

## Herb Mosgar

---

**From:** Norm Daft [normthewaterguy@charter.net]  
**Sent:** Tuesday, August 25, 2009 11:26 AM  
**To:** Herbert L MOSGAR  
**Subject:** Sea Wind Farms - COBU's

Herb,

The owners of Sea Wind Farms would like me to review the COBU's completed for permits for which no certificates have been issued.

The permits are:

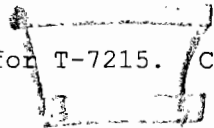
S-52989 (app S-70170)

G-13598 (app G-14722)

R-12095 (app R-73733)

S-52993 (app S-73734)

In addition, the WEB information shows that a claim has not been done for T-7215. Could you check your files to see if a claim has been done?



What I need is a copy of the claim report and map(s).

If these can be sent as an e-mail attachment, that would be good. Otherwise, my address is: Norm Daft, 245 Glenoak Lane, Grants Pass, OR 97526.

Please let me know if there is a fee.

Thanks.

Norm

541 761-1057



STEVE

1-4-94

A-70170

WE RECEIVED A SIGNED DRAFT 9-23-'91  
FOR 250 AC FT STORM WATER ONLY FOR  
CRANBERAY OPERATIONS ON SOUTH COAST.

OK TO GO TO PERMIT NOW?

WE WERE NOT ABLE TO FIND FILE WITH  
DRAFT WAS RECEIVED.

Tom:

1/5/93

Prepare TR, cc to WW et al. Thanks Steve

OWNERSHIP/EASEMENT FORM

RECEIVED  
DEC 24 1995  
WATER RESOURCES DEPT  
SALEM, OREGON

1. Do you own all property related to this application?

YES / NO  
(circle your answer)

If you answered "NO," please submit the names and addresses of the legal owners of all property related to this application that you do not own.

2. If you answered "NO" to question #1 above, do you have written authorization or an easement permitting access to the lands you do not own?

YES / NO /  NOT APPLICABLE (I answered "YES" to #1.)  
(circle your answer)

I understand that if I do not own all property associated with this application, I may be required to submit a copy of my written authorization or easement for access before a permit can be issued.

SIGNATURE: [Signature] TITLE: DIRECTOR DATE: Dec 12/95

REC'D  
DEC 24 1995  
WATER DIVISION  
SALEM, OREGON

I/We certify that the information I have provided in application # 5-70170 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

E. L. Hamilton                      Director                      Dec 14/95  
Name    Title    Date

[Signature]    \_\_\_\_\_    \_\_\_\_\_  
Name    Title    Date

\_\_\_\_\_  
Name    Title    Date

\_\_\_\_\_  
Name    Title    Date

NOTICE OF BEGINNING OF CONSTRUCTION

I, SEA WIND FARMS INC., the holder of Permit No. 52989

to appropriate the public waters of the state of Oregon, began the actual construction of the works described hereon on the 10th day of AUGUST, 1997.

Remarks: WE HAVE STARTED CONSTRUCTION ON 25 ACRES  
The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment required for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as

authorized by your permit.

IN WITNESS WHEREOF, I have hereunto set my hand this 23<sup>RD</sup> day of FEBRUARY, 1999.

Kenneth W Anderson FARM MANAGER P.O. Box 242 SINES, OR 97476  
(Signature of Applicant) (Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.

RECEIVED

FEB 26 1999  
WATER RESOURCES DEPT  
SALEM, OREGON

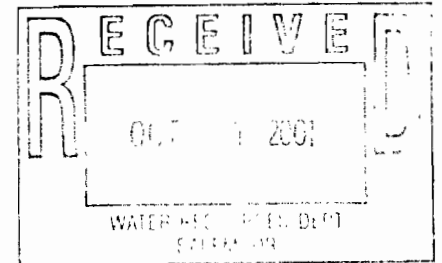
OK  
DSM

## CLAIM OF BENEFICIAL USE

Section 20 & 21 Twp 31S Range 15W

Curry County

FOR: Sea Wind Farms, Inc.



Application # 70170

Permit # 52989

Date surveyed: 9/05/01

### OWNER INFORMATION:

Permittee:

Name: Sea Wind Farms, Inc.

Address: PO BOX 242

City and state: Sixes OR 97476

Phone: 541-348-9937

Property owner: same

Person interviewed: Knute Anderson, Manager

**SOURCE:** an Unnamed Reservoir constructed under permit R-8449, tributary of Big Creek; stored water only.

**TYPE OF USE:** cranberry operations

**DIVERSION #1 WORKS DESCRIPTION:**

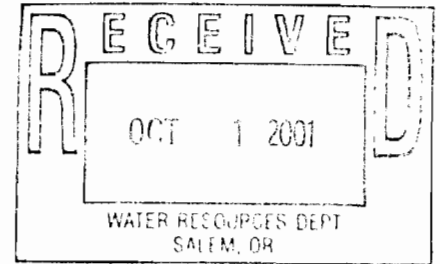
## Pump System:

## Motor:

Brand: Marathon Electric  
 Model: MB404TTB5748ANW  
 Horsepower: 100  
 Serial #: 93225-1/6-9  
 Voltage: 460

## Pump:

Brand: Cornell  
 Model: 5HH100-4  
 Type: centrifugal  
 Serial #: 3613-6  
 Impeller: 14.5"



## Pipe:

Mainline size: 12" pvc to 10" pvc to 6" and 4"  
 Laterals: 1 1/2" pvc solid set in the bogs

## Sprinkler heads:

Size: 1/8" to 7/64" with 40 to 42 heads per acre

## Lift:

Pump to place of use: 40'

Meter: en-route from manufacturer

**DIVERSION #2 WORKS DESCRIPTION:**

## Pump #1 system:

## Motor:

Brand: Baldor Electric  
 Horsepower: 40  
 Serial #: 491C  
 Spec: 400382B3  
 Voltage: 460

**Pump:**

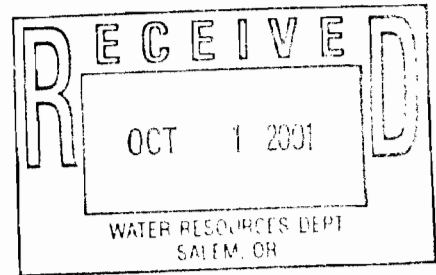
Brand: Cornell  
 Model: 12-3YB40-Z  
 Type: centrifugal  
 Serial #: 73342  
 Impeller: 7.5"  
 Meter: meter # 21123 Aquamaster Flow Meter; model  
 400B #1198

**Pump #2 system:****Motor:**

Brand: Marathon Electric  
 Model #: XE2841IDR7302DAW  
 Serial #: 01-97976-6 1/2 2-06  
 Voltage: 460

**Pump:**

Brand: Cornell  
 Model #: 3W30-2  
 type: centrifugal  
 Serial #: 72340  
 Impeller: 7"  
 Meter: meter #21122 Aquamaster Flow Meter; Model  
 # 400B #1198

**Pipe:**

Mainline size: 12" pvc to 10" pvc to 6" and 4"  
 Laterals: 1 1/2" pvc solid set in the bogs

**Sprinkler heads:**

Size: 1/8" to 7/64" with 40 to 42 heads per acre

**SYSTEM CAPACITY:****Meter readings:**

Diversion #1, Pump #1: awaiting meter reading from owner.  
 Diversion #2, Pump #1: 500 gpm  
 Diversion #2, Pump #2: 340 gpm

3.6 ac-ft per day x 70 days = 252 ac-ft

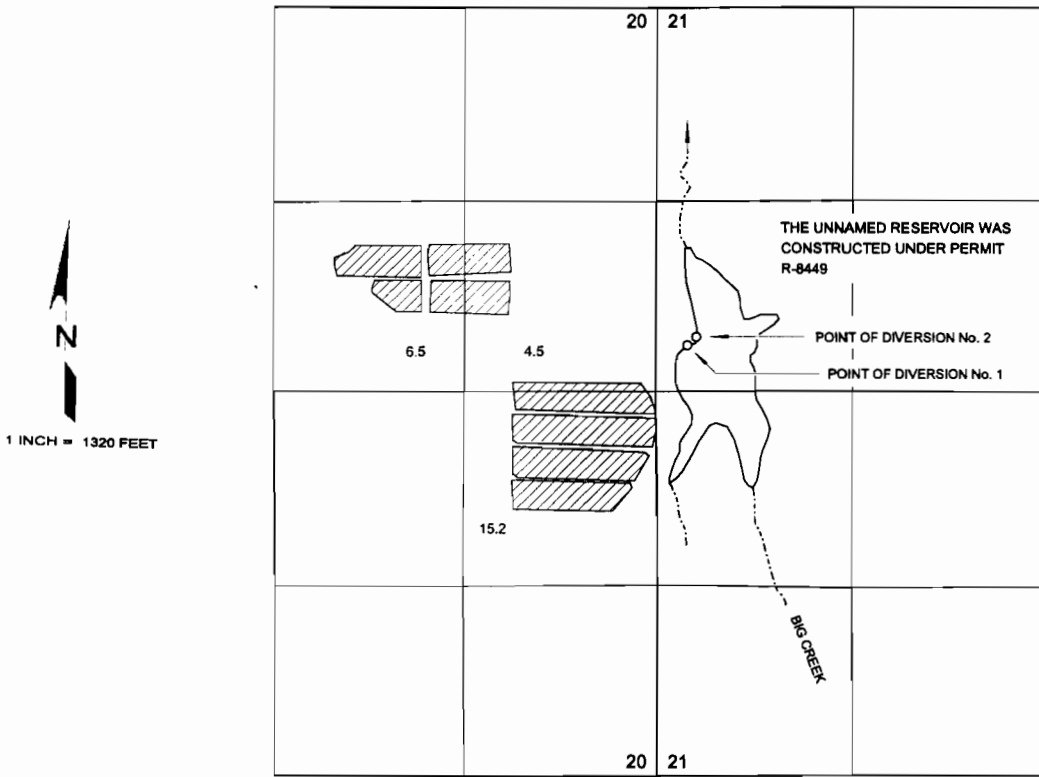


# FINAL PROOF SURVEY MAP IN THE NAME OF SEA WIND FARMS, INC.

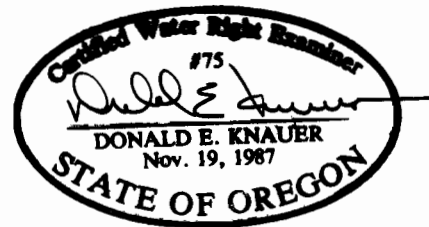
APPLICATION S-70170

PERMIT 52989

SECTIONS 20 & 21, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.



POINT OF DIVERSION No. 1 IS LOCATED 2330 FEET SOUTH AND 190 FEET EAST AND  
 POINT OF DIVERSION No. 2 IS LOCATED 2280 FEET SOUTH AND 280 FEET EAST;  
 BOTH FROM THE NORTHWEST CORNER OF SECTION 21, BOTH BEING WITHIN  
 THE SW¼ NW¼ OF 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.

**DIVERSION POINTS LOCATION:** Diversion #1 is 2280 feet south and 280 feet east and diversion #2 is 2330 feet south and 190 feet east; both from the NW corner section 21, both being within the SW1/4NW1/4 section 21 T31S R15W, W.M.

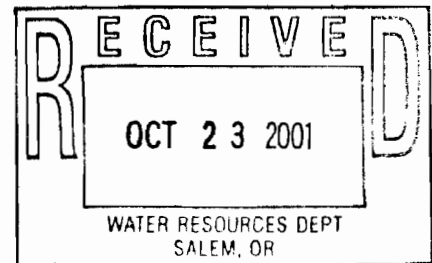
**RATE:**

Rate allowed by permit or transfer order: 250 acre-feet per year

Rate calculated based on system: 252 acre-feet per year

**PLACE OF USE AND EXTENT OF USE:**

SW1/4 NE1/4: 6.5 acres  
SE1/4 NE1/4: 4.5 acres  
NE1/4 SE1/4: 15.2 acres  
Section 20 T31S R15W, W.M.



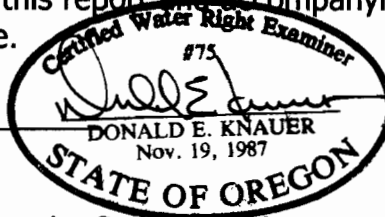
**CROP TYPE AND PERIOD OF USE:** cranberries, year round

**PERMIT CONDITIONS:**

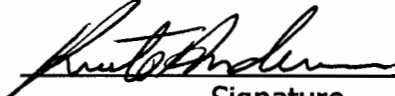
Meters: all pumps have flow meters with one exception, due to delivery problems with the manufacturer.

The final proof survey and inspection of the water use as found to be complete under the terms and conditions of permit 52989 was completed by me on 9/05/01, and the facts contained in this report and accompanying map are correct to the best of my knowledge.

\_\_\_\_\_  
Water Right Examiner



I, Knute Anderson, Manager, agree to the findings of the Water Right Examiner and submit this report and map as my Claim of Beneficial Use of the water as provided under the terms and conditions of my permit # 52989.

  
\_\_\_\_\_  
Signature



# 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](http://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





825 N.E. Multnomah Street, Suite 775  
Portland, Oregon 97232-2152  
503/797-7200 FAX: 503/797-7246

**RECEIVED**

**MAR 24 1997**

**WATER RESOURCES DEPT.  
SALEM, OREGON**

March 21, 1997

Water Resources Department  
Commerce Building  
158 12<sup>th</sup> Street NE  
Salem, OR 97310-0210

Re: Refund, Application File 70170

Dear Sir/Ms:

Pursuant to a telephone conversation with your office, enclosed is a cover letter and check which was received in our office. This does not belong to us and we are therefore returning it to you for proper disposition.

If you have any questions, please feel free to call. My direct telephone number is (503) 797-6417.

Yours very truly,

A handwritten signature in cursive script that reads "Susan Phillips".

Susan Phillips  
Paralegal/Executive Secretary

Enclosure

*WRD  
Check  
enclosed*

Change all M&R <sup>(Surface, R&S + GW)</sup> to Read as shown in  
73184 & As ~~As~~ shown in WW letter of  
11/2. (check 2<sup>nd</sup> to last sentence.)

Except Do Not change the following -

73734, 73290, G 120089, G 13039, G 13208  
These three should be M&R Large

Some still need Agreement's signed <sup>(By Applicants)</sup> - They must be signed ~~there~~  
Before a FO is done under ADR Conditions. If no  
Agreement, FO would be modified to reflect standard processing  
limitations - Div. 33, TRIAGE, WA, etc

Hull, Isenhart, Jensen, Quail Meadow Farms (Foster)

Change DATE in BMP CONDITION TO ~~"December 1996"~~


See 73734

~~See~~ Revised Fish Conditions in 75032 & ~~75032~~  
See WW letter Dated 11/22/96 modified by Todd Center  
12/12/96

See Revised Period of Use - 72561

March 5, 1997

WATER  
RESOURCES  
DEPARTMENT

SEA WIND FARMS  
PO BOX 242  
Bandon OR 97476 

REFERENCE: REFUND, APPLICATION FILE 70170

Enclosed is a check, no. 4402035, in the amount of \$550. This is a refund of excess recording fees paid for the above referenced application file. Your permit is not affected by this refund of excess fees.

If you need further assistance please contact the Water Rights Section at the address listed below or phone (503) 378-3739.

Sincerely,



Douglas L. Baer  
Senior Water Rights Technician

enclosure

CC: WM#19



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

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMORANDUM

TO: MARIE LICARI, FISCAL  
CC: FILE  
FROM: Douglas Baer

SUBJECT: REQUEST FOR REFUND CHECK

*See Wind Farm, No Bid  
1531  
11/15/07*

PLEASE REFUND \$ 550<sup>00</sup> TO Applicant/Assignee  
FILE # 70170, RECEIPT # 112968. THESE FUNDS ARE  
REFUNDED DUE TO :

- \_\_\_\_\_ APPLICATION REJECTED
- \_\_\_\_\_ APPLICATION WITHDRAWN
- \_\_\_\_\_ EXCESS FEES COLLECTED FOR APPLICATION
- \_\_\_\_\_ FILE CLOSED
- \_\_\_\_\_ PROTEST FILING FEE
- \_\_\_\_\_ OTHER: \_\_\_\_\_

*0702*

PLEASE INCLUDE THE FOLLOWING MAILING ADDRESS ON THE CHECK:

*OK Dwight*

# WaterWatch

RIVERS NEED WATER

**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. S-70170, Reservoir/Big Creek, Sea  
Wind Farms

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 measurement and reporting condition in the PFO must be modified to be consistent with the language agreed to in earlier ADR meetings and as specified in the November 6th meeting. The condition should be as follows:

Before water use may begin under this permit, a totalizing flow meter or other suitable measuring devices 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 be consistent with the agreements reached in earlier ADR meetings and as specified in the November 6th meeting the permit should contain the "standard" Oregon Department of Fish and Wildlife screening and passage condition. This condition should read:

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also ~~install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish.~~ The required screens must be approved by Oregon Department of Fish and Wildlife before diversion of any water.

*Todd Confer*  
12/12/96

- As agreed in the ADR, the applicants, 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.

Thanks in advance for your attention to this letter. Please call if you have any questions.

Sincerely,  
*Karen Russell*  
Karen Russell  
Assistant Director

c. Sea Wind Farms  
Al Cook, WRD  
Todd Confer, ODFW

Application S-70170

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # S-70170

WATERMASTER # 19: John Drolet

REGIONAL MANAGER: Al Cook


ODF&W - Curry County: YES

CWRE (if agent): N/A

DEQ: YES

OTHER STATE AGENCY IF NECESSARY: N/A

DIVISION 33 LIST: N/A 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):

Jonathon Goodling  
3500 US Bancorp Tower  
111 SW Fifth Avenue  
Portland, OR 97204-3699

Kalmiopsis Audubon Society  
C/C Ellen Warring  
P.O. Box 1265  
Port Orford, OR 97465

Ron Yockim  
P.O. Box 218  
Roseburg, OR 97470

*WW-RO*

CASEWORKER : BW

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number S-70170

**Final Order**

*Application History*

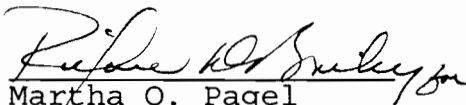
On January 16, 1990, PACIFICORP CREDIT INC (CAPE BLANCO PROPERTIES) submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on October 15, 1996. The protest period closed November 29, 1996, and no protest was filed.

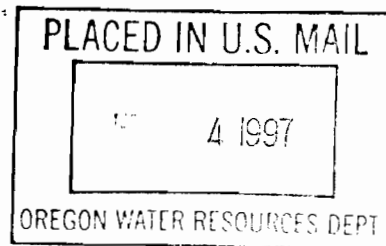
The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe fish screening and water use measurement/recording requirements.

**Order**

Application S-70170 therefore is approved with the above modifications to the Proposed Final Order, and Permit Number 52989 is issued as limited by the conditions set forth therein.

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

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SEA WIND FARMS, INC.  
P.O. BOX 1531  
PORTLAND, OREGON 97207

(541)348-2217

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-70170

SOURCE OF WATER: AN UNNAMED RESERVOIR CONSTRUCTED UNDER PERMIT R-8449,  
TRIBUTARY OF BIG CREEK

PURPOSE OR USE: CRANBERRY OPERATIONS ON 75.0 ACRES

MAXIMUM VOLUME ALLOWED: 250.0 ACRE-FEET PER YEAR FROM STORED WATER ONLY

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 16, 1990

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SECTION 21, TOWNSHIP 31  
SOUTH, RANGE 15 WEST, W.M.; 2080 FEET SOUTH & 180 FEET EAST FROM  
NORTHWEST CORNER, SECTION 21

The amount of water diverted for CRANBERRY OPERATIONS, together with amounts secured under any other rights existing for the same lands, is limited as follows: For temperature control, 0.15 cubic foot per second per acre; For flood harvesting or pest control, 0.05 cubic foot per second per acre; For irrigation of cranberries, ONE-FORTIETH of one cubic foot per second and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. For the irrigation of any other crop, ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 NE 1/4 3.0 ACRES  
NW 1/4 NE 1/4 31.0 ACRES  
SW 1/4 NE 1/4 15.0 ACRES  
SE 1/4 NE 1/4 8.0 ACRES  
NE 1/4 NW 1/4 2.0 ACRES  
NE 1/4 SE 1/4 16.0 ACRES

SECTION 20

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.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The required screens must be approved by Oregon Department of Fish and Wildlife before diversion of any water.

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

**STANDARD CONDITIONS**

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

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

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

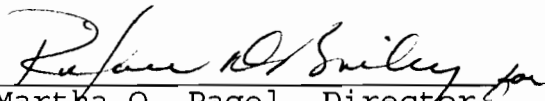
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1999. Complete application of the water to the use shall be made on or before October 1, 2000.

Issued January 31, 1997

  
Martha O. Pagel, Director  
Water Resources Department

# FO CHECKLIST

FILE # 70170  
 WEEK # 64

REVIEW DATE: 11, 27, 96  
 INITIALS: DB

## PFO TO FO CONVERSION

In preparing the FO, you should check the following:

1. /N Were comments or protests received? If so, from whom and when?
2.  On the PFO CC list, verify names and addresses of **ALL** commentors (regardless of comment date), **affected landowners**, and those who paid the \$10 fee.  
*WATERWATCH 11/22/96*
3. /N Have affected landowners been notified?
4. Y/ Is the file lacking a signed oath of accuracy for the application?
5. Y/ 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/ 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.  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. *AP = CRTR 75 AC 100 2x65 30 100 30 100*
  - (2) Issue FO w/o permit if fees are lacking
9. /N Is further processing possible? If not state reason: OVER *200 Epm 100 10 AC 130 65 AC 100 REFS*
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.  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.  Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
13.  Include or exclude permit conditions and management codes
14.  Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

15.  Save WordPerfect document in M:\T\FO\WEEK 64 & delete duplicates
16.  Print final draft of document and submit to team leader for review
17. Y/N Team leader review completed

70170  
52989

JUN 10 1987

WATER RESOURCES DIVISION  
SALEM, OREGON

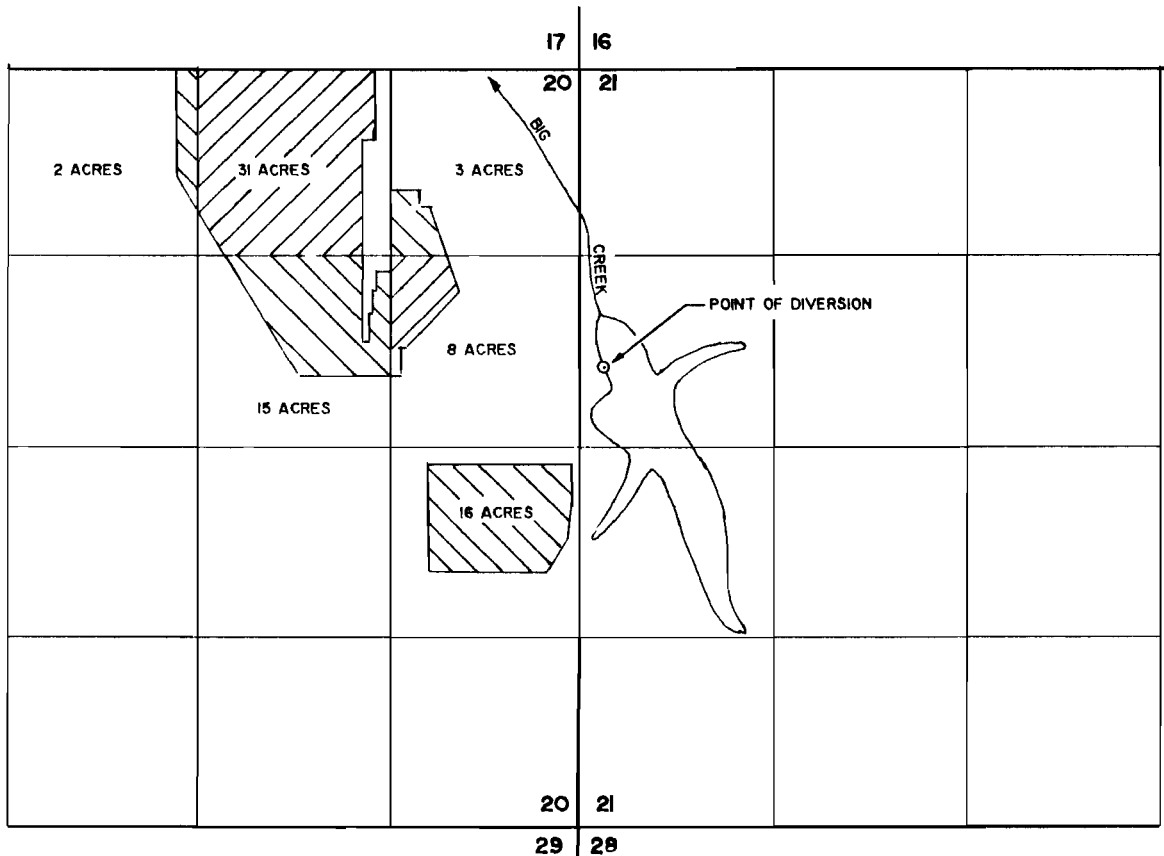
# APPLICATION MAP

IN THE NAME OF CAPE BLANCO PROPERTIES, INC.

SECTION 20, T31S, R15W, W.M.



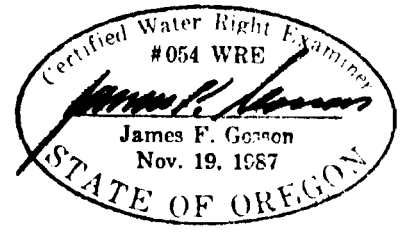
1 INCH = 1320 FEET



THE POINT OF DIVERSION IS TO BE LOCATED 2080 FEET SOUTH AND 180 FEET EAST FROM THE NORTHWEST CORNER OF SECTION 21, BEING WITHIN THE SW 1/4 OF THE NW 1/4 OF SECTION 21, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

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.

APPL. 70170  
Permit no. 52989





Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number S-70170

**Proposed Final Order**

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

**Application History**

On January 16, 1990, SEA WIND FARMS, INC. submitted an application to the Department for the following water use permit:

- Amount of Water: 11.25 CUBIC FEET PER SECOND (CFS) OF LIVE FLOW FROM BIG CREEK, BEING 11.25 CFS FOR TEMPERATURE CONTROL, 1.875 CFS FOR IRRIGATION AND 1.125 CFS FOR FLOOD HARVESTING AND 250.0 ACRE-FEET (AF) OF STORED WATER FROM AN UNNAMED RESERVOIR
- Use of Water: TEMPERATURE CONTROL, FLOOD HARVESTING AND IRRIGATION OF 75.0 ACRES OF CRANBERRIES
- Source of Water: BIG CREEK AND AN UNNAMED RESERVOIR, CONSTRUCTED UNDER PERMIT R-8449, A TRIBUTARY OF FLORAS LAKE
- Area of Proposed Use: Curry County within SECTION 20, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.
- Water Delivery System: The applicant proposes to divert water using an electric motor and pump at the point of diversion with buried pipelines to the places of use.

The Department mailed the applicant notice of its Technical Review March 10, 1994, determining that the USE OF 250.0 AF OF STORED WATER ONLY IS ALLOWED MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION AND YEAR ROUND FOR AGRICULTURAL USE. The 60-day objection period closed May 16, 1994.

Within the 60-day period, objections were received from the Oregon Department of Fish and Wildlife (5/11/94) and WaterWatch (5/13/94).

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 require a bypass flow of 0.05 cfs from the reservoir 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 AN UNNAMED RESERVOIR, A TRIBUTARY OF BIG CREEK or on downstream waters.

AN UNNAMED RESERVOIR, A TRIBUTARY OF BIG CREEK is not within or above a State Scenic Waterway.

Water is available for further appropriation for the period YEAR ROUND.

The Department finds that no more than 250.0 AF would be necessary for the proposed use. The amount of water requested, 11.25 CUBIC FEET PER SECOND (CFS) OF LIVE FLOW FROM BIG CREEK, BEING 11.25 CFS FOR TEMPERATURE CONTROL, 1.875 CFS FOR IRRIGATION AND 1.125 CFS FOR FLOOD HARVESTING AND 250.0 ACRE-FEET (AF) OF STORED WATER FROM AN UNNAMED RESERVOIR, shall be restricted to 250.0 AF OF STORED WATER ONLY.

The Oregon Department of Fish and Wildlife has advised that one or more species of game fish are present 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:

Before use of water can be allowed under the terms of this permit, the permittee must release 0.05 cfs of water.

Diversion and use of water under this permit must comply with the Clean Water Act and utilize best management practices as identified in the plan developed as specified in the New River Alternative Dispute Resolution Team Agreement date (blank), 1996 on file with the Department.

The use of water under R-8449 is limited to temperature control and irrigation. Prior to the issuance of a permit, the applicant must

submit a transfer application requesting a change in the right to allow storage of water for flood harvesting and/or cranberry operations.

**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.

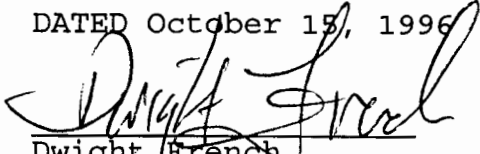
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount 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!!!

DRAFT

STATE OF OREGON

COUNTY OF CURRY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

SEA WIND FARMS, INC.  
P.O. BOX 1531  
PORTLAND, OREGON 97207

(541)348-2217

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

APPLICATION FILE NUMBER: S-70170

SOURCE OF WATER: AN UNNAMED RESERVOIR CONSTRUCTED UNDER PERMIT R-8449

TRIBUTARY OF: BIG CREEK

PURPOSE OR USE: CRANBERRY OPERATIONS ON 75.0 ACRES

MAXIMUM VOLUME ALLOWED: 250.0 ACRE-FEET OF STORED WATER ONLY (THE WATER IS ALREADY STORED)

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 16, 1990

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SECTION 21, TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.; 2080 FEET SOUTH & 180 FEET EAST FROM NORTHWEST CORNER, SECTION 21

The amount of water diverted for CRANBERRY OPERATIONS, together with amounts secured under any other rights existing for the same lands, is limited as follows: For temperature control, 0.15 cubic foot per second per acre; For flood harvesting or pest control, 0.05 cubic foot per second per acre; For irrigation of cranberries, ONE-FORTIETH of one cubic foot per second and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. For the irrigation of any other crop, ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 NE 1/4 3.0 ACRES  
NW 1/4 NE 1/4 31.0 ACRES  
SW 1/4 NE 1/4 15.0 ACRES  
SE 1/4 NE 1/4 8.0 ACRES  
NE 1/4 NW 1/4 2.0 ACRES  
NE 1/4 SE 1/4 16.0 ACRES

SECTION 20

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

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

Diversion and use of water under this permit must comply with the Clean Water Act and utilize best management practices as identified in the plan developed as specified in the New River Alternative Dispute Resolution Team Agreement date (blank), 1996 on file with the Department.

**STANDARD CONDITIONS**

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

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

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

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

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the 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

Application No. 70170

Permit No. RECEIVED

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for Permit to Appropriate Surface Water

ASSIGNED Seawinds Farms, Inc., an Ore Corp. SALEM, OREGON
PACIFICORP CREDIT, INC. 46532 Hwy 101, Po Box 242 (Cape Blanco Properties) Sixes, OR 97476

I, P. O. Box 1531 (Mailing Address) Portland (City)

State of Oregon, 97207 (Zip Code) Phone No. 503/348-2217 do hereby

make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is a reservoir (R-8449) on Big Creek, a tributary of Floras Lake

2. The point of diversion is to be located 2080 ft. south and 180 ft. east from the northwest corner of Section 21 (Public Land Survey Corner)

(If there is more than one point of diversion, each must be described)

being within the SW 1/4 of the NW 1/4 of Sec. 21 Tp. 31S R. 15W, W. M., in the county of Curry

3. Location of area to be irrigated, or place of use if other than irrigation.

Table with 5 columns: Township, Range, Section, List 1/4 1/4 of Section, List use and/or number of acres to be irrigated. Contains 6 rows of data.

Handwritten initials/signature: PC 1/15



4. The amount of water which the applicant intends to apply to beneficial use is .....11.25.....

cubic feet per second.....

(If water is to be used from more than one source, give quantity from each)

5. The use to which the water is to be applied is .....temperature control: 11.25 ft.<sup>3</sup>/sec.;  
cranberry irrigation: 1.875 ft.<sup>3</sup>/sec.; and flood harvesting: 1.125 ft.<sup>3</sup>/sec.....

6.

**DESCRIPTION OF WORKS**

*Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.*

...An electric motor and pump at the point of diversion with buried pipelines to the  
...places of use.....The source of water is Big Creek and a reservoir constructed under  
...permit R8449.....

If for domestic use state number of families to be supplied ..... NA .....

7. Construction work will begin on or before ..... October 1, 1990 .....

8. Construction work will be completed on or before ..... October 1, 1991 .....

9. The water will be completely applied to the proposed use on or before ..... October 1, 1994 .....

Application No. .... 70170 .....

Permit No. ....

Remarks: As several years are necessary for cranberry plants to reach bearing maturity, I would anticipate the harvest of 1994 as the time that water will be completely applied to beneficial use.

This permit, when issued, is for the beneficial use of water. 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 that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

PACIFICORP CREDIT, INC.  
BY: *G.E. Bradish*  
G.E. BRADISH - Signature of Applicant MANAGER ASSET MANAGEMENT GROUP

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for.....

In order to retain its priority, this application must be returned to the Water Resources Director with corrections 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 16<sup>th</sup> day of January, 1990, at 8:00 o'clock A.M.

Application No. 70170

Permit No.....

Application No. 20170

Permit No.

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed ... cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from

.....

The use to which this water is to be applied is.....

.....

If for irrigation, this appropriation shall be limited to ..... of one cubic foot per second or its equivalent for each acre irrigated.....

.....

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is .....

Actual construction work shall begin on or before..... and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.....

Complete application of the water to the proposed use shall be made on or before October 1, 19.....

WITNESS my hand this ..... day of....., 19.....

**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. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- 11. Rate see permit for cranberry papers Duty \_\_\_\_\_ Irrigation Season \_\_\_\_\_
- 12. Period of Allowed Use year round - stored water only
- 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 ( $\leq 0.1$ cfs,  $\leq 9.2$ AF), Medium ( $> 0.1$  or  $< 1.5$ cfs,  $> 9.2$  or  $< 100$ AF) or Large ( $\geq 1.5$  cfs,  $\geq 100$  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: Denodette Date: 10/10/96 BW

MARCH 10, 1994

SEAWINDS FARMS, INC  
PO BOX 242  
SIXES, OR 97476

Reference: File 70170

Hello:

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

**AS THE RESULT OF OUR TECHNICAL EVALUATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.**

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.



Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.

If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

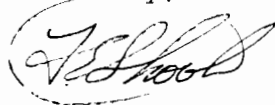
All evidence and objections must be received by our Salem office **no later than 5:00 p.m. on or before MAY 16, 1994** or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,



THOMAS E. SHOOK  
WATER RIGHT SPECIALIST

Enclosures

Report Date: MARCH 10, 1994

OREGON WATER RESOURCES DEPARTMENT  
**SATISFACTORY REPORT OF TECHNICAL REVIEW**  
**FOR WATER USE PERMIT(S)**

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: MAY 16, 1994.

1. APPLICATION FILE NUMBER - 70170

2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

SEAWINDS FARMS, INC  
PO BOX 242  
SIXES, OR 97476  
CURRY COUNTY

Date application received for filing and/or tentative date of priority: 1/16/90

SOURCE: BIG CREEK AND RESERVOIR CONSTRUCTED UNDER PERMIT R-8449 TRIBUTARY TO: FLORAS LAKE

Purpose and/or use: TEMPERATURE CONTROL, CRANBERRY IRRIGATION, AND FLOOD HARVESTING (IRRIGATION AND AGRICULTURAL USE)

Flow: 11.15 CUBIC FEET PER SECOND (CFS)

Point of Diversion Location:  
T 31 S, R 15 W, W.M.; SECTION 21, SWNW

Place of use:

	IRRIGATION	AGRICULTURAL USE
NENE	3.0 ACRES	X
NWNE	31.0 ACRES	X
SWNE	15.0 ACRES	X
SENE	8.0 ACRES	X
NENW	2.0 ACRES	X
NESE	16.0 ACRES	X
SECTION 20		
T 31 S, R 15 W, W.M.		

## SURFACE WATER AVAILABILITY

Water is likely available in excess of needs for all existing rights 50% of the time during each monthly period proposed by the technical review.

Water availability tables are available in the application file and may be reviewed in the office of the Water Resources Department in Salem.

## CONFLICTS WITH OTHER WATER RIGHTS:

There are existing rights from this point of diversion.  
See proposed permit conditions.

There are no existing water rights appurtenant to the lands described in the application.

## REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 1.88 CFS is likely available for 8 months for irrigation and in the amount of 11.25 CFS for agricultural use from Big Creek and the reservoir. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

## **THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.**

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.



## PROPOSED PERMIT CONDITIONS

Application: 70170

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION AND YEAR ROUND FOR AGRICULTURAL USE
3. Rate of use: 250 ACRE FEET STORED WATER ONLY
4. Water use development requirements:
  - A. Begin construction by (one year from issuance of permit).
  - B. Complete construction by October 1, 1996.
  - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement, recording and reporting conditions:
  - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
  - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.

7. The 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.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.
10. The amount of water diverted for CRANBERRY OPERATIONS, together with amounts secured under any other rights existing for the same lands, is limited as follows: For temperature control, 0.15 cubic foot per second per acre; For flood harvesting or pest control, 0.05 cubic foot per second per acre; For irrigation of cranberries, ONE-FORTIETH of one cubic foot per second and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. For the irrigation of any other crop, ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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WATER RESOURCES DEPT.  
SALEM, OREGON

Oregon

DEPARTMENT OF  
FISH AND  
WILDLIFE



HABITAT  
CONSERVATION  
DIVISION

May 11, 1994

Water Rights Section  
Water Resources Department  
3850 Portland Rd., NE  
Salem, OR 97310

RE: Water Right Application #70170; Report of Technical  
Review

Because one or more species of game fish are present at the described POD, ODFW will require the applicant to provide fish screening pursuant to ORS 498.248. Therefore, ODFW requests WRD add the following condition to those already proposed:

*The permittee shall install, maintain, and operate 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 screens and by-pass devices are to be in place, functional, inspected and approved by an ODFW representative prior to diversion of any water.*

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. Mirati, Jr.", written in dark ink.

Albert H. Mirati, Jr.  
Water Right Review Coordinator

c. WaterWatch of Oregon (public information request)  
Unterwegner, Gold Beach

FILE: 70170.TEC



2501 SW First Avenue  
PO Box 59  
Portland, OR 97207  
(503) 229-6967

# WaterWatch

O F O R E G O N

By Messenger

May 13, 1994

Oregon Water Resources Department  
Water Rights Section  
158th 12th NE  
Salem, Oregon 97310

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WATER RESOURCES DEPT.  
SALEM, OREGON

Re: Objection to Technical Report for:

- 73184, R 73183, Knapp Ranches, Inc., Cranberry Use, Bono Ditch/Langlois Crk
- 72576, R 72575, Jensen, Cranberry Use, Swanson Crk/Floras Lake
- G 12809, Richert, Cranberry Use, Conner Crk/Croft Lake
- 72561, R 72560, Roberts, Cranberry Use, Conner Crk/Croft Lake
- G 13128, 72688, R 72687, Seaview Bogs, Cranberry Use, Bethel Crk/New River
- ~~70726~~ Seawind Farms, Cranberry & Irrigation, Big Crk/Floras Lake
- 70726, R 70725, Tadlock Trust, Irrigation, Fourmile Creek
- 73023, Loshbaugh Incorporated, Supplemental Cranberry, Fourmile Crk

These applications are just a few of the many pending applications requesting water for cranberry bogs and irrigation in the Croft Lake and New River area. These proposed uses request water from sumps and wells that are in direct connection with tributaries to the New River and from surface water streams. The cumulative impacts of these proposed uses are of great concern to WaterWatch. We have been in contact with area residents who have concerns about the ability of the resource to accommodate all of these proposed uses.

Croft Lake and its surrounding tributaries and wetlands support a variety wildlife and fish life. Residents in the area have reported searun cutthroat trout in the lake and its tributaries. It is suspected that the trout spawn in the lakes tributaries. Croft lake is also a source of recreation in the area and area residents are concerned about maintaining the lakes existing water quality. The surrounding wetlands provide wildlife and other habitat and we understand that the Nature Conservancy has been involved in wetland protection efforts in the area.

Croft Lake and Floras Lake drain into the New River. The New River has been designated by the Bureau of Land Management (BLM) as an Area of Critical Environmental Concern. The BLM has ongoing studies and is developing a management plan for the area. The New River supports a variety of anadromous fish species and provides wetland habitat for native bird populations.

The analysis contained in the technical reports reveals that little information is known about the hydrology of the water system in this area. Because of our concerns about protection of the resource from the cumulative effects of these proposed

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WATER RESOURCES DEPT.  
SALES SECTION

developments and our growing concerns about the capacity of the resource to accommodate further expansion of the cranberry industry, we request that these applications joined in a contested case process with other pending applications for the area.

In addition, we submit the following objections pursuant to OAR 690-11-170:

**The Technical Reports are Defective**

The technical reports fail to contain many of the elements and evaluations required in OAR 690-11-160(1). The specific areas of deficiency are the same as outlined in WaterWatch's objections on G-12685 which are hereby incorporated into this objection.

**The Uses As Proposed are Not in the Public Interest**

The proposed uses fail to pass the public interest considerations in ORS 537.170(5) and 537.620 and the policies of Oregon's water laws including ORS 468B.155, 468B.015, and 537.525(3), (6), (9), and (10). *See also*, OAR 690-11-195(3)(d), (4)(a), (4)(c)(A), (4)(d)(A), (4)(d)(B), (4)(e), and (4)(f). The proposed uses will not be supported by existing groundwater and surface water supplies and will deplete flows needed to for the New River system.

- 1. The proposed uses are not in the public interest because they will deplete surface and groundwaters which provide habitat for public instream and riparian area uses.**

The South Coast Basin plan states:

Ground water is a significant factor in the maintenance of natural lakes in the dunes area. Extensive ground water development may affect lake water levels. Finding 5.

The total extent of the ground water supply in the basin has not been determined. Existing data suggest ground water supplies are limited and would not support irrigation in most areas. Finding 19.

Marine terrace deposits and sediments of the Coquille formation are potential ground water sources for irrigation of cranberries in the Bandon area. Finding 20.

Marine terrace deposits in the Harbor area are capable of producing large quantities of water, but some areas are approaching levels of sustained yield. Finding 21.

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WATER RESOURCES DEPT.  
SALEM, OREGON

Income from water-related recreation is a major contributor to the economy of the South Coast Basin. Finding 39.

The natural lakes, storage reservoirs and free-flowing streams support part of the water-based recreation use. Finding 40.

The water resources, wetlands and associated habitat are critical to the subsistence and propagation of wildlife in the Basin. Finding 42.

The basin plan admits that little is known about groundwater in the basin. The presence of wetlands indicates that the hydraulic connection between groundwater and surface waters in the area is immediate. Reduction in groundwater and surface water contribution to wetlands will decrease contributions to existing wetlands, decrease inflows into the lake and hinder or destroy the filtering capacity and other functions of the wetlands. Groundwater and surface water in this area is vital to the maintenance of lake levels, surface water flows, wetlands and the protection of public uses of water including wildlife, recreation and fish.

The proposed uses are located in the Croft Lake subbasin, in the Floras Lake subbasin and in Fourmile Creek, all tributaries to the New River. Croft Lake is a major tributary of the New River. *New River, Area of Critical Environmental Concern*, June 1989, Bureau of Land Management at 2 (hereinafter BLM). The New River is a unique estuarine and freshwater ecosystem utilized by a wide diversity of fish and wildlife. According to the BLM's study of the New River this River:

supports a unique mix of wildlife, fisheries, botanical, and cultural resources found in association with few other coastal rivers in the Pacific Northwest. Four species of wildlife that use the area are designated as either threatened or endangered on state or federal lists. One plant species has been identified as a candidate for federal listing, and is designated as threatened on the state list. A number of prehistoric cultural sites have been found along the banks of this drainage, and the river itself is thought to provide critical rearing habitat for juvenile salmonides.

... New River has received special attention from a variety of private, state, and federal conservation interests. The Nature Conservancy has examined New River as a candidate area for their conservation programs. . . the Oregon Natural Resources Council considers New River to be the single most important estuary in Oregon that currently is not under any comprehensive form of management. . . New River also

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SALEM, OREGON

has been identified by the U.S. Fish and Wildlife Service as a candidate site for establishing a National Wildlife Refuge. . . The Oregon Department of Fish and Wildlife has identified the area as critical habitat for the western snowy plover. . . (S)ince 1983, BLM has designated its ownership as an Area of Critical Environmental Concern (ACEC), giving the area special recognition and status for improved management of the unique resources that are present. . .

*BLM* at 1. Since publication of the BLM's report, the western snowy plover has listed as "threatened" under the Federal Endangered Species Act and nine additional wildlife species that utilize the New River system are either listed under the federal act, or are candidates for listing.<sup>1</sup>

The New River supports chinook salmon, coho and other fish populations. Since this BLM report was written, coastal coho populations, which utilize coastal streams such as the New River, have been petitioned for listing under the federal Endangered Species Act. Coastal stocks of fall chinook and coastal cutthroat trout are identified by the state as species of concern. The New River provides important habitat for these species. For example, some of the best pools for fish rearing are found in the New River, below the rivers confluence with Croft Lake. *BLM* at 30. However, downstream fish migration coincides with periods of low flows which can result in high fish mortality. *BLM* at 30. For instance, juveniles trapped in isolated pools in the river:

may be subject to predation, suffocation, and heat stress. Local ranchers have observed great blue herons and kingfishers feeding on these juveniles in the shallower, isolated pools over a period of days in which the channel remained dry.

*BLM* at 30.

In addition to the resources identified in BLM's plan, Croft Lake and its tributaries, which include Conner and Davis Creek provide habitat for a multitude of other fish and wildlife resources, including sensitive populations of searun cutthroat. Croft Lake and it's tributaries also provide recreational benefits to residents living and vacationing in the area. Streamflows into and out of the Lake maintain the water quality that is essential for these public uses of the lake.

---

<sup>1</sup> These include the Brown Pelican, Peregrine Falcon, Leatherback Sea Turtle, Aleutian Canada Goose, American Bald Eagle, Loggerhead Sea Turtle, Pacific Ridley Sea Turtle, Letherback Sea Turtle, and the red legged frog.

The BLM has identified the Croft Lake area as part of the management area in the ACEC and has looked at purchasing access to the lake. *BLM* at 1 and Table 1. However, Croft lake has been shrinking over the past several years. *BLM* at 2. Existing use of water for irrigation has had significant effects on the current habitat of the New River and it's tributaries. *BLM* at 17.

The BLM has recognized that actions by state agencies, such as the Water Resource Commission have significant effects on management within this ACEC. *BLM* at 7. Commission actions on protecting minimum flows and other water use policies greatly affect the viability of this ecosystem. One of the management objectives identified by the BLM is to maintain minimum flows because:

New River provides important rearing habitat for juvenile salmonids during summer. Channel drying during summer may coincide with downstream migration of juveniles. This may result in high mortality if juveniles become trapped in isolated pools, where they are subject to predation, temperature stress, and suffocation. Losses of juveniles during migration may preclude full use of more stable rearing habitat present downstream in estuarine portions of the ACEC.

Lack of water in the middle section of New River during summer also precludes full use of marshlands by waterfowl. During most years, water is absent from early July to early September in the areas immediately south of the ACEC. This eliminates potential habitat for rearing broods, in turn reducing the prey available to peregrine falcons and bald eagles.

*BLM* at 35.

Conner Creek is one of the two main tributaries of Croft Lake. Resident and anadromous fish species which rely on streamflows in and streamflows arising from Conner Creek and other coastal streams are recognized in the Commission's South Coast Basin Program as "significant" to the State of Oregon. Finding 43, 44. The basin program also recognizes that "(a)dequate streamflow throughout the year is necessary for the maintenance of aquatic life in the coastal streams." Finding 45. Lakes and streams in the area are also important to recreational use in the basin, a use which is a major contributor to the economy of the South Coast Basin. Program Finding 39, 40. Surface waters also contributes to wetlands which are critical to the ecological integrity of the area. To date, no instream water rights have been set for Croft lake or it's feeder streams, Conner and Davis Creek, or the New River.

These and other pending applications, both individually, and cumulatively, will

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SALEM, OREGON



deplete flows that currently provide habitat for the fish and wildlife mentioned above. The proposed uses and storage projects will also adversely affect water quality in the system. The construction and operation of storage facilities can lead to increased turbidity in the water. The use of water for bogs and irrigation can result in pesticides and fertilizers being leached into the ground water and into the stream system. Allowing these uses to go forward, without analysis of the cumulative impacts of these uses and conditioning and/or denying these uses in order to protect these fish and wildlife values in contrary to Oregon policies which promote use within the capacity of the resource, require protection of instream flow needs and values, requires protection of fish, water quality, wetlands, and other public uses of water and call for integrated and coordinated water management. ORS 496.435, ORS 537.170(5), ORS 537.525, ORS 196.669, ORS 196.672, ORS 496.182, ORS 496.268, 16 USC 1538, OAR 690-11-195(4)(c)(A), (d), (e), (f), (h).

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**2. Measurement and reporting.**

If these permits were to be issued, the measurement and reporting conditions are not adequate to protect the public's interest in the resource. Measurement and reporting should be a mandatory condition of all new uses. The condition should also require measurement and reporting of both rate and duty. Applicants for reservoirs should be required to report both inflow and outflow from their reservoirs to ensure that storage is not occurring during times when it is prohibited. Finally, there should be some requirement of measurement of streamflows effected by these uses - either by each individual user or as part of a cooperative effort. This should be a mandatory condition of any new water use.

**3. The proposed uses are likely to impair the public interest because there is not water available.**

The technical report for the groundwater applications acknowledge that the groundwater resources proposed to be tapped are connected to surface waters of the New River Basin. However, the analysis of the availability of water for further appropriation from system, for both ground and surface water appropriations is inadequate for these following and other reasons:

Contrary to statements in the technical reports, there was no water availability analysis on file for applications 72688 and R 72687.

For those files that do contain a water availability analysis, much of it is based upon modeled rather than natural flows and upon assumptions of use rather than water rights of record.

For applications 72184, 73183, 72561, G 13128, R 72687, 72688, 70726, R 70725 and 71084, there was no analysis of the water availability for the creeks and ditches that are the proposed sources of water.

The analysis for 70170 fails to take into account senior pending instream water

right applications for Floras Creek. Both the Creek and Floras Lake provide spawning habitat for petitioned coho salmon.

The proposed conditions for 70726 and 73023 appear to allow use of natural flow when the department's analysis shows that no water is available.

The analysis for 72561, G 12809 and R 72560 should have been identical, since the proposed source is Conner Creek. However, the analysis for R 72560 shows that no water is available from May through October, while the analysis for 72561 predicts much higher flows and only shows shortages for the month of October and the analysis for G 12809 shows no water availability problems.

The failure to adequately determine water availability does not comply with the statewide allocation policy and Oregon law. OAR 690-400-010, ORS 537.170(5). Failure to ensure that these and other proposed uses for this area do not impair the public's interest in the wetlands, fish and wildlife which rely on surface and ground water is contrary to the statewide Allocation Policy. This policy prohibits the overallocation of ground and surface water. OAR 690-410-070. The policy requires that new out-of-stream applications be conditioned to protect public uses. OAR 690-410-070(2)(h). See also Instream Flow Protection policy OAR 690-410-030 and the Groundwater Management policy OAR 690-410-010.

**4. A public interest determination is impossible because essential information appears to be missing.**

Proposed permit condition number 7 in the technical report for the ground water applications require a pump test prior to receiving a certificate. A pump test provides information relating to hydraulic connection and other aquifer properties. This information is critical for the public interest determination and should be obtained prior to a final public interest determination. If, after this information is obtained, and these uses are found to be in the public interest, then condition 11 should be added to require periodic pump tests. The condition should not, however, limit the Director's discretion as to when she can require pump tests. We suggest language that would require pump tests annually or as deemed needed by the Director.

**5. The uses will impair the public interest because fish screening and passage facilities are not mandatory conditions of use.**

The technical reports do not require mandatory fish screening and passage facilities. Given the critical status of fish populations in the this basin, the adverse impact diversions and dams have on fish habitat, screening and passage should clearly be required to be in place **before** any diversion or storage of water. In addition, failure to maintain screening and passage facilities must be grounds for shutting off water use. There should be a condition which **clearly** states these requirements.

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**6. The proposed uses are contrary to Oregon policy.**

ORS 537.170(5)(a) and (c) require the Department to ensure that waters in the basin will be used and controlled for all purposes, not just consumptive purposes. The Statewide Instream Flow Protection Policy states that "(w)here streamflows have been depleted to the point that public uses have been impaired, methods to restore the flows are to be developed and implemented." OAR 690-410-030(1). When considering applications for new water rights the agency is required to consider the needs of instream and out-of-stream uses and the need to develop streamflow restoration programs. OAR 690-410-030(2)(a).

Critical to the protection of instream flows is knowing and controlling water use in the basin. These and other potential water users in the basin should be required to contribute to activities that enable the state to better manage and control the resource - such contributing funds for installation and maintenance of gauging stations in key locations.

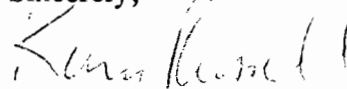
The recent petitions for listing of coastal coho and steelhead populations makes the protection of instream flows even more important for achieving a balance. The protection of instream flow will help to achieve a balanced allocation of water between public instream and other uses in Basin and throughout the state.

Protection of instream water flow also furthers statewide policies, priorities and goals for streamflow restoration including those in OAR 690-11-030(1), 690-410-070, and 690-77-015. Providing streamflow protection for fish is also necessary in order to carry out the state policy of restoring native fish stocks. ORS 496.435. Thus, protection of the public interest requires denial of these applications.

**Conservation**

Oregon statutes and rules call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions do little to further these policies. These proposed uses should be held to a specific efficiency standard **prior to** any permit approval and the applicant should have an approved conservation plan in place and approved by the Department **prior to** any permit issuance.

Sincerely,



Karen A. Russell  
Assistant Director

**PROPOSED WATER RIGHTS**

LOCATION IN SEC. 20, 21, 28, 29, T.31S,  
R.15 W.W.M., CURRY COUNTY, OREGON.

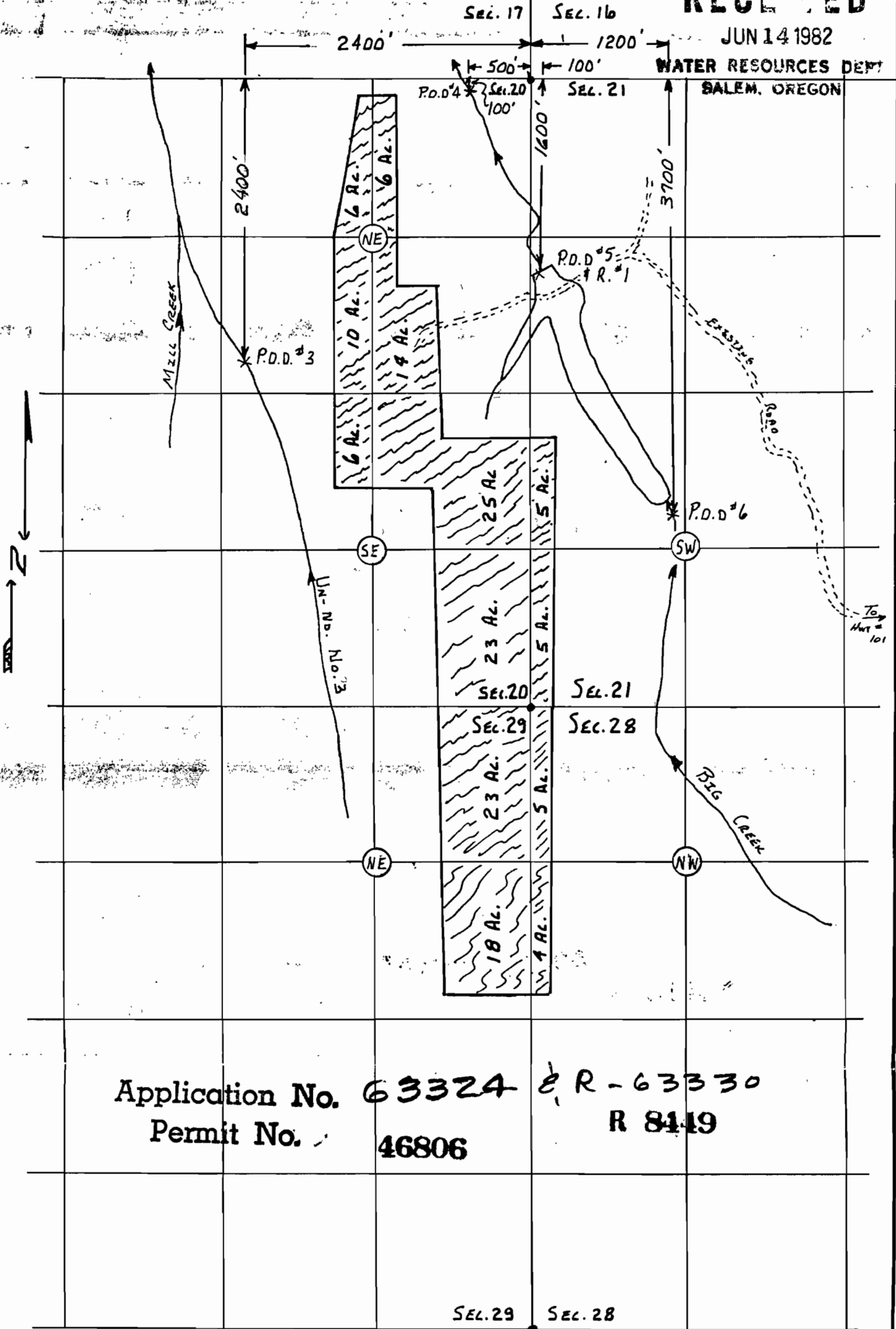
OWNER: SHIPLEY LAND COMPANY  
Pt. No. 1 Box 153D  
BANDON, OREGON

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JUN 14 1982

WATER RESOURCES DEPT

SALEM, OREGON



Application No. **63324 & R-63330**  
Permit No. **46806** **R 8419**

SEC. 29 SEC. 28

SCALE: 1" = 1000'

DATE: 6-10-82

December 4, 1995

SEAWINDS FARMS, INC.  
PO BOX 242  
SIXES OR 97476

RE: Application File # S-70170

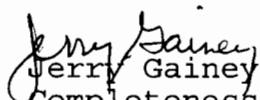
The Water Resources Department is currently reviewing your application for water use. Preliminary review indicates the following items were not included with your application:

- ▶ Your application indicates you may not own all lands crossed by your proposed water works. Please complete and return the enclosed OWNERSHIP/EASEMENT FORM.
- ▶ An oath that the information in the application is true and accurate. Please sign and return the enclosed oath.

In order to expedite the processing of your application, we request that you submit these items by **December 23, 1995**. I have enclosed a stamped envelope for your use.

Should you have any questions regarding your application or the required materials listed above, please call me personally at 1-800-624-3199 extension 458.

Sincerely,

  
Jerry Gainey  
Completeness Team

Enclosures



---

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

**COMPLETENESS DETERMINATION CHECKLIST**

1080

*Complete*

Application #	Review Date	Reviewer
S-70170	12/4/95	CORY

A checkmark (✓) indicates that the item is incomplete or defective.

*EXAM: 200  
10 AC IRR: 100  
65 AC IRR: 330  
13 CFS AG: 650  
1080*

- 1. Examination fees (and recording fees, if for PFO/FO).
- 2. Name and address of the applicant, and title if applicable.
- 3. Source of water.
- 4. Use of water.
- 5. Amount of water.
- 6. Description of delivery system.
- 7. A statement of **whether** the applicant has written authorization or easements permitting access to lands owned by others.
- 8. Name(s) and address(es) of the owners of any 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**:
  - a. The height of the dam.
  - b. The storage capacity.
  - c. The area submerged.
  - d. The maximum depth.
  - e. The construction method (earthfill, concrete, flashboard, etc.).
  - f. A description of the outlet conduit.
  - g. A description of the 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**:
  - a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
  - b. 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.
  - c. 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.~~
- 19. A legal description of the property where water will be used.

**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

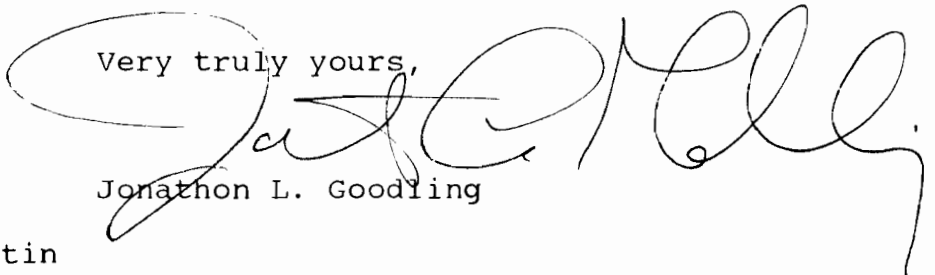
Dear Sir:

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.

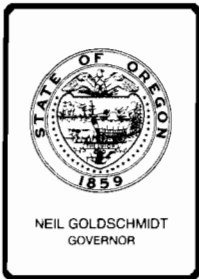
Henceforth please send to the undersigned at the above-stated Portland address all notices of pending hearings, determinations, etc., as well as copies of all orders, technical reports, objections, and other comments.

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



## Department of Fish and Wildlife

2501 SW FIRST AVENUE, PO BOX 59, PORTLAND, OREGON 97207 PHONE (503) 229-5400

June 4, 1990

Jake Szramek  
Water Resources Department  
3850 Portland Road N.E.  
Salem, OR 97310

Dear Jake:

Re: Water Right 70170, Pacificorp Credit Inc. 11.25 cfs,  
Big Creek

The Oregon Department of Fish and Wildlife (ODFW) recommends Water Resources Department issue this permit only after minimum Big Creek instream flows are established below the reservoir.

In addition, ODFW recommends conditioning this permit as follows:

The permittee shall design, install, operate and maintain, at the expense of the permittee, all fish screening and bypass devices required by the Oregon Department of Fish and Wildlife to prevent fish from entering any diversion of water created by this appropriation of the waters of Big Creek.

Big Creek is a tributary to Floras Lake and the extensive Big Creek-Floras Lake wetlands system south of Floras Lake. The lower reach of Floras Creek is spawning and rearing habitat for coho salmon. The above recommended permit conditions are necessary to protect fish habitat and other valuable aquatic resources.

Thank you for the opportunity to comment.

Sincerely,

Gregory P. Robart  
Staff Biologist  
Aquatic Habitats Program  
Habitat Conservation Division



WATERWATCH of OREGON, Inc.  
Route 2, Box 925  
Hillsboro, Oregon 97123

(503) 628-1071

*Young*  
*7/15/89*  
FEB 20 1990 *APPLICATE*

WATER RESOURCES DEPT  
SALEM, OREGON

Director  
Water Resources Department  
3850 Portland RD. NE  
Salem, Oregon 97310

Date: February 13, 1990

Gentlemen:

Waterwatch request that information on permit application  
# 70170 in the name of Pacificorp Credit Inc.

be provided as follows:

1. Water availability in cfs for each month of the year in  
the source below the diversion of the proposed appropriation  
which provides or could provide public uses (ORS 537.332(4)).

2. The methods, standards, and criteria of how water  
availability was calculated.

3. The protection now provided for public uses below the  
diversion in the source of the proposed appropriation.

NOTE: If it can not be shown with certainty that the source of  
water proposed for appropriation is not over appropriated, and  
there is stored water available for purchase up-stream of the  
proposed point of diversion, then the applicant should be  
required to purchase water from the up-stream storage facility.

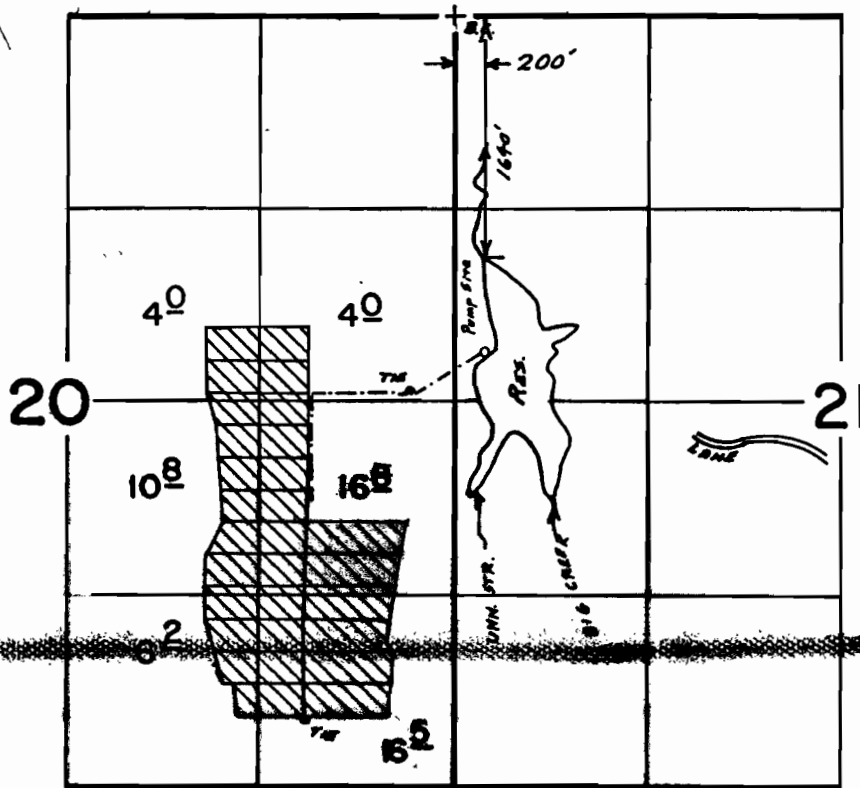
Sincerely,

*Audrey J. Simmons*  
Audrey J. Simmons

President, Waterwatch,

# T. 31 S., R. 15 W., W. M.

T.C. 0.13 CTS  
F.H. 0.05 CTS  
C.I. 1/40



Scale 1" = 1320'

## FINAL PROOF SURVEY

UNDER

R-63330

R-8449

Application No. 63324 Permit No. 46806...  
IN NAME OF

...SEAWINDS... FARMS... INC.....

Surveyed Sept. 15, 16, 1990, by B.S. JAMES....

TECHNICAL REVIEW CHECKLIST

FORM-71393

- (1) Application: 20170  
 (2) Review Date: 1-5-94

S Indicates information was completed or adequately addressed.  
 U Indicates information is needed, or incomplete, or inadequately addressed  
 N/A Indicates Not Applicable

*ASD*

SUMMARY	
<u>      </u>	Completeness
<u>S</u>	Land Use
<u>N/A</u>	GW Interference (if potential interference with surface water, see results of water availability analysis)
<u>S</u>	Conflicts
<u>S</u>	Water Availability <i>51%</i>

*NO DNR*

(3) N/A The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.

(4) S No oath is required because application was filed before June 5, 1992.

(5) U Application fees:

Examination fee: \$200  
 Recording fee: ~~\$880~~ 277  
 TOTAL REQUIRED \$1080 477  
 TOTAL SUBMITTED \$430

AGRI USE	IRRI
11.25 CFS	75
1 CFS 100	10-100
11 CFS 550	65 130
	230

AMOUNT DUE prior to issuance of permit \$650  
 AMOUNT OVERPAID \_\_\_\_\_  
 refund due applicant \$ \_\_\_\_\_

*SOURCE SIBIK CREEK  
 F RESERVE*

(6) S Proposed dates of beginning and completion of construction, and complete application of water.

(7) NU MAP:  Prepared by a CWRE  
 Exempt under OAR 690-11-150(3)  
 A map or drawing included (non-CWRE)  
 No map or drawing in file

*Show P.O.P. @ DAM*

*NEED TO CHANGE C-67276 TO INCLUDE STORAGE FOR FLOOD HARVESTING, OR LIMIT APPROPRIATION FOR F.H. TO WITHDRAW FROM SIBIK CREEK ONLY*

- (8) N/A A CWRE map is not required for applications filed before November 9, 1987.
- (9) S A written copy of the legal description of the property on which the water is to be used.
- (10) ? A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
- (11) S The proposed use is not restricted or prohibited by statute.
- (12) S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
- (13) S AGRI USE & IRRI use(s) is/are classified uses(s) under the SOUTH COAST Basin Program, OAR 690 - 517-001(B)
- (14) U The application, map and supporting data are complete and free of defects.

Land Use Compatibility:

- (15) As expressed by the Planning Department of CURRY COUNTY
- (16) N/A The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section \_\_\_\_\_).
- (17) N/A The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
- (18) S The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For ground water applications:

- (20) N/A A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.
- (21) N/A The report from groundwater section has been received.

For reservoir applications:

- (22) N/A Plans, specifications and supporting information for the dam and impoundment area.

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # 70170

WATERWATCH

ODF&W

WATERMASTER # 19

REGIONAL MANAGER - SW

CWRE - J.F. Gosson

DEQ

KEN STAHR

OTHER ADDRESSES:

NUKSGYMGN

CASEWORKER SHOOK

1-5-94

ORIGINAL TO APPLICANT 12/03/93

MARCH 10, 1994

SEAWINDS FARMS, INC  
PO BOX 242  
SIXES, OR 97476

Reference: File 70170

Hello:

Under separate cover I have enclosed our report of technical review. Your application file was recently reviewed. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

Please send the following:

permit recording fees in the amount of \$650. The technical review reveals that your proposed used of water are irrigation and agricultural use on 75 acres (Cranberry Operations). Prior to issuance of the permit, we will need to receive total fees in the amount of \$1080, being an examination fee of \$200, irrigation recording fee for 75 acres of \$230 and permit recording fee for agricultural use of \$650. Since you have previously submitted \$430, an additional amount of \$650 is required.

a map prepared by a Certified Water Rights Examiner showing the diversion point as being at the dam site;

a copy of written authorization or easement permitting access to land not owned by you, the applicant;

documentation of ownership, including names and mailing addresses of all legal owners of all property involved in the proposed development;

Certificate 67226 was issued in 1992 confirming storage of water allowed the terms of permit R-8449. The uses are limited to temperature control and irrigation. You will have to submit a transfer application requesting a change in the right to allow storage of water for flood harvesting before a permit could be issued for that use from the reservoir.



After the file is complete and the deadline for objections to the technical review expires, staff will again review the file for objections and further process your application as soon as possible.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Shook", written over a circular stamp or mark.

THOMAS E. SHOOK  
WATER RIGHT SPECIALIST

cc: GOSSON, CWRE

MARCH 10, 1994

RECEIVED

JUN 03 1994

SEAWINDS FARMS, INC  
PO BOX 242  
SIXES, OR 97476

Reference: File 70170

Hello:

Under separate cover I have enclosed our report of technical review. Your application file was recently reviewed. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

Please send the following:

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documentation of ownership, including names and mailing addresses of all legal owners of all property involved in the proposed development;

Certificate 67226 was issued in 1992 confirming storage of water allowed the terms of permit R-8449. The uses are limited to temperature control and irrigation. You will have to submit a transfer application requesting a change in the right to allow storage of water for flood harvesting before a permit could be issued for that use from the reservoir.



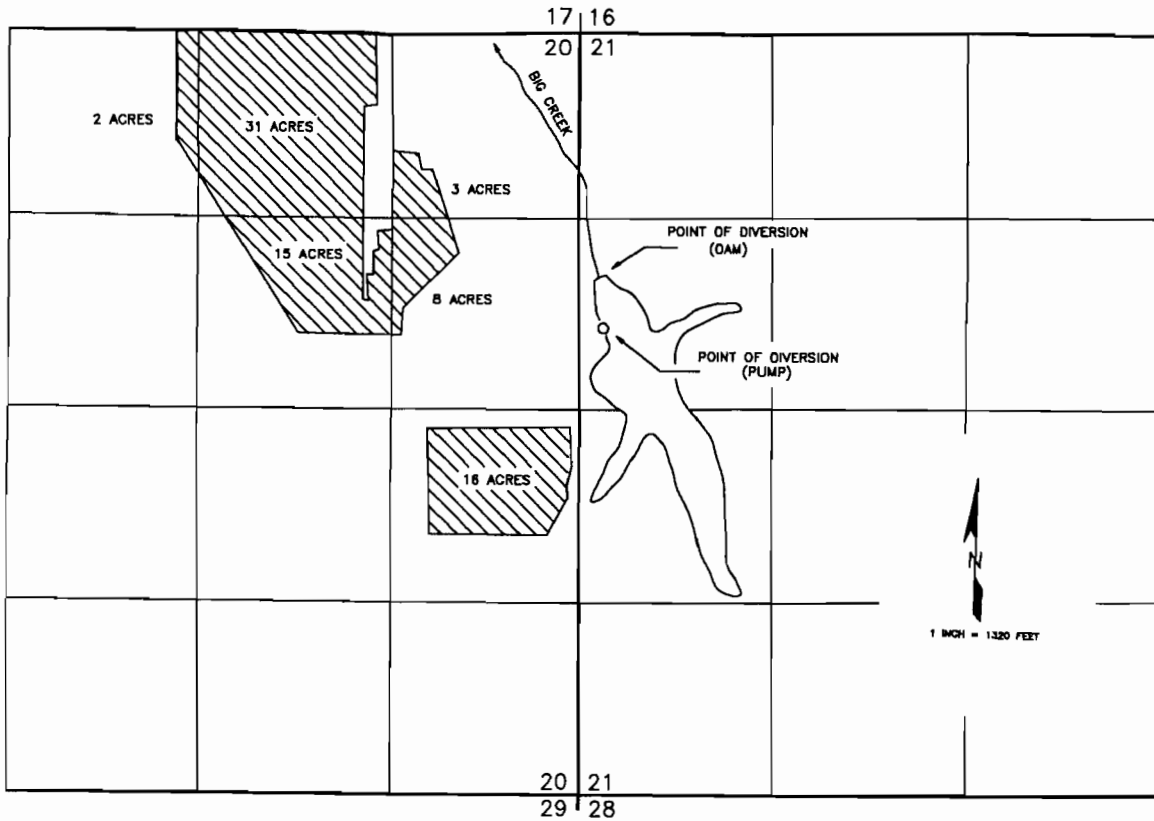


APPLICATION MAP

IN THE NAME OF CAPE BLANCO PROPERTIES, INC

SECTIONS 20 & 21, T 31 S, R 15 W, W.M.

RECEIVED  
NOV 19 1987

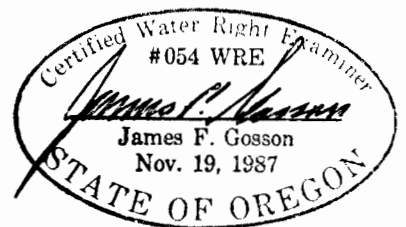


THE POINTS OF DIVERSION ARE TO BE LOCATED AS FOLLOWS:

PUMP: 2080 FEET SOUTH AND 180 FEET EAST WITHIN THE SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
DAM: 1670 FEET SOUTH AND 160 FEET EAST WITHIN THE SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;

BOTH FROM THE NORTHWEST CORNER OF SECTION 21, AND WITHIN THE SW $\frac{1}{4}$ NW $\frac{1}{4}$  OF 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.



Curry Co. 91 02465  
Instrument

AFTER RECORDING, RETURN TO:

Jonathon L. Goodling  
Miller, Nash, Wiener, Hager  
& Carlsen  
3500 U.S. Bancorp Tower  
111 S.W. Fifth Avenue  
Portland, Oregon 97204-3699

UNTIL A CHANGE IS REQUESTED,  
SEND ALL TAX STATEMENTS TO:

SeaWinds Farms, Inc.  
Suite 211  
1260 Shoppers Row  
Campbell River, B.C.  
Canada V9W 2C8  
Attention: Pat Martin

RECEIVED  
JUN 08 1994

**STATUTORY SPECIAL WARRANTY DEED**

PACIFICORP CREDIT, INC., an Oregon corporation, Grantor, conveys and specially warrants to SEAWINDS FARMS, INC., an Oregon corporation, that certain real property located in Curry County, Oregon and more particularly described on Exhibit A attached hereto, free of encumbrances created or suffered by Grantor, except those set forth on Exhibit B attached hereto.

The true consideration for this conveyance is \$2,757,800.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

DATED this 9<sup>th</sup> day of May, 1991.

GRANTOR:

PACIFICORP CREDIT, INC., an  
Oregon corporation

By: W.E. Peressini  
William E. Peressini,  
Senior Vice President

RECEIVED  
JUN 02 1994

EXHIBIT "A"

PARCEL I:

The North half (N $\frac{1}{2}$ ) and the North half (N $\frac{1}{2}$ ) of the South half (S $\frac{1}{2}$ ) of Section Twenty (20); The North half (N $\frac{1}{2}$ ) and the North half (N $\frac{1}{2}$ ) of the South half (S $\frac{1}{2}$ ) of Section Twenty-one (21), and the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Nineteen (19), all in Township Thirty-one (31) South, Range Fifteen (15) West, Willamette Meridian, Curry County, Oregon.

Map No. 31-15, Tax Lot 2900 (47768)

Map No. 31-15, Tax Lot 2900 (164717)

PARCEL II:

The South half (S $\frac{1}{2}$ ) of the South half (S $\frac{1}{2}$ ) of Section Twenty (20); The South half (S $\frac{1}{2}$ ) of the South half (S $\frac{1}{2}$ ) of Section Twenty-one (21); The North half (N $\frac{1}{2}$ ) of Section Twenty-eight (28); The North half (N $\frac{1}{2}$ ) of Section Twenty-nine (29), and the East half (E $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Thirty (30), all in Township Thirty-one (31) South, Range Fifteen (15) West, Willamette Meridian, Curry County, Oregon.

Map No. 31-15, Tax Lot 2901 (48497)

Map No. 31-15, Tax Lot 2901 (164701)

PARCEL III:

The North 200 feet of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) lying West of the West boundary of U. S. Highway 101 in Section Twenty-two (22), Township Thirty-one (31) South, Range Fifteen (15) West, Willamette Meridian, Curry County, Oregon,

SAVE AND EXCEPT therefrom the most Southerly 150 feet thereof.

Map No. 31-15-22, Tax Lot 902 (56529)

(continued)

**EXHIBIT "B"**

ENCUMBRANCES

JUN 29 1994  
12:10

1. The rights of the public in and to that portion of the herein described property lying within the limits of public roads or highways.

2. Excepting and reserving all oil, gas and mineral rights as set forth in that certain instrument recorded October 7, 1942 in Deed Volume 27, Page 164 from Fort Orford Cedar Company to J. F. Kronenberg.  
(Affects Parcels I and II).

3. An easement created by instrument, including the terms and provisions thereof,  
Dated : November 8, 1972  
Recorded : September 18, 1980 BR: 60 Page 222  
In Favor of : Coos-Curry Electric Cooperative, Inc.  
For : Right of Way

4. An easement created by instrument, including the terms and provisions thereof,  
Dated : July 17, 1945  
Recorded : July 17, 1945 DV: 29 Page 488-9  
In Favor of : Henry Slotic and Joseph Slotic  
For : Right of way lying West of highway

5. An easement created by instrument, including the terms and provisions thereof,  
Dated : April 22, 1982  
Recorded : October 27, 1983 BR: 100 Page 602  
In Favor of : Coos-Curry Electric Cooperative  
For : Right of way easement

6. That certain distribution line extension contract, including the terms and provisions thereof by and between Thomas Shipler and Coos-Curry Electric Cooperative, recorded October 25, 1984 in Book of Records 107, Page 1021-24.

(continued)

JUN 03 1994

PARCEL IV:

Commencing at Section Corner common to Sections Twenty-one (21), Twenty-two (22), Twenty-seven (27) and Twenty-eight (28), Township Thirty-one (31) South, Range Fifteen (15) West, Willamette Meridian, said Section Corner being the Southwest Corner of Section Twenty-two (22) above described, from this point of beginning run 500 feet North on Section line between Sections Twenty-one (21) and Twenty-two (22) to the point of beginning of the tract of land herein conveyed. From this point of beginning run North on said Section line 556 feet to a point;

thence due East to West boundary line of U. S. Highway 101;

thence Southeasterly following Westerly boundary of said highway to a point due East of the point of beginning;

thence due West to point of beginning all in Curry County, Oregon.

Map No. 31-15-22, Tax Lot 1100 (57980)

RECEIVED  
JUN 10 1984

EXHIBIT "B"

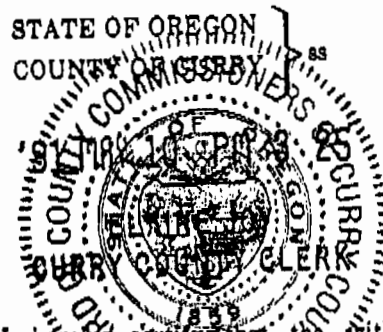
ENCUMBRANCES

7. An easement created by instrument, including the terms and provisions thereof,

Dated : June 5, 1984  
Recorded : August 3, 1984 BR: 106 Page 40  
In Favor of : General Telephone  
For : Right of way easement

8. As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.

9. As disclosed by the assessment and tax roll, the premises therein have been specially assessed as forest land. If the land becomes disqualified for this special assessment under the statute, an additional tax plus interest may be levied for the last five or lesser number of years in which the land was subject to this special land use assessment.



I hereby certify that the within Instrument was received and duly recorded in the OFFICIAL RECORDS OF CURRY COUNTY:

By: *[Signature]*  
Deputy

Fee: *50.00* Pgs: *5*

1991 Instrument 91 02465

SEA WIND FARMS INC.  
211-1260 Shoppers Row  
Campbell River, B. C.  
V9W 2C8  
CANADA  
TEL: [604] 287-2215  
FAX: [604] 287-2259

September 12, 1991

Oregon Water Resources Dept.  
3850 Portland Road NE  
Salem Oregon  
USA 97310

Attn: Mr. Steve Brown

Dear Sirs:

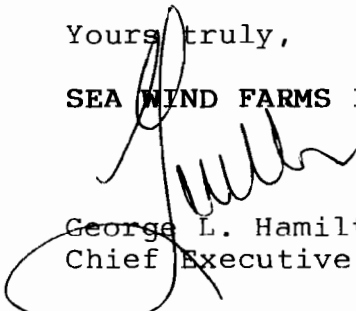
Enclosed herewith is an application to appropriate public waters in connection with application 70170.

If you require additional information please contact our offices at the above address.

Our consultant is James F. Gosson and you may wish to contact him for information at [503] 459-2243.

Yours truly,

SEA WIND FARMS INC.



George L. Hamilton  
Chief Executive Officer

GLH/jcw

Encl.

cc James F Gosson

JAN 30 1990

WATER RESOURCES DEPT.

WATER AVAILABILITY REPORT-SURFACE WATER APPLICATION

Name of Applicant Pacificorp Credit, Inc. Application Number 70170  
(Cape Blanco Properties)

1. To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights?

Yes \_\_\_\_\_ No

If yes, please explain.

RECEIVED

JAN 26 1990

WM. DIST. 14  
GRANTS PASS, ORE.

2. Has the stream or basin that is the source for this application ever been regulated for minimum streamflows?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please explain.

There are no legal appropriators downstream from this proposed POD.

The waters of Big Cr. flow into Floras Lake. Floras Lake is, essentially, a surface expression of the groundwater aquifer.

3. Do you observe this stream system during regular field work?

Yes \_\_\_\_\_ No

If yes, what are your observations for the stream.

4. Based on your observations, would there be water available in the quantity and at time needed to supply the development proposed by this application.

Yes \_\_\_\_\_ No \_\_\_\_\_ Don't Know

What would you recommend for conditions on a permit, that may be issued approving this application?

For what it's worth:  
The duty of water applied for for irrigation is less than the duty allowed by the Department for cranberry irrigation. (0.0125cfs vs 0.025cfs)

5. Any other recommendations you would like to make?

Signature

*J. Dehert*

WM District #

XIX

Date

RCUd 01-25-90  
RTuid 01-25-90



Basin: 17

Limiting Water Availability Subbasins  
For Water Availability Subbasin 5004000000000000  
Water Availability By Month for Exceedance Level 50  
10:33 01/05/1994

Month	Limiting Subbasin	Water Available?	Net Water Available
1	5004000000000000	YES	24.7
2	5004000000000000	YES	27.4
3	5004000000000000	YES	23.2
4	5004000000000000	YES	11.1
5	5004000000000000	YES	4.4
6	5004000000000000	YES	5.3
7	5004000000000000	YES	4.3
8	5004000000000000	YES	2.9
9	5004000000000000	YES	2.1
10	5004000000000000	YES	2.6
11	5004000000000000	YES	12.9
12	5000000000000000	YES	1.6
Stor	5004000000000000	YES	3050.0



STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SEAWIND FARMS, INC.  
P.O. BOX 242  
SIXES, OREGON 97476

503-348-9937

to use the waters of A RESERVOIR constructed under Permit R-8449, a tributary of BIG CREEK, for CRANBERRY OPERATIONS.

This Permit is issued approving Application 70170. The date of priority is JANUARY 16, 1990. The use is limited to not more than 250.0 ACRE-FEET STORED WATER ONLY or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW 1/4 NW 1/4, SECTION 21, T 31 S, R 15 W, W.M.; 2080 FEET SOUTH AND 180 FEET EAST FROM NW CORNER, SECTION 21.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

The amount of water diverted for CRANBERRY OPERATIONS, together with amounts secured under any other rights existing for the same lands, is limited as follows: For temperature control, 0.15 cubic foot per second per acre; For flood harvesting or pest control, 0.05 cubic foot per second per acre; For irrigation of cranberries, ONE-FORTIETH of one cubic foot per second and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. For the irrigation of any other crop, ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

A description of the proposed place of use under the Permit is as follows:

NE 1/4 NE 1/4	3.0 ACRES
NW 1/4 NE 1/4	31.0 ACRES
SW 1/4 NE 1/4	15.0 ACRES
SE 1/4 NE 1/4	8.0 ACRES
NE 1/4 NW 1/4	2.0 ACRES
NE 1/4 SE 1/4	16.0 ACRES

SECTION 20  
TOWNSHIP 31 SOUTH, RANGE 15 WEST, W.M.

Actual construction work shall begin on or before , and shall be completed on or before October 1, 1993. Complete application of the water to the use shall be made on or before October 1, 1994.

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 rights for maintaining instream flows.

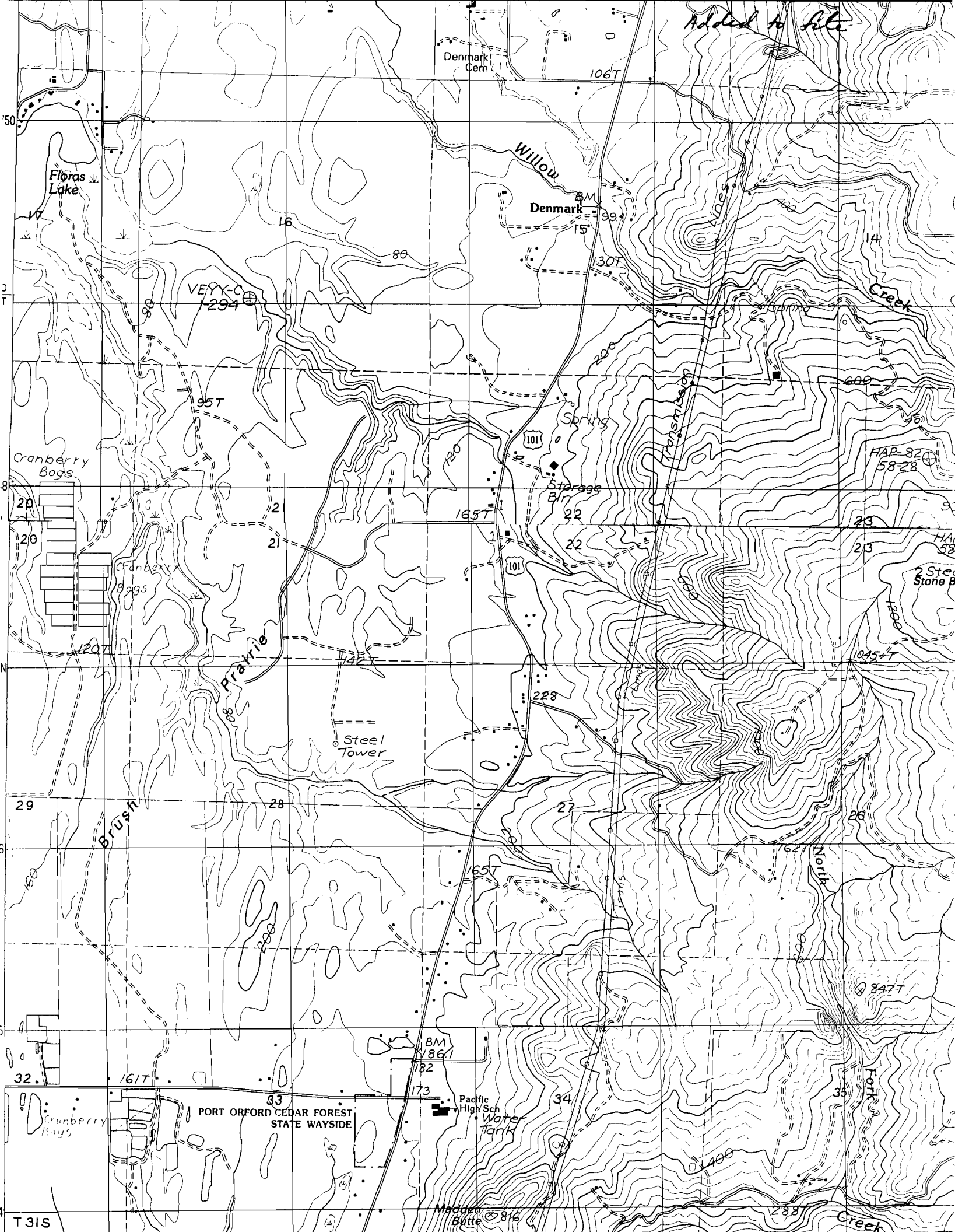
Issued this date, .

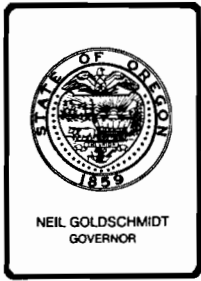
Water Resources Department  
William H. Young, Director

I\We, George L. Himminton of SEA WIND FARMS INC, hereby understand and agree that this draft permit describes the full extent of water use that will be allowed approving Application 70170. By signature below, I\We agree to the proposed terms and conditions for this draft permit.

<u>[Signature]</u>	<u>DIRECTOR AND</u>	<u>Sept 10/91</u>
Signature\Title	EXECUTIVE OFFICER	Date
<u>[Signature]</u>	<u>PRESIDENT</u>	<u>SEPT 12/91</u>
Signature\Title		Date

Added to file





## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

January 24, 1990

Pacificorp Credit, Inc.  
(Cape Blanco Properties)  
PO Box 1531  
Portland, OR 97207

REFERENCE: File 70170

We received your application on January 16, 1990, describing the proposed use of 11.25 cubic feet per second of water from a reservoir for temperature control, flood harvesting and irrigation of 75.0 acres of cranberries. Supporting data and fees in the amount of \$430 were also received. Our Receipt 60557 is enclosed. The application has been assigned file number 70170, and will be reviewed in detail as time allows.

Applications which are received in proper form with required maps, supporting data and fees can be considered for approval by issuance of permits following a mandatory 30-day waiting period and after public interest matters are resolved.

Applications which require additional information will be returned for correction and/or completion. In those cases, the process will, of course, be delayed further. If you feel that a delay in the processing of your application will cause a hardship, please advise.

If the application is approved, the project described in the application will be subject to the Water Resources Commission's Basin Program statements, instream flow requirements, and demands of prior rights.

Sincerely,

STEPHEN C. BROWN  
Water Rights Specialist  
Applications/Permit Section

Enclosure

SCB:tcb  
cc: James F. Gosson, CWRE

MEMORANDUM

TO: SW Region Field Staff

DATE: November 27, 1990

FROM: STEVE BROWN  
Applications

RE: Application 70170  
Permits R-8449 and 46806  
Township 31 South, Range 15 West, WM  
Pacificorp Credit, Inc.

Proof will need to be made on Permits R-8449 and 46806 before we can proceed with the processing of Application 70170.

A change in character of use to cranberry operations will need to be filed for the storage under permit R-8449 after proof is made.

Please schedule a field inspection at your earliest convenience.

0089

*files R-63330  
63324*

May 28, 1991

Seawinds Farms, Inc.  
46532 Highway 101  
P.O. Box 242  
Portland OR 97204

REFERENCE: File 70170, 63324, R-63330, and 61901

The assignment of Permits 46806, R-8449, and 46800 from Pacificorp Credit, Inc. to you have been recorded in the records of the Water Resources Department. Our records have been changed accordingly and the original assignment is enclosed.

Our receipt number 74413 covering the \$10 recording fee has been sent to Transamerica Title Insurance Company.

Sincerely,

THOMAS E. SHOOK  
Water Rights Specialist

TES:jh

enclosure

cc: Pacificorp Credit, Inc.  
Transamerica Title Insurance Company  
Medford Field Crew (T31S, R15W)





TOWNSHIP 31s RANGE 15w W. M. SECTION 20

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
															R-61900	WITHDRAWN		
	Res												Res		R-63330		2	
6°	6°	10°	14°										25°	6°	23°	63324	46806	4
3°	31°	15°	8°	2°									16°			70170		

out of file  
1/15/1920  
Dor

R-8449  
4620

Ocean Title and Escrow  
December 21, 1989

No. 70170

Parcel No. 1

OTE 89-0764

JAN 16 1990

WATER RESOURCES DEPT.  
SALEM, OREGON

EXHIBIT "A"

PARCEL I:

The North half and the North half of the South half of Section 20; the North half and the North half of the South half of Section 21; and the Southeast quarter of the Northeast quarter of Section 19, all in Township 31 South, Range 15 West, Willamette Meridian, Curry County, Oregon.

2-4 31-15 TL 2900 UID 47768  
2-26 31-15 TL 2900 UID 164717

PARCEL II:

The South half of the South half of Section 20; the South half of the South half of Section 21; the North half of Section 28; the North half of Section 29; and the East half of the Northeast quarter of Section 30, all in Township 31 South, Range 15 West, Willamette Meridian, Curry County, Oregon.

2-4 31-15 TL 2901 UID 48497  
2-26 31-15 TL 2901 UID 164701

PARCEL III;

The North 200.0 feet of the Northwest quarter of the Southwest quarter lying West of the West boundary of U.S. Highway 101 in Section 22, Township 31 South, Range 15 West, Willamette Meridian, Curry County, Oregon, SAVE AND EXCEPT therefrom the most Southerly 150.0 feet thereof.

2-4 31-15-22 TL 902 UID 56529

PARCEL IV:

Commencing at Section corner common to Section 21, 22, 27 and 28, Township 31 South, Range 15 West, Willamette Meridian, said Section corner being the Southwest corner of Section 22 above described; from this point of beginning run 500.0 feet North on section line between Sections 21 and 22 to the point of beginning of the tract of land herein conveyed. From this point of beginning run North on said Section line 556.0 feet to a point; thence due East to West boundary line of U.S. Highway 101; thence Southeasterly following Westerly boundary of said highway to a point due East of point of beginning; thence due West to point of beginning all in Curry County, Oregon.

2-4 31-15-22 TL 1100 UID 57980



A PacifiCorp Financial Services Company

111 S.W. Fifth Avenue, Suite 2800  
P.O. Box 1531  
Portland, Oregon 97207  
503/222-7920 Rapifax 503/222-6366

RECEIVED

JAN 16 1990

WATER RESOURCES DEPT.  
SALEM, OREGON

January 12, 1990

Oregon Water Resources Department  
3850 Portland Road N.E.  
Salem, Oregon 97310  
Attn: Wayne Overcash

No. 70170  
No.

Re: Water Rights Application PacifiCorp Credit, Inc./Cape Blanco Properties

Dear Mr. Overcash:

Enclosed is our application for water rights at our cranberry operation at Cape Blanco, Oregon. Also enclosed are four (4) copies of the application map that was prepared for us by James Gosson, a legal description of the property and our check in the amount of \$430.00. It is my understanding the check is broken down as \$200.00 for the examination fee and \$230.00 for the recording fee.

The existing water rights for the property involved have been assigned to us by The Oregon Bank.

If there are any questions or further information needed please contact me at the address above or my direct phone 796-7626.

Sincerely,

PACIFICORP CREDIT, INC.

G.E. Bradish  
Manager  
Asset Management Group

Enclosures

GEB/gh

cc: Robert McKenzie  
92619 Airport Rd.  
Sixes, OR 97476

P.S. you already have, and are holding the check, for this application.