

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

In the Matter of Permit Amendment            )  
T-11087, Coos County                            )  
  )    **FINAL ORDER**  
  )    **APPROVING A CHANGE IN PLACE**  
  )    **OF USE**

**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  
C/O Donald J. Stastny  
StastnyBrun Architects Inc.  
1630 SW Morrison Suite 210  
Portland OR 97205

**Findings of Fact**

**Background**

1. On June 8, 2010, Bandon Dunes Limited Partnership filed an application to change in place of use under Permit G-13498. The Department assigned the application number T-11087.
2. The permit to be amended is as follows:
  - Permit:** G-13498, in the name of Bandon Dunes Limited Partnership (as previously amended by T-8861, Special Order Vol. 56, Page 907; T-9647, Special Order Vol. 59, Page 435; T-9782, Special Order Vol. 70, Page 285; T-10476, Special Order Vol. 74, Page 681; T-10719, Special Order Vol. 80, Page 59)
  - Use:** Commercial use, domestic use serving 500 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 cfs for irrigation.

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.

**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 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

**Sources:** Fourteen wells within the Cut Creek Basin

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	14 W	WM	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	WM	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	WM	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	WM	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	WM	29	NW SE	Well L91192 – Latitude: 43°12'03" North, Longitude: 124°23'09" West
27 S	14 W	WM	32	NW NW	PW5 – 27 feet North and 382 feet West from the NW 1/16 Corner of Section 32.
27 S	14 W	WM	32	NW NW	PW6 – 733 feet South and 1130 feet East from the NW Corner of Section 32.
27 S	14 W	WM	32	SW NW	PW4 – 377 feet North and 173 feet East from the W¼ Corner of Section 32.
28 S	14 W	WM	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	WM	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	WM	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	WM	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	WM	5	NW SW	Well L69436 – South 232.30° West 5222.22 feet from the NE Corner of Section 5.
28 S	14 W	WM	5	SW SW	Well L74686 – South 230.04° West 5851.13 feet from the NE Corner of Section 5.

**Authorized Place of Use:**

COMMERCIAL				
Twp	Rng	Mer	Sec	Q-Q
27 S	14 W	WM	29	SE SW
27 S	14 W	WM	32	NE NW
27 S	14 W	WM	32	SE NW
27 S	14 W	WM	32	NE SW
27 S	14 W	WM	32	NW SW
27 S	14 W	WM	32	SW SW
27 S	14 W	WM	32	SE SW
27 S	14 W	WM	32	NW SE
28 S	14 W	WM	8	NW NE
28 S	14 W	WM	8	NE NW

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	14 W	WM	20	NE SW	6.10
27 S	14 W	WM	20	SW SW	10.80
27 S	14 W	WM	20	SE SW	17.60
27 S	14 W	WM	20	NW SE	1.00
27 S	14 W	WM	20	SW SE	8.30
27 S	14 W	WM	29	NW NW	15.50
27 S	14 W	WM	29	SW NW	18.90
27 S	14 W	WM	29	SE NW	6.10
27 S	14 W	WM	29	NE SW	20.50
27 S	14 W	WM	29	NW SW	33.40
27 S	14 W	WM	29	SW SW	40.00
27 S	14 W	WM	29	SE SW	31.30
27 S	14 W	WM	29	NW SE	40.00
27 S	14 W	WM	29	SW SE	41.00
27 S	14 W	WM	30	NE NE	2.50
27 S	14 W	WM	30	SE NE	8.35
27 S	14 W	WM	30	NE SE	13.10
27 S	14 W	WM	30	SE SE	18.00
27 S	14 W	WM	31	NE NE	27.10
27 S	14 W	WM	31	SE NE	34.10
27 S	14 W	WM	31	NE SE	49.20
27 S	14 W	WM	31	NW SE	0.40
27 S	14 W	WM	31	SW SE	0.40
27 S	14 W	WM	31	SE SE	17.60
27 S	14 W	WM	32	NW NE	40.00
27 S	14 W	WM	32	NE NW	34.80
27 S	14 W	WM	32	NW NW	40.00
27 S	14 W	WM	32	SW NW	40.00
27 S	14 W	WM	32	SE NW	21.50
27 S	14 W	WM	32	NE SW	22.30
27 S	14 W	WM	32	NW SW	36.80
27 S	14 W	WM	32	SW SW	23.70
27 S	14 W	WM	32	SE SW	19.05
27 S	14 W	WM	32	NW SE	0.50
27 S	14 W	WM	32	SW SE	32.67

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	14 W	WM	32	SE SE	5.20
28 S	14 W	WM	5	NE NE	40.00
28 S	14 W	WM	5	NW NE	40.00
28 S	14 W	WM	5	NW NE	0.29
28 S	14 W	WM	5	SW NE	0.15
28 S	14 W	WM	5	SW NE	37.50
28 S	14 W	WM	5	SE NE	0.38
28 S	14 W	WM	5	NE NW	30.00
28 S	14 W	WM	5	NW NW	22.00
28 S	14 W	WM	5	SW NW	10.75
28 S	14 W	WM	5	SE NW	33.10
28 S	14 W	WM	5	NE SW	17.56
28 S	14 W	WM	5	NW SW	9.60
28 S	14 W	WM	5	SW SW	2.00
28 S	14 W	WM	5	SE SW	3.40

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	14 W	WM	5	NW NE	0.29
28 S	14 W	WM	5	SW NE	0.15
28 S	14 W	WM	5	SE NE	0.38

3. Permit Amendment T-10719 mistakenly omitted acres in the description of the proposed irrigation acres. The description of the irrigation acres in Finding No. 4 contains the correct number of acres. The errors are described as follows:

IRRIGATION									
Township		Range		Meridian	Sec	¼ ¼		Acres as listed in T-10719 order	Correct Acres
27	S	14	W	W.M.	29	NW	NW	13.66	15.50
27	S	14	W	W.M.	29	NE	SW	18.40	20.50
27	S	14	W	W.M.	29	SW	SE	4.30	41.00
28	S	14	W	W.M.	5	SW	NE	20.50	37.50
28	S	14	W	W.M.	5	SW	NW	1.50	10.75
28	S	14	W	W.M.	5	NW	SW	6.60	9.60
28	S	14	W	W.M.	5	SE	SW	1.40	3.40

4. Permit Amendment Application T-11087 proposes to change the place of use of the permit to:

COMMERCIAL USES				
Twp	Rng	Mer	Sec	Q-Q
27 S	14 W	WM	29	SE SW
27 S	14 W	WM	32	NE NW
27 S	14 W	WM	32	SE NW
27 S	14 W	WM	32	NE SW
27 S	14 W	WM	32	NW SW
27 S	14 W	WM	32	SW SW
27 S	14 W	WM	32	SE SW
27 S	14 W	WM	32	NW SE
28 S	14 W	WM	8	NW NE
28 S	14 W	WM	8	NE NW

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
<b>27 S</b>	<b>14 W</b>	<b>WM</b>	<b>29</b>	<b>NW NW</b>	<b>5.90</b>
27 S	14 W	WM	29	SW NW	18.90
27 S	14 W	WM	29	NE SW	20.50
27 S	14 W	WM	29	NW SW	33.40
27 S	14 W	WM	29	SW SW	40.00
27 S	14 W	WM	29	SE SW	31.30
27 S	14 W	WM	29	NW SE	40.00
27 S	14 W	WM	29	SW SE	41.00
27 S	14 W	WM	30	NE NE	2.50
27 S	14 W	WM	30	SE NE	8.35
27 S	14 W	WM	30	NE SE	13.10
27 S	14 W	WM	30	SE SE	18.00
27 S	14 W	WM	31	NE NE	27.10
27 S	14 W	WM	31	SE NE	34.10
27 S	14 W	WM	31	NE SE	49.20
27 S	14 W	WM	31	NW SE	0.40
27 S	14 W	WM	31	SW SE	0.40
<b>27 S</b>	<b>14 W</b>	<b>WM</b>	<b>31</b>	<b>SE SE</b>	<b>33.70</b>
27 S	14 W	WM	32	NW NE	40.00
27 S	14 W	WM	32	NE NW	34.80
27 S	14 W	WM	32	NW NW	40.00
27 S	14 W	WM	32	SW NW	40.00
27 S	14 W	WM	32	SE NW	21.50
<b>27 S</b>	<b>14 W</b>	<b>WM</b>	<b>32</b>	<b>NE SW</b>	<b>22.90</b>
<b>27 S</b>	<b>14 W</b>	<b>WM</b>	<b>32</b>	<b>NW SW</b>	<b>41.90</b>
<b>27 S</b>	<b>14 W</b>	<b>WM</b>	<b>32</b>	<b>SW SW</b>	<b>36.10</b>
<b>27 S</b>	<b>14 W</b>	<b>WM</b>	<b>32</b>	<b>SE SW</b>	<b>30.15</b>
27 S	14 W	WM	32	NW SE	0.50
27 S	14 W	WM	32	SW SE	32.67
27 S	14 W	WM	32	SE SE	5.20
28 S	14 W	WM	5	NE NE	40.00
28 S	14 W	WM	5	NW NE	40.00
28 S	14 W	WM	5	SW NE	37.50
28 S	14 W	WM	5	NE NW	30.00

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
<b>28 S</b>	<b>14 W</b>	<b>WM</b>	<b>5</b>	<b>NW NW</b>	<b>36.20</b>
28 S	14 W	WM	5	SW NW	10.75
28 S	14 W	WM	5	SE NW	33.10
28 S	14 W	WM	5	NE SW	17.56
28 S	14 W	WM	5	NW SW	9.60
28 S	14 W	WM	5	SW SW	2.00
28 S	14 W	WM	5	SE SW	3.40

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	14 W	WM	5	NW NE	0.29
28 S	14 W	WM	5	SW NE	0.15
28 S	14 W	WM	5	SE NE	0.38

**The changed place of use is in bold type.**

5. Use of water for irrigation under this permit is limited to a development of a maximum of 500.00 acres of the potential 1024.5 acres identified in the description of the place of use above.
6. Notice of the application for the permit amendment was published in the Department's weekly notice on June 15, 2010 pursuant to ORS 540.520(5). No comments were filed in response to the notice.

***Permit Amendment Review Criteria***

7. The change 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 change does not enlarge the permit.
10. The change does 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-11087 is consistent with the requirements of ORS 537.211.

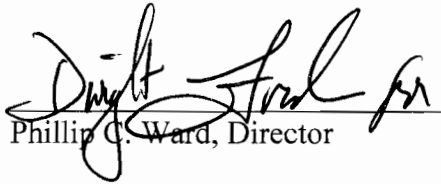
**Now, therefore, it is ORDERED:**

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. All other terms and conditions of Permit G-13498 remain the same.
3. Permit G-13498, in the name of Bandon Dunes Limited Partnership, is amended as described herein.

Dated at Salem, Oregon this 11 day of August, 2010.

  
Phillip C. Ward, Director

Mailing Date: AUG 13 2010