

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

In the Matter of Permit Amendment                                )     **FINAL ORDER**  
T-10719, Coos County   )     APPROVING A CHANGE IN PLACE  
   )     OF USE AND A CHANGE IN POINT  
   )     OF APPROPRIATION

**Authority**

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

**Applicant**

Bandon Dunes Limited Partnership  
2130 Lincoln Park North  
Chicago, IL 60614

**Findings of Fact**

**Background**

1. On October 28, 2008, Bandon Dunes Limited Partnership filed an application to change the place of use and to replace the New Schuman Well with Well L91192 under Permit G-13498. The Department assigned the application number T-10719.
2. On February 6, 2008, the applicant’s agent, Ron Blegen of Golder Associates Inc., requested that Well 2007A be withdrawn from Permit G-13498.
3. The permit to be amended is as follows:

**Permit:**                G-13498 in the name of Bandon Dunes Limited Partnership  
**Use:**                    Commercial use, domestic use serving 500.0 households, and irrigation and out-of-season irrigation of a total of 500.0 acres  
**Priority Date:**       December 17, 1993  
**Quantity:**            3.55 cubic feet per second (cfs), being 0.46 cfs for domestic use for 500 households and commercial use and 3.09 for irrigation.  
**Rate/Duty:**          The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year and 0.5 acre-foot for each acre irrigated for

<p>This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either 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.</p>
---

out-of-season irrigation. The total amount diverted shall not exceed 2.5 acre-feet for each acre irrigated each year

**Period of Use:** March 1 through October 31 for irrigation use; November 1 through the month of February for out-of-season irrigation; year round for commercial use and domestic use for 500 households

**Source:** 16 wells, in the Cut Creek Basin

**Authorized Points of Appropriation:**

Township		Range		Meridian	Sec	¼ ¼		Measured Distances
27	S	14	W	W.M.	29	NE	SW	Well L34030 – 1674 feet North and 1451 feet East from the NW Corner of Section 32, T 27 S, R 14 W, W.M.
27	S	14	W	W.M.	29	NW	SW	Well L34008 – 1354 feet North and 646 feet East from the NW Corner of Section 32, T 27 S, R 14 W, W.M.
27	S	14	W	W.M.	29	NW	SW	Well L34018 – 2515 feet North and 1169 feet East from the NW Corner of Section 32, T 27 S, R 14 W, W.M.
27	S	14	W	W.M.	29	SW	SW	Well L34007 – 325 feet North and 638 feet East from the NW Corner of Section 32, T 27 S, R 14 W, W.M.
27	S	14	W	W.M.	29	NW	SE	New Schuman Well – 1549 feet North and 2756 feet East from the NW Corner of Section 32, T 27 S, R 14 W, W.M.
27	S	14	W	W.M.	32	NW	NW	PW5 – 27 feet North and 382 feet West from the NW 1/16 Corner of Section 32.
27	S	14	W	W.M.	32	NW	NW	PW6 – 733 feet South and 1130 feet East from the NW Corner of Section 32.
27	S	14	W	W.M.	32	SW	NW	PW4 – 377 feet North and 173 feet East from the W¼ Corner of Section 32.
28	S	14	W	W.M.	5	NW	NW	Well 1 – 641 feet South and 69 feet West from the W 1/16 Corner between Sections 5 and 32.
28	S	14	W	W.M.	5	NW	NW	Well 2 – 632 feet South and 254 feet West from the W 1/16 Corner between Sections 5 and 32.
28	S	14	W	W.M.	5	NW	NW	Well L44790 – 432 feet South and 254 feet West from the W 1/16 Corner between Sections 5 and 32.
28	S	14	W	W.M.	5	SW	NW	Well 3 – 61 feet South and 303 feet West from the NW 1/16 Corner of Section 5.
28	S	14	W	W.M.	5	SW	NW	Well 2007A – 95 feet North and 715 feet East from the W¼ Corner of Section 5.
28	S	14	W	W.M.	5	NW	SW	Well L69436 – South 232.30° West 5222.22 feet from the NE Corner of Section 5.
28	S	14	W	W.M.	5	SW	SW	Well L74686 – South 230.04° West 5851.13 feet from the NE Corner of Section 5.
28	S	14	W	W.M.	5	SW	SW	Well 2007B – Latitude: 43° 10' 07.0" North, Longitude: 124° 23' 32.3" West

**Authorized Place of Use:**

IRRIGATION								
Township		Range		Meridian	Sec	¼ ¼		Acres
27	S	14	W	W.M.	20	SE	SW	13.20
27	S	14	W	W.M.	20	SW	SE	4.72
27	S	14	W	W.M.	29	NW	NE	19.97
27	S	14	W	W.M.	29	SW	NE	28.00
27	S	14	W	W.M.	29	NE	NW	40.00
27	S	14	W	W.M.	29	NW	NW	22.40
27	S	14	W	W.M.	29	SW	NW	40.00
27	S	14	W	W.M.	29	SE	NW	33.90
27	S	14	W	W.M.	29	NE	SW	20.40
27	S	14	W	W.M.	29	NW	SW	40.00
27	S	14	W	W.M.	29	SW	SW	40.00
27	S	14	W	W.M.	29	SE	SW	31.30
27	S	14	W	W.M.	29	SW	SE	36.70
27	S	14	W	W.M.	30	NE	NE	2.50
27	S	14	W	W.M.	30	SE	NE	8.35
27	S	14	W	W.M.	30	NE	SE	13.10
27	S	14	W	W.M.	30	SE	SE	18.00
27	S	14	W	W.M.	31	NE	NE	27.10
27	S	14	W	W.M.	31	SE	NE	34.10
27	S	14	W	W.M.	31	NE	SE	49.20
27	S	14	W	W.M.	31	NW	SE	0.40
27	S	14	W	W.M.	31	SW	SE	0.40
27	S	14	W	W.M.	31	SE	SE	17.60
27	S	14	W	W.M.	32	NW	NE	40.00
27	S	14	W	W.M.	32	NE	NW	34.80
27	S	14	W	W.M.	32	NW	NW	40.00
27	S	14	W	W.M.	32	SW	NW	40.00
27	S	14	W	W.M.	32	SE	NW	21.50
27	S	14	W	W.M.	32	NE	SW	22.30
27	S	14	W	W.M.	32	NW	SW	36.80
27	S	14	W	W.M.	32	SW	SW	23.70
27	S	14	W	W.M.	32	SE	SW	19.05
27	S	14	W	W.M.	32	NW	SE	0.50
27	S	14	W	W.M.	32	SW	SE	32.67
27	S	14	W	W.M.	32	SE	SE	5.20
28	S	14	W	W.M.	5	NE	NE	8.45

IRRIGATION							
Township		Range		Meridian	Sec	¼ ¼	Acres
28	S	14	W	W.M.	5	NW NE	23.46
28	S	14	W	W.M.	5	SW NE	17.00
28	S	14	W	W.M.	5	NE NW	30.00
28	S	14	W	W.M.	5	NW NW	22.00
28	S	14	W	W.M.	5	SW NW	9.25
28	S	14	W	W.M.	5	SE NW	33.10
28	S	14	W	W.M.	5	NE SW	17.56
28	S	14	W	W.M.	5	NW SW	3.00
28	S	14	W	W.M.	5	SE SW	2.00

SUPPLEMENTAL IRRIGATION							
Township		Range		Meridian	Sec	¼ ¼	Acres
28	S	14	W	W.M.	5	NW NE	0.29
28	S	14	W	W.M.	5	SW NE	0.15
28	S	14	W	W.M.	5	SE NE	0.38

COMMERCIAL							
Township		Range		Meridian	Sec	¼ ¼	
27	S	14	W	W.M.	29	SE SW	
27	S	14	W	W.M.	32	NE NW	
27	S	14	W	W.M.	32	SE NW	
27	S	14	W	W.M.	32	NE SW	
27	S	14	W	W.M.	32	NW SW	
27	S	14	W	W.M.	32	SW SW	
27	S	14	W	W.M.	32	SE SW	
27	S	14	W	W.M.	32	NW SE	
28	S	14	W	W.M.	8	NW NE	
28	S	14	W	W.M.	8	NE NW	

4. Permit Amendment Application T-10719 proposes to change the place of use of the permit to:

IRRIGATION							
Township	Range		Meridian	Sec	¼ ¼		Acres
27	S	14	W	W.M.	20	NE SW	6.10
27	S	14	W	W.M.	20	SW SW	10.80
27	S	14	W	W.M.	20	SE SW	17.60
27	S	14	W	W.M.	20	NW SE	1.00
27	S	14	W	W.M.	20	SW SE	8.30
27	S	14	W	W.M.	29	NW NW	13.66
27	S	14	W	W.M.	29	SW NW	18.90
27	S	14	W	W.M.	29	SE NW	6.10
27	S	14	W	W.M.	29	NE SW	18.40
27	S	14	W	W.M.	29	NW SW	33.40
27	S	14	W	W.M.	29	SW SW	40.00
27	S	14	W	W.M.	29	SE SW	31.30
27	S	14	W	W.M.	29	NW SE	40.00
27	S	14	W	W.M.	29	SW SE	4.30
27	S	14	W	W.M.	30	NE NE	2.50
27	S	14	W	W.M.	30	SE NE	8.35
27	S	14	W	W.M.	30	NE SE	13.10
27	S	14	W	W.M.	30	SE SE	18.00
27	S	14	W	W.M.	31	NE NE	27.10
27	S	14	W	W.M.	31	SE NE	34.10
27	S	14	W	W.M.	31	NE SE	49.20
27	S	14	W	W.M.	31	NW SE	0.40
27	S	14	W	W.M.	31	SW SE	0.40
27	S	14	W	W.M.	31	SE SE	17.60
27	S	14	W	W.M.	32	NW NE	40.00
27	S	14	W	W.M.	32	NE NW	34.80
27	S	14	W	W.M.	32	NW NW	40.00
27	S	14	W	W.M.	32	SW NW	40.00
27	S	14	W	W.M.	32	SE NW	21.50
27	S	14	W	W.M.	32	NE SW	22.30
27	S	14	W	W.M.	32	NW SW	36.80
27	S	14	W	W.M.	32	SW SW	23.70
27	S	14	W	W.M.	32	SE SW	19.05
27	S	14	W	W.M.	32	NW SE	0.50
27	S	14	W	W.M.	32	SW SE	32.67

IRRIGATION								
Township		Range		Meridian	Sec	¼ ¼		Acres
27	S	14	W	W.M.	32	SE	SE	5.20
<b>28</b>	<b>S</b>	<b>14</b>	<b>W</b>	<b>W.M.</b>	<b>5</b>	<b>NE</b>	<b>NE</b>	<b>40.00</b>
<b>28</b>	<b>S</b>	<b>14</b>	<b>W</b>	<b>W.M.</b>	<b>5</b>	<b>NW</b>	<b>NE</b>	<b>40.00</b>
<b>28</b>	<b>S</b>	<b>14</b>	<b>W</b>	<b>W.M.</b>	<b>5</b>	<b>SW</b>	<b>NE</b>	<b>20.50</b>
28	S	14	W	W.M.	5	NE	NW	30.00
28	S	14	W	W.M.	5	NW	NW	22.00
<b>28</b>	<b>S</b>	<b>14</b>	<b>W</b>	<b>W.M.</b>	<b>5</b>	<b>SW</b>	<b>NW</b>	<b>1.50</b>
28	S	14	W	W.M.	5	SE	NW	33.10
28	S	14	W	W.M.	5	NE	SW	17.56
<b>28</b>	<b>S</b>	<b>14</b>	<b>W</b>	<b>W.M.</b>	<b>5</b>	<b>NW</b>	<b>SW</b>	<b>6.60</b>
<b>28</b>	<b>S</b>	<b>14</b>	<b>W</b>	<b>W.M.</b>	<b>5</b>	<b>SW</b>	<b>SW</b>	<b>2.00</b>
<b>28</b>	<b>S</b>	<b>14</b>	<b>W</b>	<b>W.M.</b>	<b>5</b>	<b>SE</b>	<b>SW</b>	<b>1.40</b>

SUPPLEMENTAL IRRIGATION								
Township		Range		Meridian	Sec	¼ ¼		Acres
28	S	14	W	W.M.	5	NW	NE	0.29
28	S	14	W	W.M.	5	SW	NE	0.15
28	S	14	W	W.M.	5	SE	NE	0.38

COMMERCIAL							
Township		Range		Meridian	Sec	¼ ¼	
27	S	14	W	W.M.	29	SE	SW
27	S	14	W	W.M.	32	NE	NW
27	S	14	W	W.M.	32	SE	NW
27	S	14	W	W.M.	32	NE	SW
27	S	14	W	W.M.	32	NW	SW
27	S	14	W	W.M.	32	SW	SW
27	S	14	W	W.M.	32	SE	SW
27	S	14	W	W.M.	32	NW	SE
28	S	14	W	W.M.	8	NW	NE
28	S	14	W	W.M.	8	NE	NW

The change place of use is in bold type.

5. The permittee has requested to remove Wells 2007A, 2007B, and the New Schuman Well (COOS 330) from Permit G-13498. Well L91192, located approximately 5 feet away from the New Schuman Well, will replace the New Schuman Well. The revised authorized points of appropriation are as follows:

Township	Range		Meridian	Sec	¼ ¼		Measured Distances
27	S	14	W	W.M.	29	NE SW	Well L34030 – 1674 feet North and 1451 feet East from the NW Corner of Section 32, T 27 S, R 14 W, W.M.
27	S	14	W	W.M.	29	NW SW	Well L34008 – 1354 feet North and 646 feet East from the NW Corner of Section 32, T 27 S, R 14 W, W.M.
27	S	14	W	W.M.	29	NW SW	Well L34018 – 2515 feet North and 1169 feet East from the NW Corner of Section 32, T 27 S, R 14 W, W.M.
27	S	14	W	W.M.	29	SW SW	Well L34007 – 325 feet North and 638 feet East from the NW Corner of Section 32, T 27 S, R 14 W, W.M.
27	S	14	W	W.M.	29	NW SE	Well L91192 – Latitude: 43°12'03" North, Longitude: 124°23'09" West
27	S	14	W	W.M.	32	NW NW	PW5 – 27 feet North and 382 feet West from the NW 1/16 Corner of Section 32.
27	S	14	W	W.M.	32	NW NW	PW6 – 733 feet South and 1130 feet East from the NW Corner of Section 32.
27	S	14	W	W.M.	32	SW NW	PW4 – 377 feet North and 173 feet East from the W¼ Corner of Section 32.
28	S	14	W	W.M.	5	NW NW	Well 1 – 641 feet South and 69 feet West from the W 1/16 Corner between Sections 5 and 32.
28	S	14	W	W.M.	5	NW NW	Well 2 – 632 feet South and 254 feet West from the W 1/16 Corner between Sections 5 and 32.
28	S	14	W	W.M.	5	NW NW	Well L44790 – 432 feet South and 254 feet West from the W 1/16 Corner between Sections 5 and 32.
28	S	14	W	W.M.	5	SW NW	Well 3 – 61 feet South and 303 feet West from the NW 1/16 Corner of Section 5.
28	S	14	W	W.M.	5	NW SW	Well L69436 – South 232.30° West 5222.22 feet from the NE Corner of Section 5.
28	S	14	W	W.M.	5	SW SW	Well L74686 – South 230.04° West 5851.13 feet from the NE Corner of Section 5.

6. Notice of the application for the permit amendment was published in the Department's weekly notice on December 2, 2008 pursuant to ORS 540.520(5). No comments were filed in response to the notice.

***Permit Amendment Review Criteria***

7. The changes would not result in injury to other water rights.

8. The proposed place of use is owned and/or controlled by the permit holder.
9. The changes do not enlarge the permit.
10. The changes do not alter any other terms of the permit.
11. The proposed place of use is contiguous to the authorized place of use.

**Conclusions of Law**

The change in place of use proposed by Permit Amendment Application T-10719 is consistent with the requirements of ORS 537.211.

**Now, therefore, it is ORDERED:**

The change and subsequent use of water shall be subject to the following conditions:

1. The former place of use shall no longer be irrigated as part of this permit.
2. The quantity of water diverted at the new point of appropriation (Well L91192) shall not exceed the quantity of water lawfully available at the original point of appropriation (New Schuman Well (COOS 330)).
3. Water shall be acquired from the same aquifer as the original point of appropriation (New Schuman Well (COOS 330)).
4. All other terms and conditions of Permit G-13498 remain the same.
5. Permit G-13498, in the name of Bandon Dunes Limited Partnership, is amended as described herein.

Dated at Salem, Oregon this 21<sup>st</sup> day of January, 2009.



Phillip C. Ward,  
Director

Ar

Mailing Date: JAN 22 2010