

Application for a Permit to  
**Store Water in a Reservoir**  
 Alternate Review (ORS 537.409)



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

You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

**SECTION 1: APPLICANT INFORMATION AND SIGNATURE**

**Applicant**

NAME BANDON BIOTA, LLC / BANDON DUNES GOLF RESORT, POC: KEN NICE, DIRECTOR OF AGRONOMY		PHONE (HM)	
PHONE (WK)	CELL	FAX	
MAILING ADDRESS 57744 ROUND LAKE DR			
CITY BANDON	STATE OR	ZIP 97411	E-MAIL * *ALL COMMUNICATIONS VIA MAIL

**Organization**

NAME BANDON BIOTA, LLC / BANDON DUNES GOLF RESORT POC: KEN NICE, DIRECTOR OF AGRONOMY		PHONE	FAX
MAILING ADDRESS 57744 ROUND LAKE DR		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 ROBERT 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

Note: Attach multiple copies as needed

\* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically.  
 (Paper copies of the final order documents will also be mailed.)

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 legally store water until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction. 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.

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

Applicant Signature

Print Name and Title if applicable

Date

Applicant Signature

Print Name and Title if applicable

Date

**SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR**

<b>Reservoir name:</b>	Reservoir-1				
<b>Source*:</b>	Twomile Creek	<b>Tributary:</b>	Pacific Ocean		
<b>County:</b>	Coos				
<b>Quantity:</b>	93.2 <b>Acre-Feet</b> [length x width x depth / 43,560]				
<b>Reservoir Location:</b>	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	29 S	15 W	25	NENW, SENW	1002
<b>Maximum Height of Dam:</b>	Excavated with berms less than 10-ft in height.				

\* Provide the name of the water body or other source from which water will be diverted and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, an unnamed stream, or spring.

**SECTION 3: WATER USE**

Indicate the proposed use(s) of the stored water: Multipurpose Use

**NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir.** Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses, which may include stock water, fish and wildlife, domestic, irrigation, agriculture, fire protection and pollution abatement.

**SECTION 4: PROPERTY OWNERSHIP**

Do you own all the land where you propose to divert, transport, and use water?

☒ Yes (please check appropriate box below then skip to section 5)

☒ There are no encumbrances.

☐ This land is encumbered by easements, right of way, roads of way, roads or other encumbrances.

☐ No (Please check the appropriate box below)

☐ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

☐ 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 irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

N/A

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## SECTION 5: ENVIRONMENTAL IMPACT

**Channel:** Is the Reservoir: ☐ in-stream or ☒ off channel?

**Wetland:** Is the project in a wetland? ☐ YES ☐ NO ☒ unknown

**Existing:** Is this an existing reservoir? ☐ YES ☒ NO

If YES, how long has it been in place? \_\_\_\_\_ years.

**Fish Habitat:** Is there a fish habitat upstream of the proposed structure? ☐ YES ☒ NO ☐ unknown

If YES, how much? \_\_\_\_\_ miles.

**Existing:** Have you been working with other agencies? ☐ YES ☒ NO

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project. **N/A**

## SECTION 6: WITHIN A DISTRICT

☐ Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

IRRIGATION DISTRICT NAME		ADDRESS	
CITY	STATE	ZIP	

## SECTION 7: DESCRIPTION

Provide a short description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

**Up to three PODs are proposed on Twomile Creek. These are shown in Attachment 5. Water from points of diversion on Twomile Creek will be pumped, conveyed to, and stored in an off-channel reservoir during the months of December to April. The proposed reservoir will be constructed within the footprint of existing cranberry bogs by deepening the bogs, removing internal berms, lining to prevent seepage loss and/or groundwater intrusion, and bermed with the excavated material. The reservoir will be off-channel and will require berms less than 10 ft high.**

If the diversion involves a dam, use this space below (or attached pages) for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

**None of the diversion points on Twomile Creek will require a dam. The reservoir will be excavated with berms constructed around the reservoir less than 10 feet in height.**

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## Application Completeness Checklist

Applicants are encouraged to use this checklist before submitting a complete application to the Department.

1. ☒ Landowner name, mailing address and telephone number provided
2. ☒ Application signed – All parties noted as applicants must sign the application
3. ☒ Source and tributary listed
4. ☒ Reservoir Location – TRSQQ and tax lot provided
5. ☒ Dam height indicated, if applicable
6. ☒ Property ownership completed
7. ☒ If applicant does not own all the land, is the affected landowner's name and mailing address listed?
8. ☒ Environmental impact section completed?
9. ☒ **Completed Watermaster review sheet**, signed and dated. *Note: Must be completed within last 12 months.*
  - Will the reservoir injure an existing water right? ☒ YES ☐ NO
  - If YES, can conditions be applied to mitigate injury? ☒ YES ☐ NO **ATTACHMENT 1**  
*If NO, return the application.*
10. ☒ **Completed ODFW review sheet**, signed and dated. *Note: Must be completed within last 12 months.*
  - Will the reservoir pose a significant detrimental impact to an existing fishery resource? ☒ YES ☐ NO
  - If YES, can conditions be applied to mitigate the impact? ☒ YES ☐ NO ☐ N/A **ATTACHMENT 2**  
*If NO, return the application.*
11. ☒ **Completed Land-Use Form** or receipt signed by the appropriate planning department official enclosed?  
*Note: Does the use on land-use form match the proposed use on the application? Must be completed within the last 12 months. ATTACHMENT 3*
12. ☒ **Include a copy of a Legal Description** of all the property involved with this application. A copy of a deed, land sales contract, or title insurance to meet this requirement. **ATTACHMENT 4**
13. ☒ **Acceptable Map**. *Note: Requirements set forth by the Commission. ATTACHMENT 5*
  - ☒ Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)
  - ☒ Scale of the Map, even scale such as 1" = 400', 1" = 1000', or 1" = 1320'
  - ☒ Reference public land survey corner on map
  - ☒ North directional symbol
  - ☒ ¼'s clearly identified
  - ☒ Reservoir clearly identified
  - ☒ Dam location identified, with measured distances from survey corner. If no dam, use coordinates to the center of reservoir.
  - ☒ If diverting water from a river or stream to a reservoir located off-channel, include measured distances from survey corner and identify any main canals, ditches, pipelines, or flumes.
14. **Fees:** Are the appropriate fees included? Use this fee calculator to determine the application fees: **\$4,911.20**

[https://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator/Permit\\_for\\_AltRes.aspx](https://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator/Permit_for_AltRes.aspx)

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## ATTACHMENT 1

### Watermaster Alternate Reservoir Application Review Sheet

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the Water Resources Department provides public notice, any person may submit detailed, legally obtained information in writing, requesting the Department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

<b>Applicant's Name:</b> Bandon Biota, LLC / Bandon Dunes Golf Resort		
1. Does the proposed reservoir have the potential to injure existing water rights? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Explain: <u>limit to water availability</u>		
2. Can conditions be applied to mitigate the potential injury to existing water rights? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Explain: <u>see above</u>		
3. Is water available for the proposed reservoir? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
4. If yes, during what period? Beginning: <u>Dec</u> End: <u>March</u>  Attach a WARS printout at 50% exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c))		
5. Did you meet with staff from another agency to discuss this application? <input type="checkbox"/> YES <input type="checkbox"/> NO		
Name:	Agency:	Date:
Name:	Agency:	Date:

Watermaster Name: Susan Douthit

Watermaster Signature: Susan Douthit Date: 1/2/2025

**NOTE: This completed form must be returned to the applicant**

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**ATTACHMENT 2****ODFW Alternate Reservoir Application Review Sheet****This portion to be completed by the applicant.**Applicant Name: Bandon Biota, LLC Bandon Dunes Golf ResortAddress: 57744 Round Lake Dr, Bandon OR. 97411Phone/Email: 503-954-1326Reservoir Name: Reservoir -1Volume (AF): 93.2Source: Twomile CreekBasin Name: South Coast☐ in-channelTwp Rng Sec QQ: 29S 15W 25 NENW, SENW☒ off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

**This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) staff.**

- 1) Is the proposed project and AO<sup>1</sup> off channel?..... ☐ YES ☒ NO\*  
(if yes then proceed to #4; if no then proceed to #2)

\*Although the reservoir is off channel, the proposed source for the project is Twomile Creek.

- 2) Is the proposed project or AO located where NMF<sup>2</sup> are or were historically present?..... ☒ YES ☐ NO  
(if yes then proceed to #3; if no then proceed to #4)

- 3) If NMF are or were historically present:

a. Is there an ODFW-approved fish-passage plan?..... ☐ YES ☐ NO

b. Is there an ODFW-approved fish-passage waiver or exemption?..... ☐ YES ☐ NO

**N/A:** Based on available information, the proposed use does not appear to involve instream structures that would create or maintain an artificial obstruction. However, if the applicant creates or maintains an artificial obstruction to fish passage for the proposed use, the applicant will need to address Oregon's fish passage laws.

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

- 4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... ☒ YES ☐ NO

Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

☒ Any diversion or appropriation of water for storage during January and April - December poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a

<sup>1</sup> AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

<sup>2</sup> NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)



Applicant Name: Bandon Dunes Golf Resort

ODFW Review

Review Date: 2/25/25

*certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)* If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

- ☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

Twomile Creek is designated as essential salmonid habitat. ESA-listed fish (Coho Salmon), state sensitive species (fall Chinook, winter steelhead, Pacific and Western Brook lamprey), and other game fish (coastal cutthroat trout) are present in Twomile Creek during the period of impact. Instream flows to fulfill IS72803 for aquatic life are not being met partially or wholly during the period of impact. Based on parameters assessed by ODFW, instream flows are currently below those essential to support the biological needs of an existing fishery resource during January and April - December.

In addition, ODFW reviewed available information regarding water quality impairment and determined that the proposed use would impair water quality that supports existing fishery resources (e.g., habitat) at or downstream of the Point of Diversion during the critical period of July-September. Both temperature and dissolved oxygen are related to flow modifications and water withdrawals, and both, when combined with reduced streamflow, can increase stress on aquatic life. Because the proposed use would impair water quality that supports existing fishery resources (e.g., habitat) at or downstream of the Point of Diversion, ODFW recommends that the water use, including any releases from the reservoir to waters of the state (see "Water Quality" condition below), also be restricted during July - September.

The proposed use will diminish physical habitat and alter the flow regime to which fish are naturally adapted, negatively affecting their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed use during January and April – December would impair or be detrimental to an existing fishery resource and/or their habitat without appropriate conditions and/or mitigation.

Impairment to Fishery Resource	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Water Quantity												
Water Quality												

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

☐ NO (explain)      ☒ YES (select from Menu of Conditions on next page)

☒ See applicable conditions selected from "Menu of Conditions" on next page

ODFW recommends the storage season be restricted to February - March or the proposed use be mitigated prior to issuance of a Proposed Final Order for any use outside of this period. In addition, the POD intakes in Twomile Creek will need to meet ODFW's fish screen criteria/guidelines. Without appropriate mitigation and/or conditions, a further reduction in flow or alteration of habitat from the proposed water use during January and April – December will result in a significant detrimental impact to an existing fishery resource.

ODFW Signature: \_\_\_\_\_

Print Name: Janna Guzman

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ODFW Title: Water Planning Coordinator

Date: 2/25/2025

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**NOTE: This completed form must be returned to the applicant.**

Revised 10/4/12; reformatted 5/12/20

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**MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA**

Revised May 12, 2020, March 25, 2021

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Use this menu to identify appropriate conditions to be included in the permit:

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- ☒ **Agricultural Water Quality Management Area Rules:** The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.
- ☐ **b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- ☐ **b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- ☒ **b51a** The period of use has been limited to February through March.
- ☐ **b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- ☐ **b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- ☐ **blv:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.
- ☐ **Bypass Flows:** Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:
- 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
  - 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.
- Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.
- The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.
- ☐ **fence:** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- ☒ **fishapprove:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- ☐ **fishmay:** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.
- ☐ **fishpass:** As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.
- ☐ **fishself:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee



shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

- ☒ **Fish Stocking:** Per ORS 498.222 and OAR 635-007-0600, all persons transporting live fish in Oregon shall have a Fish Transport Permit (FTP) issued by the Oregon Department of Fish and Wildlife (ODFW). The permittee shall not stock fish in the reservoir without an FTP approved by ODFW. As part of the FTP permitting process, the permittee may be required to screen the inlet and outlet of the reservoir to ensure that fish cannot escape into public waters and/or to keep wild fish from entering the reservoir.
- ☐ **futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- ☒ **In-Water Work:** Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of July 15 – October 31 unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.
- ☒ **Live Flow:** Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.
- ☒ **Off-Channel Stored Water Releases:** The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.
- ☐ **On-Channel Reservoir:** The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.
- ☒ **riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- ☒ **Water Quality:** All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.
- ☐ **wq:** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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## ODFW Alternate Reservoir Application Review Sheet

**This portion to be completed by the applicant.**

Applicant Name: Bandon Biota, LLC Bandon Dunes Golf Resort

Address: 57744 Round Lake Dr, Bandon OR. 97411

Phone/Email: 503-954-1326

Reservoir Name: Reservoir -1

Source: Twomile Creek

Basin Name: South Coast

Twp Rng Sec QQ: 29S 15W 25 NENW, SENW

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Volume (AF): 93.2

☐ in-channel

☒ off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

**This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) staff.**

- 1) Is the proposed project and AO<sup>1</sup> off channel?..... ☐ YES ☒ NO\*  
(if yes then proceed to #4; if no then proceed to #2)

\*Although the reservoir is off channel, the proposed source for the project is Twomile Creek.

- 2) Is the proposed project or AO located where NMF<sup>2</sup> are or were historically present?..... ☒ YES ☐ NO  
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

- a. Is there an ODFW-approved fish-passage plan?..... ☐ YES ☐ NO  
b. Is there an ODFW-approved fish-passage waiver or exemption?..... ☐ YES ☐ NO

N/A: Based on available information, the proposed use does not appear to involve instream structures that would create or maintain an artificial obstruction. However, if the applicant creates or maintains an artificial obstruction to fish passage for the proposed use, the applicant will need to address Oregon's fish passage laws.

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

- 4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... ☒ YES ☐ NO

Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

- ☒ Any diversion or appropriation of water for storage during January and April - December poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a

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<sup>2</sup> NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)



Applicant Name: Bandon Dunes Golf Resort

ODFW Review

Review Date: 2/25/25

certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

- ☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

Twomile Creek is designated as essential salmonid habitat. ESA-listed fish (Coho Salmon), state sensitive species (fall Chinook, winter steelhead, Pacific and Western Brook lamprey), and other game fish (coastal cutthroat trout) are present in Twomile Creek during the period of impact. Instream flows to fulfill IS72803 for aquatic life are not being met partially or wholly during the period of impact. Based on parameters assessed by ODFW, instream flows are currently below those essential to support the biological needs of an existing fishery resource during January and April - December.

In addition, ODFW reviewed available information regarding water quality impairment and determined that the proposed use would impair water quality that supports existing fishery resources (e.g., habitat) at or downstream of the Point of Diversion during the critical period of July-September. Both temperature and dissolved oxygen are related to flow modifications and water withdrawals, and both, when combined with reduced streamflow, can increase stress on aquatic life. Because the proposed use would impair water quality that supports existing fishery resources (e.g., habitat) at or downstream of the Point of Diversion, ODFW recommends that the water use, including any releases from the reservoir to waters of the state (see "Water Quality" condition below), also be restricted during July - September.

The proposed use will diminish physical habitat and alter the flow regime to which fish are naturally adapted, negatively affecting their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed use during January and April – December would impair or be detrimental to an existing fishery resource and/or their habitat without appropriate conditions and/or mitigation.

Impairment to Fishery Resource	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Water Quantity												
Water Quality												

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

- ☐ NO (explain)      ☒ YES (select from Menu of Conditions on next page)

☒ See applicable conditions selected from "Menu of Conditions" on next page

ODFW recommends the storage season be restricted to February - March or the proposed use be mitigated prior to issuance of a Proposed Final Order for any use outside of this period. In addition, the POD intakes in Twomile Creek will need to meet ODFW's fish screen criteria/guidelines. Without appropriate mitigation and/or conditions, a further reduction in flow or alteration of habitat from the proposed water use during January and April – December will result in a significant detrimental impact to an existing fishery resource.

Janna Guzman

Digitally signed by Janna Guzman  
Date: 2025.02.25 14:23:49 -08'00'

ODFW Signature: \_\_\_\_\_

Print Name: Janna Guzman

ODFW Title: Water Planning Coordinator

Date: 2/25/2025

**NOTE: This completed form must be returned to the applicant.**

Revised 10/4/12; reformatted 5/12/20

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Salem, OR



## MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020, March 25, 2021

APR 22 2025

Salem, OR

Use this menu to identify appropriate conditions to be included in the permit:

- ☒ **Agricultural Water Quality Management Area Rules:** The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.
- ☐ **b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- ☐ **b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- ☒ **b51a** The period of use has been limited to February through March.
- ☐ **b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- ☐ **b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- ☐ **blv:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.
- ☐ **Bypass Flows:** Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:
- 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
  - 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.
- Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.
- The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.
- ☐ **fence:** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- ☒ **fishapprove:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- ☐ **fishmay:** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.
- ☐ **fishpass:** As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.
- ☐ **fishself:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee



shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

- ☒ **Fish Stocking:** Per ORS 498.222 and OAR 635-007-0600, all persons transporting live fish in Oregon shall have a Fish Transport Permit (FTP) issued by the Oregon Department of Fish and Wildlife (ODFW). The permittee shall not stock fish in the reservoir without an FTP approved by ODFW. As part of the FTP permitting process, the permittee may be required to screen the inlet and outlet of the reservoir to ensure that fish cannot escape into public waters and/or to keep wild fish from entering the reservoir.
- ☐ **futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- ☒ **In-Water Work:** Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of July.15 – October 31 unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.
- ☒ **Live Flow:** Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.
- ☒ **Off-Channel Stored Water Releases:** The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.
- ☐ **On-Channel Reservoir:** The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.
- ☒ **riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- ☒ **Water Quality:** All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.
- ☐ **wq:** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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Salem, OR

# Land Use Information Form

APR 22 2025

Salem, OR

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

Salem, OR

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

NAME Bandon Biota, LLC / Bandon Dunes Golf Resort POC: Ken Nice, <i>Director of Agronomy</i>			PHONE	
MAILING ADDRESS 57744 Round Lake Dr				
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:
29 S	15 W	25	SENW	1000	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	EFU
		25	NENW	1002		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		25	NENW	1002		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		25	NWNW	0900		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		25	SWNW	1200		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		24	SWSW	0201		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		24	NWSW	0201		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		24	SWNW	0201		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		24	NWNW	0100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		13	SWSW	0600		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		13	SESW	1903		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		13	SWSE	1903		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		24	NENE	0100		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		24	NWNE	0100		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		24	NENW	0100		<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:

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) Twomile Creek

Estimated quantity of water needed: 105 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

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Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for \_\_\_\_\_ household(s)  
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other Storage

Briefly describe:

Water from Twomile Creek will be diverted during the months Dec-Apr and stored in an off-channel reservoir. The quantity proposed for diversion and storage is 93.2 acre-feet. However, the reservoir will be approximately 105 acre-feet in size to account for acting as a bulge-in-the-system (short-duration operational storage).

**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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**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 to be used 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: \_\_\_\_\_

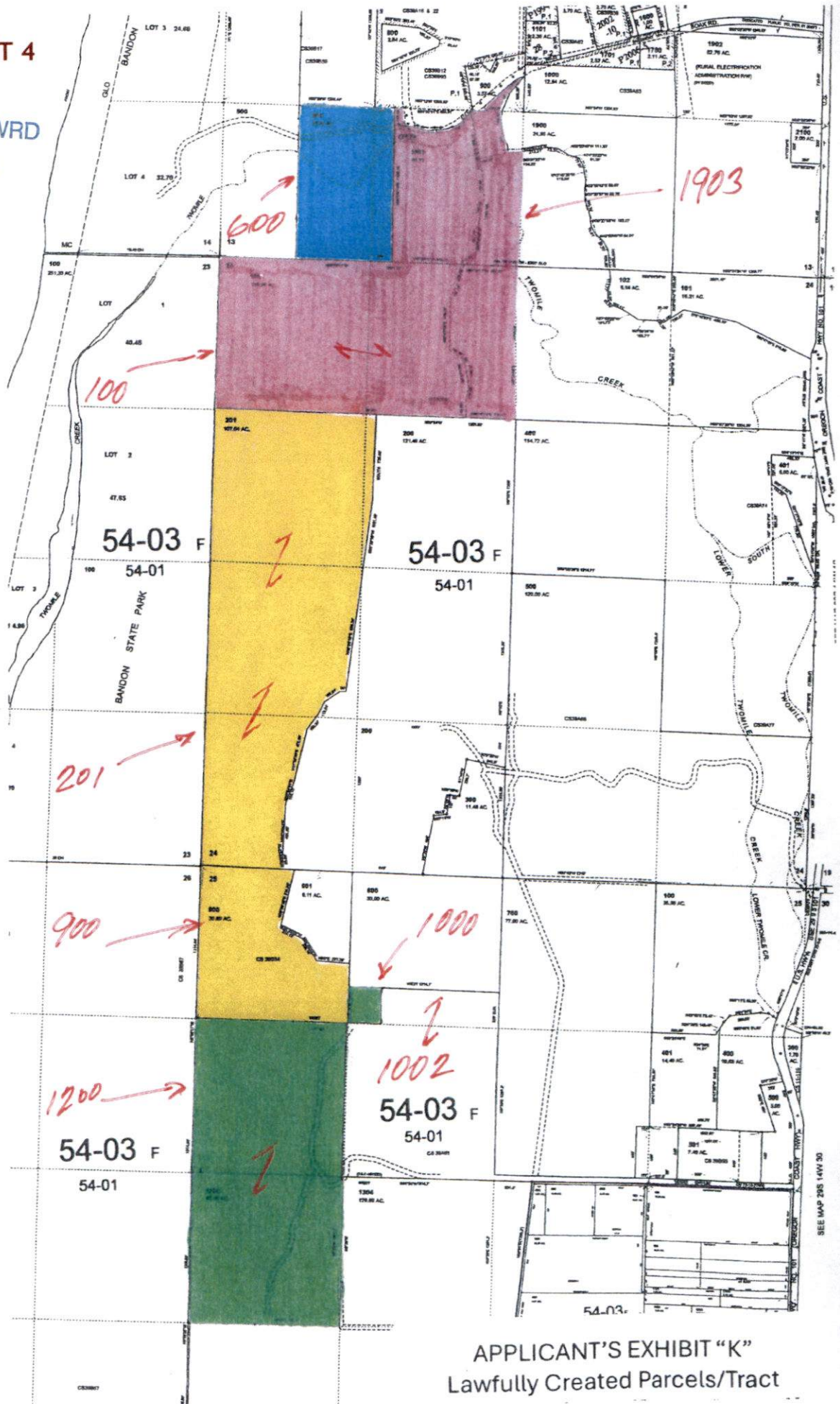
Governmental Entity: \_\_\_\_\_ Phone: \_\_\_\_\_

ATTACHMENT 4

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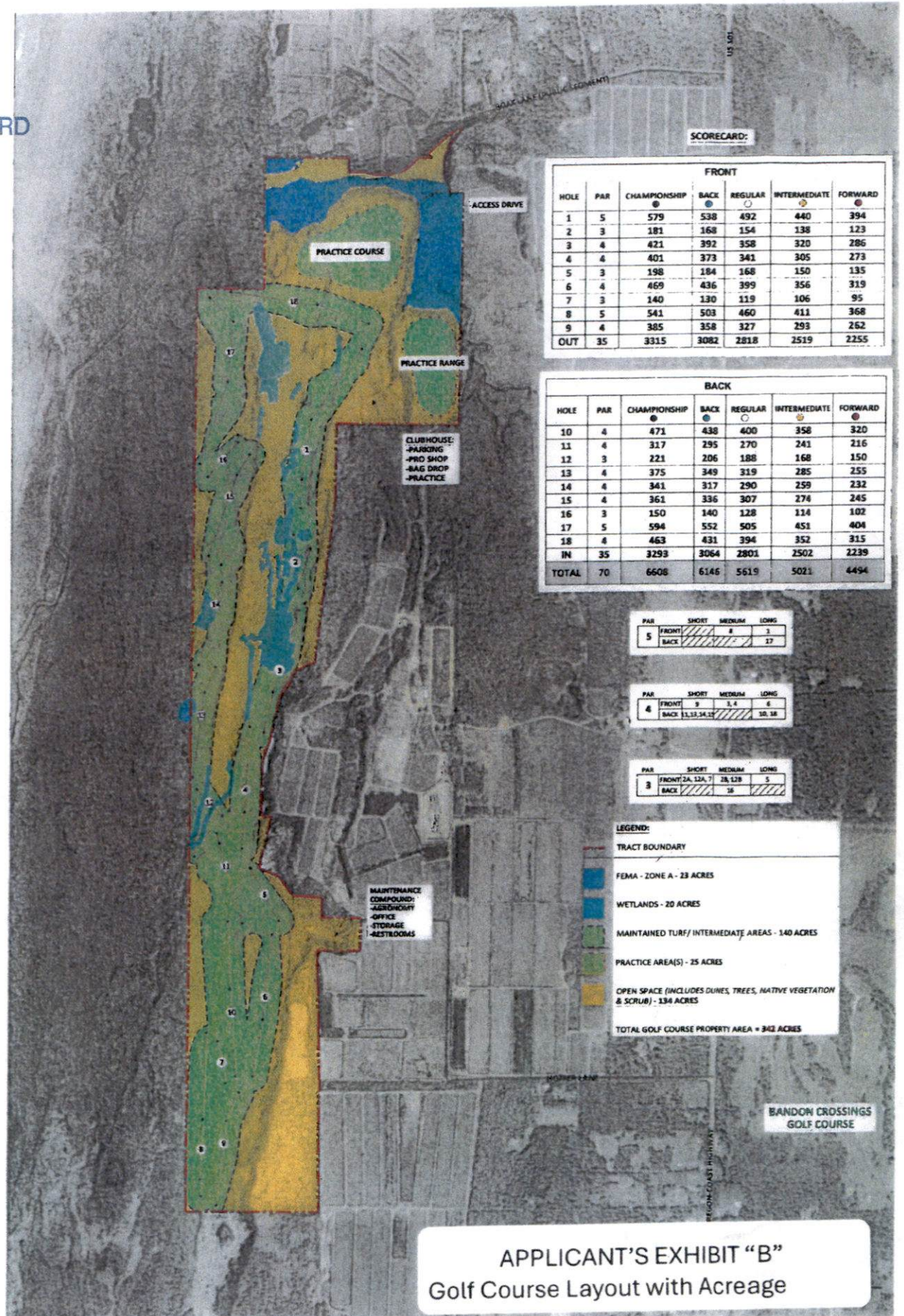




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APPLICANT'S EXHIBIT "B"  
Golf Course Layout with Acreage



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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 & 1923

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.