

T-13536

Regular

T-13536

Name ODAW
Attn Perry Baker
 Address 4034 Fairview Industrial drive
Salem Oregon 97302

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Ferry CreekTrib. of Coquille riverUse Fish CultureCounty Coos

Quantity of water (CFS)

No. of Acres

Name of ditch

App# S-125710Per # S-8928Cert # 82105PR Date 2/23/2021

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

Change in POD POD
 Date Filed 10/1/2020
 Initial notice date 10/20/2020
 DPD issued date
 PD issued date 3/17/2021
 PD notice date 3/23/2021
 Date of FO 4/1/2021 Vol 120 Page 741-745

C-Date 10/01/2022
 COBU due date 10/01/2023
 COBU Received date
 Certificate issued

FEES PAID		
Date	Amount	Receipt #
10-7-2020	\$1,395.00	133630

FEES REFUNDED		
Date	Amount	Receipt #

Assignments:

Irrigation District

Agent Perry Baker

CWRE

CC's list City of Bandon
Coos County☐ - Oversized map - Location



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

June 1, 2021

PERRY A. BAKER
4034 FAIRVIEW INDUSTRIAL DR SE
SALEM, OR 97302

REFERENCE: Transfer Application T-13536

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Kelly Starnes, by telephone at (503) 986-0886 or by e-mail at Patrick.K.Starnes@oregon.gov.

Sincerely,

Julie C. Baustian
Water Right Services Support
Transfers and Conservation Section

cc: Susan M. Douthit, Watermaster Dist. #15 (via email)
City of Bandon
Coos County
Perry A. Baker, Agent
Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A CHANGE IN
T-13536, Coos County	)	POINT OF DIVERSION AND A CHANGE IN
	)	PLACE 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

OREGON DEPT. OF FISH & WILDLIFE
Attn: PERRY A. BAKER
4034 FAIRVIEW INDUSTRIAL DR SE
SALEM, OR 97302

Findings of Fact

1. On October 7, 2020, the OREGON DEPT. OF FISH AND WILDLIFE (ODFW) filed an application to change the point of diversion and place of use under Certificate 8265. The Department assigned the application number T-13536.
2. Notice of the application for transfer was published on October 20, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 12, 2018, the Applicant submitted Instream Transfer Application T-12866 involving Certificate 8265. T-12866 proposes to transfer instream 1.0 cfs. The remaining portion of Certificate 8265 not affected by Transfer Application T-12866 (2.5 cfs) is the subject of this transfer, T-13536.
4. On November 30, 2020, the Applicant submitted an amended map to better depict the existing and proposed points of diversion and places of use.

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.

5. On January 15, 2021, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13536 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 29, 2021, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination. The applicant The Applicant has provided all the necessary information to confirm it is authorized to pursue the transfer.
6. On March 17, 2021, the Department issued a Preliminary Determination proposing to approve Transfer T-13536 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer was published on the Departments weekly notice on March 23, 2021, and in The World newspaper on March 26 and April 2, 2021, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

7. The portion of the right to be transferred is as follows:

Certificate: 8265 in the name of BANDON TROUT FARM INC. (perfected under Permit S-8928), as modified by T-12866
Use: FISH POND FOR RAISING TROUT
Priority Date: FEBRUARY 23, 1929
Rate: 2.5 CUBIC FEET PER SECOND
Source: FAIREY CREEK, a tributary of the COQUILLE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	14 W	WM	30	NE SW	NONE LISTED

Authorized Place of Use:

FISH POND FOR RAISING TROUT				
Twp	Rng	Mer	Sec	Q-Q
28 S	14 W	WM	30	NE SW

8. Certificate 8265 does not describe the specific location of the point of diversion, however, information is available from the Certified Water Right Examiner and Department records indicating the point of diversion is located as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
28 S	14 W	WM	30	NE SW	(POD 1): NORTH 51 DEGREES 30 MINUTES 3373.0 FEET EAST FROM THE SW CORNER OF SECTION 30

9. Certificate 8265 does not list the season of use. The season of use for fish culture is January 1 through December 31.
10. Transfer Application T-13536 proposes to move the authorized point of diversion approximately 1.5 miles upstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
28 S	14 W	WM	29	SW SE	(POD 2): SOUTH 40 DEGREES 02 MINUTES 24.32 SECONDS EAST 1962.472 FEET FROM THE CENTER OF SECTION 29

11. Transfer Application T-13536 also proposes to change the place of use of the right to:

FISH POND FOR RAISING TROUT (FISH HATCHERY)				
Twp	Rng	Mer	Sec	Q-Q
28 S	14 W	WM	29	NE SE

12. The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

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

13. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
14. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13536.
15. The proposed changes would not result in enlargement of the right.
16. The proposed changes would not result in injury to other water rights. An instream water right exists for the reach of the river in which the authorized point of diversion is proposed to move upstream. However, Certificate 8265 is senior in priority date to any other rights existing on the stream between the authorized and proposed points of diversion. Moving the point of diversion upstream will not harm the instream right, as currently the stream flow must be available for Certificate 8265, the senior right and most downstream right. Because the purpose of use is non-consumptive, no injury will result by moving the point of diversion.
17. All other application requirements are met.

Conclusions of Law

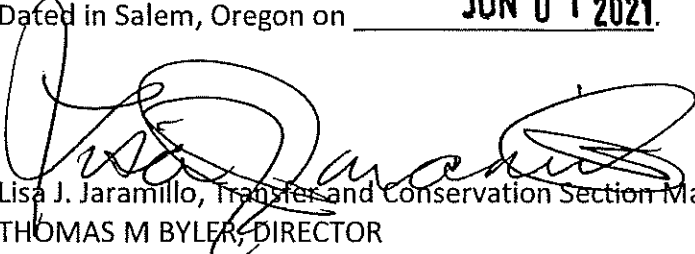
The change in point of diversion and change in place of use proposed in Transfer Application T-13536 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of diversion and change in place of use proposed in Transfer Application T-13536 are 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 Certificate 8265 and any related decree.
3. Water right Certificate 8265 is cancelled.
4. The quantity of water diverted at the new point of diversion (POD 2) shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).
5. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of diversion.
 - b. The water user shall maintain the meter or measuring device in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring device(s), provided however, where the meter(s) or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.
6. The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.
7. The former place of use of the transferred right shall no longer receive water under the right.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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 change and full beneficial use of the water.

9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on JUN 0 1 2021.

A handwritten signature in black ink, appearing to read 'Lisa J. Jaramillo', is written over the typed name and title.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: JUN 0 2 2021

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13536

Transfer Specialist: *Tero*

Transfer Type: Regular

Applicant: ODFW PERRY A. BAKER 4034 FAIRVIEW INDUSTRIAL DR SE SALEM, OR 97302 Email: _____ Phone: _____		Agent: ☐ N/A PERRY A. BAKER 4034 FAIRVIEW INDUSTRIAL DR SE SALEM, OR 97302 Email: _____ Phone: _____	
Irrigation District: ☐ N/A Email: _____		CWRE: ☐ N/A Email: _____	
Affected Local Gov'ts: ☐ N/A Coos County Planning Department Email: _____		Affected Tribal Gov't: ☐ N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: ☐ N/A Email: _____		Receiving Landowner: ☐ N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐			<i>8265</i>	☐ Yes ☒ No	
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: October 7, 2020	Proposed Action(s): POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 1395.00	WM District: 15	ODFW District:
Initial Public Notice: October 20, 2020	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent ☐		GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☐	BOR notified (date): ☐ N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>12/9/20</i> Initials: <i>YH</i>	Date: <i>12/30/20</i> Initials: <i>CC</i>	Date: _____ Initials: _____	Date: <i>1/12/21</i> Initials: <i>PKS</i>	Date: <i>1/15/21</i> Initials: <i>YH</i>	CW Sent: <i>1/15/21</i>	N/A
PD	Date: _____ Initials: _____	Date: <i>2-2-21</i> Initials: <i>Samh</i>	Date: _____ Initials: _____	Date: <i>2/9/21</i> Initials: <i>PKS</i>	Date: <i>2/11/21</i> Initials: <i>YH</i>	Date: <i>3/9/21</i>	Date: <i>3/17/2021</i>
FO	Date: _____ Initials: _____	Date: <i>5/14/21</i> Initials: <i>Jon</i>	Date: _____ Initials: _____	Date: <i>5/20/21</i> Initials: <i>PKS</i>	Date: _____ Initials: _____	Date: <i>5/26/21</i>	Date: <i>6/1/2021</i>

Special Issues: _____

Special Order Volume: Vol. *100* Pages _____

Regular Transfer Review Checklist

T- 13536

Caseworker: Teri

TYPE OF TRANSFER	
☒	POD, APOD or POA, APOA and/or Place of Use (690-380-2110 and 690-380-2200)
Transfers Requiring Supplemental Review Criteria	
☐	Character of Use (690-380-2300)
☐	Instream, ORS 537.348, (690-380-2200, 690-380-2300 and 690-077-065 thru 075)
☐	Consent to Injury of Instream (CTI) ORS 540.530, (690-380-5050)
☐	Surface Water to Ground Water (SW to GW), ORS 540.531, (690-380-2130)
☐	Supplemental Use to Primary Use (S to P), ORS 540.524, (690-380-2320)
If transfer type not listed above, see separate checklists	

FILE PREPARATION	
CW	
☒	File Assigned (Computer Entry)
☒	Is transfer within a district boundary? ☐ Yes ☒ No <i>If yes, attach "Supplemental Processing Checklist for Transfers with a District" for additional required information.</i>
☒	Make Copies and Place in Working File: ☒ Application ☒ Map
☒	Verify all Certificates/Permits are shown in WRIS to be non-cancelled ☒ Print Certificates and Place in Working File
☒	Add Working file to T-file
☐	Check Public Comments https://apps.wrd.state.or.us/apps/wr/wr_public_comment_mgmt/default.aspx
CW	
☒	All Stakeholders accurately listed in WRIS with email addresses if available ☐ Irrigation District ☐ BOR ☐ Tribes Is this a Living Certificate? ☐ Yes ☒ No
☒	Double check all water rights/permits are included in WRIS under Transfer #
☒	Copy and Place in Working File: ☒ Watermaster Review ☐ Groundwater Review ☒ ODFW Review
☒	Public Comments Received? ☐ Yes ☒ No If yes, print comments and place in file ☐ Timely ☐ Untimely Notes:

PR Initials

CR

BASIC APPLICATION REVIEW and NOTICE (OAR 680-380-3000 and -4000)			
CW	N/A		
☒		Appropriately signed	☒
☒		All required Attachments Received	☒
☒		Appropriate Fees Paid	☐
☒	☐	Local Government [County] noticed Copy of Acknowledgment Letter	☒
☒		Check Area of Interest – Print if needed, include in WRIS stakeholder as interested party	☐
☒		Ditch Co., Irr. Dist and/or BOR sent copies	☒
☒		Overpayment of Fees, Refund Request w/FO	☐
☒		OWRD Land Use Form matches Tax Lots, is signed by proper official and is APPROVED N/A = Must meet all 4 criteria for exemption (OAR 690-380-3000(19))	☐

BASIC APPLICATION REVIEW and NOTICE (OAR 680-380-3000 and -4000) Cont'd

CW	N/A		CW	N/A	
☒	☒	Supp. Form D or Letter of approval from Irrigation or Water Control District	☒	☐	Evidence of Use is submitted with supporting documentation
☒	☒	Are the supplemental water rights included in the Transfer ☐ Yes ☐ No If no, are they cancelling? ☐ Yes ☐ No	☒		Map meets criteria of OAR 690-380-3100
☒		Water Use Subject to Transfer (OAR 690-380-0100(14)) Is the water right(s) proposed for transfer a water use(s) subject to transfer? ☐ Adjudicated or decreed ☒ Certificated ☐ Water use permit with CBU and proof to satisfaction issued ☐ Transfer app for which an order approving change has been issued and proper proof of the completion of the change has been filed	☒		Any application deficiencies that need to be addressed? ☐ Yes ☒ No Notes: amended map submitted 11/30

PR Initials

Reviewing The "From" and "To" Lands

(Use working copy of application and certificates to mark on)

CW		CW	
☒	<u>From:</u> Only the authorized POD's/POA's and POUs involved are listed.	☒	<u>From:</u> Application & certificate tabulations match. (Mark on appl. and cert. copies and note corrections needed)
☒	<u>From:</u> Marked on certificate the acreage being affected and remaining by ¼ ¼.	☒	<u>From:</u> Marked on certificate the quantity of water being transferred, cancelled, and remaining
☐	<u>From and To:</u> Print Plat Card(s), check and note conflicts (change in pou and use only)	☒	<u>From and To:</u> Compare water right map to Application tabulation (Table 2) to Application map for accuracy

PR Initials

Amended Application Pages And Maps

CW	N/A		CW	N/A	Notes
☒	☐	Amended Application Pages Rec'd _____ Amended Application Map Rec'd _11/30/2020	☒	☐	☒ Scan new pages ☒ Update WRIS with new pages ☐ Mark replaced pages in red with 'SUPERSEDED' and place in back of file
☒	☒	Did the amendment change the location of the proposed POD or POA? ☐ Yes ☐ No	☒	☒	☐ For POD changes, re-review from Watermaster or other documentation ☐ For POA changes, re-review from GW section

Layered and Supplemental Water Rights (OAR 690-380-2240)

CW	N/A		CW	N/A	NOTES
☒	☒	OAR 690-380-2240(2) and (3) Transfer of Layered Water Rights and Certificates of Registration (change in use or pou) <i>See definition of layered in OAR 690-380-0100(4)</i>	☒	☒	Are there other layered water uses subject transfer, permits or certificates of registration which were not included in the application? ☐ Yes ☒ No If yes, provide applicant 30days to: ☐ Submit application for concurrent changes ☐ Submit affidavits for voluntary cancellations ☐ Withdraw the application
☒	☒	OAR 690-380-2240(5) Transfer of Supplemental Irrigation water right separately from associated primary water right. Transfer of supplemental irrigation right may be moved separately from associated primary irrigation right if another primary irrigation right with similar reliability is appurtenant to the lands to which the supplemental right is to be moved.	☒	☒	Does the new primary irrigation water right have similar reliability as the associated primary irrigation water right? ☐ Yes ☐ No Will the supplemental water right be used more than it was when associated with previous primary right? New primary right priority date: Prior primary right priority date: History of regulation? ☐ Yes ☐ No Watermaster Review

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TRANSFER REVIEW Criteria (OAR 690-380-4010)

CW		CW	DOCUMENTATION
☒	Validity of the Right; Not Forfeited OAR 690-380-4010(2)(a) The right(s) has been used over the past five years according to the terms and conditions of the right and the right is not subject to forfeiture under ORS 540.610.	☒	☒ Evidence of Use & supporting documentation ☐ Confirming Cert issued within last 5 years ☐ Rebuttal to forfeiture (ORS 540.610(2))
☒	Ready, Willing, and Able OAR 690-380-4010(2)(b) The water user is ready, willing and able to use the full amount of water allowed under the right.	☒	☒ Current delivery system description in Part 5 of Application Notes: _____ Delivery system has the capacity to fully divert and use the rate/duty of the right
☒	Enlargement OAR 690-380-4010(2)(c) The proposed transfer would result in enlargement ☐ Yes ☒ No Notes: (Must make a positive finding of "No enlargement").	☒	No expansion of the right: ☒ No greater rate or duty per acre than currently allowed ☒ Cannot increase acreage under the right ☒ Must prevent the original place of use from receiving water from the same source ☒ Cannot divert more water at the new POD or POA than is legally available to that right at the original point of diversion/appropriation See deficient rate right guidance See micro irrigation guidance

TRANSFER REVIEW Criteria Cont'd (OAR 690-380-4010)

☒	Injury OAR 690-380-4010(2)(d) The proposed transfer would result in injury ☐ Yes ☒ No Notes: 2.5 cfs remaining after T-12866, moving upstream -- Cert 8265 is senior right and was most downstream right -- no injury to instream right (Must make a positive finding of "No injury").	☐	The proposed transfer would result in another, existing water right not receiving previously available water to which it is legally entitled ☒ Watermaster Review. ☐ Yes ☒ No ☐ Groundwater Review. ☐ Yes ☐ No ☒ N/A ☒ ODFW Review. ☒ Yes ☐ No ☐ N/A If yes, can the injury be mitigated? ☐ Yes ☐ No Conditions: No injury Also See Injurious Transfers (690-380-5030 to 5050)
☒	Other requirements OAR 690-380-4010(2)(e) Any other requirements for water right transfers are met.	☐	Attach supplemental criteria checklist for transfer type marked on page 1 ☐ Character of Use ☐ SW to GW ☐ Instream ☐ Supplemental to Primary ☐ Consent to Injury of Instream Water Right

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Additional Findings of Fact

CW	N/A		CW	N/A	SAMPLE FINDING
☒	☐	Add Finding for submission of amended application pages or amended map	☒	☐	On ___, the applicant submitted an amended application page/map clarifying . . .
☒	☒	Add Finding for timely comments received	☐	☒	On (date), timely comments were received from (name), asserting (issues). The Department has considered the comments and finds: . . . (do they assert injury/enlargement or forfeiture?)
☒	☒	Add Watermaster Review	☒	☐	The District ___ Watermaster reviewed the proposed transfer application and concluded the proposed transfer would not result in enlargement of the right or injury to existing water rights. OR would result in injury or enlargement of the right unless it was conditioned . . .

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Additional Conditions and Provisions under Review Criteria

CW	N/A		CW	N/A	SAMPLE FINDING
☒	☐	Add Watermaster conditions	☒	☐	See Supplemental Language (Measurement devices) or requirements to prevent injury or enlargement
☒	☐	Add ODFW fish screen requirements	☒	☐	See Supplemental Language Fish Screen Requirements
☒	☒	Add ground water conditions	☒	☒	See Groundwater Review / Supplemental Language

Additional Conditions and Provisions under Review Criteria (Cont'd)					
CW	N/A		CW	N/A	SAMPLE FINDING
☒	☒	Additional finding for evaluation of comments received and any actions or conditions to address comments	☒	☒	
☒	☐	Add any other special provisions	☒	☒	Additional findings to support determination of additional review criteria listed
☒	☒	Any cancellation/diminishment submitted? ☐ Yes ☒ No	☒	☒	If yes: (See Supplemental Language Document) ☐ Add Authority after 1 st paragraph ☐ Add finding(s) to document cancellation/diminishment
☒	☒	Are the existing water rights issued in the name of a District or Bureau of Reclamation? ☐ Yes ☒ No	☒	☒	If yes, a Finding of Fact and an Order item identifying the name in which the confirming certificate will be issued and who is responsible for COBU. Notes: <i>See Supplemental Language Document for Living Certificates</i>

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Determination and Conclusions of Law	
FINDINGS	DETERMINATION AND PROPOSED ACTION / CONCLUSIONS OF LAW
Based on review of the evidence submitted, the Department finds the water right(s) has/have been used [within the last five years] OR [within the five-year period prior to submittal of the transfer application] according to the terms and conditions of the right(s) and the right(s) is/are not subject to forfeiture.	The right(s) has/have been used [within the past five years] OR [within the five-year period prior to submittal of the transfer application] according to the terms and conditions of the right(s). OR Confirming water right Certificate XXXXX was issued within the last five years prior to submission of Transfer Application T-XXXXX.
Based on the information submitted [and Department records], a diversion structure and ditch sufficient to use the full amount of water allowed under the existing right(s) were present within the five-year period prior to submittal of the transfer application. OR Based on the information submitted [and Department records], a pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right(s) were present within the five-year period prior to submittal of the transfer application.	The Applicant is ready, willing, and able to use the full quantity of water under the right. There is no evidence in the record to suggest the right is subject to forfeiture.
[As conditioned,] the proposed change(s) would not result in enlargement of the right. OR, if denial The lands currently irrigated under the right would continue to receive water from the same source resulting in enlargement of the right(s).	The proposed change(s) will not enlarge the right. OR The proposed change(s) would result in enlargement of the right.

Determination and Conclusions of Law (Cont'd)

Based on review of the record, the proposed change(s) would not result in injury to other water rights. OR, if denial The proposed change(s) would result in the routing of return flows around at least one diversion of other existing water rights, resulting in injury to those rights. OR An instream water right, Certificate XXXXX, exists for the reach of the river in which the authorized point of diversion would be moved upstream, and streamflows within the reach are frequently below the levels allocated under the instream water right. Thus, the instream water right would be injured as a result of the proposed change in point of diversion.	The proposed change(s) would not result in injury to other water rights. OR The proposed change would result in injury to other water rights. OR The proposed change would result in injury to the instream water right. [See consent to injury]
☐ The application is complete. OR ☐ The application is incomplete	☐ All other application requirements are met. OR ☐ The application is incomplete because . . .

Ensure all conditions are carried forward in Order section.

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☐ N/A Denial of Transfer (OAR 690-380-4010(3))		
OAR 690-380-4010(3)(a) Describe the basis for the denial	☐	☐ Injury ☐ Enlargement ☐ Deficiencies not rectified
OAR 690-380-4010(3)(b) Identify conditions or restrictions that, if included in the transfer, would allow approval of the transfer	☐	Examples: consent to injury; amend application to remove well ☐ Yes Approve with conditions ☐ No Must be denied

**DRAFT PRELIMINARY DETERMINATION****Document Preparation**

☒	☒ N/A	Additional Supplemental Review Criteria Checklist attached	
CW		CW	
☒	Check tenses (Find and Replace (s), is/are, was/were	☐	Add agent, receiving landowner, if applicable, etc.
☒	Compare authorized PODs/POAs with marked up Certificate	☒	Compare "from" lands with marked up Table 2 of Application and Certificate
☒	Compare Proposed PODs/POAs with Table 1 of Application and Map	☒	Compare Proposed Place of Use with Table 2 of Application and Map

Remaining Right Certificate(s)

☐	Check tenses (Find and Replace (s), is/are, was/were	☐	Table format matches current template
☐	Content format matches original certificate (e.g., rate/duty limitation)	☐	Name and address matches originating certificate Note: Remaining rights can only be issued in the name of the current landowner(s) of the remaining rights IF 1) the Report of Ownership information supplied for the transfer covers all of the remaining right lands (as well as the right being transferred) and 2) the applicant asks for the remaining right to be issued in its name. Otherwise, the name(s) on the remaining right will be the same as the original water right involved in the transfer.
☐	Determination and remaining acres combined match acres under originating certificate?	☐	All water accounted for
☐	Draft all remaining right certificates	☒	Document is "Spell checked"

Cover Letter

CW	N/A		CW	N/A	
☒	☐	Correct Name and Address including email address	☒	☐	Attach supporting documents to cover letter ☒ Completed Watermaster Contact Sheet ☐ ODFW Contact sheet
☒	☐	Include email addresses for agent and other interested parties (in cc section) of letter	☒	☐	Any special conditions explained
			☒		Document is "Spell checked"

COMMENTS

--

COORD INITIALS

PR Initials

PRELIMINARY DETERMINATION**Public/Newspaper Notice**

CW	N/A		CW	N/A	
☐	☐	Prepare public/newspaper notice using template	☐	☐	Send letter to Applicant/Agent regarding newspaper notice cost
☐		Notice and Letter are "Spell checked"	☐	☐	Funds received from Applicant/Agent for newspaper notice
☐	☐	Forward Draft Newspaper Notice to Coordinator	☐	☐	Affidavit of Publication Received

Ownership Verification

CW		CW	
☐	The Deed/ROI matches the "from" lands	☐	Compare with current tax lot map
☐	All owners on the Deed/ROI have signed the application	☐	☐ N/A Notarized, signed statement of consent

Document Preparation

CW		CW	
☐	Save DPD document as a new document XXXXX-pd.doc	☐	Hidden Findings unveiled (control "a", select Font, unmark hidden box)
☐	Any substantive changes/amendments as result of DPD ☐ Yes ☐ No If yes, issue revised DPD	☐	Remove "DRAFT" from document title and any extra "carriage" returns
☐	Update the hidden paragraph following the received notice and amendments findings (regarding is authorized to pursue transfer, etc.)	☐	Select the appeals language in the first page footer for the preliminary determination
☐	Protest language is listed following document preparation box	☐	Notice Regarding Service Members is showing
		☐	Document is "Spell checked"

Cover Letter

☐	Cover letter prepared	☐	Email addresses checked for accuracy
		☐	Document is "Spell checked"

Remaining Right Certificate(s)

Assign certificate #s to all Remaining Right Certificates	☐	Document is "Spell checked"
Remaining right Certificate numbers Orig. Cert. # _____ RR Cert. # _____ Orig. Cert. # _____ RR Cert. # _____ Orig. Cert. # _____ RR Cert. # _____ Orig. Cert. # _____ RR Cert. # _____ Orig. Cert. # _____ RR Cert. # _____ Orig. Cert. # _____ RR Cert. # _____	☐	Update Certificates with new Certificate numbers and print

Data Center Review

CW		CW	
☐	Prepare Route Slip	☐	☐ Prepare Revised DPD if <i>substantive changes</i> OR ☐ Issue Preliminary Determination
☐	File Returned		

COMMENTS

--

Document Preparation

CW		CW	
☐	Save PD document as new document XXXXX-ord-approve.doc	☐	Hidden Findings unveiled (control "a", select Font, unmark hidden box)
☐	Update the hidden paragraph following the received notice and amendments findings (regarding issuance of PD)	☐	Remove "PRELIMINARY DETERMINATION" from document title and replace with "FINAL ORDER", Replace "PROPOSING APPROVAL/DENIAL OF" with APPROVING/DENYING"
☐	Unhide and Select the appeals language in the first page footer for the "Final Order" language; unhide Special Order Volume and page	☐	Change "Determination and Proposed Action" to "Conclusions of Law" and update paragraph
☐	Replace "If application T-XXXXX is approved . . ." with Now, therefore, it is ORDERED:	☐	Select text below "It is ORDERED" section and turn off Italics. Restart numbering at "1".
☐	Delete Protest language, Document preparation box, and Notice Regarding Servicemembers; Insert "Mailing Date: _____"	☐	Final Check: All Conclusions of Law have Findings to support them
		☐	Document is "Spell checked"
Remaining Right Certificate			
CW		CW	
☐	Assign Certificate Number from Spreadsheet	☐	Update footer to read: T-XXXXX.rr.YYYYY.ini, where YYYYY is original certificate number, and ini stands for your initials
☐	Input new certificate number on right side of footer	☐	Print on Certificate paper
		☐	Document is "Spell checked"

COMMENTS	

RECEIVED

APR 08 2021

OWRD

AFFIDAVIT OF PUBLICATION

The World

Country Media Inc - Coos County
350 Commercial Ave. Coos Bay, OR 97420
P.O. Box 1840, Coos Bay, OR 97420

STATE OF OREGON - COUNTY OF COOS

Oregon Water Resources Dept
725 Summer St. N.E. Suite A
Salem, OR 97301

REFERENCE: 41669/ 311975

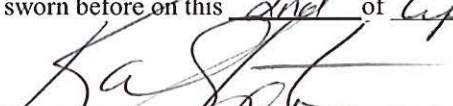
I, Dawn Smith, first duly sworn,
deposed and say that I am the Legal
Advertising Clerk for THE WORLD, a
newspaper of general circulation
published at Coos Bay, Oregon, in the
aforesaid county and state; that I know
from my personal knowledge that the
Notice of Preliminary Determination
copy was published in the entire issue of
said newspaper two time(s) in the
following issue(s):

PUBLISHED: March 26, and April 2, 2021

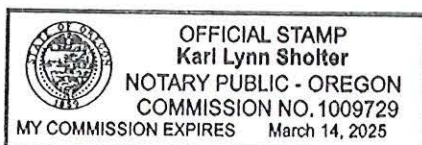
TOTAL COST: \$284.38



Legal Clerk, Dawn Smith, Subscribed and
sworn before on this 2nd of April 2021


Notary Public of Oregon-My Commission

expires March 14 2025



**Notice of Preliminary
Determination for
Water Right Transfers T-12866
and T-13536**

T-12866 and T-13536 filed
by Oregon Dept. of Fish and
Wildlife (ODFW), 4034 Fairview
Industrial Dr. SE, Salem, OR
97302, proposes changes under
Certificate 8265. Cert. 8265
allows the use 0.35 cfs from
Failey (Ferry) Creek, tributary to
the Coquille River in Section 30,
T 28 S, R 14 W, WM, for raising
trout in a fish pond within Sec. 30.
Under T-12866 ODFW proposes
to change the place of use and
character of use of 1.0 cfs to
create an instream use in Ferry
Creek from the point of diversion
in Sec. 30 to the mouth.

Under T-13536 ODFW proposes
to change the place of use and
move the point of diversion
approx. 1.5 miles upstream
on Ferry Creek to the Bandon
Fish Hatchery for the remaining
portion (2.5 cfs) of Certificate
8265. The Bandon Fish Hatchery
is located in Sec. 29, T 28 S, R
14 W, WM.

The Water Resources
Department proposes to approve
the transfers based on the
requirements of ORS Chapter
540, OAR 690-380-5000, and
OAR 690-077-0075.

Any person may file, jointly
or severally, a protest or
standing statement within
30 days after the last date of
newspaper publication of this
notice, 04/02/2021. Call (503)
986- 0815 to obtain additional
information. If no protests are
filed, the Department will issue
a final order consistent with the
preliminary determination.

IMPORTANT: Due to COVID-19,
the Department's office is
closed to walk-in services. The
Department encourages the
submission of protests by U.S.
Mail. Please consider mailing
early to ensure the Department
receives the protest by the
deadline specified above.

Published:
March 26 and April 2, 2021
The World & ONPA (ID 311975)



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

March 17, 2021

VIA E-MAIL

Applicant

OREGON DEPT. OF FISH & WILDLIFE

ATTN: DANETTE FAUCERA

4034 FAIRVIEW INDUSTRIAL DR SE

SALEM, OR 97302

SUBJECT: Water Right Transfer Application T-13536

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13536. 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 and in *The World* newspaper, 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 last date of newspaper publication.

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.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. Mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Please do not hesitate to contact me at teri.k.hranac@oregon.gov or 503-986-0881, 503-986-0886 or Patrick.K.Starnes@wrdd.state.or.us if I may be of assistance.

Sincerely,

Transfer and Conservation Section

Enclosure

cc: Transfer Application file T-
Susan Douthit, District #15 Watermaster (via e-mail)

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13536, Coos County	)	PROPOSING APPROVAL OF A CHANGE IN
	)	POINT OF DIVERSION AND A CHANGE IN
	)	PLACE 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

OREGON DEPT. OF FISH & WILDLIFE
Attn: PERRY A. BAKER
4034 FAIRVIEW INDUSTRIAL DR SE
SALEM, OR 97302

Findings of Fact

1. On October 7, 2020, the OREGON DEPT. OF FISH AND WILDLIFE (ODFW) filed an application to change the point of diversion and place of use under Certificate 8265. The Department assigned the application number T-13536.
2. Notice of the application for transfer was published on October 20, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 12, 2018, the Applicant submitted Instream Transfer Application T-12866 involving Certificate 8265. T-12866 proposes to transfer instream 1.0 cfs. The remaining portion of Certificate 8265 not affected by Transfer Application T-12866 (2.5 cfs) is the subject of this transfer, T-13536.
4. On November 30, 2020, the Applicant submitted an amended map to better depict the existing and proposed points of diversion and places of use.
5. On January 15, 2021, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13536 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 29, 2021, for the applicant to respond. The applicant requested that the Department proceed with

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.
--

issuance of a Preliminary Determination. The applicant The Applicant has provided all the necessary information to confirm it is authorized to pursue the transfer.

6. The portion of the right to be transferred is as follows:

Certificate: 8265 in the name of BANDON TROUT FARM INC. (perfected under Permit S-8928), as modified by T-12866
Use: FISH POND FOR RAISING TROUT
Priority Date: FEBRUARY 23, 1929
Rate: 2.5 CUBIC FEET PER SECOND
Source: FAIREY CREEK, a tributary of the COQUILLE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	14 W	WM	30	NE SW	NONE LISTED

Authorized Place of Use:

FISH POND FOR RAISING TROUT				
Twp	Rng	Mer	Sec	Q-Q
28 S	14 W	WM	30	NE SW

7. Certificate 8265 does not describe the specific location of the point of diversion, however, information is available from the Certified Water Right Examiner and Department records indicating the point of diversion is located as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
28 S	14 W	WM	30	NE SW	(POD 1): NORTH 51 DEGREES 30 MINUTES 3373.0 FEET EAST FROM THE SW CORNER OF SECTION 30

8. Certificate 8265 does not list the season of use. The season of use for fish culture is January 1 through December 31.
9. Transfer Application T-13536 proposes to move the authorized point of diversion approximately 1.5 miles upstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
28 S	14 W	WM	29	SW SE	(POD 2): SOUTH 40 DEGREES 02 MINUTES 24.32 SECONDS EAST 1962.472 FEET FROM THE CENTER OF SECTION 29

10. Transfer Application T-13536 also proposes to change the place of use of the right to:

FISH POND FOR RAISING TROUT (FISH HATCHERY)				
Twp	Rng	Mer	Sec	Q-Q
28 S	14 W	WM	29	NE SE

11. The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

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

12. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
13. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13536.
14. The proposed changes would not result in enlargement of the right.
15. The proposed changes would not result in injury to other water rights. An instream water right exists for the reach of the river in which the authorized point of diversion is proposed to move upstream. However, Certificate 8265 is senior in priority date to any other rights existing on the stream between the authorized and proposed points of diversion. Moving the point of diversion upstream will not harm the instream right, as currently the stream flow must be available for Certificate 8265, the senior right and most downstream right. Because the purpose of use is non-consumptive, no injury will result by moving the point of diversion.
16. All other application requirements are met.

Determination and Proposed Action

The change in point of diversion and change in place of use proposed in Transfer Application T-13536 appear 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-13536 is approved, the final order will include the following:

1. *The change in point of diversion and change in place of use proposed in Transfer Application T-13536 are 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 Certificate 8265 and any related decree.*
3. *Water right Certificate 8265 is cancelled.*

4. *The quantity of water diverted at the new point of diversion (POD 2) shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).*
5. *Water use measurement conditions:*
 - a. ***Before water use may begin** under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of diversion.*
 - b. *The water user shall maintain the meter or measuring device in good working order.*
 - c. *The water user shall allow the Watermaster access to the meter or measuring device(s), provided however, where the meter(s) or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.*
6. *The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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 change and full beneficial use of the water.*
9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on MAR 17 2021.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Teri Hranac. If you have questions about the information in this document, you may reach me at 503-986-0881 or Teri.K.Hranac@oregon.gov.

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

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. Mail. Please consider mailing early to ensure the Department receives the protest by the deadline.

Notice Regarding Service Members: Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 13536

- ☒ In order to avoid enlargement of the right or injury to other rights, a **totalizing** will be required to be installed prior to diversion of water, as a condition of this transfer:
- ☐ at each point of diversion/appropriation (new and existing) **OR**
- ☒ at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Susan Douthit

District: 15

Address: 1036 SE Douglas Ave.

City/State/Zip: Roseburg, OR 97470

Phone: 541-440-4255

Email: susan.m.douthit@oregon.gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device T-
(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

Watermaster signature

District

Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

**Notice of Preliminary Determination for
Water Right Transfers T-12866 and T-13536**

Superseded

T-12866 and T-13536 filed by Oregon Dept. of Fish and Wildlife (ODFW), 4034 Fairview Industrial Dr. SE, Salem, OR 97302, proposes changes under Certificate 8265. Cert. 8265 allows the use 0.35 cfs from Fairey (Ferry) Creek, tributary to the Coquille River in Section 30, T 28 S, R 14 W, WM, for raising trout in a fish pond within Sec. 30.

Under T-12866 ODFW proposes to change the place of use and character of use of 1.0 cfs to create an instream use in Ferry Creek from the point of diversion in Sec. 30 to the mouth.

Under T-13536 ODFW proposes to change the place of use and move the point of diversion approx. 1.5 miles upstream on Ferry Creek to the Bandon Fish Hatchery for the remaining portion (2.5 cfs) of Certificate 8265. The Bandon Fish Hatchery is located in Sec. 29, T 28 S, R 14 W, WM.

The Water Resources Department proposes to approve the transfers based on the requirements of ORS Chapter 540, OAR 690-380-5000, and OAR 690-077-0075.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, MM/DD/YEAR. Call (503) 986-0815 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. Mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

PRELIMINARY DETERMINATION**Public/Newspaper Notice**

CW	N/A		CW	N/A	
☒	☐	Prepare public/newspaper notice using template	☐	☐	Send letter to Applicant/Agent regarding newspaper notice cost
☒		Notice and Letter are "Spell checked"	☐	☐	Funds received from Applicant/Agent for newspaper notice
☐	☐	Forward Draft Newspaper Notice to Coordinator	☐	☐	Affidavit of Publication Received

Ownership Verification

CW		CW	
☒	The Deed/ROI matches the "from" lands	☒	Compare with current tax lot map
☐	All owners on the Deed/ROI have signed the application	☒	☐ N/A Notarized, signed statement of consent

Document Preparation

CW		CW	
☒	Save DPD document as a new document XXXXX-pd.doc	☒	Hidden Findings unveiled (control "a", select Font, unmark hidden box)
☒	Any substantive changes/amendments as result of DPD ☐ Yes ☒ No If yes, issue revised DPD	☒	Remove "DRAFT" from document title and any extra "carriage" returns
☒	Update the hidden paragraph following the received notice and amendments findings (regarding is authorized to pursue transfer, etc.)	☒	Select the appeals language in the first page footer for the preliminary determination
☒	Protest language is listed following document preparation box	☒	Notice Regarding Service Members is showing
		☒	Document is "Spell checked"

Cover Letter

☒	Cover letter prepared	☒	Email addresses checked for accuracy
		☒	Document is "Spell checked"

Remaining Right Certificate(s) N/A

Assign certificate #s to all Remaining Right Certificates	☐	Document is "Spell checked"
Remaining right Certificate numbers Orig. Cert. # _____ RR Cert. # _____ Orig. Cert. # _____ RR Cert. # _____ Orig. Cert. # _____ RR Cert. # _____ Orig. Cert. # _____ RR Cert. # _____ Orig. Cert. # _____ RR Cert. # _____ Orig. Cert. # _____ RR Cert. # _____	☐	Update Certificates with new Certificate numbers and print

Data Center Review N/A			
CW		CW	
☐	Prepare Route Slip	☐	☐ Prepare Revised DPD if <i>substantive changes</i> OR ☐ Issue Preliminary Determination
☐	File Returned		

COMMENTS
Cert 8265 is for 3.5 cfs. 1.0 cfs was transferred instream under T-12866; the remaining 2.5 cfs is being transferred upstream (pod and pou) to the Bandon Fish Hatchery.



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

February __, 2021

VIA E-MAIL

Applicant

OREGON DEPT. OF FISH & WILDLIFE

ATTN: DANETTE FAUCERA

4034 FAIRVIEW INDUSTRIAL DR SE

SALEM, OR 97302

Superseded
Print in color

SUBJECT: Water Right Transfer Application T-13536

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13536. 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 and in *The World* newspaper, 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 last date of newspaper publication.

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.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. Mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Please do not hesitate to contact me at 503-986-0886 or Patrick.K.Starnes@wrdd.state.or.us if I may be of assistance.

Sincerely,

Transfer and Conservation Section

Enclosure

cc: Transfer Application file T-13536
Susan Douthit, District #15 Watermaster (via e-mail)

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

In the Matter of Transfer Application)
T-13536, Coos County)
)
)

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A CHANGE IN
POINT OF DIVERSION AND A CHANGE IN
PLACE 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

OREGON DEPT. OF FISH & WILDLIFE
Attn: PERRY A. BAKER
4034 FAIRVIEW INDUSTRIAL DR SE
SALEM, OR 97302

Findings of Fact

1. On October 7, 2020, the OREGON DEPT. OF FISH AND WILDLIFE (ODFW) filed an application to change the point of diversion and place of use under Certificate 8265. The Department assigned the application number T-13536.
2. Notice of the application for transfer was published on October 20, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 12, 2018, the Applicant submitted Instream Transfer Application T-12866 involving Certificate 8265. T-12866 proposes to transfer instream 1.0 cfs. The remaining portion of Certificate 8265 not affected by Transfer Application T-12866 (2.5 cfs) is the subject of this transfer, T-13536.
4. On November 30, 2020, the Applicant submitted an amended map to better depict the existing and proposed points of diversion and places of use.
5. On January 15, 2021, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13536 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 29, 2021, for the applicant to respond. The applicant requested that the Department proceed with

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.

issuance of a Preliminary Determination. The applicant The Applicant has provided all the necessary information to confirm it is authorized to pursue the transfer.

6. 13536 The portion of the right to be transferred is as follows:

Certificate: 8265 in the name of BANDON TROUT FARM INC. (perfected under Permit S-8928), as modified by T-12866
Use: FISH POND FOR RAISING TROUT
Priority Date: FEBRUARY 23, 1929
Rate: 2.5 CUBIC FEET PER SECOND
Source: FAIREY CREEK, a tributary of the COQUILLE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	14 W	WM	30	NE SW	NONE LISTED

Authorized Place of Use:

FISH POND FOR RAISING TROUT				
Twp	Rng	Mer	Sec	Q-Q
28 S	14 W	WM	30	NE SW

8. Certificate 8265 does not describe the specific location of the point of diversion, however, information is available from the Certified Water Right Examiner and Department records indicating the point of diversion is located as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
28 S	14 W	WM	30	NE SW	(POD 1): NORTH 51 DEGREES 30 MINUTES 3373.0 FEET EAST FROM THE SW CORNER OF SECTION 30

9. Certificate 8265 does not list the season of use. The season of use for fish culture is January 1 through December 31.

10. Transfer Application T-13536 proposes to move the authorized point of diversion approximately 1.5 miles upstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
28 S	14 W	WM	29	SW SE	(POD 2): SOUTH 40 DEGREES 02 MINUTES 24.32 SECONDS EAST 1962.472 FEET FROM THE CENTER OF SECTION 29

11. Transfer Application T-13536 also proposes to change the place of use of the right to:

FISH POND FOR RAISING TROUT (FISH HATCHERY)				
Twp	Rng	Mer	Sec	Q-Q
28 S	14 W	WM	29	NE SE

12. The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

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

13. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
14. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13536.
15. The proposed changes would not result in enlargement of the right.
16. The proposed changes would not result in injury to other water rights. An instream water right exists for the reach of the river in which the authorized point of diversion is proposed to move upstream. However, Certificate 8265 is senior in priority date to any other rights existing on the stream between the authorized and proposed points of diversion. Moving the point of diversion upstream will not harm the instream right, as currently the stream flow must be available for Certificate 8265, the senior right and most downstream right. Because the purpose of use is non-consumptive, no injury will result by moving the point of diversion.
17. All other application requirements are met.

Determination and Proposed Action

The change in point of diversion and change in place of use proposed in Transfer Application T-13536 appear 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-13536 is approved, the final order will include the following:

1. *The change in point of diversion and change in place of use proposed in Transfer Application T-13536 are 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 Certificate 8265 and any related decree.*
3. *Water right Certificate 8265 is cancelled.*

4. *The quantity of water diverted at the new point of diversion (POD 2) shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).*
5. *Water use measurement conditions:*
 - a. ***Before water use may begin** under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of diversion.*
 - b. *The water user shall maintain the meter or measuring device in good working order.*
 - c. *The water user shall allow the Watermaster access to the meter or measuring device(s), provided however, where the meter(s) or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.*
6. *The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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 change and full beneficial use of the water.*
9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on _____.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Teri Hranac. If you have questions about the information in this document, you may reach me at 503-986-0881 or Teri.K.Hranac@oregon.gov.

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

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. Mail. Please consider mailing early to ensure the Department receives the protest by the deadline.

Notice Regarding Service Members: Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.

HRANAC Teri K * WRD

From: Danette Faucera <Danette.L.Faucera@state.or.us>
Sent: Thursday, January 14, 2021 12:56 PM
To: HRANAC Teri K * WRD; FAUCERA Danette L
Cc: BAKER Perry A
Subject: RE: T-13536 (ODFW Fish Hatchery)

Hi Teri,

Please proceed in updating page 9 of our application utilizing the information provided on the map identifying the location of the proposed POD as SOUTH 40 DEGREES 02 MINUTES 24.32 SECONDS EAST 1962.472 FEET from the Center of Section 29.

The local newspaper for both transfers is "The World" in Coos Bay (<https://theworldlink.com>).

Thank you and please let me know if there is anything else you need.

Danette

Danette Faucera
Water Policy Coordinator
Oregon Department of Fish and Wildlife
(503) 947-6092
4034 Fairview Industrial Drive SE
Salem, OR 97302

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

From: HRANAC Teri K * WRD <Teri.K.Hranac@oregon.gov>
Sent: Thursday, January 14, 2021 11:53 AM
To: FAUCERA Danette L <Danette.L.Faucera@state.or.us>
Cc: BAKER Perry A <Perry.A.Baker@state.or.us>
Subject: T-13536 (ODFW Fish Hatchery)

Hi, Danette:

I received the peer review back on your transfer application to the Bandon Fish Hatchery. One item noted was the proposed point of diversion location was not listed on page 9 of the application (POD 2); however, it was listed on the amended map as: SOUTH 40 DEGREES 02 MINUTES 24.32 SECONDS EAST 1962.472 FEET from the Center of Section 29.

Can you please send me an email requesting this information be updated on the application. I will handwrite the information in, and indicate (via email 1/14/21). Otherwise, the program advisor indicated the application would be deemed incomplete. I've attached a copy of the page that needs to be completed. Please send an email confirming this information and I will update the file accordingly.

Once I have that done, I can send out the dp. Typically, in the cover letter we give you 30 days to review and get us the information we need. We already have the Report of Ownership, so at this stage, all I will need is the name of the newspaper for publication (we also need it for T-12866). We will try to do a combined notice.

Our rules state that the Report of Ownership must be prepared by a Title Company within 3 months of the dpd (OAR 690-380-4010(6)(a)). For future transfers, it would be best to wait to obtain the Report of Ownership until the dpd is issued, instead of sending it with the application, just in case there is a delay in processing.

So what I need from you are:

1. Request to Amend the Application page, (listed as page 9 of 12);
2. The name of the newspaper you wish us to publish the notice for this and T-12866;
3. How long it will take for you to supply us with 1 and 2 above.

Thanks so much Danette. I'm glad to see these finally moving forward. Hope you are doing well.

Teri

[Teri Hranac](#)

Allocation of Conserved Water | Transfer and Conservation Section
725 Summer St NE Suite A | Salem OR 97301 | Phone 503-986-0881



[Integrity](#) | [Service](#) | [Technical Excellence](#) | [Teamwork](#) | [Forward-Looking](#)

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

Assessment and Taxation

Account Query

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[Help](#)
Coming Soon

Account #	██████████	Tax Status	ASSESSABLE
Map #	28S1430CA04900	Account Status	ACTIVE
Code - Tax #	65400-3198800	Subtype	NORMAL
Owner	DAVIS, GEORGE M. & KATHLEEN E.		
Agent			
Mailing Address	PO BOX 65 BANDON, OR 97411-0065		

[Reports](#)

[Summary Report](#)

[Ledger Report](#)

[Tax Summary Report](#)

[Images](#)

[Improvements](#)

Link	Site	Bldg #	Stat Class	Code Area	Year Built	Eff Year Built	Description	Livable Size
	10	1	138	65400	1966	1966	One story with attic-Class 3	2388

Good County Assessor 1/14/2021

THIS MAP IS NOT INTENDED
TO PROVIDE DIMENSIONS OR
LOCATIONS OF PROPERTY
OWNERSHIP LINES.

Map for Cert. #7904

SECTION 29, TWP 28 S., RANGE 14 W., W.M. COOS
COUNTY, OREGON



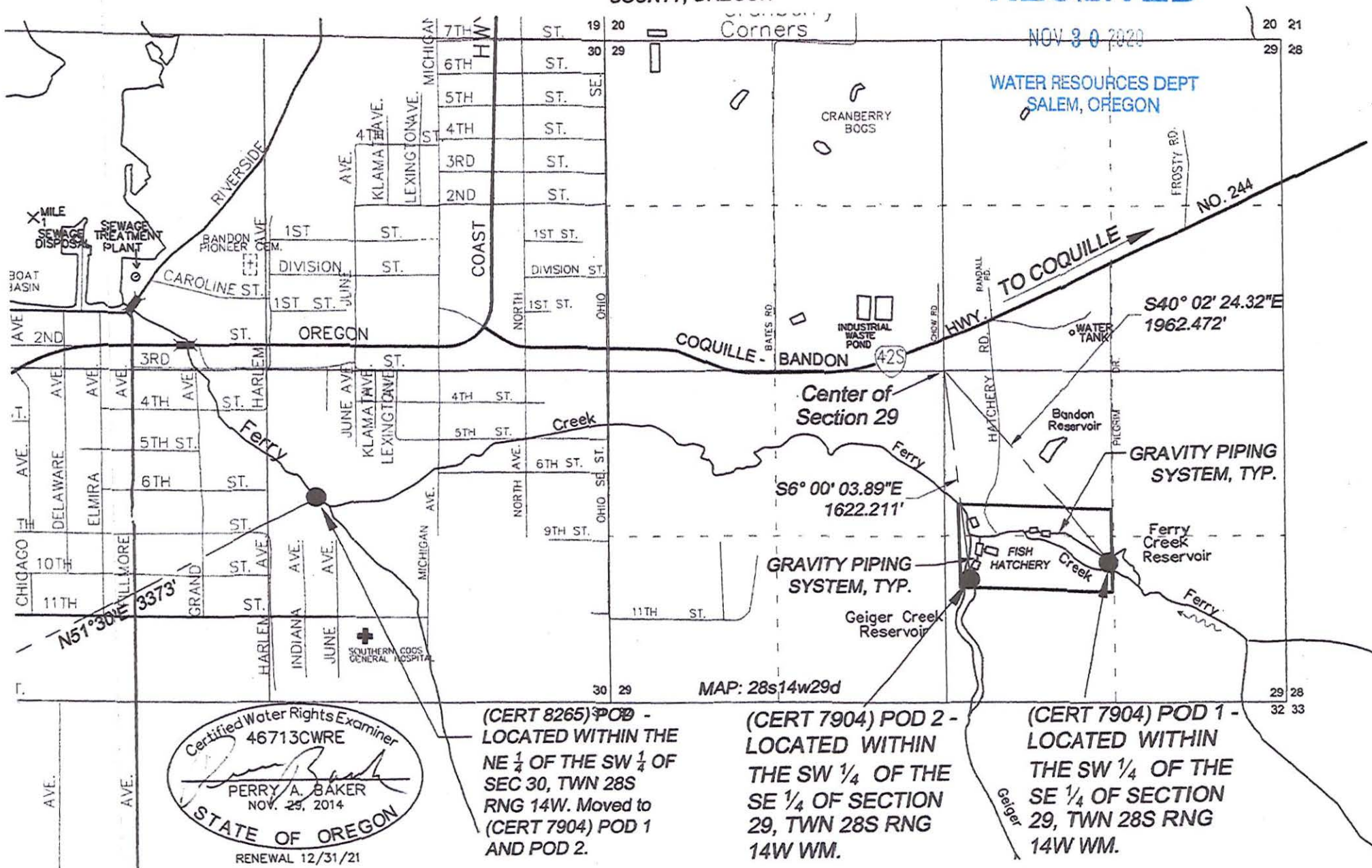
0 500 1000 2000

SCALE: 1" = 1000'

RECEIVED

NOV 30 2020

WATER RESOURCES DEPT
SALEM, OREGON



STATE OF OREGON
COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

This is to Certify, That Bandon Trout Farm, Inc.

of Marshfield, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon; of a right to the use of the waters of Fairley Creek.

a tributary of Coquille River for the purpose of Fish Pond for raising trout

under Permit No. 8028 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from February 23, 1929;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 3.5 cubic feet per second;

The point of diversion is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 28S, Range 14W, W. M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation or any other purpose), is as follows: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30 Township 28 South, Range 14 West of the Willamette Meridian in Coos County, Oregon.

The right to the use of the water for any purpose is restricted to the lands or place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 5728, Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this 25th day

of October, 1929.

Rhea Luper

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 8, page 8265

13536

		Application						
Select	OWNER: <i>cranberry</i> FRIDAY FARMS INC. PO BOX 1384 BANDON, OR 97411	S63195	S47493	3/14/1983				NC
<i>AP</i> Select	OWNER: OREGON DEPARTMENT OF FISH AND WILDLIFE PORTLAND, OR 97208	<i>Hatchery</i> S10296	S8756	7904	7/20/1925			NC <i>TO</i>
Select	OWNER: BANDON TROUT FARM INC. MARSHFIELD, OR 97420	S12576	S8928	8265	2/23/1929	T-12866 T-13536		NC <i>FROM</i>
Select	OWNER: <i>cranberry bog</i> C F ST SURE BANDON, OR 97411	S13185	S9436	11193	12/11/1929			NC
Select	OWNER: <i>irr, Ag, temp control</i> JIMPAT CRANBERRIES INC. BANDON, OR 97411	S44972	S33615	39518	5/23/1968			NC
Select	OWNER: HOWARD CUNNINGHAM PO BOX 1188 BANDON, OR 97411	<i>domestic</i> S58341 <i>fire protection</i>	S44252	53307	2/20/1979			NC
Select	OWNER: ROGER M/DONNA B COX PO BOX 443 BANDON, OR 97411	<i>domestic</i> S64620	S47268	54891	1/7/1983			NC
Select	OWNER: LOWELL E. MEYER PO BOX 582 BANDON, OR 97411	<i>cranberry</i> S58677	S44582	55654	5/21/1979			NC
Select	OWNER: <i>irrigation</i> FRIDAY FARMS INC. PO BOX 1384 BANDON, OR 97411	S21915	S17380	67372	8/23/1946	T4958 (Co		NC
Select	OWNER: FRIDAY FARMS INC. PO BOX 1384 BANDON, OR 97411 <i>cranberries</i>	S44605	S33423	67373	3/15/1968	T4959 (Co		NC
Select	OWNER: CITY OF BANDON PO BOX 67 BANDON, OR 97411 <i>municipal</i>	S34673	S27233		3/7/1968	T8195		NC

		Application						
Select	OWNER: BRUCE MANICKE PO BOX 584 BANDON, OR 97411						T8447 (Re	
	OWNER: JUDITH MANICKE PO BOX 584 BANDON, OR 97411	<i>Harvest</i> S42775	<i>irrigation</i> S31857	79474	<i>9/7/1966</i>			NC
	OWNER: GORDON GIBSON PO BOX 584 BANDON, OR 97411							
	OWNER: LOWELL MEYER PO BOX 584 BANDON, OR 97411							
Select	OWNER: FRIDAY FARMS INC. PO BOX 1384 BANDON, OR 97411	<i>Storage</i> R69640	R11418	79882	<i>6/13/1988</i>			NC
Select	OWNER: FRIDAY FARMS INC. PO BOX 1384 BANDON, OR 97411	<i>Cranberry</i> S69641	S51371	79883	<i>6/13/1988</i>			NC
Select	OWNER: JUDITH MANICKE PO BOX 584 BANDON, OR 97411	<i>Harvest Cranberries</i> <i>Irr</i> <i>frost protect</i> S42775	S31857	88350	<i>9/7/1966</i>	T8447		NC
Select	OWNER: LONNIE BEUTEL 88428 HWY 42 S BANDON, OR 97411	<i>multiple purpose</i> <i>Storage</i> R87143	R14676	88486	<i>1/14/2008</i>			NC

STATE OF OREGON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Oregon Water Resources Department
158 12th Street NE
Salem, Oregon 97310

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

Source: Ferry Creek tributary to Coquille River

County: Coos

Purpose: Providing required stream flows for fall chinook and coho salmon, cutthroat trout, and winter steelhead for migration, spawning, egg incubation, fry emergence, and juvenile rearing.

To be maintained in:

FERRY CREEK FROM GEIGER CREEK AT RIVER MILE 1.3 (SW 1/4 SE 1/4, SECTION 29, T28S, R14W W.M.); TO THE MOUTH (OR HEAD OF TIDE) AT RIVER MILE 0.0 (SE 1/4 NW 1/4, SECTION 30, T28S, R14W W.M.)

The right is established under Oregon Revised Statutes 537.341.

The date of priority is 6/14/1991.

The following conditions apply to the use of water under this certificate:

1. The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:

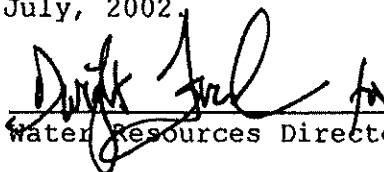
JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
19	19	18.6	11.9	5.42	2.64	1.08	0.48	0.31	0.34	3.4	18.7

2. The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.
3. For purposes of water distribution, this instream right shall not have priority over human or livestock consumption.
4. The instream flow allocated pursuant to this water right is not in addition to other instream flows created by a prior water right or designated minimum perennial stream flow.

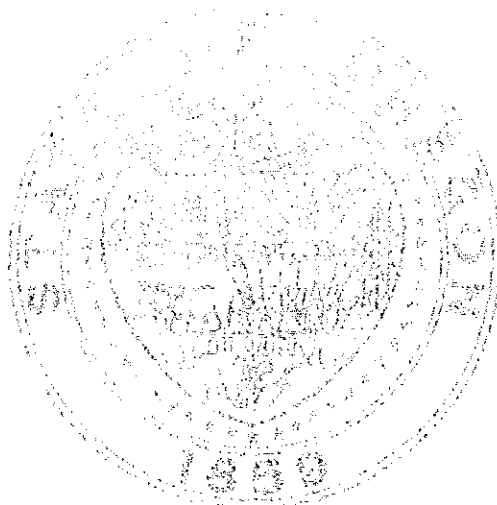
Recorded in State Record of Water Right Certificate 79554

5. The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.

Witness the signature of the Water Resources Director affixed this 31 day of July, 2002.


Water Resources Director

IS 71697 RWK



Regular Transfer Review Checklist

T- 13536

Caseworker: Jeri

TYPE OF TRANSFER	
☒	POD, APOD or POA, APOA and/or Place of Use (690-380-2110 and 690-380-2200)
Transfers Requiring Supplemental Review Criteria	
☐	Character of Use (690-380-2300)
☐	Instream, ORS 537.348, (690-380-2200, 690-380-2300 and 690-077-065 thru 075)
☐	Consent to Injury of Instream (CTI) ORS 540.530, (690-380-5050)
☐	Surface Water to Ground Water (SW to GW), ORS 540.531, (690-380-2130)
☐	Supplemental Use to Primary Use (S to P), ORS 540.524, (690-380-2320)
If transfer type not listed above, see separate checklists	

FILE PREPARATION	
CW	CW
☒	File Assigned (Computer Entry)
☒	Is transfer within a district boundary? ☐ Yes ☒ No <i>If yes, attach "Supplemental Processing Checklist for Transfers with a District" for additional required information.</i>
☒	Make Copies and Place in Working File: ☒ Application ☒ Map
☒	Verify all Certificates/Permits are shown in WRIS to be non-cancelled ☒ Print Certificates and Place in Working File
☐	Add Working file to T-file
☐	Check Public Comments https://apps.wrd.state.or.us/apps/wr/wr_public_comment_mgmt/default.aspx
	All Stakeholders accurately listed in WRIS with email addresses if available, including ☒ Irrigation District ☐ BOR ☐ Tribes Is this a Living Certificate? ☐ Yes ☒ No
	Double check all water rights/permits are included in WRIS under Transfer # <u>8265</u>
	Copy and Place in Working File: ☐ Watermaster Review ☐ Groundwater Review ☐ ODFW Review
	Public Comments Received? ☐ Yes ☒ No If yes, print comments and place in file ☐ Timely ☐ Untimely Notes:

PR Initials

BASIC APPLICATION REVIEW and NOTICE (OAR 680-380-3000 and -4000)					
CW	N/A		CW	N/A	
☐		Appropriately signed	☐	☐	Check Area of Interest – Print if needed, include in WRIS stakeholder as interested party
☐		All required Attachments Received	☐	☐	Ditch Co., Irr. Dist and/or BOR sent copies
☐		Appropriate Fees Paid	☐	☐	Overpayment of Fees, Refund Request w/FO
☐	☐	Local Government [County] noticed Copy of Acknowledgment Letter	☐	☐	<u>OWRD</u> Land Use Form matches Tax Lots, is signed by proper official and is APPROVED N/A = Must meet all 4 criteria for exemption (OAR 690-380-3000{19})

BASIC APPLICATION REVIEW and NOTICE (OAR 680-380-3000 and -4000) Cont'd

CW	N/A		CW	N/A	
☐	☐	Supp. Form D or Letter of approval from Irrigation or Water Control District	☐	☐	Evidence of Use is submitted with supporting documentation
☐	☐	Are the supplemental water rights included in the Transfer? ☐ Yes ☐ No If no, are they cancelling? ☐ Yes ☐ No	☐		Map meets criteria of OAR 690-380-3100
☐		Water Use Subject to Transfer (OAR 690-380-0100(14)) Is the water right(s) proposed for transfer a water use(s) subject to transfer? ☐ Adjudicated or decreed ☐ Certificated ☐ Water use permit with CBU and proof to satisfaction issued ☐ Transfer app for which an order approving change has been issued and proper proof of the completion of the change has been filed	☐		Any application deficiencies that need to be addressed? ☐ Yes ☐ No Notes: _____ _____ _____

PR Initials

Reviewing the "From" and "To" Lands (Use working copy of application and certificates to mark on)

CW		CW	
☐	<u>From:</u> Only the authorized POD's/POA's and POUs involved are listed.	☐	<u>From:</u> Application & certificate tabulations match. (Mark on appl. and cert. copies and note corrections needed)
☐	<u>From:</u> Marked on certificate the acreage being affected and remaining by ¼ ¼.	☐	<u>From:</u> Marked on certificate the quantity of water being transferred, cancelled, and remaining
☐	<u>From and To:</u> Print Plat Card(s), check and note conflicts (change in pou and use only)	☐	<u>From and To:</u> Compare water right map to Application tabulation (Table 2) to Application map for accuracy

PR Initials

Amended Application Pages and Maps

CW	N/A		CW	N/A	Notes/Documentation
☐	☐	Amended Application Pages Rec'd _____ Amended Application Map Rec'd _____	☐	☐	☐ Scan new pages ☐ Update WRIS with new pages ☐ Mark replaced pages in red with 'SUPERSEDED' and place in back of file
☐	☐	Did the amendment change the location of the proposed POD or POA? ☐ Yes ☐ No	☐	☐	☐ For POD changes, re-review from Watermaster or other documentation ☐ For POA changes, re-review from GW section

PR Initials

Layered and Supplemental Water Rights (OAR 690-380-2240)

CW	N/A		CW	N/A	NOTES
☐	☐	OAR 690-380-2240(2) and (3) Transfer of Layered Water Rights and Certificates of Registration (change in use or pou) <i>See definition of layered in OAR 690-380-0100(4)</i>	☐	☐	Are there other layered water uses subject transfer, permits or certificates of registration which were not included in the application? ☐ Yes ☐ No If yes, provide applicant 30days to: ☐ Submit application for concurrent changes ☐ Submit affidavits for voluntary cancellations ☐ Withdraw the application
☐	☐	OAR 690-380-2240(5) Transfer of Supplemental Irrigation water right separately from associated primary water right. Transfer of supplemental irrigation right may be moved separately from associated primary irrigation right if another primary irrigation right with similar reliability is appurtenant to the lands to which the supplemental right is to be moved.	☐	☐	Does the new primary irrigation water right have similar reliability as the associated primary irrigation water right? ☐ Yes ☐ No Will the supplemental water right be used more than it was when associated with previous primary right? New primary right priority date: _____ Prior primary right priority date: _____ History of regulation? ☐ Yes ☐ No Watermaster Review

COORD INITIALS PR Initials

TRANSFER REVIEW Criteria (OAR 690-380-4010)

CW		CW	DOCUMENTATION
☐	Validity of the Right; Not Forfeited OAR 690-380-4010(2)(a) The right(s) has been used over the past five years according to the terms and conditions of the right and the right is not subject to forfeiture under ORS 540.610.	☐	☐ Evidence of Use & supporting documentation ☐ Confirming Cert issued within last 5 years ☐ Rebuttal to forfeiture (ORS 540.610(2)) _____
☐	Ready, Willing, and Able OAR 690-380-4010(2)(b) The water user is ready, willing and able to use the full amount of water allowed under the right.	☐	☐ Current delivery system description in Part 5 of Application Notes: _____ Delivery system has the capacity to fully divert and use the rate/duty of the right
☐	Enlargement OAR 690-380-4010(2)(c) The proposed transfer would result in enlargement ☐ Yes ☐ No Notes: _____ (Must make a positive finding of "No enlargement").	☐	No expansion of the right: ☐ No greater rate or duty per acre than currently allowed ☐ Cannot increase acreage under the right ☐ Must prevent the original place of use from receiving water from the same source ☐ Cannot divert more water at the new POD or POA than is legally available to that right at the original point of diversion/appropriation See deficient rate right guidance See micro irrigation guidance

TRANSFER REVIEW Criteria Cont'd (OAR 690-380-4010)

☐	Injury OAR 690-380-4010(2)(d) The proposed transfer would result in injury ☐ Yes ☐ No Notes: _____ _____ (Must make a positive finding of "No injury").	☐	The proposed transfer would result in another, existing water right not receiving previously available water to which it is legally entitled ☐ Watermaster Review. ☐ Yes ☐ No ☐ Groundwater Review. ☐ Yes ☐ No ☐ N/A ☐ ODFW Review. ☐ Yes ☐ No ☐ N/A If yes, can the injury be mitigated? ☐ Yes ☐ No Conditions: _____ _____ Also See Injurious Transfers (690-380-5030 to 5050)
☐	Other requirements OAR 690-380-4010(2)(e) Any other requirements for water right transfers are met.	☐	Attach supplemental criteria checklist for transfer type marked on page 1 ☐ Character of Use ☐ SW to GW ☐ Instream ☐ Supplemental to Primary ☐ Consent to Injury of Instream Water Right

COORD INITIALS

PR Initials

Additional Findings of Fact

CW	N/A		CW	N/A	SAMPLE FINDING
☐	☐	Add Finding for submission of amended application pages or amended map	☐	☐	On ___, the applicant submitted an amended application page/map clarifying . . .
☐	☐	Add Finding for timely comments received	☐	☐	On (date), timely comments were received from (name), asserting (issues). The Department has considered the comments and finds: . . . (do they assert injury/enlargement or forfeiture?)
☐	☐	Add Watermaster Review	☐	☐	The District ___ Watermaster reviewed the proposed transfer application and concluded the proposed transfer would not result in enlargement of the right or injury to existing water rights. OR would result in injury or enlargement of the right unless it was conditioned . . .

COORD INITIALS

PR Initials

Additional Conditions and Provisions under Review Criteria

CW	N/A		CW	N/A	SAMPLE FINDING
☐	☐	Add Watermaster conditions	☐	☐	See Supplemental Language (Measurement devices) or requirements to prevent injury or enlargement
☐	☐	Add ODFW fish screen requirements	☐	☐	See Supplemental Language Fish Screen Requirements
☐	☐	Add ground water conditions	☐	☐	See Groundwater Review / Supplemental Language

Additional Conditions and Provisions under Review Criteria (Cont'd)

CW	N/A		CW	N/A	SAMPLE FINDING
☐	☐	Additional finding for evaluation of comments received and any actions or conditions to address comments	☐	☐	
☐	☐	Add any other special provisions	☐	☐	Additional findings to support determination of additional review criteria listed
☐	☐	Any cancellation/diminishment submitted? ☐ Yes ☐ No	☐	☐	If yes: (See Supplemental Language Document) ☐ Add Authority after 1 st paragraph ☐ Add finding(s) to document cancellation/diminishment
☐	☐	Are the existing water rights issued in the name of a District or Bureau of Reclamation? ☐ Yes ☐ No	☐	☐	If yes, a Finding of Fact and an Order item identifying the name in which the confirming certificate will be issued and who is responsible for COBU. Notes: See "Supplemental Processing Checklist for Transfers within a District"

COORD INITIALS

PR Initials

Determination and Conclusions of Law

FINDINGS	DETERMINATION AND PROPOSED ACTION / CONCLUSIONS OF LAW
Based on review of the evidence submitted, the Department finds the water right(s) has/have been used [within the last five years] OR [within the five-year period prior to submittal of the transfer application] according to the terms and conditions of the right(s) and the right(s) is/are not subject to forfeiture.	The right(s) has/have been used [within the past five years] OR [within the five-year period prior to submittal of the transfer application] according to the terms and conditions of the right(s). OR Confirming water right Certificate XXXXX was issued within the last five years prior to submission of Transfer Application T-XXXXX.
Based on the information submitted [and Department records], a diversion structure and ditch sufficient to use the full amount of water allowed under the existing right(s) were present within the five-year period prior to submittal of the transfer application. OR Based on the information submitted [and Department records], a pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right(s) were present within the five-year period prior to submittal of the transfer application.	The Applicant is ready, willing, and able to use the full quantity of water under the right. There is no evidence in the record to suggest the right is subject to forfeiture.
[As conditioned,] the proposed change(s) would not result in enlargement of the right. OR, if denial The lands currently irrigated under the right would continue to receive water from the same source resulting in enlargement of the right(s).	The proposed change(s) will not enlarge the right. OR The proposed change(s) would result in enlargement of the right.

Determination and Conclusions of Law (Cont'd)

Based on review of the record, the proposed change(s) would not result in injury to other water rights.

OR, if denial

The proposed change(s) would result in the routing of return flows around at least one diversion of other existing water rights, resulting in injury to those rights. **OR**

An instream water right, Certificate XXXXX, exists for the reach of the river in which the authorized point of diversion would be moved upstream, and streamflows within the reach are frequently below the levels allocated under the instream water right. Thus, the instream water right would be injured as a result of the proposed change in point of diversion.

- ☐ The application is complete. **OR**
☐ The application is incomplete

The proposed change(s) would not result in injury to other water rights.

OR

The proposed change would result in injury to other water rights.

OR

The proposed change would result in injury to the instream water right. [See consent to injury]

- ☐ All other application requirements are met. **OR**
☐ The application is incomplete because ...

Ensure all conditions are carried forward in Order section.

COORD INITIALS

PR Initials

☐ N/A

Denial of Transfer (OAR 690-380-4010(3))

OAR 690-380-4010(3)(a)

Describe the basis for the denial

☐

- ☐ Injury
☐ Enlargement
☐ Deficiencies not rectified

OAR 690-380-4010(3)(b)

Identify conditions or restrictions that, if included in the transfer, would allow approval of the transfer

☐

Examples: consent to injury; amend application to remove well

☐ Yes Approve with conditions

☐ No Must be denied

DRAFT PRELIMINARY DETERMINATION

Document Preparation

☐	☐ N/A	Additional Supplemental Review Criteria Checklist attached	
CW		CW	
☐	Check tenses (Find and Replace (s), is/are, was/were	☐	Add agent, receiving landowner, if applicable, etc.
☐	Compare authorized PODs/POAs with marked up Certificate	☐	Compare "from" lands with marked up Table 2 of Application and Certificate
☐	Compare Proposed PODs/POAs with Table 1 of Application and Map	☐	Compare Proposed Place of Use with Table 2 of Application and Map

Cover Letter

CW	N/A		CW	N/A	
☐	☐	Correct Name and Address including email address	☐	☐	Attach supporting documents to cover letter ☐ Completed Watermaster Contact Sheet ☐ ODFW Contact sheet
☐	☐	Include email addresses for agent and other interested parties (in cc section) of letter	☐	☐	Any special conditions explained
			☐		Document is "Spell checked"

Remaining Right Certificate(s)

☐	Check tenses (Find and Replace (s), is/are, was/were	☐	Table format matches current template
☐	Content format matches original certificate (e.g., rate/duty limitation)	☐	Name and address matches originating certificate Note: Remaining rights can only be issued in the name of the current landowner(s) of the remaining rights <u>IF</u> 1) the Report of Ownership information supplied for the transfer covers all of the remaining right lands (as well as the right being transferred) <u>and</u> 2) the applicant asks for the remaining right to be issued in its name. Otherwise, the name(s) on the remaining right will be the same as the original water right involved in the transfer.
☐	Determination and remaining acres combined match acres under originating certificate?	☐	All water accounted for
☐	Draft all remaining right certificates	☐	Document is "Spell checked"

COMMENTS

COORD INITIALS

PR Initials

PRELIMINARY DETERMINATION**Public/Newspaper Notice**

CW	N/A		CW	N/A	
☐	☐	Prepare public/newspaper notice using template	☐	☐	Send letter to Applicant/Agent regarding newspaper notice cost
☐		Notice and Letter are "Spellchecked"	☐	☐	Funds received from Applicant/Agent for newspaper notice
☐	☐	Forward Draft Newspaper Notice to Coordinator	☐	☐	Affidavit of Publication Received

Ownership Verification

CW		CW	
☐	The Deed/ROI matches the "from" lands	☐	Compare with current tax lot map
☐	All owners on the Deed/ROI have signed the application	☐	☐ N/A Notarized, signed statement of consent

Document Preparation

CW		CW	
☐	Save DPD document as a new document XXXXX-pd.doc	☐	Hidden Findings unveiled (control "a", select Font, unmark hidden box)
☐	Any substantive changes/amendments as result of DPD ☐ Yes ☐ No If yes, issue revised DPD	☐	Remove "DRAFT" from document title and any extra "carriage" returns
☐	Update the hidden paragraph following the received notice and amendments findings (regarding is authorized to pursue transfer, etc.)	☐	Select the appeals language in the first page footer for the preliminary determination
☐	Protest language is listed following document preparation box	☐	Notice Regarding Service Members is showing
		☐	Document is "Spell checked"

Cover Letter

☐	Cover letter prepared	☐	Email addresses checked for accuracy
		☐	Document is "Spell checked"

Remaining Right Certificate(s)

☐	Assign certificate #s to all Remaining Right Certificates	☐	Document is "Spell checked"
☐	Remaining right Certificate numbers Orig. Cert. # _____ RR Cert. # _____ Orig. Cert. # _____ RR Cert. # _____ Orig. Cert. # _____ RR Cert. # _____ Orig. Cert. # _____ RR Cert. # _____ Orig. Cert. # _____ RR Cert. # _____ Orig. Cert. # _____ RR Cert. # _____	☐	Update Certificates with new Certificate numbers and print

Data Center Review

CW		CW	
☐	Prepare Route Slip	☐	☐ Prepare Revised DPD if <i>substantive changes OR</i> ☐ Issue Preliminary Determination
☐	File Returned		

COMMENTS

FINAL ORDER**Document Preparation**

CW		CW	
☐	Save PD document as new document XXXXXX-ord-approve.doc	☐	Hidden Findings unveiled (control "a", select Font, unmark hidden box)
☐	Update the hidden paragraph following the received notice and amendments findings (regarding issuance of PD)	☐	Remove "PRELIMINARY DETERMINATION" from document title and replace with "FINAL ORDER", Replace "PROPOSING APPROVAL/DENIAL OF" with APPROVING/DENYING"
☐	Unhide and Select the appeals language in the first page footer for the "Final Order" language; unhide Special Order Volume and page	☐	Change "Determination and Proposed Action" to "Conclusions of Law" and update paragraph
☐	Replace "If application T-XXXXX is approved . . ." with Now, therefore, it is ORDERED:	☐	Select text below "It is ORDERED" section and turn off Italics. Restart numbering at "1".
☐	Delete Protest language, Document preparation box, and Notice Regarding Servicemembers; Insert "Mailing Date: _____"	☐	Final Check: All Conclusions of Law have Findings to support them
		☐	Document is "Spell checked"

Remaining Right Certificate

CW		CW	
☐	Assign Certificate Number from Spreadsheet	☐	Update footer to read: T-XXXXX.rr.YYYYYY.ini, where YYYYYY is original certificate number, and ini stands for your initials
☐	Input new certificate number on right side of footer	☐	Print on Certificate paper
		☐	Document is "Spell checked"

COMMENTS

**Notice of Preliminary Determination for
Water Right Transfers T-12866 and T-13536**

T-12866 and T-13536 filed by Oregon Dept. of Fish and Wildlife (ODFW), 4034 Fairview Industrial Dr. SE, Salem, OR 97302, proposes changes under Certificate 8265. Cert. 8265 allows the use 0.35 cfs from Fairey (Ferry) Creek, tributary to the Coquille River in Section 30, T 28 S, R 14 W, WM, for raising trout in a fish pond within Sec. 30.

Under T-12866 ODFW proposes to change the place of use and character of use of 1.0 cfs to create an instream use in Ferry Creek from the point of diversion in Sec. 30 to the mouth.

Under T-13536 ODFW proposes to change the place of use and move the point of diversion approx. 1.5 miles upstream on Ferry Creek to the Bandon Fish Hatchery for the remaining portion (2.5 cfs) of Certificate 8265. The Bandon Fish Hatchery is located in Sec. 29, T 28 S, R 14 W, WM.

The Water Resources Department proposes to approve the transfers based on the requirements of ORS Chapter 540, OAR 690-380-5000, and OAR 690-077-0075.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, MM/DD/YEAR. Call (503) 986-0815 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. Mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

PHILLIPS Stacy H * WRD

From: FAUCERA Danette L
Sent: Tuesday, February 04, 2020 8:35 AM
To: HRANAC Teri K * WRD
Subject: FW: Signatures for water rights transfer T-12866
Attachments: Signatures for Water Rights Transfer.pdf

Hi Teri,

This is what was forwarded to me for Kathleen's signature for T-12866. Can you tell me if it is acceptable without being notarized (George's signature was notarized in 2017)? She is apparently unable to leave the house, so we'd need to make other arrangements for notarization.

Thanks!

Danette

Danette Faucera
Water Policy Coordinator
Oregon Department of Fish and Wildlife
(503) 947-6092
4034 Fairview Industrial Drive SE
Salem, OR 97302

From: David Welch <David.E.Welch@state.or.us>
Sent: Thursday, January 30, 2020 10:39 AM
To: Danette Faucera (danette.l.faucera@state.or.us) <danette.l.faucera@state.or.us>
Subject: FW: Signatures for water rights transfer

Here's the email with Kathleen's signature.

David E. Welch
Manager
Oregon Dept of Fish & Wildlife
Bandon Fish Hatchery
55212 Fish Hatchery Rd.
Bandon, Oregon 97411
541-347-4278
david.e.welch@state.or.us

From: David Welch
Sent: Friday, November 8, 2019 1:59 PM
To: Perry Baker (perry.a.baker@state.or.us) <perry.a.baker@state.or.us>
Subject: Signatures for water rights transfer

Hi Perry,

Here's the signatures for the water rights transfer. George told me that his wife is unable to go and have this notarized. They've been married 62 years so you can see why she's not able. I also had her leave the date blank.



TICOR TITLE™

300 W. Anderson
Coos Bay, OR 97420
Phone: 269-5127
Fax: 267-0990

105 E. 2nd Street
Coquille, OR 97423
Phone: 396-2777
Fax: 396-2776

1010 First St., Suite 215
Bandon, OR 97411
Phone: 347-5429
Fax: 347-6811

Consumer Information Report

Prepared For:

Thu Oct 1, 2020

Property Address: 790 4TH ST SE, BANDON OR

Tax Account:

[REDACTED]

Map:

28S-14-30CA TL 4900

Owner of Record:

DAVIS, GEORGE M. & KATHLEEN E.

Owner's Address:

PO BOX 65
BANDON, OR

Prepared By:



TICOR TITLE™

Coos County - Property Profile

Account: [REDACTED] **Map:** 28S-14W-30CA TL 4900
Property Class: - RESIDENTIAL - IMPROVED **Building Class:** 138
Owner of record: DAVIS, GEORGE M. & KATHLEEN E.
Owner's Address: PO BOX 65
 BANDON, OR

Situs Address: 790 4TH ST SE, BANDON 97411
Acres: 3.71 **Roll:** Real Property
Market Improv: 180,360
Market Land: 141,190
RMV: 321,550
TAV: 246,520
2019 Taxes: See below
Last Sale Date: 6/2002 **Deed Reference:** 2002 48305
Last Sale Price: 175,000 **Deed Type:** WD
Zoning: C-2* **Code Area:**

Building details:

Floor	SqFt	Beds	Baths	Living	Dining	Kitchen	Fireplace	Cost/SqFt	Class
First Floor	2,258	2	2.0	1	0	1	1	34.99	3
Second Floor	130	1	0.0	0	0	0	0	58.48	3
Attic	0/300/0	0	0.0	0	0	0	0	13.35	3
Basement	0/0/0	0	0.0	0	0	0	0	0.00	
Totals	2,388/300/0	3	2.0	1	0	1	1		

Year Built: 1966 **Eff Yr Built:** 1980
Roof: Gable Rf Medshake, Flatroof Built-up **Foundation:** Conc/blk
Ext Walls: Dble Vertt111 **Int Walls:** Drywall, Plywood, Fir Trim
Floors: Carpvinl **Heat:** Bbwlceil, Wdstv Cl
Physical Depr: 9.99 **Functional Depr:** 9.99



TICOR TITLE™

Coos County - Property Profile Page 2

Tax Account: [REDACTED]

Tax History:

Tax Year	Code Area	Taxes	Amount Paid	Balance Due
2019	6540	2,631.41	2,631.41	0.00
2018	6540	2,564.46	2,564.46	0.00
2017	6540	2,505.18	2,505.18	0.00
2016	6540	2,428.05	2,428.05	0.00
2015	6540	2,230.19	2,230.19	0.00

Sales History:

Sale Date	Seller Name	Buyer Name	Sale Price	Doc No
2002-06-25	BELL, RODERICK E.	DAVIS, GEORGE M. & KATHLEEN E.	175,000	2002 48305
1990-02-01		BELL, RODERICK E. &	89,500	1991 118781
1981-04-01	SCHRADER, IVAN & LORNA	VANBURGER, WAYNE A. JR. &	70,000	1991 142783

28 14 30CA
BANDON

1" = 100'

SEE MAP 28 14 30BD

CANCELLED

2000
7501
3400
3700
3800
600
1500
1600
1700
1800
5004
7500
800
1000
5900
6000
6100
5101
199
2200
7200

This map/plot is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, locations of easements, acreage or other matters shown thereon.

LAST UPDATED
MAY 10, 2005

28 14 30CA
BANDON



TICOR TITLE™

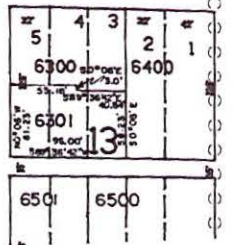
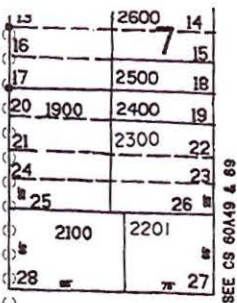
N

SEE MAP 28 14 30CB

EA WOODLAND ADDITION

(PACIFIC)

AVE. SE



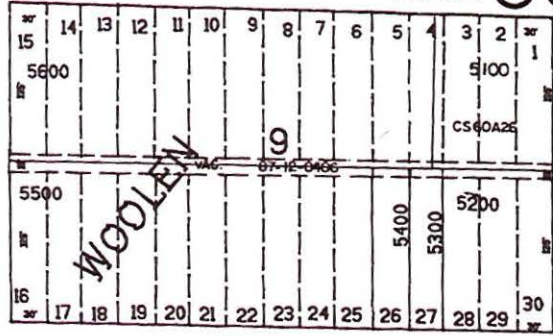
AVE. SE

(COLUMBIA)



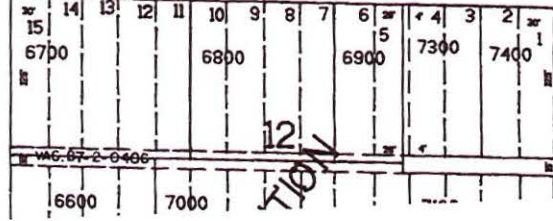
FOURTH

(FIRST. 654-00 ST. SE



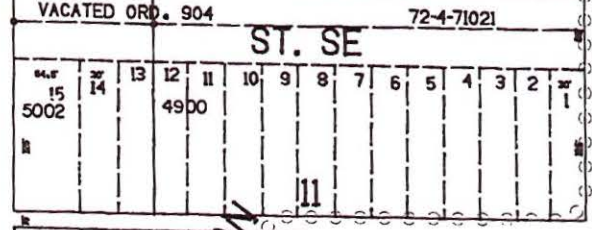
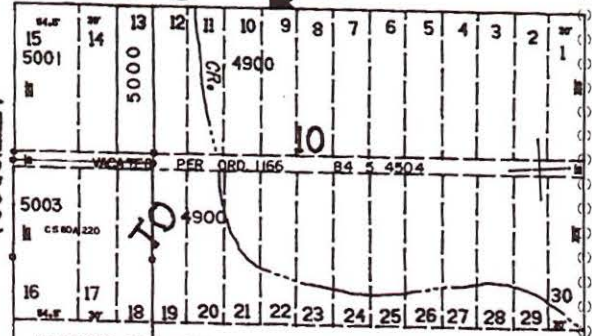
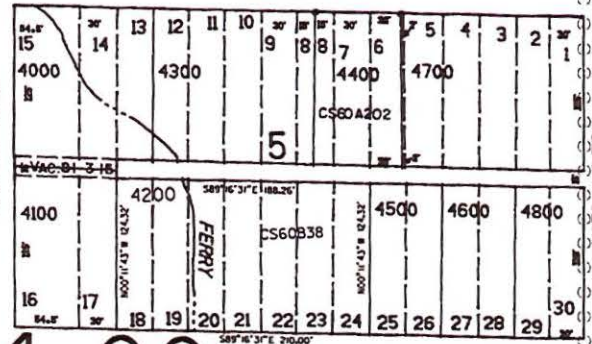
FIFTH

(SECOND)



AVE. SE

(COQUILLE)



AVE. SE

(BROADWAY)

SEE MAP 28 14 30BD



5500
6000
6100
5101
199
2200
7200

COOS County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2020

NOT OFFICIAL VALUE

October 1, 2020 8:52:28 am

Account # XXXXXXXXXX Tax Status ASSESSABLE
 Map # 28S1430CA04900 Acct Status ACTIVE
 Code - Tax # 65400-3198800 Subtype NORMAL

Legal Descr See Record

Mailing Name DAVIS, GEORGE M. & KATHLEEN E.

Deed Reference # See Record

Agent

Sales Date/Price See Record

In Care Of

Appraiser

Mailing Address PO BOX 65
 BANDON, OR 97411-0065

Prop Class 101 MA SA NH Unit
 RMV Class 101 06 25 CBN 28987-1

Situs Address(s)	Situs City
ID# 10 790 4TH ST SE	BANDON

Code Area	RMV	MAV	Value Summary AV	SAV	MSAV	RMV Exception	CPR %
65400 Land	144,010					Land	0
Impr.	183,970					Impr.	0
Code Area Total	327,980	253,910	253,910	0	0		0
Grand Total	327,980	253,910	253,910	0	0		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown TD% LS	Size	Land Class	LUC	Trended RMV
65400	10	☒		C-2*	Market	102 A	3.71	HS	002	144,010
Grand Total							3.71			144,010

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
65400	1	1966	138	One story with attic-Class 3	102	2,388		183,970
Grand Total						2,388		183,970

STATEMENT OF TAX ACCOUNT
COOS COUNTY TAX COLLECTOR
COOS COUNTY COURTHOUSE
COQUILLE, OREGON 97423
(541) 396-7725

1-Oct-2020

DAVIS, GEORGE M. & KATHLEEN E.
 PO BOX 65
 BANDON OR 97411-0065

Tax Account #	██████	Lender Name	
Account Status	A	Loan Number	
Roll Type	Real	Property ID	65400
Situs Address	790 4TH ST SE BANDON OR 97411	Interest To	Oct 15, 2020

Tax Summary

Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date
2019	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,631.41	Nov 15, 2019
2018	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,564.46	Nov 15, 2018
2017	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,505.18	Nov 15, 2017
2016	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,428.05	Nov 15, 2016
2015	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,230.19	Nov 15, 2015
2014	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,268.58	Nov 15, 2014
2013	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,209.85	Nov 15, 2013
2012	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,172.06	Nov 15, 2012
2011	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,454.95	Nov 15, 2011
2010	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,418.52	Nov 15, 2010
2009	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,424.64	Nov 15, 2009
2008	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,321.12	Nov 15, 2008
2007	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,275.57	Nov 15, 2007
2006	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,248.79	Nov 15, 2006
2005	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,208.00	Nov 15, 2005
2004	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,275.64	Nov 15, 2004
2003	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,195.07	Nov 15, 2003
Total		\$0.00	\$0.00	\$0.00	\$0.00	\$39,832.08	

After Recording Return To:

George M Davis
Kathleen E Davis
6916 Hiland Road
Eagle River AK 99577

Send Tax Statements To:

George M Davis
Kathleen E Davis
6916 Hiland Road
Eagle River AK 99577



**AFTER RECORDING
RETURN TO
KEY TITLE COMPANY**

Title Order No. 24-86089
Escrow No. 24-86089 /KB

Tax Account No. T28R14S30CA
4900 A#31988.00

WARRANTY DEED

(ORS 93.850)

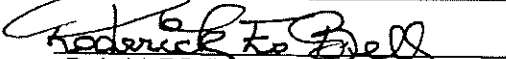
Roderick E Bell, an estate in fee simple, Grantor, conveys and warrants to George M Davis and Kathleen E Davis, as tenants by the entirety, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

See Exhibit 'A' attached hereto and by reference made a part hereof.

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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

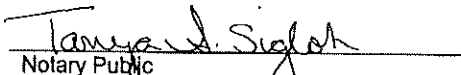
The true consideration for this conveyance is \$175,000.00.

Dated this 25 day of June, 2002.


Roderick E Bell

State of OR, County of Coos)ss.

This instrument was acknowledged before me on June 25th, 2002
by Roderick E Bell.


Notary Public

My commission expires: 8-8-05



EXHIBIT 'A'Legal Description:

Lots 1 through 12, inclusive and Lots 19 through 30, inclusive, Block 10, together with that portion of the vacated alley, fronting and abutting thereon, that would inure by operation of law. ALSO Lots 1 through 12, inclusive, Block 11 together with that portion of the vacated alley, fronting and abutting thereon, that would inure by operation of law, all in WOOLEN MILL ADDITION, in the City of Bandon, Coos County, Oregon.

Subject to:

An Easement created by instrument, including the terms and provisions thereof,

In favor of: Nestle's Food Company

For: Right of Way for Pipeline

Dated: July 24, 1919

Recorded: April 30, 1920

Book: 82 Page: 493-495

In Coos County, Oregon.

Affects: Lots 5 through 11, inclusive, Block 10, Woolen Mill Addition

The premises herein described were included within the boundaries of the Urban Renewal Plan for the City of Bandon as disclosed by instrument,

Recorded: October 1, 1987

Microfilm No.: 87-5-6651

In Coos County, Oregon.

Anti-Remonstrance Agreement and the terms and provisions thereof,

Recorded: February 8, 1990, Microfilm Reel No. 90-2-0417,
Records of Coos County, Oregon

Watermaster Review Form: Water Right Transfer



Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Transfer Application: T-13536

Review Due Date:

Applicant Name: Oregon Department of Fish and Wildlife

Proposed Changes: ☒ POU ☒ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): Susan Douthit

Date of Review: 11/23/2020

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:

There is limited information about regulation on this source. There are no water rights downstream and this appears to be senior on the system.
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☐ No ☒ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☒ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

☒ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☐ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☐ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☐ No If "Yes", explain:

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☐ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:

- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☐ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:

- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:

- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- iv. Do you have any other observations regarding the temporary transfer?

☐ Yes ☐ No If "Yes", describe:

- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source?

☐ Yes ☐ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur?

☐ Yes ☐ No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☐ Yes ☒ No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☐ No ☒ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☒ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, ☐ at each point of diversion/appropriation (new and existing) **OR** at each new point of diversion/appropriation ☒ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

☐

Weir

☐

Submerged Orifice

☐

Parshall Flume

☐

Flow Restrictor

☐

Other: ____

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 13536

☒ In order to avoid enlargement of the right or injury to other rights, a **totalizing flow meter** will be required to be installed **prior to diversion of water**, as a condition of this transfer:

☐ at each point of diversion/appropriation (new and existing) **OR**

☒ at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Susan Douthit

District: 15

Address: 1036 SE Douglas Ave.

City/State/Zip: Roseburg, OR 97470

Phone: 541-440-4255

Email: susan.m.douthit@oregon.gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device

T-

(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

Watermaster signature

District

Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

STATE OF OREGON
COUNTY OF COOS
CERTIFICATE OF WATER RIGHT

This is to Certify, That Bandon Trout Farm, Inc.

of Marshfield, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Fairley Creek

a tributary of Coquille River for the purpose of Fish Pond for raising trout

under Permit No. 8928 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from February 23, 1922;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 3.5 cubic feet per second;

The point of diversion is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 28S, Range 14W, W. M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation or any other purpose), is as follows: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30 Township 28 South, Range 14 West of the Willamette Meridian in Coos County, Oregon.

The right to the use of the water for any purpose is restricted to the lands or place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 5728, Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this 25th day

of October, 1929

Rhea Luper
State Engineer.

HRANAC Teri K * WRD

From: Danette Faucera <Danette.L.Faucera@state.or.us>
Sent: Wednesday, February 12, 2020 9:36 AM
To: HRANAC Teri K * WRD
Subject: T-12866, photo documentation for Affidavit of Use
Attachments: 2013.PNG; 2015.PNG; 2019.PNG; DSC01089.JPG; DSC01093.JPG; DSC01094.JPG; DSC01097.JPG

Hi Teri,

Please find attached photo documentation of pond use for C8265, as recommended by Greg Wacker (previous Watermaster). Three images were obtained and date stamped from Google Earth (2013, 2015, and 2019). The photos were taken November 8, 2019.

We have requested the necessary information from the Title Company, but have not received anything from them yet. ODFW would like to request an extension of time (beyond February 14, 2020) to allow us to receive the necessary documentation.

Please advise me on how to proceed. Thanks!

Danette

Danette Faucera
Water Policy Coordinator
Oregon Department of Fish and Wildlife
(503) 947-6092
4034 Fairview Industrial Drive SE
Salem, OR 97302



TICOR TITLE™

**300 W. Anderson
Coos Bay, OR 97420
Phone: 269-5127
Fax: 267-0990**

**105 E. 2nd Street
Coquille, OR 97423
Phone: 396-2777
Fax: 396-2776**

**1010 First St., Suite 215
Bandon, OR 97411
Phone: 347-5429
Fax: 347-6811**

Consumer Information Report

Prepared For:

Thu Oct 1, 2020

Property Address: 790 4TH ST SE, BANDON OR
Tax Account: [REDACTED]
Map: 28S-14-30CA TL 4900

Owner of Record: DAVIS, GEORGE M. & KATHLEEN E.
Owner's Address: PO BOX 65
BANDON, OR

Prepared By:



TICOR TITLE™

Coos County - Property Profile

Account: [REDACTED] **Map:** 28S-14W-30CA TL 4900
Property Class: - RESIDENTIAL - IMPROVED **Building Class:** 138
Owner of record: DAVIS, GEORGE M. & KATHLEEN E.
Owner's Address: PO BOX 65
 BANDON, OR

Situs Address: 790 4TH ST SE, BANDON 97411
Acres: 3.71 **Roll:** Real Property
Market Improv: 180,360
Market Land: 141,190
RMV: 321,550
TAV: 246,520
2019 Taxes: See below
Last Sale Date: 6/2002 **Deed Reference:** 2002 48305
Last Sale Price: 175,000 **Deed Type:** WD
Zoning: C-2* **Code Area:**

Building details:

Floor	SqFt	Beds	Baths	Living	Dining	Kitchen	Fireplace	Cost/SqFt	Class
First Floor	2,258	2	2.0	1	0	1	1	34.99	3
Second Floor	130	1	0.0	0	0	0	0	58.48	3
Attic	0/300/0	0	0.0	0	0	0	0	13.35	3
Basement	0/0/0	0	0.0	0	0	0	0	0.00	
Totals	2,388/300/0	3	2.0	1	0	1	1		

Year Built: 1966 **Eff Yr Built:** 1980
Roof: Gable Rf Medshake, Flatroof Built-up **Foundation:** Conc/blk
Ext Walls: Dble Vertt111 **Int Walls:** Drywall, Plywood, Fir Trim
Floors: Carpvln **Heat:** Bbwlceil, Wdstv Cl
Physical Depr: 9.99 **Functional Depr:** 9.99



TICOR TITLE™

Coos County - Property Profile Page 2

Tax Account: [REDACTED]

Tax History:

Tax Year	Code Area	Taxes	Amount Paid	Balance Due
2019	6540	2,631.41	2,631.41	0.00
2018	6540	2,564.46	2,564.46	0.00
2017	6540	2,505.18	2,505.18	0.00
2016	6540	2,428.05	2,428.05	0.00
2015	6540	2,230.19	2,230.19	0.00

Sales History:

Sale Date	Seller Name	Buyer Name	Sale Price	Doc No
2002-06-25	BELL, RODERICK E.	DAVIS, GEORGE M. & KATHLEEN E.	175,000	2002 48305
1990-02-01		BELL, RODERICK E. &	89,500	1991 118781
1981-04-01	SCHRADER, IVAN & LORNA	VANBURGER, WAYNE A. JR. &	70,000	1991 142783

CANCELLED

2000
7501
3400
3700
3800
600
1500
1600
1700
1800
5004
7500
800
1000
5900
6000
6100
5101
199
2200
7200

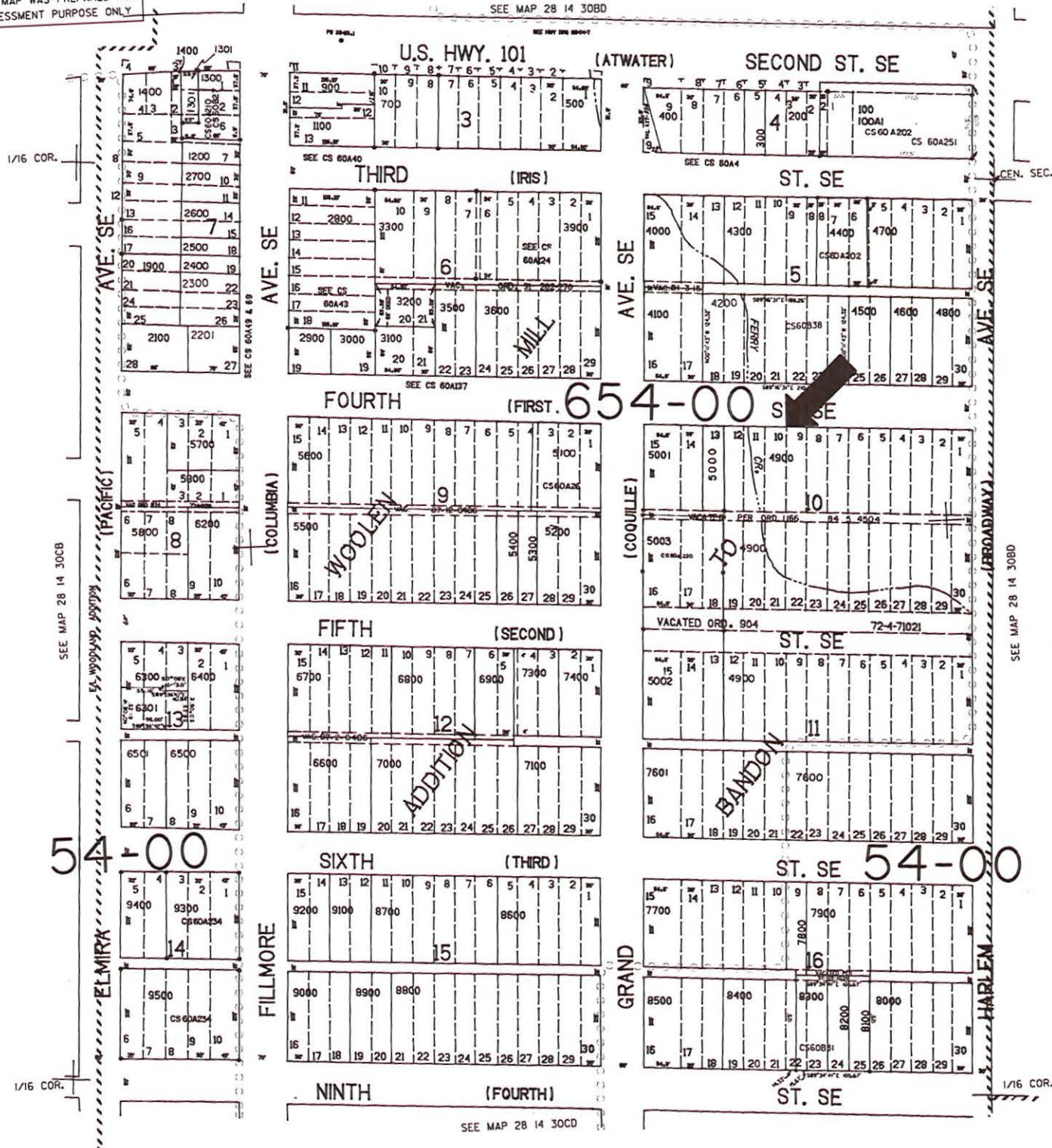
This map/plot is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, locations of easements, acreage or other matters shown thereon.



TICOR TITLE

LAST UPDATED
MAY 10, 2005

28 14 30CA
BANDON

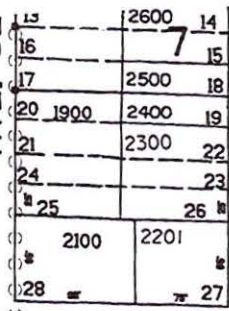


SEE MAP 28 14 30CB

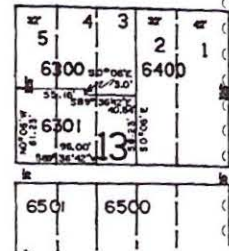
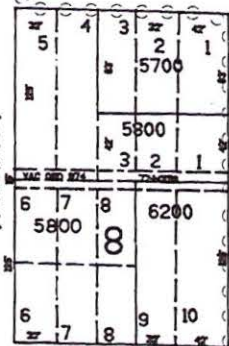
54 WOODLAND ADDITION

(PACIFIC)

AVE. SE



SEE CS 60A49 & 69



AVE. SE

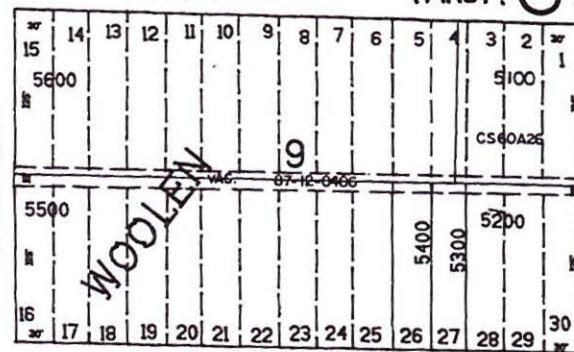
(COLUMBIA)



SEE CS 60A137

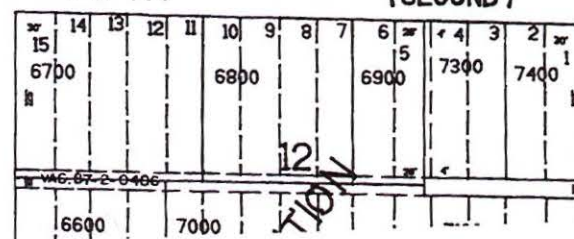
FOURTH

(FIRST. 654-00 ST SE



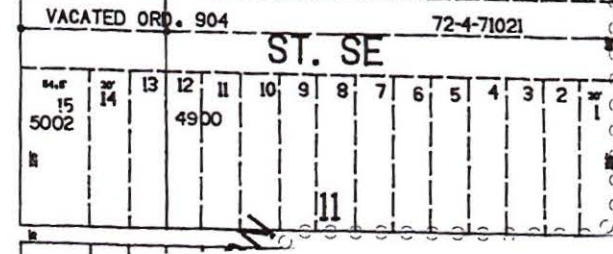
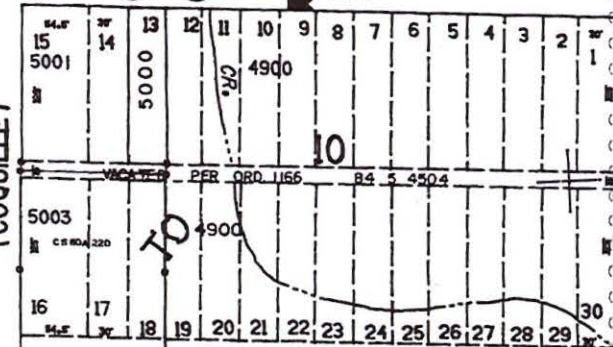
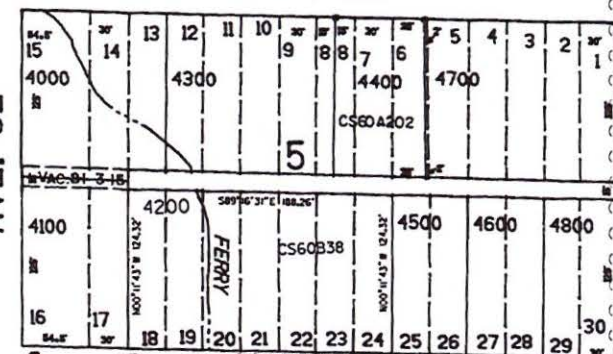
FIFTH

(SECOND)



AVE. SE

(COQUILLE)



AVE. SE

(BROADWAY)

SEE MAP 28 14 30BD



5500
6000
6100
5101
199
2200
7200

COOS County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2020

NOT OFFICIAL VALUE

October 1, 2020 8:52:28 am

Account # **3198800** Tax Status ASSESSABLE
 Map # 28S1430CA04900 Acct Status ACTIVE
 Code - Tax # 65400-3198800 Subtype NORMAL

Legal Descr See Record

Mailing Name DAVIS, GEORGE M. & KATHLEEN E.

Deed Reference # See Record

Agent

Sales Date/Price See Record

In Care Of

Appraiser

Mailing Address PO BOX 65
 BANDON, OR 97411-0065

Prop Class 101 MA SA NH Unit
 RMV Class 101 06 25 CBN 28987-1

Situs Address(s)	Situs City
ID# 10 790 4TH ST SE	BANDON

Code Area		RMV	MAV	Value Summary AV	SAV	MSAV	RMV Exception	CPR %
65400	Land	144,010					Land	0
	Impr.	183,970					Impr.	0
Code Area Total		327,980	253,910	253,910	0	0		0
Grand Total		327,980	253,910	253,910	0	0		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown TD% LS	Size	Land Class	LUC	Trended RMV
65400	10	☒		C-2*	Market	102 A	3.71	HS	002	144,010
Grand Total							3.71			144,010

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
65400	1	1966	138	One story with attic-Class 3	102	2,388		183,970
Grand Total							2,388	183,970

STATEMENT OF TAX ACCOUNT
COOS COUNTY TAX COLLECTOR
COOS COUNTY COURTHOUSE
COQUILLE, OREGON 97423
(541) 396-7725

1-Oct-2020

DAVIS, GEORGE M. & KATHLEEN E.
 PO BOX 65
 BANDON OR 97411-0065

Tax Account #	3198800	Lender Name	
Account Status	A	Loan Number	
Roll Type	Real	Property ID	65400
Situs Address	790 4TH ST SE BANDON OR 97411	Interest To	Oct 15, 2020

Tax Summary

Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date
2019	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,631.41	Nov 15, 2019
2018	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,564.46	Nov 15, 2018
2017	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,505.18	Nov 15, 2017
2016	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,428.05	Nov 15, 2016
2015	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,230.19	Nov 15, 2015
2014	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,268.58	Nov 15, 2014
2013	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,209.85	Nov 15, 2013
2012	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,172.06	Nov 15, 2012
2011	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,454.95	Nov 15, 2011
2010	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,418.52	Nov 15, 2010
2009	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,424.64	Nov 15, 2009
2008	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,321.12	Nov 15, 2008
2007	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,275.57	Nov 15, 2007
2006	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,248.79	Nov 15, 2006
2005	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,208.00	Nov 15, 2005
2004	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,275.64	Nov 15, 2004
2003	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,195.07	Nov 15, 2003
Total		\$0.00	\$0.00	\$0.00	\$0.00	\$39,832.08	

After Recording Return To:

George M Davis
Kathleen E Davis
6916 Hiland Road
Eagle River AK 99577

Send Tax Statements To:

George M Davis
Kathleen E Davis
6916 Hiland Road
Eagle River AK 99577



**AFTER RECORDING
RETURN TO
KEY TITLE COMPANY**

Title Order No. 24-86089
Escrow No. 24-86089 /KB

Tax Account No. T28R14S30CA
4900 A#31988.00

WARRANTY DEED
(ORS 93.850)

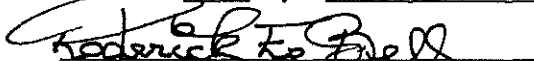
Roderick E Bell, an estate in fee simple, Grantor, conveys and warrants to George M Davis and Kathleen E Davis, as tenants by the entirety, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

See Exhibit 'A' attached hereto and by reference made a part hereof.

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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$175,000.00.

Dated this 25 day of June, 2002.


Roderick E Bell

State of OR, County of Coos)ss.

This instrument was acknowledged before me on June 25th, 2002
by Roderick E Bell.


Notary Public

My commission expires: 8-8-05

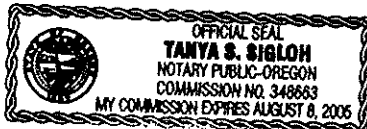


EXHIBIT 'A'Legal Description:

Lots 1 through 12, inclusive and Lots 19 through 30, inclusive, Block 10, together with that portion of the vacated alley, fronting and abutting thereon, that would inure by operation of law. ALSO Lots 1 through 12, inclusive, Block 11 together with that portion of the vacated alley, fronting and abutting thereon, that would inure by operation of law, all in WOOLEN MILL ADDITION, in the City of Bandon, Coos County, Oregon.

Subject to:

An Easement created by instrument, including the terms and provisions thereof,

In favor of: Nestle's Food Company

For: Right of Way for Pipeline

Dated: July 24, 1919

Recorded: April 30, 1920

Book: 82 Page: 493-495

In Coos County, Oregon.

Affects: Lots 5 through 11, inclusive, Block 10, Woolen Mill Addition

The premises herein described were included within the boundaries of the Urban Renewal Plan for the City of Bandon as disclosed by instrument,

Recorded: October 1, 1987

Microfilm No.: 87-5-6651

In Coos County, Oregon.

Anti-Remonstrance Agreement and the terms and provisions thereof,

Recorded: February 8, 1990, Microfilm Reel No. 90-2-0417,

Records of Coos County, Oregon

Application for Water Right
Transfer
Consent by Deeded Landowner



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

State of Oregon)
)ss
County of Coos)

I G. FOLGOS M. DRUGS in my/our capacity as OWNER,

mailing address P.O. BOX 65 BRANSON, OR 97611,

telephone number 541-347-2615, duly sworn depose and say that I

consent to the proposed change(s) to Water Right Certificate Number 8265

described in a Transfer Application (T-) submitted by ODFW,
(transfer number, if known)

on the property in tax lot number(s) 4900, Section 30, Township 28

South, Range 14 West, W.M., located at 770 E. 8th St SE BRANSON OR, 97611,
(site address)

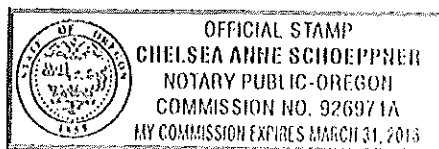
George M. Davis
Signature of Affiant

10/13/2017
Date

Chelsea Anne Schoepfer
Signature of Affiant

Date

Subscribed and Sworn to before me this 13th day of October, 2017.



Chelsea Anne Schoepfer
Notary Public for Oregon

My commission expires March 31, 2018

Oregon Department of Fish and Wildlife
Water Right and Diversion Transfer Comment Form
(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: T-13536

Date of review: 11/20/20

A*. Please check box if you believe there is a potential for injury to an instream water right.

☐ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on _____ [stream], tributary to _____, because _____.

(Please attach any available supporting information.)

Note: This will prompt WRD to make a determination whether the transfer will injure an instream water right. (OWRD makes the determination of injury to a water right, while ODFW's role is to raise concerns, and to evaluate proposed mitigation and net benefit to the resource if OWRD consents to injury of an instream water right.)

***Comment:** We recognize this is an upstream transfer within a reach of Ferry Creek that has an instream water right (C79554); however, the use is non-consumptive with water intake and outfall in Ferry Creek at the hatchery. As such, the water use associated with this proposed transfer will not impact water availability needed to meet the Ferry Creek instream water right. Current appropriation of the water associated with this proposed transfer is done under a STEP exemption (ORS 537.142 and OAR 690-340-0010(2)(b)) for hatchery operations. Once the certificate is finalized for this proposed transfer, water will no longer be appropriated utilizing the STEP exemption.

B. Please check one of the following five boxes related to fish screen requirements pursuant to ORS 540.525 or 540.532:

☒ **1. Screen Maintain**

[Select this option if the new Point of Diversion (POD) requires a fish screen and is currently equipped with an appropriate fish screen that will still be in compliance if the transferred water is diverted from this POD.]

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

Condition: The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ **2. Screen Now**

[Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is selected,

*Please return all 3 pages to: Transfers Section, Water Resources Department,
725 Summer St. NE, Suite A, Salem, OR 97301-1266*

provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.]

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

Condition: Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ **3. Screen 2 Year**

*[Option 3 may be checked if the change is from an unscreened diversion to a HISTORIC POD or an existing POD in use for another water right, and cost-share funds are not currently available. It should **NOT** be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. Please provide contact information on the "Fish Screening and Passage Information" sheet.] If extraordinary circumstances are present, please explain: _____*

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost-share funds become available to assist in the construction of a fish screen. If cost-share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost-share funding.

Condition: By October 1, 20__ [Within two years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. The water user may withdraw water at the new point of diversion without a screen until October 1, 20__. The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall maintain and operate the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ **4. Screen Future**

[Use this option if fish are not currently present, but might possibly be at some future time.]

Note: This option will yield the following:

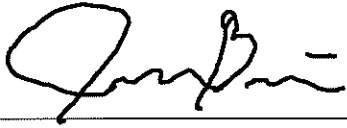
Finding of Fact: The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

Condition: The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐

5. No Screen Needed

[Check this box if fish are not currently present, and are not expected in the future.]



Signature

Jason Brandt
Printed Name

(541) 315-6222

Phone

SW Hydro Coordinator
Title

Oregon Department of Fish and Wildlife
Additional Fish Screening and Passage Information for the Applicant
(To be completed by ODFW for WRD to provide to the applicant.)

Transfer #: T-13536

The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.

- ☐ Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening. **Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.**

ODFW staff name: _____

Address: _____

City/State/Zip: _____

Phone: (_____) _____

- ☐ This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff member below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: _____

Address: _____

City/State/Zip: _____

Phone: (_____) _____



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

October 14, 2020

OREGON DEPARTMENT OF FISH & WILDLIFE
PERRY A. BAKER
4034 FAIRVIEW INDUSTRIAL DR SE
SALEM, OR 97302

Reference: Application T- 13536

On , we received your water right Transfer application. The application was accompanied by \$1395.00. Our receipt number 133630 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to Oregon Department of Fish and Wildlife to determine if a fish screen is needed.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water in the new place of use or from the new point of diversion until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

If the land is sold before the application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 986-0815.

Cc: Watermaster Dist. #15 (*via email*)
Coos County
Perry A. Baker, Agent
City of Bandon
Enclosure

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **133630**

INVOICE # _____

RECEIVED FROM:

*State of Oregon Oregon
Dept. of Fish and Wildlife
WARRANT*

APPLICATION

PERMIT

TRANSFER

T-13536

BY:

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐
☐
☒

125860205

TOTAL REC'D

\$ *1,395.00*

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER: (IDENTIFY)

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$

0202

RECORD FEE

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$ *1,395.00*

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

EXAM FEE

\$

0219

LICENSE FEE

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$

RECEIPT: **133630**

DATED: *10-7-2020*

BY: *[Signature]*

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

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Check all items included with this application. (N/A = Not Applicable)

- ☐ Part 1 – Completed Minimum Requirements Checklist.
- ☐ Part 2 – Completed Transfer Application Map Checklist.
- ☐ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- ☐ Part 4 – Completed Applicant Information and Signature.
- ☐ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: C8265**
Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

- ☐ Completed Transfer Application Map.
- ☐ Completed Evidence of Use Affidavit and supporting documentation.
- ☐ ☐ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- ☐ ☐ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- ☐ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☐ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☐ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- | | |
|--|--|
| ☐ Application fee not enclosed/insufficient | ☐ Map not included or incomplete |
| ☐ Land Use Form not enclosed or incomplete | ☐ Evidence of Use Form not enclosed or incomplete |
| ☐ Additional signature(s) required | ☐ Part _____ is incomplete |

Other/Explanation _____

Staff: _____ 503-986-0____

Date: ____/____/____

Part 2 of 5 – Transfer Application Map

Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- ☐ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- ☐ ☒ N/A If more than three water rights are involved, separate maps are needed for each water right.
- ☐ Permanent quality printed with dark ink on good quality paper.
- ☐ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☐ A north arrow, a legend, and scale.
- ☐ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- ☐ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☐ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☐ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☐ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☐ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☐ ☐ N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☐ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- ☐ ☐ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,160
2	Types of change proposed: ☒ Place of Use ☐ Character of Use ☒ Point of Diversion/Appropriation Number of above boxes checked = <u>2 (2a)</u> Subtract 1 from the number in line 2a = <u>1 (2b)</u> <i>If only one change, this will be 0</i> Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »	2	930
3	Number of water rights included in transfer <u>1 (3a)</u> Subtract 1 from the number in 3a above: <u>0 (3b)</u> <i>If only one water right this will be 0</i> Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »	3	0
4	Do you propose to add or change a well, or change from a surface water POD to a well? ☒ No: enter 0 » ☐ Yes: enter \$410 »	4	0
5	Do you propose to change the place of use or character of use? ☐ No: enter 0 on line 5 » ☒ Yes: enter the cfs for the portions of the rights to be transferred (see example below*): <u>2.5 (5a)</u> Subtract 1.0 from the number in 5a above: <u>1.5 (5b)</u> If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: <u>2 (5c)</u> and multiply 5c by \$350, then enter on line 5 » » » » » » » » » »	5	700
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	2790
7	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☒ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » »	7	1395
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » Transfer Fee:	8	1395

1. For irrigation calculate cfs for each water right involved as follows:
 - a. Divide total authorized cfs by total acres in the water right (for C12345, 1.25 cfs ÷ 100 ac); then multiply by the number of acres to be transferred to get the transfer cfs (x 45 ac = 0.56 cfs).
 - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs)
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$840.00
	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$410 and enter » » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » Fee for Substitution:	3	

Part 4 of 5 – Applicant Information and Signature

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Applicant Information

APPLICANT/BUSINESS NAME Oregon Department of Fish and Wildlife			PHONE NO. 503-947-6241	ADDITIONAL CONTACT NO. 503-947-6202
ADDRESS 4034 Fairview Industrial Dr SE			FAX NO. 503-947-6202	
CITY Salem	STATE OR	ZIP 97302	E-MAIL perry.a.baker@state.or.us	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Perry Baker			PHONE NO. 503-947-6241	ADDITIONAL CONTACT NO. 503-947-6202
ADDRESS 4034 Fairview Industrial Dr SE			FAX NO. 503-947-6202	
CITY Salem	STATE OR	ZIP 97302	E-MAIL perry.a.baker@state.or.us	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:
ODFW is transferring 2.5 cfs of C8265 to Bandon Fish Hatchery through this transfer to maintain the ability to rear hatchery fish. We are concurrently transferring the remaining 1 cfs portion of C8265 to an instream water right through T-12866.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check One Box

- ☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); OR
- ☐ I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; OR
- ☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: _____.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

I (we) affirm that the information contained in this application is true and accurate.

Applicant signature

Perry A. Baker
Print Name (and Title if applicable)

Date

Applicant signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☐ Yes ☒ No If NO, include signatures of all deeded landowners (and mailing and/or e-mail

addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

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Check the following boxes that apply:

- ☒ The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- ☐ The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- ☐ Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? ☐ Yes ☒ No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

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Describe any special ownership circumstances here: _____

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- ☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

- ☐ Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME City of Bandon	ADDRESS 555 Highway 101	
CITY Bandon	STATE OR	ZIP 97411

ENTITY NAME Coos County	ADDRESS 250 N. Baxter Street	
CITY Coquille	STATE OR	ZIP 97423

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 8265

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Description of Water Delivery System

System capacity: 3.5 cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Existing diversion box is a concrete framed structure approx. 10' wide and 6' high. The diverted water flows to the existing ponds through canals. The pond levels are controlled by a 3' x 4' concrete framed outlet structure with wooden dam boards. The outlet flows back to the creek through canals.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or Is It Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD1	☒ Authorized ☐ Proposed		28	S	14	W	30	NE	SW	4900	N51o30'E 3373.0 FT from SW SEC 30 Corner
POD2	☐ Authorized ☒ Proposed		28	S	14	W	29	NE	SE		
	☐ Authorized ☐ Proposed										
	☐ Authorized ☐ Proposed										

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|--|---|
| ☒ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☐ Character of Use (USE) | ☐ Point of Appropriation/Well (POA) |
| ☒ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ Government Action POD (GOV) |

Will all of the proposed changes affect the entire water right?

- ☐ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- ☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 8265

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
EXAMPLE																							
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901			
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901			
25	S	14	W 30 NE SW	4900			Fish Ponds for Raising Trout	POD #1	1929	POU/POD	28	S	14	W 29 NE SE					POD #2	1929			
TOTAL ACRES:												TOTAL ACRES:											

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Additional remarks:2.5 cfs of C8265 are being transferred to Bandon Fish Hatchery. The remaining 1 cfs is being transferred to an instream water right in T-12866.

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For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☒ Yes ☐ No

If YES, list the certificate, water use permit, or ground water registration numbers: **7904.**

 Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

- ☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

- ☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened Intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right

Application for Water Right Transfer Evidence of Use Affidavit



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing.
Supporting documentation must be attached.

State of Oregon)
County of COOS) ss

I, GEORGE M. DAVIS, in my capacity as OWNER,
mailing address PO BOX 65, BANDON, OR 97411

telephone number (541)347-2618, being first duly sworn depose and say:

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1. My knowledge of the exercise or status of the water right is based on (check one):

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 8265; **OR**

☐ My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	1/4 1/4	Gov't Lot or-DLC	Acres (if applicable)

OR

- ☐ Confirming Certificate # _____ has been issued within the past five years; **OR**
- ☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- ☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): FISH PROPAGATION

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

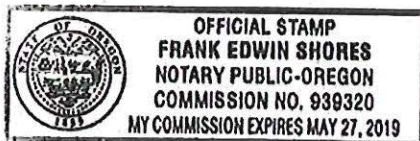
George M. Davis
Signature of Affiant

2-26-2018
Date

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Signed and sworn to (or affirmed) before me this 26th day of February, 2018.



[Signature]
Notary Public for Oregon

My Commission Expires: May 27 2019

Supporting Documents	Examples
☐ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
☐ Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU - www.oregonexplorer.info/imagery OWRD - www.wrd.state.or.us Google Earth - earth.google.com TerraServer - www.terraserver.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

Application for Water Right
Transfer
Consent by Deeded Landowner



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

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State of Oregon)
County of Coos)ss

I G. GEORGE M. DAVIS in my/our capacity as OWNER,

mailing address P.O. BOX 65 BARNON, OR 97411,

telephone number 541-347-2666, duly sworn depose and say that I

consent to the proposed change(s) to Water Right Certificate Number 8265

described in a Transfer Application (T-) submitted by ODFW,
(transfer number, if known)

on the property in tax lot number(s) 4900, Section 30, Township 28

South, Range 14 West, W.M., located at 790 E. 2nd St SE BARNON OR, 97411,
(site address)

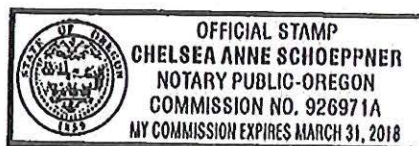
George M. Davis
Signature of Affiant

10/13/2017
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 13th day of October, 2017.



Chelsea Anne Schoeppner
Notary Public for Oregon

My commission expires March 31st 2018

STATE OF OREGON
COUNTY OF COOS
CERTIFICATE OF WATER RIGHT

This is to Certify, That Bandon Trout Farm, Inc.

of Marshfield, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Fairley Creek

a tributary of Coquille River for the purpose of Fish Pond for raising trout

under Permit No. 8923 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from February 23, 1929;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 3.5 cubic feet per second;

The point of diversion is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 28S, Range 14W, W. M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation or any other purpose), is as follows: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30 Township 28 South, Range 14 West of the Willametta Meridian in Coos County, Oregon.

The right to the use of the water for any purpose is restricted to the lands or place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 5728, Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this 25th day

of October, 19 29

Rhea Luper

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 8, page 8265

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NOTE:
THIS MAP IS NOT INTENDED
TO PROVIDE DIMENSIONS OR
LOCATIONS OF PROPERTY
OWNERSHIP LINES.

Oregon Dept. of Fish and Wildlife
Bandon Fish Hatchery

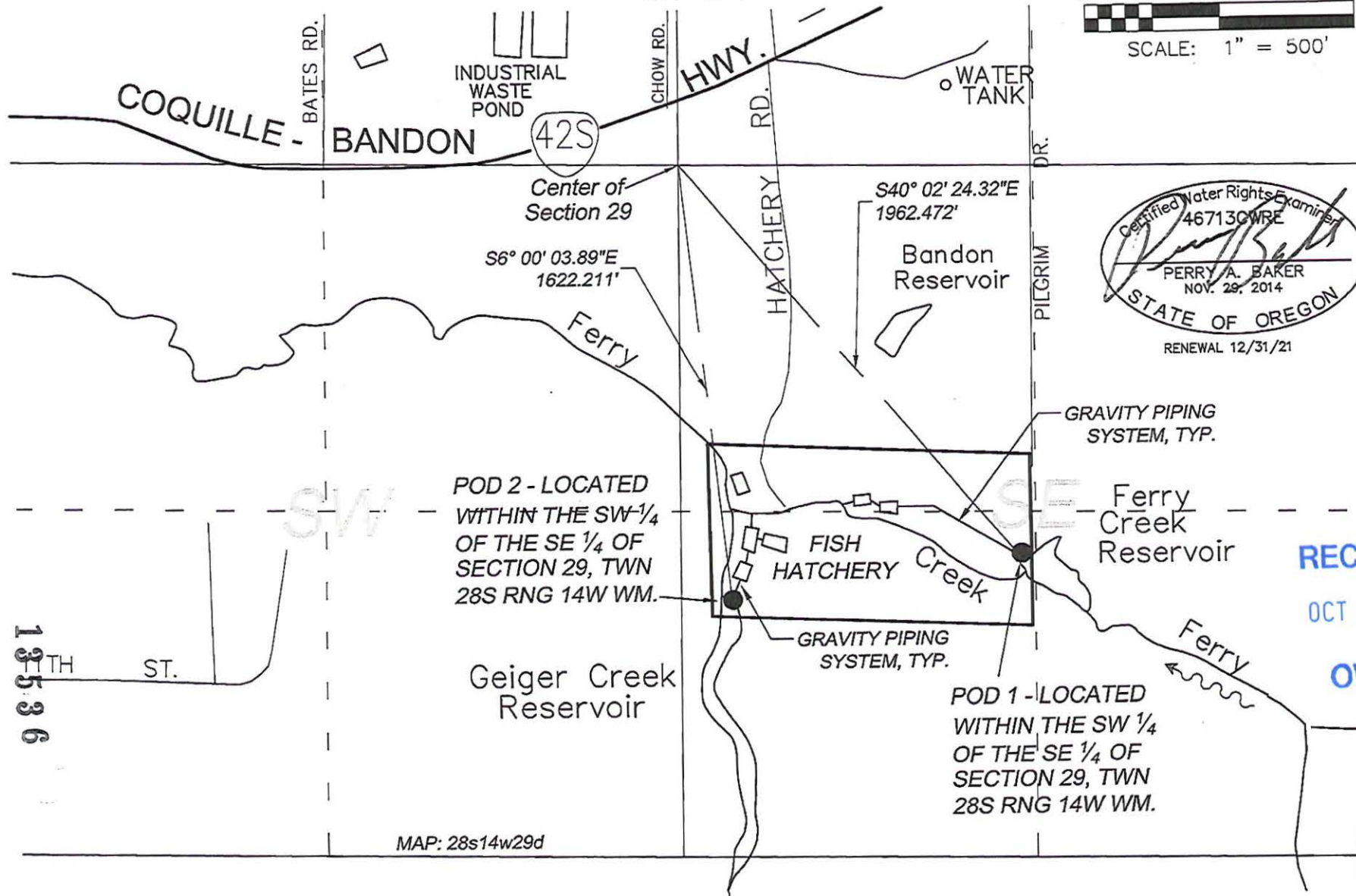
Map for Cert. #7904

SECTION 29, TWP 28 S., RANGE 14 W., W.M. COOS
COUNTY, OREGON



0 250 500 1000
SCALE: 1" = 500'

SUPERSEDED



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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

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Applicant(s): Oregon Department of Fish and Wildlife

Mailing Address: 4034 Fairview Industrial Dr. SE

City: Salem

State: OR

Zip Code: 97302

Daytime Phone: 503-947-6241

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>28 S</u>	<u>14 W</u>	<u>30</u>	<u>NESW</u>	<u>4900</u>	_____	☒ Diverted ☒ Conveyed ☐ Used	<u>Fish Propagation</u>
_____	_____	_____	_____	_____	_____	☐ Diverted ☐ Conveyed ☐ Used	_____
_____	_____	_____	_____	_____	_____	☐ Diverted ☐ Conveyed ☐ Used	_____
_____	_____	_____	_____	_____	_____	☐ Diverted ☐ Conveyed ☐ Used	_____

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

City of Bandon

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water ☒ Water Right Transfer ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Allocation of Conserved Water ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Ferry Creek

Estimated quantity of water needed: 3.5 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other Fish Propagation

Briefly describe:

Transferring an existing water right to the Department of Fish and Wildlife for fish propagation at the Bandon Hatchery

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Bandon Municipal Code Chapter 17.
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: John McLaughlin Title: Planning Director

Signature: [Signature] Phone: 541.347.2437 Date: 10.13.2017

Government Entity: City of Bandon

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.



Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

NOV 30 2020

WATER RESOURCES DEPT
SALEM, OREGON

CRANBERRY BOGS

INDUSTRIAL WASTE POND

Center of Section 29

COQUILLE - BANDON HWY. 42S

TO COQUILLE

WATER TANK

Bandon Reservoir

GRAVITY PIPING SYSTEM, TYP.

Ferry Creek Reservoir

FISH HATCHERY

Geiger Creek Reservoir

MAP: 28s14w29d

(CERT 8265) ~~POD~~ -
LOCATED WITHIN THE
NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF
SEC 30, TWN 28S
RNG 14W. Moved to
(CERT 7904) POD 1
AND POD 2.

(CERT 7904) POD 2 -
LOCATED WITHIN
THE SW $\frac{1}{4}$ OF THE
SE $\frac{1}{4}$ OF SECTION
29, TWN 28S RNG
14W WM.

(CERT 7904) POD 1 -
LOCATED WITHIN
THE SW $\frac{1}{4}$ OF THE
SE $\frac{1}{4}$ OF SECTION
29, TWN 28S RNG
14W WM.

Certified Water Rights Examiner
46713CWRE
PERRY A. BAKER
NOV. 29, 2014
STATE OF OREGON
RENEWAL 12/31/21

Regular Permanent Water Right Transfer Application Checklist

Checked by Corey C Date 10/12/20

(If OK, check box to left; if not, fill in the blank)

- ☒ 1. Page 1 of application: Are all attachments that have been checked actually included?

If not, what is missing? FOU supporting documentation needed

- ☒ 2. Are fees included and correct? Fee paid: \$1395⁰⁰

If not, the correct fee would be: _____, so the amount missing is: _____

► If a Government Action POD change (see: Page 5): **NO CHARGE**

*NOTE: [POD/APOD, POA/APOA, SW to GW, Gov Action] are all counted as one type

POU is counted as one type

[USE or (Supplemental to Primary)] are counted as one type

- ☒ 3. Page 3 of application: Have all the applicants listed at the top of the page signed?

If no, whose signature is missing? _____

- ☒ 4. Are all listed certificates or permits shown by WRIS as non-cancelled?

If no, which are cancelled? _____

For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.

- ☐ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?

☒ N/A ☐ Form D needed from _____ (district)

6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder. If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Certs & acres involved:

Changes: _____

cfs involved: _____

Source: _____