



**Oregon**  
Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
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October 2, 2017

COQUILLE INDIAN TRIBE  
ATTN: BRENDA MEADE  
3050 TREMONT STREET  
NORTH BEND, OR 97459

SUBJECT: Water Right Transfer Application T-12581

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12581. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the Department's notice.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at [arla.1.heard@oregon.gov](mailto:arla.1.heard@oregon.gov) or by phone at 503-986-0806, if I may be of assistance.

Sincerely,

Arla Heard  
Transfer Specialist  
Transfer and Conservation Section

cc: T-12581  
Gregory J. Wacker, District #19 Watermaster (via e-mail)  
GSI Water Solutions, Agent for the applicant (via e-mail)

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-12581, Coos County	)	PROPOSING APPROVAL OF A
	)	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  
3050 TREMONT STREET  
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.
6. On August 8, 2017, the agent for the applicant responded by email and accepted the revised draft Preliminary Determination.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

7. 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	31
25 S	14 W	WM	36

8. Certificate 11180 contains a scrivener's error in its description for the authorized place of use. The certificate incorrectly identifies the Section location as Section 30. Based on information provided by the applicant the correct Section description is Section 31.

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.

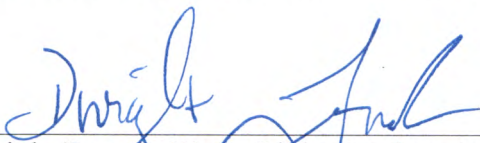
## Determination and Proposed Action

The change in character of use proposed in Transfer Application T-12581 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-12581 is approved, the final order will include the following:*

- 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 2 day of October 2017.



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

This Preliminary Determination was prepared by Arla Heard. If you have questions about the information in this document, you may reach me at 503-986-0860 or [Arla.L.Heard@oregon.gov](mailto:Arla.L.Heard@oregon.gov)

*Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.*

**Notice Regarding Service Members:** Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>