

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application            )     FINAL ORDER APPROVING A  
T-12581, Coos County                            )     CHANGE IN CHARACTER OF USE

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

COQUILLE INDIAN TRIBE  
ATTN: BRENDA MEADE  
PO BOX 783  
NORTH BEND, OR 97459

**Findings of Fact**

1. On January 31, 2017, COQUILLE INDIAN TRIBE filed an application to change the character of use under Certificates 11180 and 11185. The Department assigned the application number T-12581.
2. Notice of the application for transfer was published on February 7, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On July 19, 2017, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12581 to the applicant and emailed a copy to the agent. The draft Preliminary Determination cover letter set forth a deadline of August 19, 2017, for the applicant to respond.
4. On July 24, 2017, the agent for the applicant responded by email requesting changes to conditions in the Draft Preliminary Determination.
5. On August 3, 2017, the Department mailed a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-12581 to the applicant and emailed a copy to the agent. The revised draft Preliminary Determination cover letter set forth a deadline of September 3, 2017, for the applicant to respond.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Accepted

X

- 6. On August 8, 2017, the agent for the applicant responded by email and accepted the revised draft Preliminary Determination.
- 7. On October 2, 2017, the Department issued a Preliminary Determination proposing to approve Transfer T-12581 and mailed a copy to the applicant. Additionally notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on October 10, 2017, and in The World newspaper on October 12 and 19, 2017. No protests were filed in response to the notice.

8. The first right to be transferred is as follows:

**Certificate:** 11180 in the name of COOS BAY PULP CORP. (perfected under Permit R-614)  
**Use:** STORAGE FOR MANUFACTURING AND STEAM BOILER SUPPLY  
**Priority Date:** FEBRUARY 25, 1929  
**Quantity:** 21.0 ACRE-FEET  
**Source:** FOURTH CREEK, tributary of COOS BAY

**Authorized Place of use:**

STORAGE FOR MANUFACTURING AND STEAM BOILER SUPPLY			
Twp	Rng	Mer	Sec
25 S	13 W	WM	30
25 S	14 W	WM	36

9. The second right to be transferred is as follows:

**Certificate:** 11185 in the name of COOS BAY PULP CORP. (perfected under Permit R-619)  
**Use:** STORAGE FOR MANUFACTURING AND STEAM BOILER SUPPLY  
**Priority Date:** FEBRUARY 25, 1929  
**Quantity:** 75.0 ACRE-FEET  
**Source:** TARHEEL CREEK, tributary of COOS BAY

**Authorized Place of Use:**

STORAGE FOR MANUFACTURING AND STEAM BOILER SUPPLY			
Twp	Rng	Mer	Sec
25 S	14 W	WM	36

10. Transfer Application T-12581 proposes to change the character of use of both rights to multipurpose storage.

**Transfer Review Criteria [OAR 690-380-4010(2)]**

11. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

12. The proposed changes would not result in enlargement of the rights.
13. The proposed changes would not result in injury to other water rights.

**Conclusions of Law**

The change in character of use proposed in Transfer Application T-12581 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

**Now therefore it is ordered**

1. The change in character of use proposed in Transfer Application T-12581 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 11180 and 11185 and any related decree.
3. Water right Certificates 11180 and 11185 are cancelled.
4. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2019**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
5. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 24 day of November 2017.

  
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Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

Mailing date: NOV 28 2017