Russ K. in Water Rights informed me that they are getting ready to issue some sort of Order, Final Order, Superceeding Final Order, or Order Reincarnate for the referenced project and need Dam Safety blessing. As I recall, except for addition of the fish ladder, there was not going to be any significant construction or modification to the dam itself. All the additional storage would be gained simply by adding flashboards (2' vertical) to the throat of the emergency spillway.

As we discussed, there did not appear to be a problem with this concept provided their engineer looked at peak flows (100-year storm) generated by the watershed and can demonstrate that the emergency spillway has sufficient capacity to pass the peak flow while maintaining a minimum 2-feet of freeboard. To date, I have not received anything to suggest that this very basic calculation has been performed and the results tabulated and summarized. Another question that was to be answered dealt with the period/time of year that would be acceptable for having the flashboards in place.

The other item you and I discussed dealt with the fishladder which, according to DOI-BLM preliminary drawings, was to be constructed in natural/native ground on the right side of the emergency spillway and thus would not be considered to be an action that would require Dam Safety review and approval prior to it being built. However, we do want to have an set of asbuilt drawings or letter of completion from the design engineer that will confirm this assumption of non-modification or non-alteration to the existing structure. To date, I have not received any such information or any other communication from anyone.

In summary, I am not prepared to pass on this without some minimum comfort level being provided from/by the engineer(s)-of-record. cheers --jf--

APPLICATION MAP

IN THE NAME OF SEAWIND FARMS, INC.

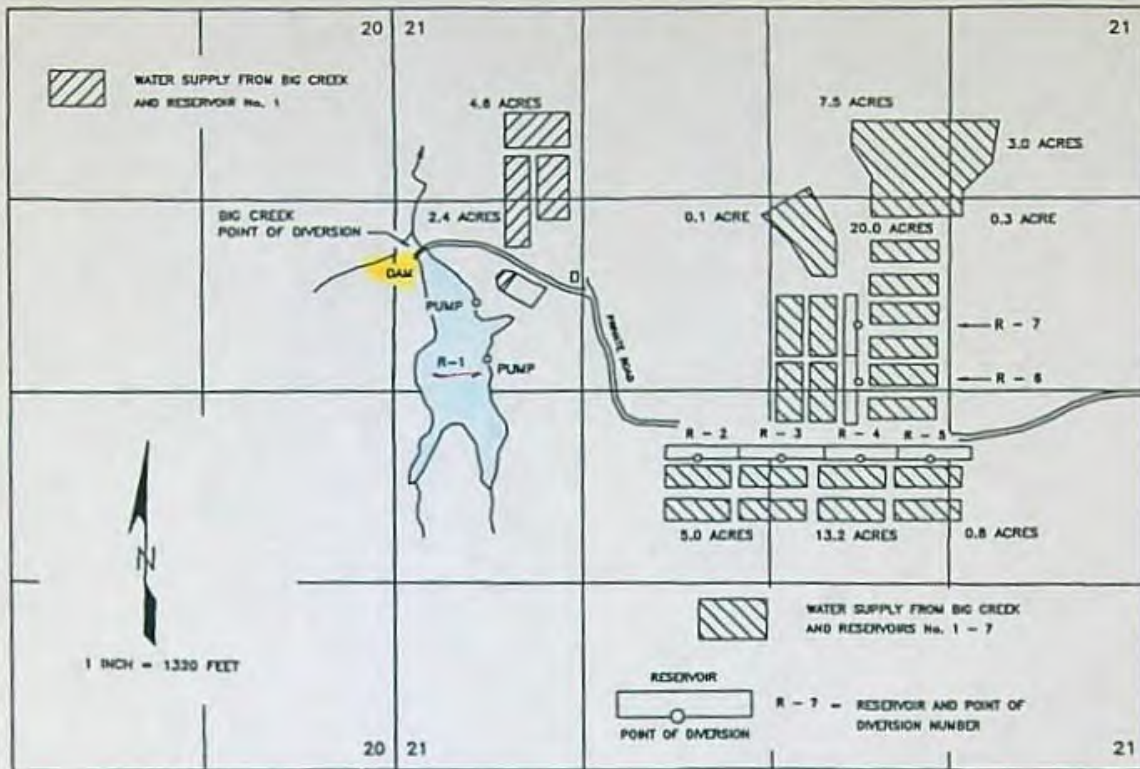
SECTION 21, T 31 S, R 15 W, W.M.

RECEIVED

AUG 26 1994

WATER RIGHT - MT.
SALEM, OREGON

Application No. **R74440**
Permit No. **R12954**



THE POINTS OF DIVERSION ARE TO BE LOCATED AS FOLLOWS:

SOURCE/POINT OF DIVERSION	FEET SOUTH	FEET EAST	¼ ¼ SECTION
BIG CREEK/RESERVOIR No. 1	1660 FEET	180 FEET	SW¼ NW¼
RESERVOIR No. 1 PUMP SITE	2210 FEET	570 FEET	SW¼ NW¼
RESERVOIR No. 1 PUMP SITE	2360 FEET	650 FEET	SW¼ NW¼
RESERVOIR No. 2	3070 FEET	2110 FEET	NE¼ SW¼
RESERVOIR No. 3	3070 FEET	2680 FEET	NW¼ SE¼
RESERVOIR No. 4	3070 FEET	3215 FEET	NW¼ SE¼
RESERVOIR No. 5	3070 FEET	3690 FEET	NW¼ SE¼
RESERVOIR No. 6	2550 FEET	3200 FEET	SW¼ NE¼
RESERVOIR No. 7	2170 FEET	3200 FEET	SW¼ NE¼

ALL FROM THE NORTHWEST CORNER OF SECTION 21 AND WITHIN SECTION 21, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M., CURRY COUNTY.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.



Application No. R-74440



State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Applicant(s) Sea Wind Farms, Inc.

(Please print or type - use dark ink)

Mailing Address: P.O. Box 242

Sixes,

City

Oregon

State

97476

Zip

(503) 348-9937

Daytime Phone No.

I (We) make application for a permit to construct 1 reservoir and store the following described waters of the State of Oregon:

1. **SOURCE OF WATER** for the proposed use: Big Creek,
a tributary of Floras Lake.
If not in channel of a stream, state how it is to be filled: _____

2. **THE DAM:** The maximum height of the structure will be 2 feet above ^{Spillway} ~~stream bed~~ or ground surface at the centerline.
The dam will be (check one) _____ earthfill, _____ concrete, ☒ flashboard, _____ other.
If "other" give description: 2 90 deg. V notch wiers will be constructed in
existing spillway of dam. Constructed under Permit No. R-8449 raising water
level 2 feet.

Give the location, description, and dimensions of the outlet conduit: _____

As described on Permit No. R-8449.

NOTE: All dams across natural stream channels must be provided with an outlet conduit, minimum diameter of 8", or be of such capacity and location as to pass the normal flow of the stream at any time.

3. **THE USE(s)** of the impounded water will be: Cranberry use.

4. **THE AMOUNT OF WATER** to be stored is: 35 acre-feet.
The area submerged by the reservoir, when filled, will be 17.5 acres,
and the maximum depth of water will be 2 feet.

5. **SPILLWAY DESCRIPTION** (location and dimensions). State whether over or around the dam. As noted, this project will be to install two 90 deg. V notch

weirs in spillway to monitor flows.

Flashboards will be installed and removed in accordance with a schedule
to be developed between my Engineer and the State Dam Safety Engineer.

6. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin 10-1-95

Proposed date construction work will be completed 10-1-96

Proposed date water use will be completed 10-1-2000

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

7. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

 Applicant XX CWRE Other (Identify in REMARKS section)

- b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

 Applicant XX CWRE Other (Identify in REMARKS section)

8. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? Yes. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

REMARKS: Final Design Plans and Specifications will be submitted upon
receipt of a favorable technical review.

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

NOTE: The permit, when issued, is for the beneficial use of water without waste. 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. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

John W. Wini President
John W. Wini Exec. Director
Signature of Applicant

Aug 2/94
Date

Signature of Co-Applicant, if any

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 26th day of August, 1994, at 8:00 o'clock, A M.

APPLICATION NO: R-74440

Oregon

WATER
RESOURCES
DEPARTMENT

STATE OF OREGON

MEMORANDUM

DATE: October 9, 1995

TO: Steve Applegate

FROM: Al Cook *AL*

SUBJECT: NEW RIVER

Steve, pursuant to our meeting on Thursday, October 5th, I met with Martha to confirm my proposal. Later that day I met with Kimberly Priestly of Waterwatch. As a result of these meetings the following course of action has been adopted:

—Hold off any further processing in both New River basin (5000000000) and Four Mile (20000000) until March 1st. This includes both initial reviews and proposed final orders. For those applicants who have received PFO's I will attempt to get voluntary acceptance of this request. It is imperative that we do not issue any more PFO's in these two basins until the March 1st date.

—Meet with specific stake holders to get concurrence of the proposal and time frame. I have already met with Waterwatch. They indicated a willingness to participate. Other major players are Oregon Department of Fish and Wildlife, the applicants, BLM, and Croft Lake residents.

—The purpose for holding off is to treat the pending applications in a group to see if movement can occur to weigh the issues and condition future permits in a manner acceptable to the parties.

cc M.O.P.

Kimberly Priestly

John A. Kitzhaber
Governor101 NW "A" Street, Rm 202
Grants Pass, OR 97526-2091
(503) 474-5385
FAX (503) 474-5389

hold

DRAFT

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the matter of	)	PROPOSED
Reservoir Application	)	FINAL
R-74440 submitted by	)	ORDER
Sea Wind Farms, Inc.		

FINDINGS OF FACT

Water Use Request

1. Sea Wind Farms, Inc. requested to construct AN UNNAMED RESERVOIR and to store the waters of BIG CREEK, A TRIBUTARY OF FLORAS LAKE, TO BE APPROPRIATED UNDER APPLICATION 74439, for CRANBERRY USE within the South Coast Basin.
2. The amount of water to be stored each year is not more than 35 ACRE-FEET.
3. The area to be submerged by the reservoir is located in Curry County within SECTION 21, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.
4. The total area proposed to be submerged by the reservoir, when full, is 17.5 acres; the proposed maximum depth of water is 2 feet. The maximum height of the dam will not exceed 2 feet.
5. The request was made in Application R-74440 which was received by the Water Resources Department on August 23, 1994.

Affected Waters

1. BIG CREEK, A TRIBUTARY OF FLORAS LAKE, is not within or above a State Scenic Waterway.
2. ODFW has advised that one or more species of game fish are present at the described dam location and/or point of diversion and requires applicant to provide fish screening pursuant to ORS 498.248.
3. There are senior water rights on BIG CREEK, A TRIBUTARY OF FLORAS LAKE, and on downstream waters.

Department Actions

1. The application was determined to be complete and not defective.
2. A Initial Review of the application was completed and a report of the results of that review was mailed to the applicant on AUGUST 11, 1995.

3. The Initial Review determined:

- a. CRANBERRY USE is allowed under the South Coast Basin Program;
- b. The use is not prohibited by Statute;
- c. Water is available for storage and further appropriation at a 50 percent exceedance probability for the period **November 1 through February 28;**
- d. The use would not injure existing water rights.

4. The report of Initial Review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.

5. The applicant did not respond by the 14th day after the report was mailed.

6. The Department proceeded with processing the application and on AUGUST 15, 1995 published notice of the application in its weekly Public Notice of Water Rights.

7. At the close of the 30 day comment period, the Department had not received comments on the application.

Assessment

1. In proceeding with evaluation of Application R-74440, the following criteria were found to be relevant by the Department.

- a. The South Coast Basin Program (OAR Chapter 690, Division 517);
- b. The Curry County Comprehensive Plan and Zoning Ordinance;
- c. Dam Construction Standards (OAR Chapter 690, Division 20);
- d. The amount of water available in BIG CREEK, A TRIBUTARY OF FLORAS LAKE;
- e. Pending, senior applications and existing water rights of record;
- f. Plans and specs must be approved by this Department prior to beginning construction of any diversion;
- g. All comments received.

CONCLUSIONS OF LAW

1. Based upon continued evaluation, the Department finds the determinations of the Initial Review remain valid.

2. The period of allowed use is NOVEMBER 1 THROUGH FEBRUARY 28.

3. The Department finds that no more than 35 ACRE-FEET would be necessary for CRANBERRY USE. The amount of water requested, 35.0 ACRE-FEET, is allowable for the proposed use.

4. Curry County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use is compatible with the Curry County Comprehensive Land Use Plan.

5. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and proposed conditions, would not result in injury to existing water users.

6. The proposed use complies with all other rules of the Commission.

7. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.

8. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

PROPOSED ORDER

IT IS PROPOSED that Application R-74440 in the name of Sea Wind Farms, Inc. be approved for CRANBERRY USE as provided in the attached draft permit.

DATED October 17, 1995

Steven P. Applegate
Administrator
Water Rights and Adjudications Division

NOTICE:

This Proposed Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

To seek changes in this proposed final order, you must file a formal protest.

Formal protests to this proposed final order must be made in proper form and accompanied by the statutory fee in the amount of \$200. Note: The applicant is not subject to this fee.

For other than the applicant, if you agree with the findings in this proposed order, but wish to maintain your right to participate in any contested case proceeding or judicial review, you must file a written request for standing.

Requests for standing in proceedings relating to this application must be made in the proper form and accompanied by the statutory fee in the amount of \$50.

Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on December 1, 1995.

Only the applicant and any persons who timely file a protest or request for standing may participate in further proceedings before the Department or the Commission which deal with this Application.

DRAFT
STATE OF OREGON

COUNTY OF CURRY

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

SEA WIND FARMS, INC.
PO BOX 242
SIXES, OREGON 97476

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: R-74440

SOURCE OF WATER: BIG CREEK, A TRIBUTARY OF FLORAS LAKE, is within the South Coast basin.

STORAGE FACILITY: UNNAMED RESERVOIR ON BIG CREEK

PURPOSE OR USE OF THE STORED WATER: To be appropriated under Application S-74439 for CRANBERRY USE.

RATE/VOLUME: 35 ACRE-FEET EACH YEAR

PERIOD OF ALLOWED USE: NOVEMBER 1 THROUGH FEBRUARY 28

DATE OF PRIORITY: August 23, 1994

The total area proposed to be submerged by the reservoir, when full, is 17.5 acres; the proposed maximum depth of water is 2 feet. The maximum height of the dam will not exceed 2 feet.

DAM LOCATION: SW 1/4 NW 1/4, SECTION 21, T31S, R15W, W.M.; DAM - 1660 FEET NORTH & 180 FEET EAST FROM NW CORNER, SECTION 21

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

SW 1/4 NW 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, 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.
- 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.
- C. The Director may require the permittee maintain a record of the amount (volume) and may require the permittee to report on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the water use and the place and nature of use under the permit. The Director may provide an alternative report to the permittee to submit alternative report for review and approval.

Plans and specs must be approved by this Department prior to beginning construction of any diversion.

The permittee shall install, maintain, and operate upstream fish ways, fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required upstream fish ways, screens and by-pass devices are to be in place and functional prior to diversion of any water.

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 from March 1 through October 31, inclusive.

*Weirs up and down
flash board*

fish screens ←
Note 0.5 sec yellow notes
existing dam

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.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

Plans and specs must be approved by this Department prior to beginning construction of any diversion.

The permittee shall install, maintain, and operate upstream fish ways, fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required upstream fish ways, screens and by-pass devices are to be in place and functional prior to diversion of any water.

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 from March 1 through October 31, inclusive.

*Weirs up and down
flash board*

fish screens ←
Note 0.5 sec yellow water
existing dam

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an 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 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, 1997. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1998.

Issued _____, 199_

DRAFT

Water Resources Department
Martha O. Pagel
Director

Application R-74440 Water Resources Department
Basin 17 Volume 3, Floras Lake & Misc
JMD

PERMIT DRAFT
District 19

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # R-74440

WATERMASTER # 19

REGIONAL MANAGER: SW Al Cook

ODF&W - Curry County:

CWRE (if agent): James F. Gosson # 54

DEQ

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: _____ COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;
(CHECK ONLY IF APPLICABLE) _____ NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):
SEE ATTACHED

CASEWORKER : JMD

Handwritten notes:
3/31/95
JLG

**MILLER, NASH, WIENER,
HAGER & CARLSEN**

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
ATTORNEYS AND COUNSELORS AT LAW
3500 U.S. BANCORP TOWER
111 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204-3699
TELEPHONE (503) 224-5858
TELEX 364462 KINGMAR PTL
FACSIMILE (503) 224-0155

SEATTLE OFFICE:
4400 TWO UNION SQUARE
601 UNION STREET
SEATTLE, WASHINGTON 98101-2352
TELEPHONE (206) 622-8484
FACSIMILE (206) 622-7485

JONATHON L. GOODLING, P.C.
DIRECT-DIAL: (503) 423-2522

March 31, 1995

Director
Oregon Water Resources Department
158 - 12th Street N.E.
Salem, Oregon 97310-0210

Subject: Water Permit Application Nos. 70170, R73733,
73734, 74439, R74440, and R74441

Dear Sir:

We represent Sea Wind Farms, Inc., the applicant under the above-referenced water permit applications. Our client has requested that we assume primary responsibility for representing its interest in connection with these applications.

Henceforth please send to the undersigned at the above-stated Portland address all notices of pending hearings, determinations, etc., as well as copies of all orders, technical reports, objections, and other comments.

Please also continue to send all notices and other matters directly to Sea Wind Farms, Inc., at the address stated on the applications.

Very truly yours,

[Handwritten signature of Jonathon L. Goodling]
Jonathon L. Goodling

cc: Mr. Llewellyn J. Martin

RECEIVED

SEP 19 1994

WATER RESOURCES DEPT.
SALEM, OREGON

COMMENT FORM

Please list below the Application Number of the water use application(s) that are of interest to you. When the technical evaluation is completed a report of the technical review of these applications will be delivered to you.

Application #s R74440 R74441 R74442 74439 7443 T-7215

Send to:

Kalmiopsis Audubon Society

P.O. Box 1265

Port Orford, OR 97465

to Ellen Waring

Please include specific comments or concerns. Use additional sheets if necessary.

Insufficient flow

Return to:

Oregon Water Resources Department

158 12th ST NE

Salem, Oregon 97310

This Comment corresponds to the SEP/ 7/1994 Public Notice.

RECEIVED

SEP 15 1994

WATER RESOURCES DEPT.
SALEM, OREGON

COMMENT FORM

Please list below the Application Number of the water use application(s) that are of interest to you. When the technical evaluation is completed a report of the technical review of these applications will be delivered to you.

Application #s R-74440, R-74441, R-74442, 74439, 74443

Send to: Ron Yochim
P.O. BOX 218
Roseburg, OR 97470

Please include specific comments or concerns. Use additional sheets if necessary.

Return to:
Oregon Water Resources Department
158 12th ST NE
Salem, Oregon 97310

This Comment corresponds to the SEP/ 7/1994 Public Notice.

August 11, 1995

Sea Wind Farms, Inc.
P.O. Box 242
Sixes, Oregon 97476

Reference: File R74440

Dear Applicant:

This letter is to inform you of the potential limitations to your proposed use of water and to describe some of your options. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water is allowed under OAR 517, the South Coast Basin Program.
4. Water is available for storage of 35 acre-feet to be used under application R-74440 for Supplemental Agricultural use from November 1 through the last day of February.

Summary of Allowable Water Use

Storage	35 acre-feet	November 1 through last day of February
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Because of the Departments determination, your application can be moved to the next phase of the water rights application review process. However, due to #4 above your application will likely be limited as summarized above.

At this time, you must decide whether to proceed or to withdraw your application as described below.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

R74440
August 11, 1995
Page 2

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by August 25, 1995. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

If you choose to proceed with you application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

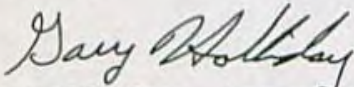
If A Permit Is Issued It Will Likely Include The Following Conditions:

1. You may be required to measure the amount of water used and report that use annually.
2. You may be required to install fish screens at the diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 454 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Gary Holliday, Water Rights

cc: Regional Manager, Watermaster, Water Availability
Section
enclosures: Flow Chart of Water Right Process, Stop Processing
Form

INITIAL REVIEW CHECKLIST

APPLICATION # R 74440
WAB # 5009 OK

- ☒ ITEMS HAVE BEEN VERIFIED ON COMPLETENESS CHECKLIST
☒ BASIN NAME/NUMBER IS CORRECT

DETERMINATION OF WHETHER USE IS OR IS NOT ALLOWED BY...

- ☒ BASIN PLAN
☒ LEGISLATIVE WITHDRAWAL (ORS 538)
☒ RULES
☒ SCENIC WATERWAY (OTHER THAN WA ORS 390.826)
☐ OTHER _____

- ☒ WATER AVAILABILITY HAS BEEN CHECKED
50 % BEFORE JULY 17, 1992; 80 % LIVE FLOW 50 % STORAGE
AFTER JULY 17, 1992

- ☒ INSTREAM WATER RIGHT EXEMPTIONS ARE DOCUMENTED ON WATER
AVAILABILITY SHEETS

- ☒ USE IS NOT FROM A BOR PROJECT OR A SIGNED CONTRACT IS IN
THE FILE

DIVISION 33 HAS BEEN ADDRESSED...

- ☒ SEASON FOR DIRECT FLOW
_____ WATER QUALITY PARAGRAPH
_____ EFFICIENCY DESCRIPTION (BELOW BONN AND MORE THAN 1 CFS)

- ☒ PLAT CARDS HAVE BEEN CHECKED AND A COPY OF THE MAP SHOWING
THE CONFLICT HAS BEEN ATTACHED

- ☒ ALL DOCUMENTS USED IN EVALUATION ARE ATTACHED AND
HIGHLIGHTED AND PACKET IS STAPLED TOGETHER

- ☒ SPELL CHECK HAS BEEN COMPLETED

- ☒ WATERMASTER # 19

- ☒ REGIONAL MANAGER (NW, SW, NC, SC, E)

_____ LETTER WAS SAVED FROM M:\T\IRWORK95 TO M:\T\IRSENT95

NAME
DATE

J. A.
8-10-95

OREGON WATER RESOURCES DEPARTMENT
ADMINISTRATIVE RULES
CHAPTER 690
DIVISION 517
SOUTH COAST BASIN PROGRAM

Classifications

690-517-001

(1) Ground water resources in sections or the portions of Sections 13, 14, 22, 23, 26, 27, 32, 33 and 34 of Township 23 South, Range 13 West; 2, 3, 4, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 27, 28, 29, 31, 32, 33 and 34 of Township 24 South, Range 13 West; and 3, 4, 5 and 6 of Township 25 South, Range 13 West, bounded on the north by Tenmile Creek, on the west by the Pacific Ocean, on the south by Coos Bay and on the east by Highway 101 are hereby classified for single or group domestic, livestock, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and any single industrial or commercial use not exceeding 5,000 gallons per day.

(2) The waters of the following lakes are classified only for domestic, livestock, municipal, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and in-lake use for recreation, fish life and wildlife. The Director of the Water Resources Department may place specific limits on municipal appropriations from the lakes or require outlet control structures to protect recreation, fish life and wildlife uses:

(a) Bradley Lake 4900

✓(b) Eel Lake 01010

✓(c) Garrison Lake 00

(3) All other natural lakes are classified only for domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and in-lake use for recreation, fish life and wildlife.

(4) Waters of the following streams and all tributaries are classified only for domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, fire control and instream use for recreation, fish life and wildlife.

✓(a) Glenn Creek (tributary to the East Fork Millicoma River) 070142

✓(b) Brush Creek 2500

✓(5) The waters of the Middle Fork of the Coquille River and tributaries upstream from the confluence with Holmes Creek are classified only for domestic, livestock and irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife during the period from July 1 to September 30 of every year. Water stored between October 1 and June 30 may be used at any time for purposes specified in section (8). 161234-10

✓(6) The waters of the West Fork Millicoma River and tributaries above Stall Falls are classified for municipal, domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife. 0701310 to 0701312

✓ 3400 ✓ 1601

(7) The waters of Pony Creek above lower Pony Creek Dam and Ferry and Geiger Creeks above the Ferry Creek - Geiger Creek confluence are classified for municipal use.

(8) All other surface and ground water resources are hereby classified for domestic, livestock, municipal, industrial, fire control, irrigation, agricultural use, mining, power development, recreation, wildlife and fish life uses.

(9) Applications for the use of water for any purposes contrary to classifications specified in the basin program shall not be accepted or granted except as provided by law. The Director shall notify the Board and other interested individuals or agencies of the intent to accept an application for use in conflict with the adopted program in accordance with ORS 536.380 if the proposed use will not have a significant impact on any other water use as provided in sections (1) through (8) of OAR 690-517-001 and in 690-517-002 through 690-517-003.

(10) The planning, construction and operation of any structures or works for the utilization of water in accordance with the aforementioned classifications are to conform with the applicable provisions of ORS 536.310, including but not restricted to the recommendation of the multiple-purpose concept.

X **Reservations**

690-517-002

Water in the amounts specified is reserved in the following streams for municipal use:

- ✓ (1) Chetco River - three cfs, downstream from the confluence with the North Fork Chetco River
- ✓ (2) Winchuck River - one cfs, downstream from the confluence with Bear Creek

Minimum Perennial Streamflows

690-517-003

(1) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses and irrigation of noncommercial gardens not exceeding one-half acre in area shall be allowed for the waters of the streams and tributaries listed in Table 1 when flows are below the specified levels.

(2) The Water Policy Review Board requests the opportunity to review applications for an allowed beneficial use that has traditionally been identified as nonconsumptive or take-and-put, such as fish hatcheries, hydroelectric facilities, municipal or water process industries that could potentially impact, in an adverse way, the Board's minimum flow regime or the public interest. The Water Policy Review Board intends to continue to protect, in its entirety, that portion of the stream system on which any minimum streamflow has been established. Permitting procedures and water use regulation should reflect that objective as far as possible under the law. The Board solicits the advice or complaints of any party who is aware that the objectives are not being met.

(3) Minimum flows established in the Water Resource Program for the South Coast Basin dated May 22, 1964 (Table 3), shall remain in full force and effect except as follows:

- (a) The minimum perennial streamflow for the Elk River above U.S. Highway 101 crossing (45 cfs) is rescinded.

WATER AVAILABILITY TABLE

Basin: SOUTH COAST

Exceedance Level: 50

Water Availability Subbasin: 5009000000000000 (and Nested Subbasins)

Time: 08:58

Date: 08/10/1995

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	5000000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	5009000000000000	YES	YES	YES	YES	YES	YES	NO	NO	NO	YES	YES	YES	YES

STREAM NAMES

Basin: SOUTH COAST

Water Availability Subbasin: 5009000000000000 (and Nested Subbasins)

Time: 08:58

Date: 08/10/1995

WAB #	Stream Name	Tributary to
5000000000000000	NEW R	PACIFIC OCEAN
5009000000000000	UNN STR 17-1560-0130-0020	FLORAS L

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 5009000000000000

Basin: SOUTH COAST

Exceedance Level: 50

Time: 08:58

Date: 08/10/1995

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	5009000000000000	UNN STR 17-1560-0130-0020	YES	3.2
2	5009000000000000	UNN STR 17-1560-0130-0020	YES	3.8
3	5009000000000000	UNN STR 17-1560-0130-0020	YES	3.2
4	5009000000000000	UNN STR 17-1560-0130-0020	YES	1.5
5	5009000000000000	UNN STR 17-1560-0130-0020	YES	0.4
6	5009000000000000	UNN STR 17-1560-0130-0020	YES	0.2
7	5009000000000000	UNN STR 17-1560-0130-0020	NO	-0.1
8	5009000000000000	UNN STR 17-1560-0130-0020	NO	-0.1
9	5009000000000000	UNN STR 17-1560-0130-0020	NO	0.0
10	5009000000000000	UNN STR 17-1560-0130-0020	YES	0.0
11	5009000000000000	UNN STR 17-1560-0130-0020	YES	0.5
12	5009000000000000	UNN STR 17-1560-0130-0020	YES	3.1
Stor	5009000000000000	UNN STR 17-1560-0130-0020	YES	941.0

Cannot store during irrig. season.

DETAILED REPORT ON WATER AVAILABILITY

Basin: SOUTH COAST

Stream: NEW R

> PACIFIC OCEAN

Water Availability Subbasin: 5000000000000000

Exceedance Level: 50

Time: 08:58

Date: 08/10/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	623.00	1.00	622.00	7.54	614.00	0.00	614.00
2	725.00	2.00	723.00	7.93	715.00	0.00	715.00
3	642.00	0.00	642.00	7.56	634.00	0.00	634.00
4	356.00	1.00	355.00	4.46	351.00	0.00	351.00
5	118.00	3.00	115.00	4.26	111.00	0.00	111.00
6	99.00	8.90	90.10	4.96	85.10	0.00	85.10
7	56.90	13.70	43.20	5.31	37.90	0.00	37.90
8	34.90	11.20	23.70	4.18	19.50	0.00	19.50
9	21.30	4.80	16.50	4.40	12.10	0.00	12.10
10	32.20	0.70	31.50	3.16	28.30	0.00	28.30
11	308.00	1.00	307.00	4.07	303.00	0.00	303.00
12	660.00	1.00	659.00	7.58	651.00	0.00	651.00
Stor	220000	2890	217000	3920	213000	0	213000

DETAILED REPORT OF ISWRs

Basin: SOUTH COAST

Stream: NEW R

> PACIFIC OCEAN

Water Availability Subbasin: 5000000000000000

Time: 08:58

Date: 08/10/1995

ISWRs

P # :	0	0	0	0	0	0	RESULTANT
1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
9	0.0	0.0	0.0	0.0	0.0	0.0	0.0
10	0.0	0.0	0.0	0.0	0.0	0.0	0.0
11	0.0	0.0	0.0	0.0	0.0	0.0	0.0
12	0.0	0.0	0.0	0.0	0.0	0.0	0.0

DETAILED REPORT ON WATER AVAILABILITY

Basin: SOUTH COAST

Stream: UNN STR 17-1560-0130-0020 > FLORAS L

Water Availability Subbasin: 5009000000000000

Exceedance Level: 50

Time: 08:58

Date: 08/10/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	3.30	0.00	3.30	0.15	3.15	0.00	3.15
2	3.96	0.00	3.96	0.19	3.77	0.00	3.77
3	3.37	0.00	3.37	0.15	3.22	0.00	3.22
4	1.53	0.01	1.52	0.07	1.45	0.00	1.45
5	0.40	0.03	0.37	0.02	0.35	0.00	0.35
6	0.29	0.10	0.19	0.01	0.18	0.00	0.18
7	0.10	0.16	-0.06	0.00	-0.06	0.00	-0.06
8	0.04	0.13	-0.09	0.00	-0.09	0.00	-0.09
9	0.01	0.05	-0.04	0.00	-0.04	0.00	-0.04
10	0.02	0.01	0.01	0.00	0.01	0.00	0.01
11	0.54	0.00	0.54	0.03	0.51	0.00	0.51
12	3.20	0.00	3.20	0.14	3.06	0.00	3.06
Stor	1000	29	986	45	941	0	941

DETAILED REPORT OF ISWRs

Basin: SOUTH COAST

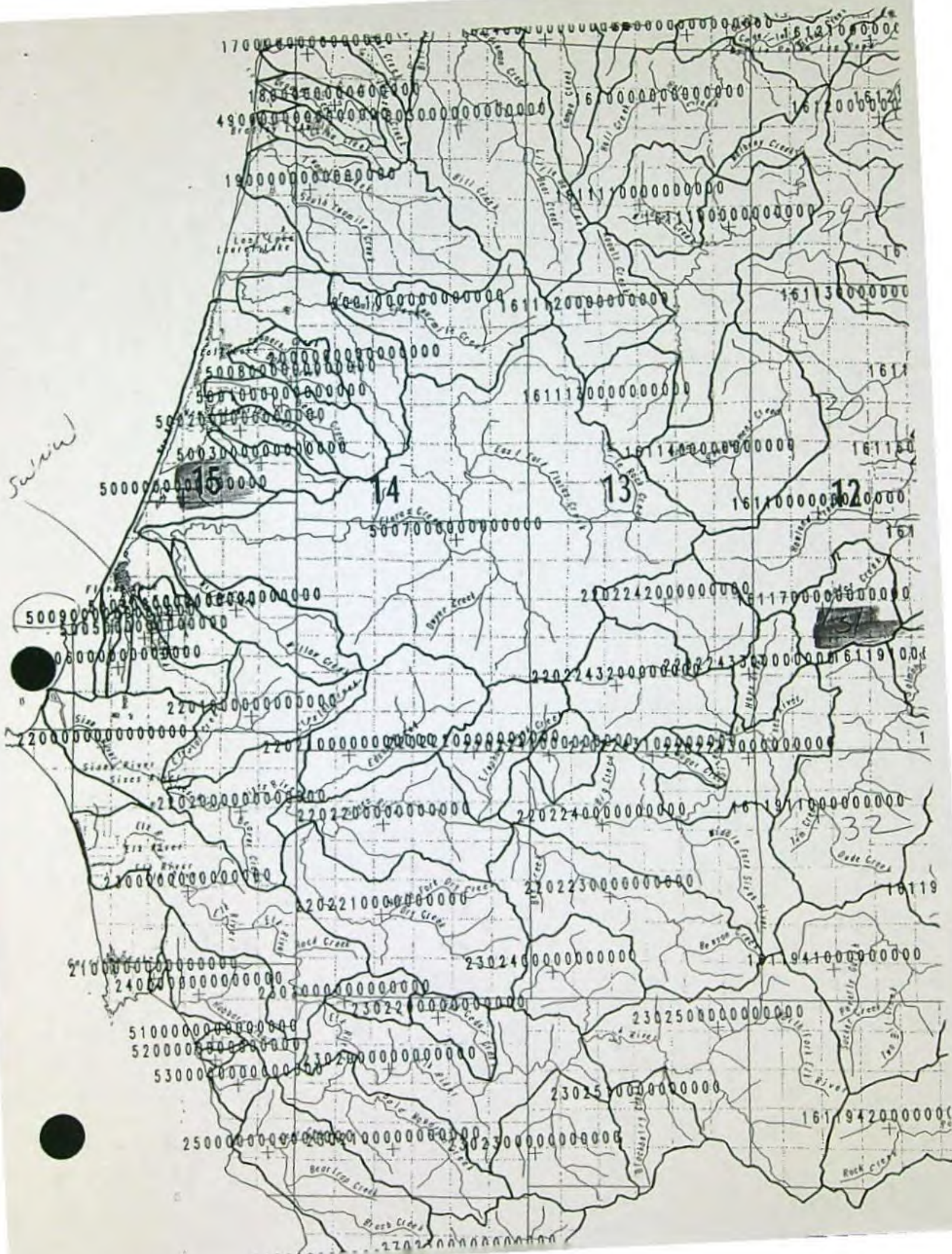
Stream: UNN STR 17-1560-0130-0020 > FLORAS L

Water Availability Subbasin: 5009000000000000

Time: 08:58

Date: 08/10/1995

-----ISWRs-----							
APP # :	0	0	0	0	0	0	RESULTANT
STATUS:							
1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
9	0.0	0.0	0.0	0.0	0.0	0.0	0.0
10	0.0	0.0	0.0	0.0	0.0	0.0	0.0
11	0.0	0.0	0.0	0.0	0.0	0.0	0.0
12	0.0	0.0	0.0	0.0	0.0	0.0	0.0



Subsided

150000

14

13

120000

131

32

1619420000000

SEA WIND FARMS, INC.
SUPPLEMENTAL SHEET

SOURCE	QUANTITY OF WATER	COMMENTS
BIG CREEK	8.0 cfs	PRIMARY CRANBERRY USE
BIG CREEK RESERVOIR	35 ACRE FEET	SUPPLEMENTAL CRANBERRY USE
RESERVOIR No. 2	9.0 ACRE FEET	SUPPLEMENTAL CRANBERRY USE
RESERVOIR No. 3	9.0 ACRE FEET	SUPPLEMENTAL CRANBERRY USE
RESERVOIR No. 4	9.0 ACRE FEET	SUPPLEMENTAL CRANBERRY USE
RESERVOIR No. 5	9.0 ACRE FEET	SUPPLEMENTAL CRANBERRY USE
RESERVOIR No. 6	9.0 ACRE FEET	SUPPLEMENTAL CRANBERRY USE
RESERVOIR No. 7	9.0 ACRE FEET	SUPPLEMENTAL CRANBERRY USE

Application No. R74440
Permit No.

WATER RESOURCES
SALEM, OREGON

AUG 26 1994



STATE OF OREGON

INTEROFFICE MEMO

RECEIVED

TO:

Steve P. Applegate
Manager, Water Rights Div.

DATE:

08-21-95 AUG 23 1995

FROM:

John P. Drolet *[Signature]*
Watermaster, District XIX

WATER RESOURCES DEPT
SALEM, OREGON

SUBJECT:

Recommendations for Permit Conditions

Steve, reference is made to our conversation last week during which we discussed the appropriateness of field recommendations for permit conditions. Permit condition recommendations are listed below:

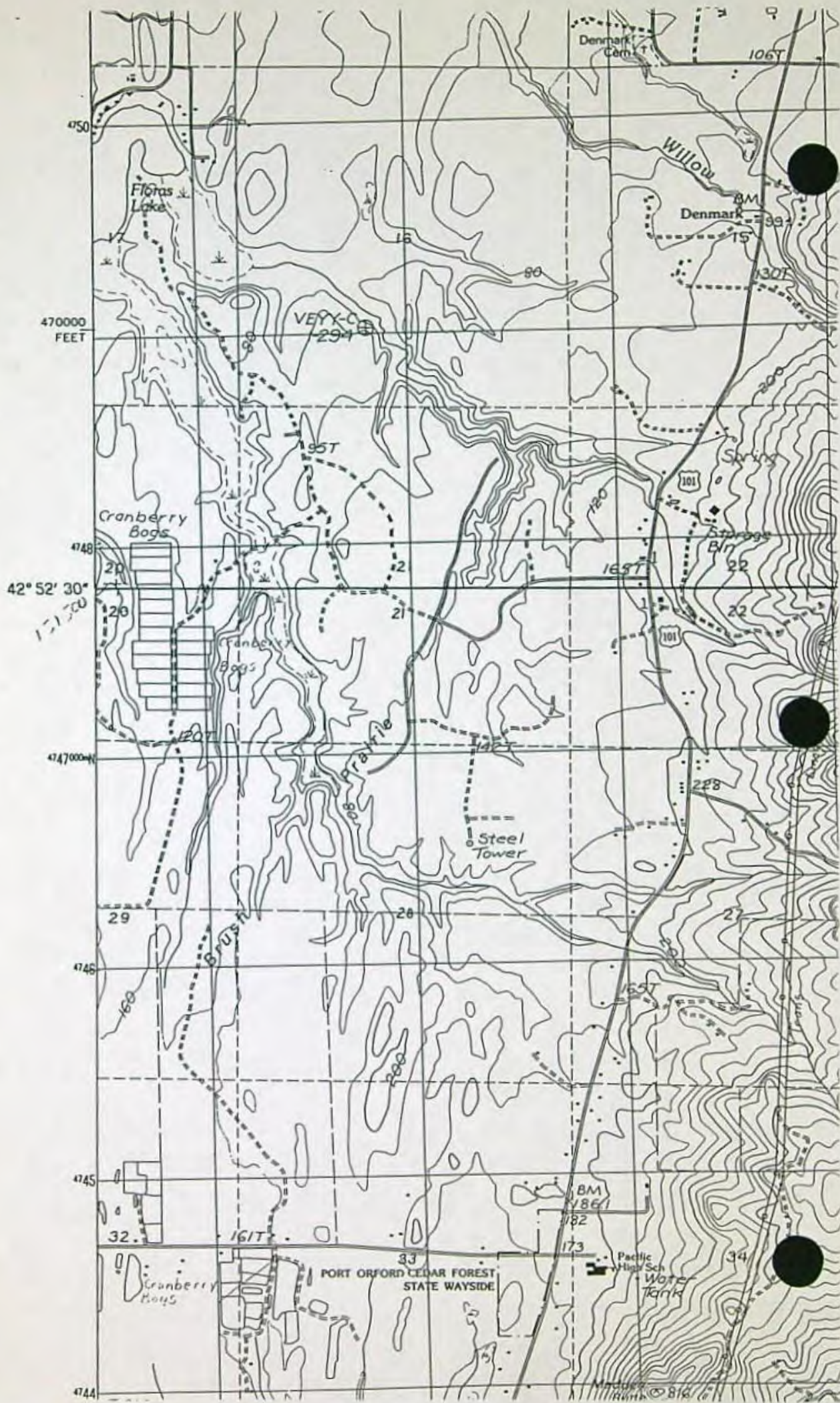
- I. Permit Condition--require that meters be installed
application #'s 74012, 74153, 74265, 74429, 74685, 74731
G-13664, G-13697, G-13769, G-13770, and G-13851
- II. Permit Conditions (if reservoir is in channel):
 - A. Require weir or other suitable measuring device upstream and downstream from the reservoir,
 - B. Require a controllable and lockable headgate or gate valve located at the base of the reservoir, and
 - C. Require all pumping from the reservoir to be metered.application #'s R-74011, R-74428, R-74440, R-74441, R-74442, and R-79634.

Steve, if these recommended permit conditions should more appropriately be directed to another member of your staff, please let me know who that might be.

Also, please let me know if you think that the above recommendations can not be incorporated into the permits as conditions.

JPD/dt

CF: AJC



COMPLETED
7/24/95

COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer Initials
R - 74440	7/24/95	MWM

A checkmark (✓) indicates that the item is incomplete or defective.

1. ☒ Examination fees. *\$100 Recording fee paid*
2. ☒ Name and address of the applicant, and title if applicable. -
3. ☒ Source of water.
4. ☒ Use of water.
5. ☒ Amount of water.
6. ☒ Location & description of delivery system.
7. ☒ Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
8. ☒ A statement declaring the existence of written authorization or easement permitting access to lands involved, but not owned by the applicant.
9. ☒ Proposed dates of beginning and completion of construction, and complete application of water.
10. ☒ If for **municipal use**, the present population to be served and expected future water requirements.
11. ☒ If for **mining use**, the type of mines and methods of supplying & utilizing the water.
12. ☒ If for a **reservoir**:
 - ☒ The height of the dam and the storage capacity.
 - ☒ The area submerged and the maximum depth.
 - ☒ The construction method (earthfill, concrete, flashboard, etc.).
 - ☒ A description of the outlet conduit and spillway.
13. ☒ If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
14. ☒ If the application was made under **HB 2107**:
 - ☒ Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - ☒ A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - ☒ The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
15. ☒ An oath that the application information is true and correct.
16. ☒ The signature of the applicant(s).
17. ☒ A satisfactory map of the proposed POD & POU.
18. ☒ A Land Use Information Form or receipt signed by appropriate planning official.

October 17, 1994

Oregon

WATER
RESOURCES
DEPARTMENT

George Hamilton
Sea Wind Farms, Inc.
P.O. Box 242
Sixes, OR 97476

RE: Proposed Reservoir Expansion
Application R-74440

Gentlemen:

The Application For A Permit To Construct A Reservoir you submitted for the referenced project located in Section 21, T31S, R15W, Curry County has been forwarded to Dam Safety for our review. It is my understanding the spillway of the existing dam (Shipler Reservoir, Permit R-8449) will be modified to increase the level of water impounded by the dam and consequently, to increase the normal pool storage by an additional 35 acre-feet.

The information included with your application, together with drawings we have on file for the existing dam and reservoir, is sufficient to reserve a priority date. However, it would be to your advantage to submit an engineered design outlining all proposed changes to the dam and the spillway and all appurtenant structures as soon as possible.

Please be advised that no permits can be issued until a final, ready-for-construction design, prepared and stamped by an engineer licensed in Oregon, has been submitted to the Oregon Water Resources Dam Safety program for review and approval. The final set of drawings submitted for approval should be drafted on mylar, vellum, or a similar quality reproducible stock.

The reproducible drawings and two (2) sets of blue-line prints, together with two (2) sets of specifications and one (1) set of supporting calculations should be sent directly to the Dam Safety Section at the address listed on this letterhead. One set of approved blue-lines and specifications will be returned to you for use during construction when and if the permit is issued; the others will remain here for public record.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

September 6, 1994

SEA WIND FARMS INC.
PO BOX 242
SIXES, OR 97476

REFERENCE: File(s) R-74440,R-74441,S-74439

We have received your application(s) for a water use permit along with your supporting data, documentation, and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the above referenced file number. Please refer to this number whenever you contact us about your application.

Even though your application has been received, filed and assigned an application reference number, no authorization has been granted to develop your water use. The filing of an application does not create a water right. Water may not be used until a water right permit has been issued by the Department.

After an application has been accepted for filing, public notification of the application is made, followed by the mandatory 30-day comment period. Thereafter, applications can be considered for processing as time allows.

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. In general, applications are processed in the order in which they are received. However, However, Department staff work through Oregon's 18 river basins on a rotation basis often completing work on all applications within a single basin, then proceeding to the next basin.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo specialized analysis called a technical review and a public interest review. Until your application is reviewed, it is not possible to determine whether your particular proposed water use will be recommended for a permit.

The Water Resources Commission is considering the adoption of rules to protect stream flows for fish species. This action is being contemplated in response to current and future Endangered Species Act fish listings, including many runs of salmon, steelhead and resident fish throughout the state.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

**Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses in
Addition to Classified Uses**

AUG 24 1994

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

Applicant's Name: Sea Wind Farms, Inc.
Address: P.O. Box 242
City: Sixes State: Or. Zip: 97476 Day Phone: (503) 348-9937

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
Map 31-15-00 2900	FG	✓	✓	✓

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. Curry County

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

Application No. R74440
Permit No.

a) Check the appropriate box below and provide requested information.

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 3.05(7). Go to section b) on reverse side.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: DIANNE L. SNOW
Title: PLANNER

Date: 8/2/94
Phone: 247-7011

Signature: Dianne L. Snow

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet. For additional information call Roberta Jortner or Rick Bastasch at 378-3671.

Additional Comments:

FARMING (CRANBERRY BOGS) IS A
USE ALLOWED OUTRIGHT ON THE SUBJECT PROPERTY.

Description of Water Use

AUG 26 1994

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. All will help local planning offices complete your land use information form quickly.

SALEM, OREGON

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: Sea Wind Farms, Inc.
Address: P.O. Box 242
Sixes, Oregon 97476
Phone: (503) 348-9937

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- ☐ Irrigation (crop type, golf course, nursery or greenhouse): _____
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): _____
- ☐ Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- ☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- ☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- ☐ Institutional (i.e., school, library, etc.): _____
- ☐ Mining (aggregate, metal, open pit, placer, etc.): _____
- ☐ Recreation (park, campsite, pond, etc.): _____
- ☐ Fish and Wildlife (pond, hatchery, etc.): _____
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- ☒ Other (Name and list key characteristics): Cranberry use

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
☒ Surface Water Name sources: <u>Big Creek</u>	<u>8.0</u> Cubic feet per second. ____ Gallons per minute. <u>89.0</u> Acre-Feet
☒ Reservoir or pond <u>7 reservoirs</u>	
☐ Ground Water	

PRE-TR APPLICATION PROCESSING OUTLINE

Application File #

74440

MINIMUM REQUIREMENTS TO FILE

OAR 690-11-020

DATE STAMP

DATE INITIAL

9/26/94

CB

Name and mailing address of applicant

Source of water

Quantity of water

Map showing location of POD & POU

Use of water

Names and addresses of legal owners

Signature of applicant

Oath

Application date stamped per money receipt date

Land use approved ☒ pending ☐

If reservoir < 5 AF \$300, if > 5 AF \$300

HB 2153/HB 2107 APPLICATION -- SEE REVERSE

Route to Data Center (Unless 2153/2107)

DATA CENTER

Stream Code

Entered into WRIS

SUPPORT SERVICES

Stamp contents with application number

Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file

Place label on file and calender card

APPLICATION SECTION

Stream Indexed

Basin # 17

Plat Carded and copy made

YES NO

If dam is over 10 feet or storage exceeds 9.2

AC-FT, route file to Dam Safety Section

TR CASEWORKER

TR Checklist complete

YES NO

Within Irrigation District

District Notified

District excerpt received

TR Mailed DATE

Public Interest Checklist complete

Management Codes

REMARKS:

MINIMUM APPLICATION REQUIREMENTS TO FILE:

HB 2153 - existing, small, EXEMPT ponds

(date & initials) NOTICE OF EXEMPT RESERVOIR form (or letter
if prior to April 8, 1994).

Appropriate map (see item 1 on form).

Evidence that reservoir existed before
January 1, 1993 (one or more of the following: dated aerial
photo, NOTARIZED affidavit, dated map from agency, construction
receipts or other documentation).

Items 2, 3, 4, 5, and 6 are completed.

Signature (and title, if applicable)

HB 2153 - non-exempt existing ponds (large, on-channel)

Complete Minimum Requirements to File on reverse, except before
routing to Data Center, change priority date to 1/1/1993. Also,
confirm the following:

Receipt of evidence that reservoir existed
before January 1, 1993 (one or more of the following: dated
aerial photo, NOTARIZED affidavit, dated map from agency,
construction receipts or other documentation)

HB 2107 - wetland, stream restoration and storm water
management

Complete Minimum Requirements to File on reverse EXCEPT DO NOT
ROUTE TO DATA CENTER, BUT DO ROUTE TO CAROL. Also confirm the
following:

Name/address of adjacent property owner
within 1/4 mile

Map with scale not less than 2 in.=1 mi.

CWRE map if > 10 feet dam or > 9.2 AF

Description of proposed use

Condition addressed

Resulting benefits

Public notices (circle) #1 #2

STATE OF OREGON

WATER RESOURCES DEPARTMENT

158 12TH ST. N.E.

SALEM, OR 97310-0210

378-8455 / 378-8130 (FAX)

RECEIPT # 115966

INVOICE # 11662 C

RECEIVED FROM: Sun Wind Farming Inc
BY:

APPLICATION	74440
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 76-455 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$1,251.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

03-00-0 WRD OPERATING ACCT

	MISCELLANEOUS	
840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6) (IDENTIFY)	\$

WATER RIGHTS:		EXAM FEE	RECORD FEE
842.001	SURFACE WATER	\$200.00	842.002 \$100.00
842.003	GROUND WATER	\$	842.004 \$
842.005	TRANSFER	\$	842.006 \$
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
842.022	WELL DRILL CONSTRUCTOR	\$	842.023 \$
	LANDOWNER'S PERMIT		842.024 \$
	OTHER (IDENTIFY)		

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	\$	CARD #	
	MONITORING WELLS	\$	CARD #	
	OTHER (IDENTIFY)			

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

		LIC NUMBER	
842.011	POWER LICENSE FEE (FW/WRD)		\$
842.115	HYDRO LICENSE FEE (FW/WRD)		\$
	HYDRO APPLICATION		\$

RECEIPT # 115966

DATED: 1-26-11

BY: Don N. N.

WaterWatch

RIVERS NEED WATER

RECEIVED
DEC 2 1996
WATER RESOURCES DEPT.
SALEM, OREGON

By FAX and Regular Mail

files

12/3/96

12/17/96

#39

November 29, 1996

Dwight French
Water Resources Department
158 12th Street NE
Salem, OR 97310

Re: Bypass Flow Condition for 74439, R 74440, 73734 and R 73733, Sea Wind Farms

Dear Dwight,

The letter is in response to your fax regarding modified bypass conditions for the above referenced applications. These conditions are consistent with the intent of the negotiations. We can support them as drafted. Please send a letter to us confirming that this will be the bypass flow condition that will be placed in the Final Orders on these applications when you get an o.k. from all the relevant parties.

Have you had a chance to run this language by Todd Confer at ODFW? Please call if you have any questions.

Sincerely,

Karen Russell
Karen Russell
Assistant Director

c. Sea Wind Farms
Todd Confer, ODFW
Al Cook, WRD

encl.

DEC - 2 1996

WATER RESOURCES DEPT.
SALEM, OREGON

To: Karen Russell
From: Dwight French

Let me know what you think. I received this wording from John Drolet.

R74440

To the extent that water is naturally available, it is the permittee's responsibility to pass 0.05 CFS through Reservoir #1 on Big Creek. In the event that less than 0.05 CFS is naturally available, ALL natural flow will be passed through the reservoir. Measurement is required through weirs upstream and downstream from the reservoir.

S74439

To the extent that water is naturally available, it is the permittee's responsibility to pass 0.05 CFS past the authorized point of diversion for this permit on Big Creek. In the event that less than 0.05 CFS is naturally available, ALL natural flow will be passed through the diversion point. Measurement is required through weirs upstream and downstream from the diversion point.

R73733

To the extent that water is naturally available, it is the permittee's responsibility to pass 0.05 CFS through Reservoir #4 and #5 the unnamed stream, a tributary of Floras Lake. In the event that less than 0.05 CFS is naturally available, ALL natural flow will be passed through the reservoirs. Measurement is required through weirs upstream and downstream from the reservoir.

S73734

To the extent that water is naturally available, it is the permittee's responsibility to pass 0.05 CFS past the authorized point of diversion for this permit on the unnamed stream, a tributary to Floras Lake. In the event that less than 0.05 CFS is naturally available, ALL natural flow will be passed through the diversion point. Measurement is required through weirs upstream and downstream from the diversion point.

RECEIVED

NOV 22 1996

November 20, 1996 WATER RESOURCES DEPT.
SALEM, OREGON

Dwight French
Water Resources Department
158 12th St. NE
Salem, OR 97310

Re: PFO for Application No. R-74440, Big Creek/Floras Lake, Sea
Wind Farms, Inc.

Dear Mr. French,

We reviewed this Proposed Final Order (PFO) to ensure that was consistent with the agreements reached by all the parties, including the Water Resources Department, in the New River Alternate Dispute Resolution process (ADR). Our comments below outline where the PFO does not reflect the agreements reached in the ADR. We are not protesting or filing a standing statement on this application because we have been assured that this and other PFO's for applications in the New River Basin will be processed consistent with the New River ADR and that the applicant has agreed to these conditions.

We can support this applicants use as proposed in the PFO with the following specific changes which are consistent with the ADR:

- The bypass flow condition in the PFO must be modified to be consistent with the agreements reached in earlier ADR meetings and as specified in the November 6th meeting. The condition should be as follows:

Use of water under the terms of this permit is
subject at all times to a .05 cfs bypass flow.

- There is no dam safety condition as was agreed to in earlier ADR meetings and as specifically discussed in the November 6th meeting. The condition should be as follows:

The dam shall be constructed, operated and
maintained according to the approved plans and
specifications dates XXX on file with the Water
Resources Department.

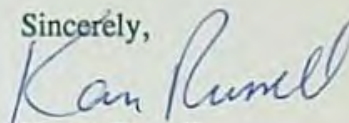
- As agreed in the ADR, the applicant, Sea Wind Farms, has signed the New River Alternative Dispute Resolution Team Agreement (which was

faxed to our offices today), prior to the issuance of any final order issuing a permit.

Finally, we are agreeing to this use as proposed because Sea Wind Farms has agreed to put fish passage in the existing dam. As we understand it, Sea Wind has signed a Landowner Agreement with the United States Fish and Wildlife Service and is currently working with local, state and federal agencies to install and maintain a fish passage structure in the existing dam sometime in 1997.

Thanks in advance for your attention to this letter. Please call if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Karen Russell". The signature is fluid and cursive, with the first name "Karen" and last name "Russell" clearly distinguishable.

Karen Russell
Assistant Director

- c. Sea Wind Farms
Al Cook, WRD
Todd Confer, ODFW

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-74440

Final Order

Application History

On August 23, 1994, SEA WIND FARMS INC submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on October 15, 1996. The protest period closed November 29, 1996, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe bypass flow requirements and to acknowledge that plans and specifications for dam construction have not yet been approved. Approval of those plans may require additional conditions in the permit, if issued.

Order

Upon approval of dam construction plans and specifications, Application R-74440 shall be approved with the above modifications to the Proposed Final Order, and as limited by the conditions set forth in the attached draft permit.

DATED December , 1996

Martha O. Pagel
Director

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

Under the provisions of ORS 183.484, the applicant or any person having standing may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

STATE OF OREGON

COUNTY OF CURRY

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT 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 _____ 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 NORTH & 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 staff gage
that measures the entire range and stage between full
reservoir level and dead pool storage must be installed in the
reservoir. The staff gage shall be permanently located in the
pool to allow readings of total range of pool elevations or
surveyed to a permanent monument and be United States
Geological Survey style porcelain enamel iron staff gage style

A, C, E, I or M. The permittee shall take a reading from the gage once a month and keep a record of these measurements and shall be responsible for maintaining the gage. 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 measure water use more frequently or report annually or more frequently as may be required by the Director. Further, the Director may be require the permittee to report general water use information, including the place and nature of use of water under the permit.

Use of water under terms of this permit is subject at all times to a 0.05 cfs bypass flow.

See Notes in 74439

Before water use may begin under this permit, a weir must be installed and maintained upstream and downstream of the reservoir.

The dam shall be constructed, operated, and maintained according to the approved plans and specifications dated _____ 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.

SEE NEXT PAGE

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1999.

{DATE}

DRAFT

Martha O. Pagel, Director
Water Resources Department

RECEIVED

DEC - 4 1996

December 3, 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Dwight French
Water Resources Department
158 12th St. NE
Salem, OR 97310

Re: 74439, **R 74440**, 73734 and R 73733, Sea Wind Farms

43
12/12/96
12/26/96
Dwight

Dear Dwight,

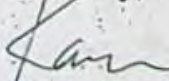
I was reviewing again the by-pass condition language you sent me last Friday and discovered a few errors in the language that I unfortunately did not catch on Friday. In comparing the language with my letter of August 13 outlining the agreed upon conditions and my notes from the November meeting I found the following errors:

- with regard to R 74440 and 74439, the bypass flow should be 0.5 not .05.
- with regard to R 73733 and S 73734 it was my understanding that the bypass flow was to be maintained on Mill Creek, not the unnamed stream.

I have a phone call into Todd Confer at ODFW to see if his notes regarding the agreement reached on these applications are the same as mine. I'm writing this letter to give you a heads up and I'll let you know as soon as I hear from him. For the time being, WaterWatch agrees in concept with the language of your Friday fax, but these two errors need to be corrected.

Please call if you have any questions.

Sincerely,



Karen Russell
Assistant Director

c. Todd Confer

To: Dwight

11-29-96

Fm: JPD

Sum: Seawind Condition Wording

R-74440

To the extent that water is naturally available, it is the permittee's responsibility to pass 0.05 cfs through Res #1 on Big Creek. In the event that less than 0.05 cfs is naturally available, ALL natural flow will be passed through the reservoir. Measurement is required through weirs upstream and downstream from the reservoir.

or other suitable measuring devices

S-74439

To the extent that water is naturally available, it is the permittee's responsibility to ^{to allow} ~~pass~~ 0.05 cfs ^{to pass} ~~past~~ the authorized point of diversion for this permit on Big Creek. In the event that less than 0.05 cfs is naturally available, ALL natural flow will be allowed to pass the diversion point. Measurement is required through weirs upstream and downstream from the diversion point.

or other suitable measuring devices

CF: AJC

Revision proposed
by JPD 12-12-96

FILE # R74440
WEEK # 64

FO CHECKLIST

REVIEW DATE: 11/27/96
INITIALS: DB

PFO TO FO CONVERSION

In preparing the FO, you should check the following:

1. ☒ Y / ☐ N Were comments or protests received? If so, from whom and when?
WATERWATCH 11/22/96
2. ☒ Y / ☐ N On the PFO CC list, verify names and addresses of ALL commentators (regardless of comment date), affected landowners, and those who paid the \$10 fee.
3. ☒ Y / ☐ N Have affected landowners been notified?
4. Y / ☒ N Is the file lacking a signed oath of accuracy for the application?
5. Y / ☒ N Has ODFW asked for self certification of screening condition? If so, write "ODFW CERT" in the permit blank on the front of the file.
6. Y / ☒ N Is water use prohibited for one or more months of the normal use period?
7. Y/N If # 6 = "Y", is short season letter on file? Note: If short season letter is lacking, see Item #10 below. Give applicant 60 days to submit required information.
8. ☒ Y / ☐ N Verify payment of recording fees (circle the appropriate option)
☒ (1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, including standing fees if no protest is filed and no modifications are being made to the PFO 300
☐ (2) Issue FO w/o permit if fees are lacking
9. ☒ Y / ☐ N Is further processing possible? If not state reason: _____
10. NA Notify applicant of additional information or fees required prior to permit issuance. (SEND CERTIFIED LETTER & use standard wording from M:\T\FO\TOOLS if possible)

11. ☒ Y / ☐ N Assign permit numbers to files with oath, fees, and no protests or other issues

Route to: (circle one)

DENIAL FO w/o PERMIT

FO & PERMIT

Respond to Requested changes
COMMENTS

Incorporated into FO/Permit wording

Modify FO as needed to:

Initials DB

12. ☒ Y / ☐ N Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
13. ☒ Y / ☐ N Include or exclude permit conditions and management codes
14. ☐ Y / ☐ N Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

15. ☒ Y / ☐ N Save WordPerfect document in M:\T\FO\WEEK 64 & delete duplicates
16. ☐ Y / ☐ N Print final draft of document and submit to team leader for review
17. Y / ☐ N Team leader review completed

August 11, 1995

Sea Wind Farms, Inc.
P.O. Box 242
Sixes, Oregon 97476

Reference: File R74440

Dear Applicant:

This letter is to inform you of the potential limitations to your proposed use of water and to describe some of your options. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water is allowed under OAR 517, the South Coast Basin Program.
4. Water is available for storage of 35 acre-feet to be used under application R-74440 for Supplemental Agricultural use from November 1 through the last day of February.

Summary of Allowable Water Use

Storage	35 acre-feet	November 1 through last day of February
---------	--------------	--

Because of the Departments determination, your application can be moved to the next phase of the water rights application review process. However, due to #4 above your application will likely be limited as summarized above.

At this time, you must decide whether to proceed or to withdraw your application as described below.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

R74440
August 11, 1995
Page 2

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by August 25, 1995. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

If you choose to proceed with you application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

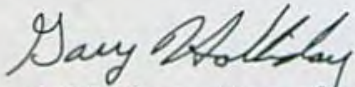
If A Permit Is Issued It Will Likely Include The Following Conditions:

1. You may be required to measure the amount of water used and report that use annually.
2. You may be required to install fish screens at the diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 454 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Gary Holliday, Water Rights

cc: Regional Manager, Watermaster, Water Availability
Section
enclosures: Flow Chart of Water Right Process, Stop Processing
Form



STATE OF OREGON

INTEROFFICE MEMO

TO:

Steve P. Applegate
Manager, Water Rights Div.

FROM:

John P. Drolet *[Signature]*
Watermaster, District XIX

SUBJECT:

Recommendations for Permit Conditions

DATE:

08-21-95 AUG 23 1995

WATER RESOURCES DEPT
SALEM, OREGON

Steve, reference is made to our conversation last week during which we discussed the appropriateness of field recommendations for permit conditions. Permit condition recommendations are listed below:

I. Permit Condition--require that meters be installed

application #'s 74012, 74153, 74265, 74429, 74685, 74731
G-13664, G-13697, G-13769, G-13770, and G-13851

II. Permit Conditions (if reservoir is in channel):

- A. Require weir or other suitable measuring device upstream and downstream from the reservoir,
- B. Require a controllable and lockable headgate or gate valve located at the base of the reservoir, and
- C. Require all pumping from the reservoir to be metered.

application #'s R-74011, R-74428, R-74440, R-74441, R-74442,
and R-79634.

Steve, if these recommended permit conditions should more appropriately be directed to another member of your staff, please let me know who that might be.

Also, please let me know if you think that the above recommendations can not be incorporated into the permits as conditions.

JPD/dt

CF: AJC

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # R-74440

WATERMASTER # 19

REGIONAL MANAGER: SW Al Cook

ODF&W - Curry County:

CWRE (if agent): James F. Gosson # 54

DEQ

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: _____ COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;
(CHECK ONLY IF APPLICABLE) NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER: FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):
SEE ATTACHED

CASEWORKER : JMD

Handwritten notes:
What do
we do?
file

**MILLER, NASH, WIENER,
HAGER & CARLSEN**

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
ATTORNEYS AND COUNSELORS AT LAW
3500 U.S. BANCORP TOWER
111 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204-3699
TELEPHONE (503) 224-5858
TELEX 364462 KINGMAR PTL
FACSIMILE (503) 224-0155

SEATTLE OFFICE:
4400 TWO UNION SQUARE
601 UNION STREET
SEATTLE, WASHINGTON 98101-2352
TELEPHONE (206) 622-8484
FACSIMILE (206) 622-7485

JONATHON L. GOODLING, P.C.
DIRECT-DIAL: (503) 423-2522

March 31, 1995

Director
Oregon Water Resources Department
158 - 12th Street N.E.
Salem, Oregon 97310-0210

Subject: Water Permit Application Nos. 70170, R73733,
73734, 74439, R74440, and R74441

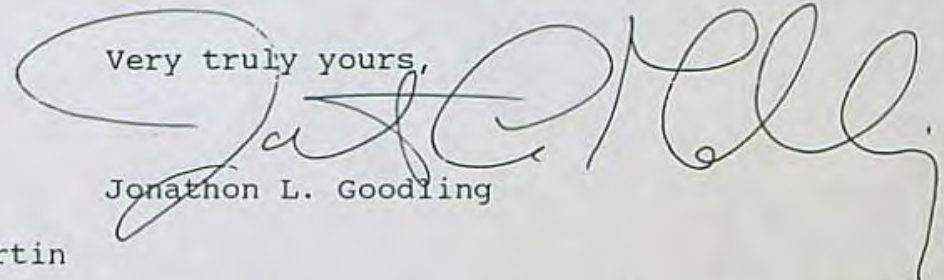
Dear Sir:

We represent Sea Wind Farms, Inc., the applicant under the above-referenced water permit applications. Our client has requested that we assume primary responsibility for representing its interest in connection with these applications.

Henceforth please send to the undersigned at the above-stated Portland address all notices of pending hearings, determinations, etc., as well as copies of all orders, technical reports, objections, and other comments.

Please also continue to send all notices and other matters directly to Sea Wind Farms, Inc., at the address stated on the applications.

Very truly yours,


Jonathon L. Goodling

cc: Mr. Llewellyn J. Martin

RECEIVED

SEP 19 1994

WATER RESOURCES DEPT.
SALEM, OREGON

COMMENT FORM

Please list below the Application Number of the water use application(s) that are of interest to you. When the technical evaluation is completed a report of the technical review of these applications will be delivered to you.

Application #s R74440 R74441 R74442 74439 7443 T-7215

Send to:

Kalmiopsis Audubon Society

P.O. Box 1265

Port Orford, OR 97465

C/o Ellen Warming

Please include specific comments or concerns. Use additional sheets if necessary.

Insufficient flow

Return to:

Oregon Water Resources Department

158 12th ST NE

Salem, Oregon 97310

This Comment corresponds to the SEP/ 7/1994 Public Notice.

RECEIVED

SEP 15 1994

WATER RESOURCES DEPT
SALEM, OREGON

COMMENT FORM

Please list below the Application Number of the water use application(s) that are of interest to you. When the technical evaluation is completed a report of the technical review of these applications will be delivered to you.

Application #s R-74440, R-74441, R-74442, 74439, 74443

Send to:

Ron Yochim
P.O. Box 218
Roseburg, OR 97470

Please include specific comments or concerns. Use additional sheets if necessary.

Return to:

Oregon Water Resources Department
158 12th ST NE
Salem, Oregon 97310

This Comment corresponds to the SEP/ 7/1994 Public Notice.

Application No. R-74440



State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Applicant(s) Sea Wind Farms, Inc.

(Please print or type - use dark ink)

Mailing Address: P.O. Box 242

Sixes,

City

Oregon

State

97476

Zip

(503) 348-9937

Daytime Phone No.

I (We) make application for a permit to construct 1 reservoir and store the following described waters of the State of Oregon:

1. **SOURCE OF WATER** for the proposed use: Big Creek,
a tributary of Floras Lake
If not in channel of a stream, state how it is to be filled: _____

2. **THE DAM:** The maximum height of the structure will be 2 feet above ~~stream bed~~ ^{Spillway} or ground surface at the centerline.
The dam will be (check one) _____ earthfill, _____ concrete, XX flashboard, _____ other.
If "other" give description: 2 90 deg. V notch wiers will be constructed in
existing spillway of dam. Constructed under Permit No. R-8449 raising water
level 2 feet.

Give the location, description, and dimensions of the outlet conduit: _____

As described on Permit No. R-8449.

NOTE: All dams across natural stream channels must be provided with an outlet conduit, minimum diameter of 8", or be of such capacity and location as to pass the normal flow of the stream at any time.

3. **THE USE(s)** of the impounded water will be: Cranberry use.

4. **THE AMOUNT OF WATER** to be stored is: 35 acre-feet.
The area submerged by the reservoir, when filled, will be 17.5 acres,
and the maximum depth of water will be 2 feet.

5. **SPILLWAY DESCRIPTION** (location and dimensions). State whether over or around the dam. As noted, this project will be to install two 90 deg. V notch weirs in spillway to monitor flows.

Flashboards will be installed and removed in accordance with a schedule to be developed between my Engineer and the State Dam Safety Engineer.

6. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin 10-1-95

Proposed date construction work will be completed 10-1-96

Proposed date water use will be completed 10-1-2000

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

7. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

 Applicant XX CWRE Other (Identify in REMARKS section)

- b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

 Applicant XX CWRE Other (Identify in REMARKS section)

SEA WIND FARMS, INC.
SUPPLEMENTAL SHEET

SOURCE	QUANTITY OF WATER	COMMENTS
BIG CREEK	8.0 cfs	PRIMARY CRANBERRY USE
BIG CREEK RESERVOIR	35 ACRE FEET	SUPPLEMENTAL CRANBERRY USE
RESERVOIR No. 2	9.0 ACRE FEET	SUPPLEMENTAL CRANBERRY USE
RESERVOIR No. 3	9.0 ACRE FEET	SUPPLEMENTAL CRANBERRY USE
RESERVOIR No. 4	9.0 ACRE FEET	SUPPLEMENTAL CRANBERRY USE
RESERVOIR No. 5	9.0 ACRE FEET	SUPPLEMENTAL CRANBERRY USE
RESERVOIR No. 6	9.0 ACRE FEET	SUPPLEMENTAL CRANBERRY USE
RESERVOIR No. 7	9.0 ACRE FEET	SUPPLEMENTAL CRANBERRY USE

Application No. R7440
Permit No.

WATER RESOURCES
SALEM, OREGON

AUG 26 1994

RECEIVED

8. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? Yes. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

REMARKS: Final Design Plans and Specifications will be submitted upon
receipt of a favorable technical review.

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

NOTE: The permit, when issued, is for the beneficial use of water without waste. 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. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Sen. Wind Farms Inc
John E. Wind
Signature of Applicant

Apr 2/94
Date

Signature of Co-Applicant, if any

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 26th day of August, 1994, at 8:00 o'clock, A M.

APPLICATION NO: R-74440

INITIAL REVIEW CHECKLIST

APPLICATION # R 74440
WAB # 5009 OK

☒ ITEMS HAVE BEEN VERIFIED ON COMPLETENESS CHECKLIST
☒ BASIN NAME/NUMBER IS CORRECT

DETERMINATION OF WHETHER USE IS OR IS NOT ALLOWED BY...

☒ BASIN PLAN
☒ LEGISLATIVE WITHDRAWAL (ORS 538)
☒ RULES
☒ SCENIC WATERWAY (OTHER THAN WA ORS 390.826)
☐ OTHER _____

☒ WATER AVAILABILITY HAS BEEN CHECKED
50 % BEFORE JULY 17, 1992; 80 % LIVE FLOW 50 % STORAGE
AFTER JULY 17, 1992

☒ INSTREAM WATER RIGHT EXEMPTIONS ARE DOCUMENTED ON WATER
AVAILABILITY SHEETS

☒ USE IS NOT FROM A BOR PROJECT OR A SIGNED CONTRACT IS IN
THE FILE

DIVISION 33 HAS BEEN ADDRESSED...

☒ SEASON FOR DIRECT FLOW
☐ WATER QUALITY PARAGRAPH
☐ EFFICIENCY DESCRIPTION (BELOW BONN AND MORE THAN 1 CFS)

☒ PLAT CARDS HAVE BEEN CHECKED AND A COPY OF THE MAP SHOWING
THE CONFLICT HAS BEEN ATTACHED

☒ ALL DOCUMENTS USED IN EVALUATION ARE ATTACHED AND
HIGHLIGHTED AND PACKET IS STAPLED TOGETHER

☒ SPELL CHECK HAS BEEN COMPLETED

☒ WATERMASTER # 19

☒ REGIONAL MANAGER (NW, SW, NC, SC, E)

LETTER WAS SAVED FROM M:\T\IRWORK95 TO M:\T\IRSENT95

NAME J. RA

DATE 8-10-95

OREGON WATER RESOURCES DEPARTMENT
ADMINISTRATIVE RULES
CHAPTER 690
DIVISION 517
SOUTH COAST BASIN PROGRAM

Classifications

690-517-001

(1) Ground water resources in sections or the portions of Sections 13, 14, 22, 23, 26, 27, 32, 33 and 34 of Township 23 South, Range 13 West; 2, 3, 4, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 27, 28, 29, 31, 32, 33 and 34 of Township 24 South, Range 13 West; and 3, 4, 5 and 6 of Township 25 South, Range 13 West, bounded on the north by Tenmile Creek, on the west by the Pacific Ocean, on the south by Coos Bay and on the east by Highway 101 are hereby classified for single or group domestic, livestock, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and any single industrial or commercial use not exceeding 5,000 gallons per day.

(2) The waters of the following lakes are classified only for domestic, livestock, municipal, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and in-lake use for recreation, fish life and wildlife. The Director of the Water Resources Department may place specific limits on municipal appropriations from the lakes or require outlet control structures to protect recreation, fish life and wildlife uses:

- (a) Bradley Lake 4900
- ✓(b) Eel Lake 01010
- ✓(c) Garrison Lake 00

(3) All other natural lakes are classified only for domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and in-lake use for recreation, fish life and wildlife.

(4) Waters of the following streams and all tributaries are classified only for domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, fire control and instream use for recreation, fish life and wildlife.

- ✓(a) Glenn Creek (tributary to the East Fork Millicoma River) 070142
- ✓(b) Brush Creek 2500

✓(5) The waters of the Middle Fork of the Coquille River and tributaries upstream from the confluence with Holmes Creek are classified only for domestic, livestock and irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife during the period from July 1 to September 30 of every year. Water stored between October 1 and June 30 may be used at any time for purposes specified in section (8). 161123440

✓(6) The waters of the West Fork Millicoma River and tributaries above Stall Falls are classified for municipal, domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife. 0701310 to 07013123

✓ 3400

1601

- (7) The waters of Pony Creek above lower Pony Creek Dam and Ferry and Geiger Creeks above the Ferry Creek - Geiger Creek confluence are classified for municipal use.
- (8) All other surface and ground water resources are hereby classified for domestic, livestock, municipal, industrial, fire control, irrigation, agricultural use, mining, power development, recreation, wildlife and fish life uses.
- (9) Applications for the use of water for any purposes contrary to classifications specified in the basin program shall not be accepted or granted except as provided by law. The Director shall notify the Board and other interested individuals or agencies of the intent to accept an application for use in conflict with the adopted program in accordance with ORS 536.380 if the proposed use will not have a significant impact on any other water use as provided in sections (1) through (8) of OAR 690-517-001 and in 690-517-002 through 690-517-003.
- (10) The planning, construction and operation of any structures or works for the utilization of water in accordance with the aforementioned classifications are to conform with the applicable provisions of ORS 536.310, including but not restricted to the recommendation of the multiple-purpose concept.

Reservations

690-517-002

Water in the amounts specified is reserved in the following streams for municipal use:

- ✓(1) Chetco River - three cfs, downstream from the confluence with the North Fork Chetco River
- ✓(2) Winchuck River - one cfs, downstream from the confluence with Bear Creek

Minimum Perennial Streamflows

690-517-003

- (1) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses and irrigation of noncommercial gardens not exceeding one-half acre in area shall be allowed for the waters of the streams and tributaries listed in Table 1 when flows are below the specified levels.
- (2) The Water Policy Review Board requests the opportunity to review applications for an allowed beneficial use that has traditionally been identified as nonconsumptive or take-and-put, such as fish hatcheries, hydroelectric facilities, municipal or water process industries that could potentially impact, in an adverse way, the Board's minimum flow regime or the public interest. The Water Policy Review Board intends to continue to protect, in its entirety, that portion of the stream system on which any minimum streamflow has been established. Permitting procedures and water use regulation should reflect that objective as far as possible under the law. The Board solicits the advice or complaints of any party who is aware that the objectives are not being met.
- (3) Minimum flows established in the Water Resource Program for the South Coast Basin dated May 22, 1964 (Table 3), shall remain in full force and effect except as follows:
 - (a) The minimum perennial streamflow for the Elk River above U.S. Highway 101 crossing (45 cfs) is rescinded.

WATER AVAILABILITY TABLE

Basin: SOUTH COAST

Exceedance Level: 50

Water Availability Subbasin: 5009000000000000 (and Nested Subbasins)

Time: 08:58

Date: 08/10/1995

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	5000000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	5009000000000000	YES	YES	YES	YES	YES	YES	NO	NO	NO	YES	YES	YES	YES

STREAM NAMES

Basin: SOUTH COAST

Water Availability Subbasin: 5009000000000000 (and Nested Subbasins)

Time: 08:58

Date: 08/10/1995

WAB #	Stream Name	Tributary to
5000000000000000	NEW R	PACIFIC OCEAN
5009000000000000	UNN STR 17-1560-0130-0020	FLORAS L

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 5009000000000000

Basin: SOUTH COAST

Exceedance Level: 50

Time: 08:58

Date: 08/10/1995

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	5009000000000000	UNN STR 17-1560-0130-0020	YES	3.2
2	5009000000000000	UNN STR 17-1560-0130-0020	YES	3.8
3	5009000000000000	UNN STR 17-1560-0130-0020	YES	3.2
4	5009000000000000	UNN STR 17-1560-0130-0020	YES	1.5
5	5009000000000000	UNN STR 17-1560-0130-0020	YES	0.4
6	5009000000000000	UNN STR 17-1560-0130-0020	YES	0.2
7	5009000000000000	UNN STR 17-1560-0130-0020	NO	-0.1
8	5009000000000000	UNN STR 17-1560-0130-0020	NO	-0.1
9	5009000000000000	UNN STR 17-1560-0130-0020	NO	0.0
10	5009000000000000	UNN STR 17-1560-0130-0020	YES	0.0
11	5009000000000000	UNN STR 17-1560-0130-0020	YES	0.5
12	5009000000000000	UNN STR 17-1560-0130-0020	YES	3.1
Stor	5009000000000000	UNN STR 17-1560-0130-0020	YES	941.0

Cannot store during irrig. season.

DETAILED REPORT ON WATER AVAILABILITY

Basin: SOUTH COAST

Stream: NEW R

> PACIFIC OCEAN

Water Availability Subbasin: 5000000000000000

Exceedance Level: 50

Time: 08:58

Date: 08/10/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	623.00	1.00	622.00	7.54	614.00	0.00	614.00
2	725.00	2.00	723.00	7.93	715.00	0.00	715.00
3	642.00	0.00	642.00	7.56	634.00	0.00	634.00
4	356.00	1.00	355.00	4.46	351.00	0.00	351.00
5	118.00	3.00	115.00	4.26	111.00	0.00	111.00
6	99.00	8.90	90.10	4.96	85.10	0.00	85.10
7	56.90	13.70	43.20	5.31	37.90	0.00	37.90
8	34.90	11.20	23.70	4.18	19.50	0.00	19.50
9	21.30	4.80	16.50	4.40	12.10	0.00	12.10
10	32.20	0.70	31.50	3.16	28.30	0.00	28.30
11	308.00	1.00	307.00	4.07	303.00	0.00	303.00
12	660.00	1.00	659.00	7.58	651.00	0.00	651.00
Stor	220000	2890	217000	3920	213000	0	213000

DETAILED REPORT OF ISWRs

Basin: SOUTH COAST

Stream: NEW R

> PACIFIC OCEAN

Water Availability Subbasin: 5000000000000000

Time: 08:58

Date: 08/10/1995

ISWRs

APP # :	0	0	0	0	0	0	RESULTANT
STATUS:							
1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
9	0.0	0.0	0.0	0.0	0.0	0.0	0.0
10	0.0	0.0	0.0	0.0	0.0	0.0	0.0
11	0.0	0.0	0.0	0.0	0.0	0.0	0.0
12	0.0	0.0	0.0	0.0	0.0	0.0	0.0

DETAILED REPORT ON WATER AVAILABILITY

Basin: SOUTH COAST

Stream: UNN STR 17-1560-0130-0020 > FLORAS L

Water Availability Subbasin: 5009000000000000

Exceedance Level: 50

Time: 08:58

Date: 08/10/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	3.30	0.00	3.30	0.15	3.15	0.00	3.15
2	3.96	0.00	3.96	0.19	3.77	0.00	3.77
3	3.37	0.00	3.37	0.15	3.22	0.00	3.22
4	1.53	0.01	1.52	0.07	1.45	0.00	1.45
5	0.40	0.03	0.37	0.02	0.35	0.00	0.35
6	0.29	0.10	0.19	0.01	0.18	0.00	0.18
7	0.10	0.16	-0.06	0.00	-0.06	0.00	-0.06
8	0.04	0.13	-0.09	0.00	-0.09	0.00	-0.09
9	0.01	0.05	-0.04	0.00	-0.04	0.00	-0.04
10	0.02	0.01	0.01	0.00	0.01	0.00	0.01
11	0.54	0.00	0.54	0.03	0.51	0.00	0.51
12	3.20	0.00	3.20	0.14	3.06	0.00	3.06
Stor	1000	29	986	45	941	0	941

DETAILED REPORT OF ISWRs

Basin: SOUTH COAST

Stream: UNN STR 17-1560-0130-0020 > FLORAS L

Water Availability Subbasin: 5009000000000000

Time: 08:58

Date: 08/10/1995

ISWRs

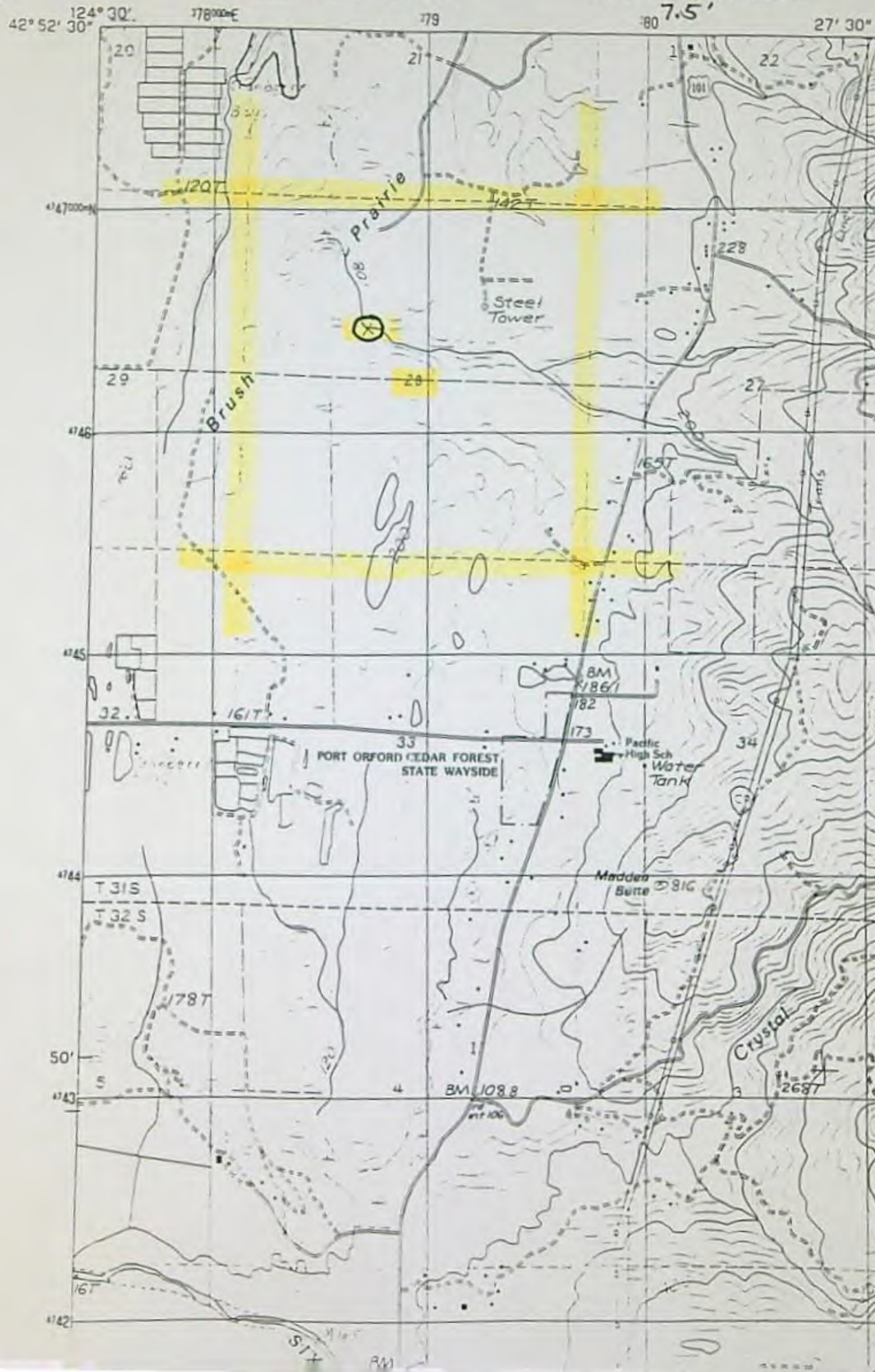
APP # : 0 0 0 0 0 0 RESULTANT

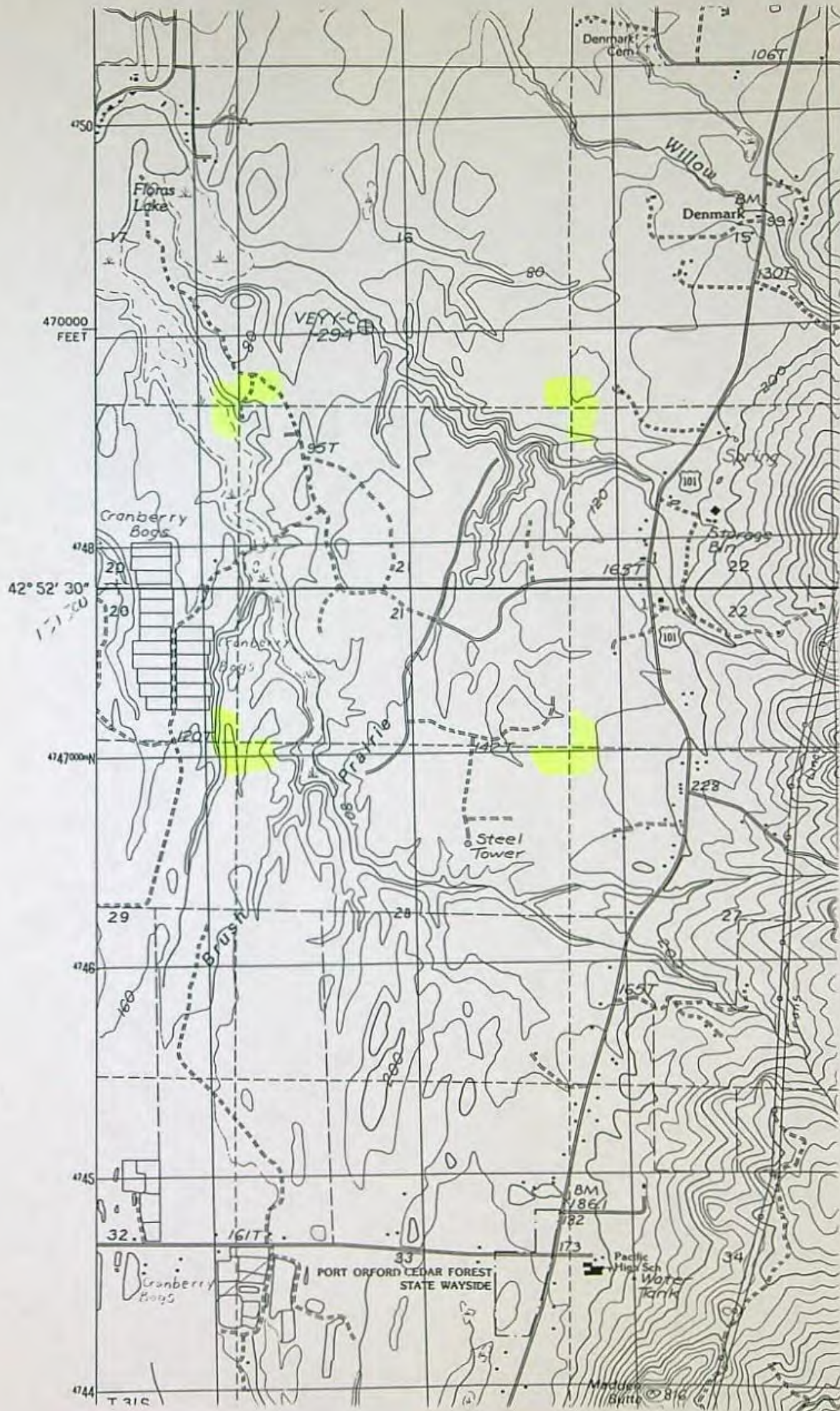
STATUS:

1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
9	0.0	0.0	0.0	0.0	0.0	0.0	0.0
10	0.0	0.0	0.0	0.0	0.0	0.0	0.0
11	0.0	0.0	0.0	0.0	0.0	0.0	0.0
12	0.0	0.0	0.0	0.0	0.0	0.0	0.0

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

T31S R15W
Sixes Quad
1986 Provisional
7.5'





**Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses in
Addition to Classified Uses**

AUG 26 1994

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. **DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.**

Applicant's Name: Sea Wind Farms, Inc.
Address: P.O. Box 242
City: Sixes State: Or. Zip: 97476 Day Phone: (503) 348-9937

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
map 31-15-00 2900	FG	✓	✓	✓

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. Curry County

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

Application No. R74440
Permit No.

a) Check the appropriate box below and provide requested information.

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 3.05(7). Go to section b) on reverse side.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: DIANNE L. SNOW
Title: PLANNER

Date: 8/2/94
Phone: 247-7611

Signature: Dianne L. Snow

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet. For additional information call Roberta Jortner or Rick Bastasch at 378-3671.

Additional Comments:

FARMING (CRANBERRY BOGS) IS A
USE ALLOWED OUTRIGHT ON THE SUBJECT PROPERTY.

Description of Water Use

AUG 26 1994

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

SALEM, OREGON

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: Sea Wind Farms, Inc.
 Address: P.O. Box 242
Sixes, Oregon 97476
 Phone: (503) 348-9937

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- ☐ Irrigation (crop type, golf course, nursery or greenhouse): _____
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): _____
- ☐ Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- ☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- ☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- ☐ Institutional (i.e., school, library, etc.): _____
- ☐ Mining (aggregate, metal, open pit, placer, etc.): _____
- ☐ Recreation (park, campsite, pond, etc.): _____
- ☐ Fish and Wildlife (pond, hatchery, etc.): _____
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- ☒ Other (Name and list key characteristics): Cranberry use

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
☒ Surface Water Name sources: <u>Big Creek</u> _____ _____	<u>8.0</u> Cubic feet per second. _____ Gallons per minute. <u>89.0</u> Acre-Feet
☒ Reservoir or pond <u>7 reservoirs</u>	
☐ Ground Water	

Water Resources Department, 3850 Portland Rd. NE, Salem, OR 97310
 Phone: 378-3671

Version: 8/30/90

PFO CHECKLIST

Application #: _____

Basin: _____ WAB: _____

Township _____ Range _____ Section _____ 1/4 1/4 _____

- ☒ A1. Public Interest Screen Criteria
- ☒ 1. Is the file complete by the Completeness Checklist?
- ☒ 2. Fees or other shortcomings (items needed before a permit and/or FO can be issued)
- ☒ 3. Check file for indicators that the process should not continue until a later date (ie - protest, letter to file indicating hold, or other)
- ☒ 4. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
- ☐ a. Is second groundwater review necessary? (objection)
- ☐ b. Is HB 1033 review complete?
- ☐ 5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.
- ☐ 6. Is the Proposed Use located in or above a Scenic Waterway?
- ☐ 7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)
- ☒ 8. Is the use allowed or limited by the Basin Program?
- ☒ 9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD)
- ☒ 10. New River APR
Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- ☒ 11. Rate _____ Duty _____ Irrigation Season _____
- ☒ 12. Period of Allowed Use Same Dec 1 ~ May 31
- ☐ 13. Is use from a B.O.R. project and if so, is a signed contract in the file?
- ☒ 14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 8, 1994 or June 3, 1994)
- ☒ 15. Have conflicts been identified, verified and/or addressed?
- ☒ 16. Is the use Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or Large (≥ 1.5 cfs, ≥ 100 AF)? _____
- ☒ 17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO
- ☒ 18. Fill out Accuracy Checklist
- ☒ 19. Spell Check
- ☒ 20. Documents used in determination are attached and highlighted
- ☒ 21. Fill out PFO CC-List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners.
- ☒ a. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes)
- ☒ 22. Final PFO report hard copy check (format, margins, etc.)
- ☒ 23. Final PFO has been saved to m:\t\pfo\done\week#\application #

Name: Bernadette Date: 10/10/96 BW

WATER RESOURCES DEPT.
COMMERCE BUILDING
158 12th STREET NE
SALEM, OR 97301-4172

ADDRESS SERVICE REQUESTED

FIRST CLASS

FILE#: R 74440

SEA WIND FARMS INC.

PO BOX 242

SIXES, OR 97476

FILE#: R 74440

SEA WIND FARMS INC.

PO BOX 242

SIXES, OR 97476

FILE#: R 74440

SEA WIND FARMS INC.

PO BOX 242

SIXES, OR 97476

See Receipt # 116619

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **115966**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # 116620

RECEIVED FROM: See Wind Farms Inc
BY: _____

APPLICATION	74440
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 876455 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,251.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT. \$
VOUCHER #

COST CENTER AND OBJECT CLASS

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS		
840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6) (IDENTIFY)	\$
WATER RIGHTS:		
842.001	SURFACE WATER	\$
842.003	GROUND WATER	\$
842.005	TRANSFER	\$
WELL CONSTRUCTION		
842.022	WELL DRILL CONSTRUCTOR	\$
	LANDOWNER'S PERMIT	\$
	OTHER (IDENTIFY)	\$

EXAM FEE	RECORD FEE
\$ <u>700.00</u>	842.002 \$ <u>100.00</u>
\$	842.004 \$
\$	842.006 \$
EXAM FEE	LICENSE FEE
\$	842.023 \$
	842.024 \$

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	\$	CARD #
	MONITORING WELLS	\$	CARD #
	OTHER (IDENTIFY)		

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
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07-00-0 HYDRO ACTIVITY

	LIC NUMBER	
842.011	POWER LICENSE FEE (FW/WRD)	\$
842.115	HYDRO LICENSE FEE (FW/WRD)	\$
	HYDRO APPLICATION	\$

RECEIPT # **115966**

DATED: 7-26-94

BY: Don Nelson

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

3/16/50
Application No. 74440

Permit No.

SEA WIND FARMS INC.

Name .. PO BOX 242

Address SIXES, OR

97476

Assigned

Address

Beginning construction

Completion of construction

Extended to

Complete application of water

Extended to

FILE TRACKING SLIP

DATE: 12/20

TIME: _____

FILE # R-74440

ROUTED TO: _____

✓ Falk

REMARKS: See Letter

10/17/94

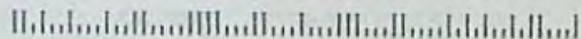
INITIALS: DB

JOHN DROLET, WATERMASTER
COOS COUNTY COURTHOUSE
COQUILLE, OR 97423

OREGON WATER RESOURCES
158 12TH STREET NE
SALEM, OR 97310



97310X0700



Oregon

WATER RESOURCES
DEPARTMENT

Commerce Building
158 12th Street NE
Salem, OR 97301-4172

Address Service Requested

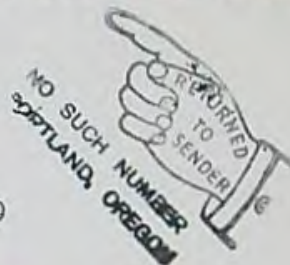
Johathon Goodling
3500 SW Fifth Avenue
Portland, OR 97204-3699

74440

Russ

SALEM OR 97301 20:48 04/13/00

PRESORTED
FIRST CLASS



97204/9999

11111111111111111111

11111111111111111111



Oregon

John A. Kitzhaber, M.D., Governor

CERTIFIED MAIL
Return Receipt Requested

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

April 14, 2000

Sea Wind Farms Inc.
PO Box 242
Sixes, OR 97476

RE: Application File # R-74440

Dear Sea Wind Farms, Inc:

The following documents were sent from the Department requesting an engineered design for the dam be submitted: a letter from John Falk on October 17, 1994, a Proposed Final Order on October 15, 1996, a Final Order on February 14, 1997, a certified letter on July 14, 1998, and on August 21, 1998 an E-Mail allowing until December 15, 1998. The following item has not been received, and must be received as specified below, or the Department will reject the application:

- An engineered design for the dam and reservoir satisfactory to the Department's dam safety section.

Please submit this item by **May 15, 2000**. If we do not receive the item requested above by this date, your application **will** be rejected. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost and the proposed use of the storage under application 74439 will not be allowed.

If you need to request additional time to submit the engineered design, the written request must be received in the Salem office of the Department by the deadline above. The Department will evaluate timely requests and determine whether or not the request may be granted.



Should you have any questions regarding your application or the required materials listed above please call me at (503) 378-8455, extension 266, or toll free within Oregon at 1-800-624-3199.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell W. Klassen", with a long horizontal flourish extending to the right.

Russell W. Klassen
Senior Water Rights Specialist

cc: Watermaster District #19

John Youngquist

James Gosson

Jonathon Goodling
3500 SW Fifth Avenue
Portland, OR 97204-3699