

# Application for a Permit to Use Groundwater



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

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant

NAME BANDON BIOTA LLC / BANDON DUNES GOLF RESORT POC: KEN NICE, <i>DIRECTOR OF AGRONOMY</i>			PHONE (HM)
PHONE (WK)	CELL		FAX
MAILING ADDRESS 57744 Round Lake Rd			
CITY Bandon	STATE OR	ZIP 97411	E-MAIL* *ALL COMMUNICATIONS VIA MAIL

### Organization

NAME BANDON BIOTA, LLC / Bandon Dunes Golf Resort		PHONE	FAX
MAILING ADDRESS 57744 Round Lake Rd		CELL	
CITY Bandon	STATE OR	ZIP 97411	E-MAIL* *ALL COMMUNICATIONS VIA MAIL

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

AGENT / BUSINESS NAME BOB LONG, CWRE (CwM-H2O, LLC)		PHONE (503) 954-1326	FAX
MAILING ADDRESS 311 B Ave, Suite P		CELL	
CITY Lake Oswego	STATE OR	ZIP 97034	E-MAIL* *ALL COMMUNICATIONS VIA MAIL

AGENT / BUSINESS NAME SCHROEDER LAW OFFICES, PC		PHONE (503) 281-4100	FAX
MAILING ADDRESS 1915 NE CESAR CHAVEZ BLVD		CELL	
CITY PORTLAND	STATE OR	ZIP 97212	E-MAIL* *ALL COMMUNICATIONS VIA MAIL

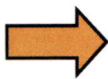
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### By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.



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

  
Applicant Signature

KEVIN NICE (MANAGING DIRECTOR)  
Print Name and Title if applicable

12/6/2024  
Date

Applicant Signature

Print Name and Title if applicable

Date

## SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

☒ YES, there are no encumbrances.

☐ YES, the land is encumbered by easements, rights of way, roads or other encumbrances.

☐ NO, I have a recorded easement or written authorization permitting access.

☐ NO, I do not currently have written authorization or easement permitting access.

☐ NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

☐ NO, because water is to be diverted, conveyed, and/or used only on federal lands.

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**Affected Landowners:** List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. (Attach additional sheets if necessary). N/A

**Legal Description:** You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

### See Attachment 2 – Legal Descriptions

(Taxlots 0100, 1903, 0600, 0201, 0900, 1000, 1002, and 1200)

## SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
POA-1 (COOS-58235)	TWO MILE CREEK / NEW RIVER (between dunes and Pacific Ocean)	1,790 ft	~60 ft
POA-2 (COOS-56183)		2,700 ft	~50 ft
POA-3 (COOS-58229)		3,020 ft	~50 ft
POA-4 (COOS-55895)		3,120 ft	~40 ft
POA-5 COOS-56184		3,700 ft	~65 ft

All five proposed POAs are existing wells installed within the coastal dune system. All five wells are similarly constructed, with their screened portions in the lower, confined, sand-and-gravel water-bearing zone of the unconsolidated coastal dune deposits. The well bores stopped when they reached claystone or siltstone, interpreted as the regional hard bedrock.



### SECTION 3: WELL DEVELOPMENT, continued

**Total maximum rate requested:** **120 GPM** (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

**The table below must be completed for each source to be evaluated or the application will be returned.** If this is an existing well, the information may be found on the applicable well log. (*If a well log is available, please submit it in addition to completing the table.*) If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET) <sup>1</sup>	PROPOSED USE			
										SOURCE AQUIFER <sup>2</sup>	TOTAL WELL DEPTH	WELL- SPECIFIC RATE (GPM) <sup>3</sup>	ANNUAL VOLUME (ACRE-FEET) <sup>4</sup>
POA-1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	COOS-58235	<input type="checkbox"/>	6"	1-133.5' 153.5-158'	133.5-153.5'	0-158'	14.6'	Quaternary-Late Tertiary Sediment Aquifer	158'	30 gpm	35.4 AF
POA-2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	COOS-56183	<input type="checkbox"/>	5"	1-116.5'	116.58- 136.58'	0-50' 137-153'	10.4'		136.5'	30 gpm	
POA-3	<input type="checkbox"/>	<input checked="" type="checkbox"/>	COOS-58229	<input type="checkbox"/>	6"	1.5-118' 124-130'	118-124'	0-50'	11.1'		130'	30 gpm	
POA-4	<input type="checkbox"/>	<input checked="" type="checkbox"/>	COOS-55895	<input type="checkbox"/>	5"	1.5-80' 80-125'	125-130'	0-50' 130-168'	12.9'		130'	30 gpm	
POA-5	<input type="checkbox"/>	<input checked="" type="checkbox"/>	COOS-56184	<input type="checkbox"/>	6"	2-154'	-	0-43' 43-155'	48.5' <sup>5</sup>		211'	30 gpm	

1. All static water levels collected on June 11th or June 12th, 2024, relative to the top of the casing (COOS-56184 excepting).
2. All wells are screened in the sand and gravel water-bearing zone at the base of the regional coastal sedimentary aquifer.
3. All wells are proposed to produce up to 30 gpm individually after redevelopment.
4. This volume is estimated based on the max evapotranspiration estimated at Bandon per year over the surface area of the proposed reservoir.
5. Static water level measured at time of well installation (8/2015).

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#### SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species if your proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of appropriation (POA) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POA and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqq\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/)

If you need help to determine in which area the proposed POA is located, please call the customer service desk at (503) 986-0801.

##### Upper Columbia - OAR 690-033-0115 thru -0130

Is the well or proposed well located in an area where the Upper Columbia Rules apply?

☐ Yes ☒ No

**If yes, you are notified** that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

**If yes, and if the Department determines that proposed groundwater use has the potential for substantial interference with nearby surface waters:**

- I understand that the permit, if issued, will not allow use during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that the Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

##### Lower Columbia - OAR 690-033-0220 thru -0230

Is the well or proposed well located in an area where the Lower Columbia rules apply?

☐ Yes ☒ No

**If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified** that the Water Resources Department will determine, by reviewing

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recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

**If yes, you will be required to provide the following information, if applicable.**

☐ Yes ☐ No The proposed use is for more than ~~one~~ cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:  
\_\_\_\_\_

**Statewide - OAR 690-033-0330 thru -0340**

Is the well or proposed well located in an area where the Statewide rules apply?

☒ Yes ☐ No

If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve “no loss of essential habitat of threatened and endangered (T&E) fish species,” or “no net loss of essential habitat of sensitive (S) fish species.” If conditions cannot be identified that meet the standards of no loss of essential T E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

**SECTION 5: WATER USE**

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Reservoir/Pond Maintenance	Mar 1 – Oct 31	35.4

**For irrigation use only:** N/A

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated (*must match map*).

Primary:      Acres                  Supplemental:      Acres                  Nursery Use:      Acres

If you listed supplemental acres, list the Permit or Certificate number of the underlying primary water right(s):

Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: (Exempt Uses: Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.)
- If the use is **mining**, describe what is being mined and the method(s) of extraction (*attach additional sheets if necessary*):

## SECTION 6: WATER MANAGEMENT

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### A. Diversion and Conveyance

What equipment will you use to pump water from your well(s)?

- ☒ Pump (give horsepower and type): **TBD** (*likely a 2-3 HP submersible pump per well*)
- ☐ Other means (describe):

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. *The five well sources for this permit will be tied into the main water distribution system proposed for the site, which also includes conveyance from surface water sources. The wells will pump into the proposed reservoir (separate storage permit application) as needed throughout the irrigation season to replace evaporative losses from the reservoir to maintain pumping levels for operation.*

### B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) (*attach additional sheets if necessary*)

*High-pressure sprinklers and hand application.*

### C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters. *Water will only be pumped from the wells to the reservoir for this proposed use when needed as evaporative losses impact reservoir lift station operations.*

## SECTION 7: PROJECT SCHEDULE

- Date construction will begin: *~Summer 2025*
- Date construction will be completed: *~Summer 2025*
- Date beneficial water use will begin: *~Summer 2026*

## SECTION 8: RESOURCE PROTECTION

In granting permission to use water the state encourages, and in some instances requires, careful control of activities that may affect adjacent waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- ☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: *All water will be stored in a reservoir with a lining and an earthen berm to prevent erosion and leakage.*

- ☐ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.



**Note:** If disturbed area is greater than one acre, applicant should contact the Oregon Department of Environmental Quality to determine if a 1200C permit is required.

Describe planned actions and additional permits required for project implementation: **N/A**

☐ Other state and federal permits or contracts required and to be obtained, if a water right permit is granted:

List: **N/A**

#### SECTION 9: WITHIN A DISTRICT

☐ Check here if the point of appropriation (POA) or place of use (POU) are located within or served by an irrigation or other water district. **N/A**

Irrigation District Name	Address	
City	State	Zip

#### SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

*This proposed use of groundwater is one of several proposed water rights for Bandon's New River Dunes project. This application is directly tied to the proposed storage permit and is meant to help the Applicant maintain water levels in the reservoir for consistent operations.*

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## Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

### Include this checklist with the application

**Check that each of the following items is included.** The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- ☒ SECTION 1: Applicant Information and Signature
- ☒ SECTION 2: Property Ownership
- ☒ SECTION 3: Well Development
- ☒ SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- ☒ SECTION 5: Water Use
- ☒ SECTION 6: Water Management
- ☒ SECTION 7: Project Schedule
- ☒ SECTION 8: Resource Protection
- ☒ SECTION 9: Within a District
- ☒ SECTION 10: Remarks

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#### Include the following additional items:

- ☒ Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt. **ATTACHMENT 3**
- ☒ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. **ATTACHMENT 2**
- ☒ Fees - Amount enclosed: **\$4,230**  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- ☒ Map that includes the following items: **ATTACHMENT 1**
  - ☒ Permanent quality and drawn in ink
  - ☒ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
  - ☒ North Directional Symbol
  - ☒ Township, Range, Section, Quarter/Quarter, Tax Lots
  - ☒ Reference corner on map
  - ☒ Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
  - ☒ Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
  - ☐ Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery **N/A**
  - ☒ Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)



# Land Use Information Form

Attachment 2: Land Use Information Form  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
[www.oregon.gov/OWRD](http://www.oregon.gov/OWRD)

## NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

This form is **NOT** required if:

- 1) Water is to be diverted, conveyed, and used on federal lands only; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
  - a. The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b. The application involves a change in place of use only;
  - c. The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
  - d. The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or [WRD\\_DL\\_customerservice@water.oregon.gov](mailto:WRD_DL_customerservice@water.oregon.gov).

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# Land Use Information Form

Attachment 2: Land Use Information Form  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.oregon.gov/OWRD

NAME Ken Nice			PHONE	
MAILING ADDRESS 57744 Round Lake Rd				
CITY Bandon	STATE OR	ZIP 97411	EMAIL	

## 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:
29S	15W	24	SWSW	201	EFU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	EFU
		25	NWNW	900		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		25	SWNW	1200		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		25	NENW	1002		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		25	SENW	1002		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		25	NENW	1000		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		24	NWSW	201		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		24	SWNW	201		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		24	NWNW	100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		24	NENW	100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		24	NWNE	100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		13	SWSW	600		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

Bandon, OR (Coos County)

**NOTE:** A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

## B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 35.4 ☐ 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 Rsvr./Pond Maintenance



Briefly describe:

Groundwater will be appropriated using wells and piped to a reservoir (separate storage permit application). The purpose of the groundwater is to maintain acceptable reservoir volume and counteract the effect of evapotranspiration throughout the irrigation season. The proposed volume is based on the maximum evapotranspiration per year for the Bandon area.

**Note to applicant:** For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 ➔

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Attachment 2: Land Use Information Form

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## 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 use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): \_\_\_\_\_
- ☒ Land uses to be served by the proposed water use(s), 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:	
The proposed water storage is for irrigation of the proposed Golf Course. A Golf Course requires a Hearings Body Conditional Use.	CCZLDO 4.6.200 67th listed use within the table; 4.6.200(2) & (5) & (20)	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input checked="" type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: Amy Dibble Title: Business Operations Manager

Signature: *Amy Dibble* Date: 11/19/24

Governmental Entity: Coos County Community Development Phone: 541-396-7770

### Receipt Acknowledging Request for Land Use Information

**Note to Local Government Representative:**

Please complete this form and return it to the applicant. **For new water right applications only**, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: \_\_\_\_\_

Staff Name: \_\_\_\_\_ Title: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

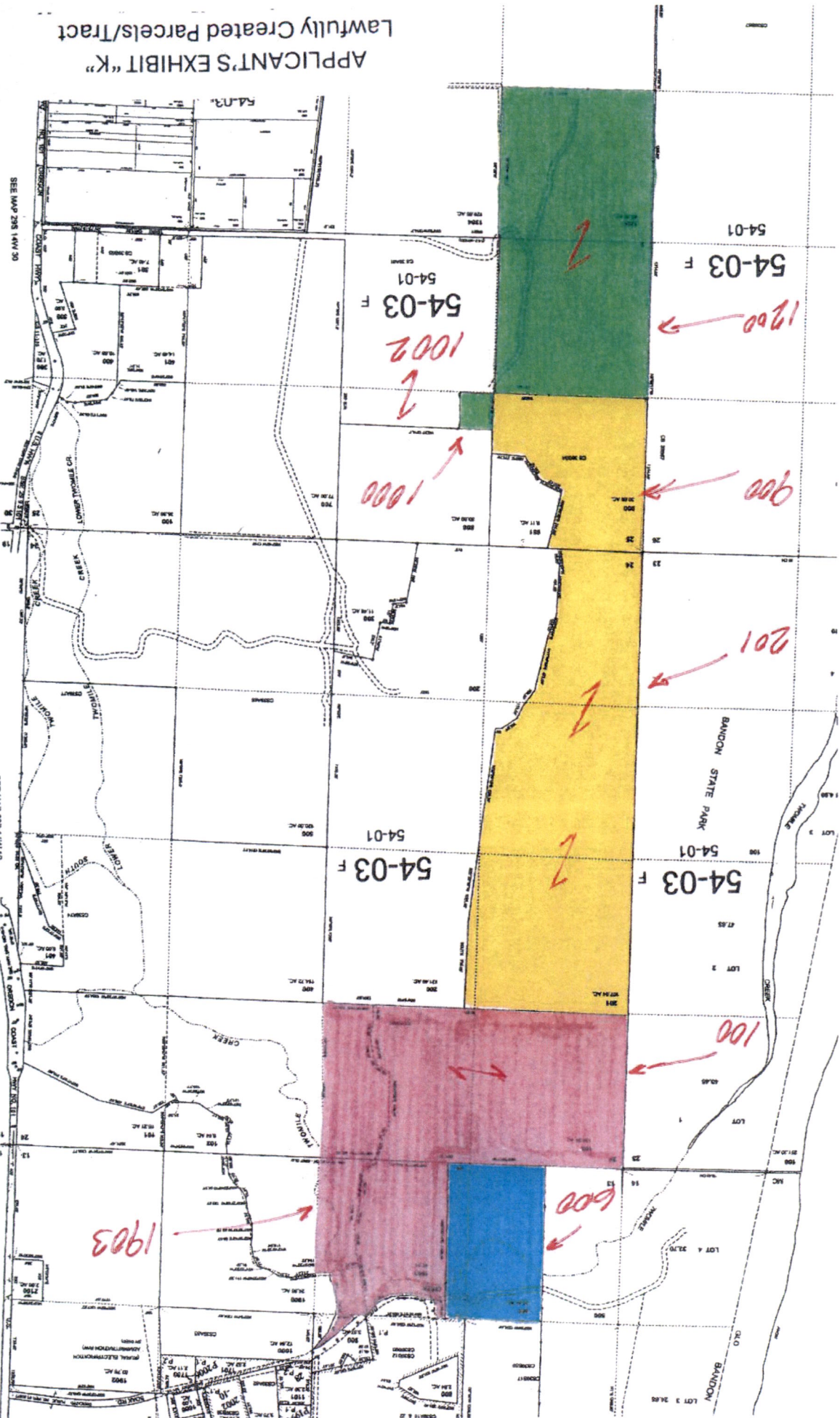
Governmental Entity: \_\_\_\_\_ Phone: \_\_\_\_\_



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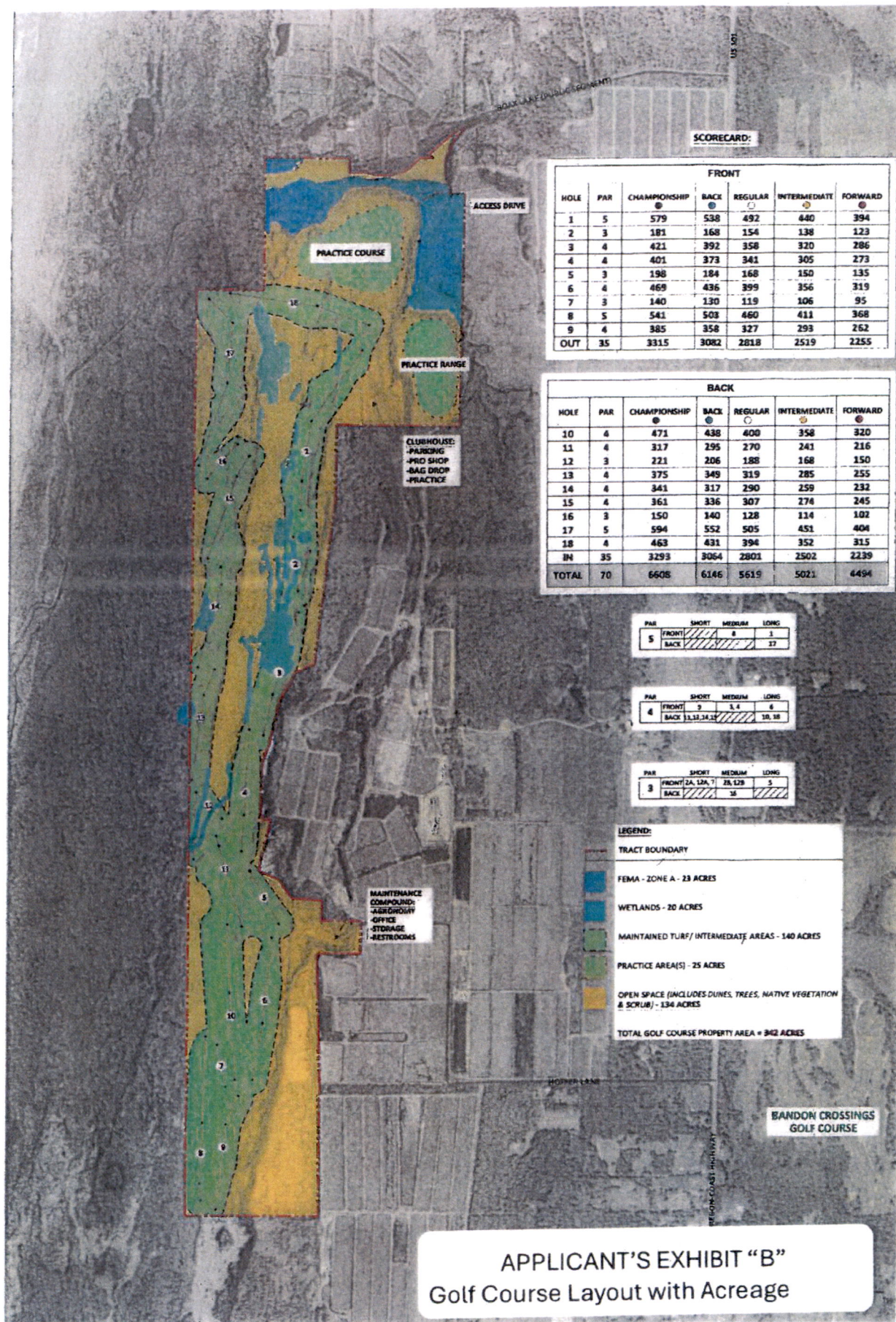
APPLICANT'S EXHIBIT "K"  
Lawfully Created Parcels/Tract



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APPLICANT'S EXHIBIT "B"  
Golf Course Layout with Acreage



AFTER RECORDING RETURN TO:

OCEAN RIVER LLC  
2450 LAKEVIEW  
CHICAGO IL 60614-2878

SEND TAX STATEMENT TO:

OCEAN RIVER LLC  
2450 LAKEVIEW  
CHICAGO IL 60614-2878

TRUE CONSIDERATION: NONE

## QUIT CLAIM DEED

BANDON BIOTA LLC, A DELAWARE LIMITED LIABILITY COMPANY, GRANTOR, releases and quitclaims to OCEAN RIVER LLC, A DELAWARE LIMITED LIABILITY COMPANY, GRANTEE, all right, title and interest in and to the following described real property:

SEE ATTACHD EXHIBIT "A"

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

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GRANTOR

\_\_\_\_\_  
Michael L. Keiser, Member Keiser Family Limited Partnership, LP, Member Bandon Biota, LLC

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024

Personally appeared before me the above named Michael L. Keiser who being duly sworn did say: that he is a Member of the Keiser Family Limited Partnership and Member of Bandon Biota, LLC; that he is authorized to execute the forgoing instrument on behalf of said Limited Partnership and Limited Liability Company; and he acknowledged the forgoing instrument as the voluntary act and deed of said Limited Partnership and Limited Liability Company.

Notary Public for the State of \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

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## EXHIBIT "A"

PARCEL I — 600

The East Half of the Southwest Quarter of the Southwest Quarter and the West 175 feet of the Southeast Quarter of the Southwest Quarter of Section 13, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon

PARCEL II — 100 & 1903

The North Half of the Northwest Quarter of Section 24, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon.

TOGETHER WITH: That portion of the East Half of the Southwest Quarter of Section 13, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, conveyed to Bandon Biota, LLC, per Statutory Warranty Deed 2003-10695 and Property Line Adjustment Deed 2007-11974, Deed Records of Coos County, Oregon, more or less, described as follows:

Beginning at a point on the south line of Section 13, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, said point being North 88°56'17" West 482.22 feet from the 5/8" iron rod marking the Quarter Corner common to Sections 24 and 13, said Township and Range, thence continuing along the South line of said Section 13 North 88°56'17" West 643.41 feet, more or less, to a point which is 175 feet from the Southwest corner of said Southeast Quarter of the Southwest Quarter of Section 13; thence Northerly, parallel to and 175.00 feet east of, the east line of said Southeast Quarter of the Southwest Quarter of Section 13 for a distance of 1309.34 feet, more or less, to the north line of said Southeast Quarter of the Southwest Quarter;  
thence along said north line South 88°56'24" East 669.22 feet;  
thence leaving said north line South 11°52'14" East 579.13 feet;  
thence South 04°31'42" East 183.66 feet;  
thence South 14°16'03" West 145.09 feet;  
thence South 05°06'48" West 361.77 feet;  
thence South 58°07'21" West 110.00 feet, more or less, to the point of beginning.

EXCEPT: That portion conveyed from Redmon to Boak per Warranty Deed Instrument 81-2-7779, Deed Records of Coos County.

ALSO: That portion of the East 1/2 of the Southwest Quarter of Section 13, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, described as follows:

Beginning at a point on the south line of Section 13, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, said point being North 88°56'17" West 482.22 feet from the 5/8" iron rod marking the Quarter Corner common to Sections 24 and 13, said Township and Range, thence North 58°07'21" East 100.00 feet;  
thence North 05°06'48" East 361.77 feet;  
thence North 14°16'03" East 145.09 feet;  
thence North 04°31'42" West 183.66 feet;

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thence North 11°52'14" West 579.13 feet to a point on the 1/16 line (to the north line of said Southeast Quarter of the Southwest Quarter) running East-West through the center of the Southwest Quarter of said Section 13;  
 thence along said 1/16 line South 88°56'44" East to its intersection with a line that bears South 39°39' East 91.35 feet from the southerly boundary of a private access roadway as described in Parcel "D" of Memorandum of Contract 93-06-1183, Deed Records of Coos County, Oregon;  
 thence North 39°39' West 91.35 to said southerly road boundary;  
 thence following said southerly road boundary in a northeasterly direction to a point on the North-South center section line of said Section 13 that bears South 00°34' West 961.07 feet from center of said Section 13 per said PARCEL "D" of Memorandum of Contract 93-06-1183;  
 thence South 40°59'47" West 61 feet, more or less, per Parcel III of Statutory Warranty Deed 2003-10695, Deed Record of Coos County;  
 thence South 32°18'25" West 43.99 feet;  
 thence South 23°37'04" West 119.16 feet;  
 thence South 12°49'49" West 91.49 feet;  
 thence South 02°02'34" West 182.52 feet;  
 thence South 10°44'51" East 70.05 feet;  
 thence South 23°32'17" East 115.00 feet;  
 thence South 03°19'43" East to its intersection with a line that bears South 87°37'22" West, per said Property Line Adjustment Deed 2007-11974;  
 thence North 87°37'22" East to said North-South center section line of said Section 13;  
 thence South along said center section line to the Quarter Section Corner common to said Sections 13 and 24;  
 thence along the south line of said Section 13 to the point of beginning.

PARCEL III — 201 & 900

That property conveyed to Bandon Biota, LLC per Statutory Warranty Deed 2003-6464, Deed Records of Coos County, Oregon, more particularly described as follows:

Beginning on the north line of the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of Section 24, Township 29 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, from which it's Northeast Corner (CN1/16) bears South 88°55'38" East 1214.34 feet; thence due South 735.89 feet to a point from which a 5/8" iron rod bears due West 50 feet;  
 thence South 05°20'10" West 1650.84 feet;  
 thence due West 50 feet to a point from which a 5/8" iron rod bears due West 60.00 feet;  
 thence South 53°50'11" West 162.01 feet to a 5/8" iron rod;  
 thence South 22°44'55" West 113.84 feet to a 5/8" iron rod;  
 thence South 32°51'38" West 168.24 feet to a point from which a 5/8" iron rod bears due west 35 feet;  
 thence South 11°25'25" West 472.96 feet to a 5/8" iron rod;  
 thence South 19°04'01" West 193.18 feet to a 5/8" iron rod;  
 thence South 00°56'41" West 451.89 feet to a 5/8" iron rod;  
 thence South 09°00'32" West 600'82 feet to a 5/8" iron rod;  
 thence South 70°00'03" East 209.12 feet to a 5/8" iron rod;  
 thence South 38°33'45" East 235.10 feet to a point from which a 5/8" iron rod bears due East 30.00 feet;  
 thence due East 30.00 feet to said 5/8" iron rod;

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thence continuing due East 247.76 feet, more or less, to the east line of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 25 of said Township 29, Range 15;  
thence Southerly 552.20 feet, more or less, along said east line into the south line of said Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4);  
thence westerly 1299.29 feet, more or less, along said south line to a 5/8" iron rod at the Southwest Corner of said NW1/4 of the NW1/4;  
thence North 00°02'17" West 1314.64 feet, along the Bandon State Park Boundary to a 2 1/2" BCIP at the Northwest Corner of said Section 25;  
thence continuing along said park boundary North 00°18'28" East 3919.44 feet to a 5/8" iron rod at the northwest corner of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of said Section 24;  
thence South 88°55'38" East 1316.22 feet along the north line of said Northwest Quarter (NW1/4) to a 5/8" iron rod;  
thence continuing South 88°55'38" East 71.45 feet to the point of beginning.

PARCEL IV - 1000

A parcel of land located in the Northeast Quarter of the Northwest Quarter of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, described as follows:

Commencing at the Southeast Corner of the Northeast Quarter of the Northwest Quarter of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, at which a 5/8" iron rod is set, thence North 89°05'05" West 967.52 feet along the south line of said Northeast Quarter of the Northwest Quarter to a 5/8" iron rod and the TRUE POINT OF BEGINNING;  
thence North 00°21'37" East 330.01 feet to a 5/8" iron rod;  
thence North 89°05'05" West 334.51 feet to the west line of said Northeast Quarter of the Northwest Quarter of Section 25, at which a 5/8" iron rod is set;  
thence South 00°31'46" West 330.00 feet along said west line to the south line of said Northeast Quarter of the Northwest Quarter, at which a 5/8" iron rod is set.  
Thence South 89°05'05" East 335.48 feet along said south line to the point of beginning.

PARCEL V - 1200

The Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 25, Township 29 South, Range 13 West of the Willamette Meridian, Coos County, Oregon.

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Tax Lot 1002 (Bandon Biota LLC)

The Southeast Quarter of the Northwest Quarter of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, together with the South 330 feet of the Northeast Quarter of said Northwest Quarter of Section 25, said Township and Range.

EXCEPT the following per Quit Claim Deed 2024-01964, Deed Records of Coos County, Oregon:

A parcel of land located in the Northeast Quarter of the Northwest Quarter of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, described as follows:

Commencing at the Southeast Corner of the Northeast Quarter of the Northwest Quarter of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, at which a 5/8" iron rod is set, thence North 89°05'05" West 967.52 feet along the south line of said Northeast Quarter of the Northwest Quarter to a 5/8" iron rod and the TRUE POINT OF BEGINNING;

thence North 00°21'37" East 330.01 feet to a 5/8" iron rod;

thence North 89°05'05" West 334.51 feet to the west line of said Northeast Quarter of the Northwest Quarter of Section 25, at which a 5/8" iron rod is set;

thence South 00°31'46" West 330.00 feet along said west line to the south line of said Northeast Quarter of the Northwest Quarter, at which a 5/8" iron rod is set.

Thence South 89°05'05" East 335.48 feet along said south line to the point of beginning.

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December 17, 2024

Oregon Water Resources Department  
Attn: *Water Rights Services Division*  
725 Summer St. NE Ste A  
Salem, Oregon 97301

**RE: APPLICATIONS FOR NEW WATER RIGHT PERMITS – BANDON NEW RIVER DUNES**

Dear OWRD Staff,

Please find accompanying this letter three application packages for new water right permits on behalf of Bandon Biota, LLC and Bandon Dunes Golf Reort (Applicant). These applications propose various water uses related to the operation and management of a proposed golf course south of Twomile Creek (Sections 13, 24, and 25 in T29S, R15W south of Bandon, Oregon). Specifically, these applications include:

- Supplemental irrigation from storage (proposed reservoir),
- Primary and supplemental irrigation from groundwater (existing wellfield), and
- Reservoir maintenance from groundwater (existing wellfield).


A fourth application package, which is for wintertime diversion from Twomile Creek for storage in the proposed reservoir, will be submitted following these applications. The Applicant is currently waiting for the ODFW Review Form to be returned for the Alternate Reservoir Application process.

These proposed new water right permits are intended to coordinate with the three water right transfers submitted by the Applicant in April 2024 (T-14438, T-14439, and T-14440). The transfers and new applications together ensure that the entire place of use (proposed golf course development) is covered by primary and supplemental irrigation sources.

Please let us know if there are any issues with processing this application or questions regarding the information included therein. Thank you for your assistance.

Sincerely,

**CwM H2O, L.L.C.**



Robert Long, CWRE

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**Attachments:**

1. Check #190689 for \$3,033.60 and Permit to use Surface Water Application
2. Check #190690 for \$4,320.00 and Permit to Use Groundwater Application (reservoir maintenance)
3. Check \$190691 for \$4,320.00 and Permit to Use Groundwater Application (primary and supplemental irrigation)