

FILE#: S 84855

ASSIGNED

Application No. S-84855

OCEAN DUNES GOLF LINKS
INC.: ROBINSON, BILL
3345 MUNSEL LAKE RD
FLORENCE, OR 97439

Permit No. S.53991

Certificate No. _____

Stream Index, Page No. _____

SEE G 15594 & 84856

FEES PAID

Date	Amount	Receipt No.
EXAM 8/27/01	575.00	47771
RECORDING 12/8/03	\$250.00	64896
3/2/09	50.00	95769
9-25-09	500.00	97969
Assignment 11-26-13	Cert. Fee 85.00	110595
	FEES REFUNDED	Check No.

Date filed _____

Priority _____

Action suspended until 2-2015

Return to applicant _____

Date of approval _____

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
3/2/2009	Assigned OCEAN DUNES, LLC Attn: RANDY CURTOLA 3345 MUNSEL LAKE RD FLORENCE OR 97439			

CONSTRUCTION

Date for beginning _____

Date for completion _____

Extended to _____

Date for application of water 10-1-08

Extended to 10-1-2015

REMARKS

11/26/2013
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
c/o Tribal Attorney: Harrang Long Gary Rudrick P.C.
1001 SW 5th. Avenue, 16th. Floor
Portland, Oregon 97204

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date Certificate issued _____



2/10/21- Per Dwight

**Talk to Dwight before
cancelling.**



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE Ste A

Salem, OR 97301-1266

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

NOTE: For water rights information and useful forms, please see our web site at www.oregon.gov/OWRD

Certified mail number 7018 0680 0002 0041 6630

Return receipt requested

February 16, 2021

CONFEDERATED TRIBES OF COOS, LOWER UMPQUA AND SIUSLAW INDIANS
1001 SW 5TH AVE 16TH FLOOR
PORTLAND, OR 97204

Reference: Application S-84855, Permit S-53991

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2008.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2008. The fee for submitting a claim of beneficial use is \$200.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$670.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (April 27, 2021) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$520.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact me at Codi.N.Holmes@oregon.gov, the address above or by telephone at 503-986-0887. Due to Covid-19, email may be the best way to reach me.

Sincerely,

for Codi Holmes
Certificate Specialist

Enclosures (1)

cc: File

OWRD Watermaster District 2



Oregon
Kate Brown, Governor

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

February 16, 2021

Confederated Tribes of Coos, Lower Umpqua
5647 Hwy 126
Florence, OR 97439

Reference: Application: S-84855 Permit: S-53991

Dear Property Owner,

You have been identified as the owner of lands covered in part or in whole by the above referenced permit.

Please see the enclosed 'Resource Sheet' to access the assignment form if you wish to continue using this water.

Should you have any questions, please contact me at Codi.N.Holmes@oregon.gov, the address above or by telephone at 503-986-0887. Due to Covid-19, email may be the best way to reach me.

Sincerely,

Leona Albin

for Codi Holmes
Certificate Specialist

cc file
Watermaster #2

Mailing List for 60-Day Letter

Application: S-84855

Permit: S-53991

Permit Holder(s):

CONFEDERATED TRIBES OF COOS, LOWER UMPQUA AND
SIUSLAW INDIANS
1001 SW 5TH AVE 16TH FLOOR
PORTLAND OR 97204

Copies Mailed	
by: <u> ja </u>	(STAFF)
on: <u> 2/16/21 </u>	(DATE)

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **YES NO**

Copies of Cancellation Order to be sent to Permit Holder(s) and following:

- 1. Watermaster District #2
- 2. File

Other persons to receive copies:

Confederated Tribes of Coos, Lower Umpqua
5647 Hwy 126
Florence, OR 97439

7018 0680 0002 0041 6630

U.S. Postal Service™	
CERTIFIED MAIL® RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee	Postmark Here
\$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage	
\$	
Total Postage and Fees	
\$	
Sent To	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	

Current applicant = which looks to be attorney
Confederated Tribes of Coos, Lower Umpqua...
Attn: Tribal Attorney: Harrang Long Gary
Rudrick Pc
1001 SW 5th Ave, 16th floor
Portland OR 97204

Current owner per County:
Confederated Tribes of Coos, Lower Umpqua...
5647 HWY 126
Florence OR 97439

GC - Send Certified to both addresses?
OR new owner letter for
County info?

COMPLETENESS PROJECT

Page 1

60 Day Letter

PERMIT STATUS REVIEW BY C. Holmes DATE _____ FILE # S-84855

1. Per Dwight French, do not send "C" DATE NOTICE PACKET if: update WRIS if appropriate

____ Extension pending Yes No

____ Assignment is pending Yes No

____ Cancellation has been requested Yes No

____ Claim of Beneficial Use received Yes No
Date information received _____

Dept. has already sent a certified 60-Day Compliance letter (date _____, Cert mail # _____)

Was 60 days notice allowed? Y N If No, How Much Time? _____
Was mail deliverable as addressed? Y N date _____
If mail returned, online/www check? Y N date _____ successful? Y N
Re-send Cert. Letter? Y N date _____
Send cancellation order Y N

2. IF NONE OF THE ABOVE APPLY

YES Send certified "C" date notice packet to permit holder.

"C" DATE OCT 1 2008 BASIN NUMBER 2 WM # 2

ext OCT 1 2015

CWRE or AGENT Yes/No HARRANG LONLY GARY RUDNICK PC

3. AOI Yes _____ NO X If Yes, name(s) of AOI _____

4. Current Landowner(s) and Mailing Address

County of Place of Use LANE Tax Lot(s) _____

Attach copy of email from County Assessor or Printout from Assessor's Site →

Confederated Tribes of Coos, Lower Umpqua

Contacts regarding 60 Day Letter:

Hold Action Request from Permit/Landowner – Date of Request _____ Requesting Parties Name _____

Hold Action Until (Date) _____

No more than 60 days beyond original deadline to submit an extension, assignment, or Alt Res CBU

Hold Action Request from CWRE – Date of Request _____ CWRE Name _____

Hold Action Until (Date) _____

No more than 6 months beyond original deadline to submit a CBU

COMPLETENESS PROJECT
Page 2

Final Cancellation Review

PERMIT STATUS REVIEW BY _____ *DATE* _____

1. C Date ____/____/____
 2. Certified Letter Date ____/____/____
 3. Return Receipt Rcvd. ____/____/____
 4. Return Receipt Signed By _____
 5. Other Communication: ____/____/____
-

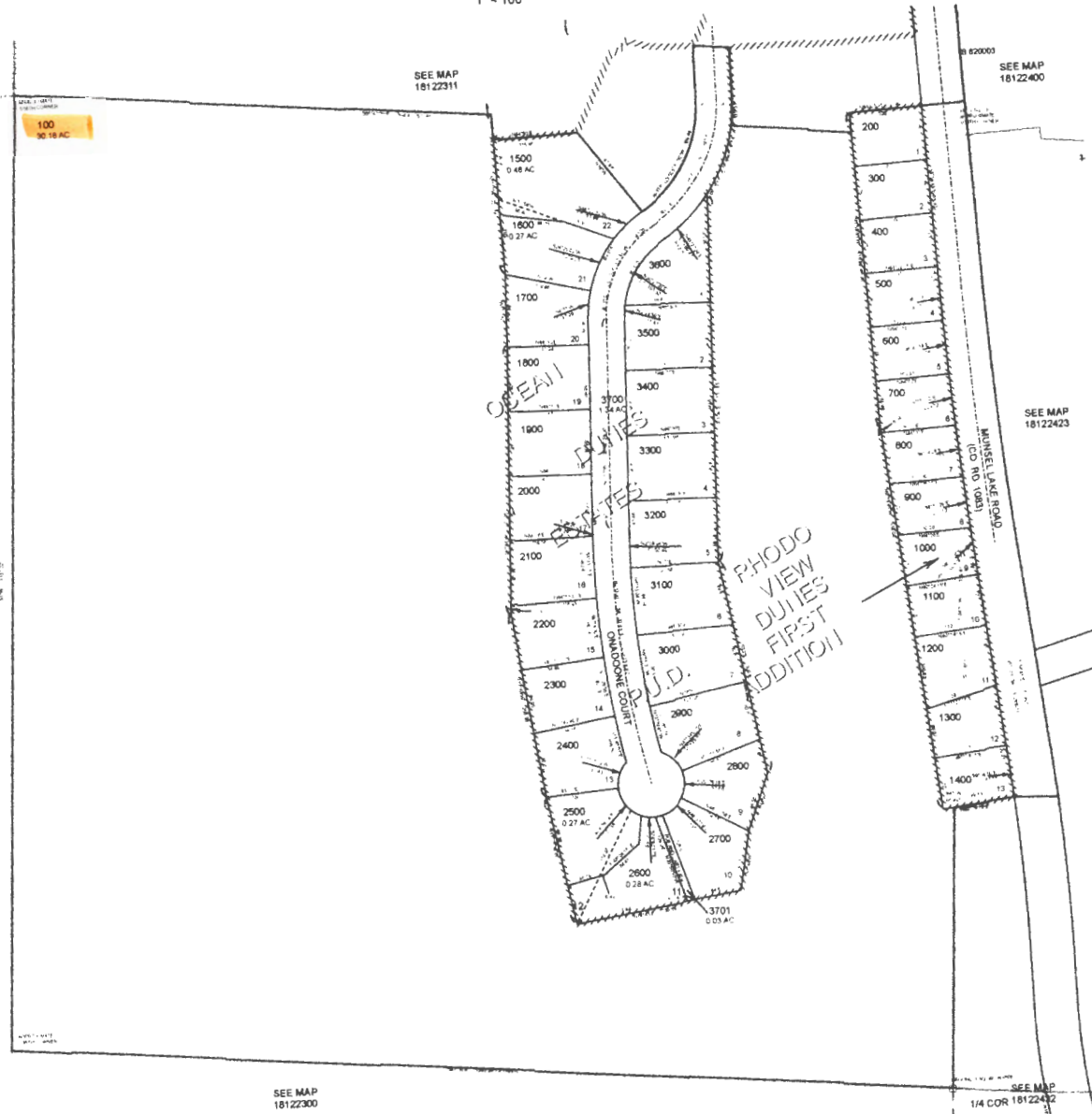
Recommend Cancellation or
Hold Action until ____/____/____

FOR ASSESSMENT AND
TAXATION ONLY

S.E. 1/4 N.E. 1/4 SEC. 23 T.18S. R.12W. W.M.
Lane County
1" = 100'

18122314
FLORENCE

DATE: 2012-07-02 11:15



FLORENCE
18122314



Individual Property Account Information

Printer Friendly Version

Account Information

Account Number 0784049
 Additional Account Numbers
 Tax Payer CONFEDERATED TRIBES OF THE COOS
 Owner(s) View Owners
 Situs Address ADDRESS UNKNOWN
 , OREGON
 Mailing Address 5647 HWY 126
 FLORENCE, OREGON 97439
 Map and Tax Lot # 1812231400100
 Acreage 27.71
 TCA 09700
 Prop Class 200 Commercial Vacant

Recent Receipts

Date	Amount	Amount	Amount	Amount
11/07/2019	\$2,728.50	\$2,728.50	\$84.39	\$0.00
11/07/2018	\$4,538.73	\$4,538.73	\$140.37	\$0.00
11/15/2017	\$4,377.28	\$4,377.28	\$135.38	\$0.00
10/27/2016	\$4,252.69	\$4,252.69	\$131.53	\$0.00
11/13/2015	\$4,162.22	\$4,162.22	\$128.73	\$0.00

Valuation History

More information on the values below can be found here

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	20
Assessed Value	\$264,113	\$272,036	\$280,197	\$288,803	\$297,261	\$306,179	\$315,364	\$324,825	\$334,570	\$211,656	\$21
Maximum Assessed Value	\$264,113	\$272,036	\$280,197	\$288,803	\$297,261	\$306,179	\$315,364	\$324,825	\$307,189	\$316,404	\$31
Real Market Value	\$558,705	\$558,705	\$558,705	\$558,705	\$541,943	\$504,006	\$478,805	\$531,473	\$547,417	\$211,656	\$21

FOR ASSESSMENT AND TAXATION ONLY

SECTION 23 T.18S. R.12W. W.M.
Lane County
1" = 400'

18122300
FLORENCE

LCAT.CO - 2017-05-23 09:44



CANCELLED
 108
 107
 200
 201
 202
 203
 204
 205
 300
 800
 900

FLORENCE
18122300



Individual Property Account Information

Printer Friendly Version

Account Information

Account Number 1893740
 Additional Account Numbers
 Tax Payer LOWER UMPQUA & SIUSLAW INDIANS
 Owner(s) View Owners
 Situs Address 10 UNKNOWN
 ANYTOWNE, OREGON 00000
 Mailing Address 5647 HWY 126
 FLORENCE, OREGON 97439
 Map and Tax Lot # 1812230000400
 Acreage 32.21
 TCA 09700
 Prop Class 200 Commercial Vacant

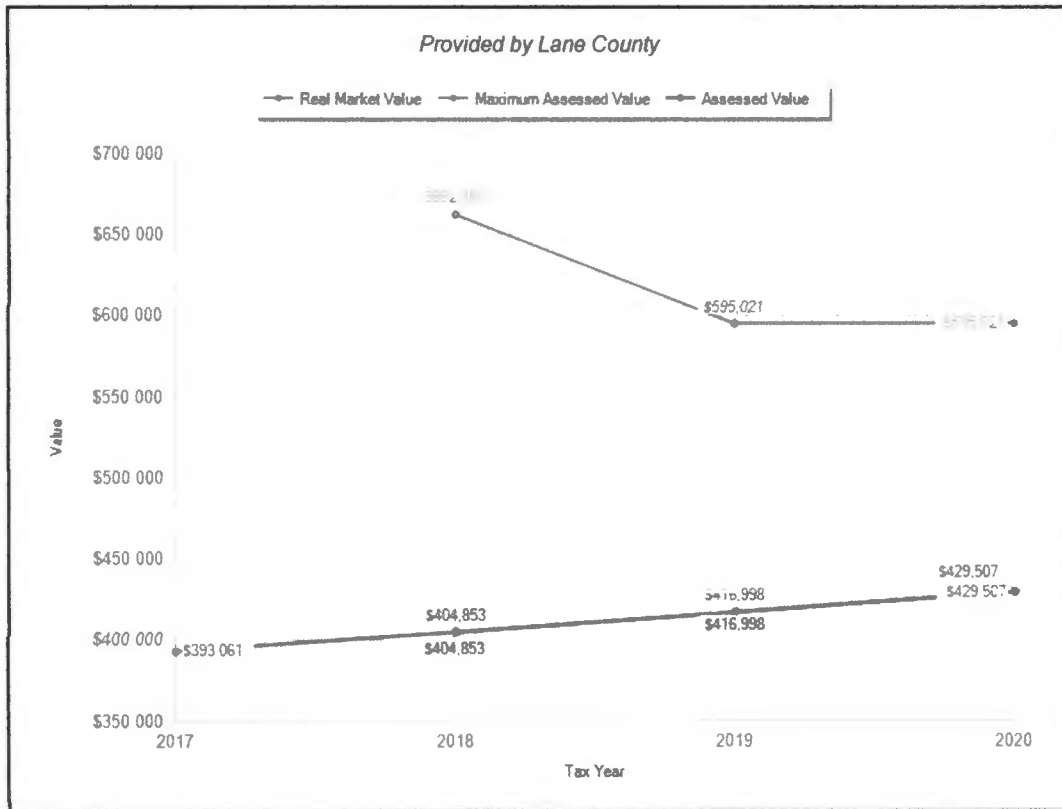
Recent Receipts

Date	Amount	Balance	Payment	Interest
11/07/2019	\$5,481.01	\$5,481.01	\$169.52	\$0.00
11/08/2018	\$5,492.17	\$5,492.17	\$169.86	\$0.00

Valuation History

More information on the values below can be found [here](#)

	2017	2018	2019	2020
Assessed Value	\$0	\$404,853	\$416,998	\$429,507
Maximum Assessed Value	\$393,061	\$404,853	\$416,998	\$429,507
Real Market Value	\$0	\$662,389	\$595,021	\$595,021





LANE COUNTY
Home

Individual Property Account Information

[Printer Friendly Versions](#)

Account Information

Account Number	0784247
Additional Account Numbers	
Tax Payer	CONFEDERATED TRIBES OF THE COOS
Owner(s)	View Owners
Situs Address	ADDRESS UNKNOWN OREGON
Mailing Address	5647 HWY 126 FLORENCE, OREGON 97439
Map and Tax Lot #	1812230000900
Acreage	13.60
TCA	09724
Prop Class	190 Residential Potential Development Vacant

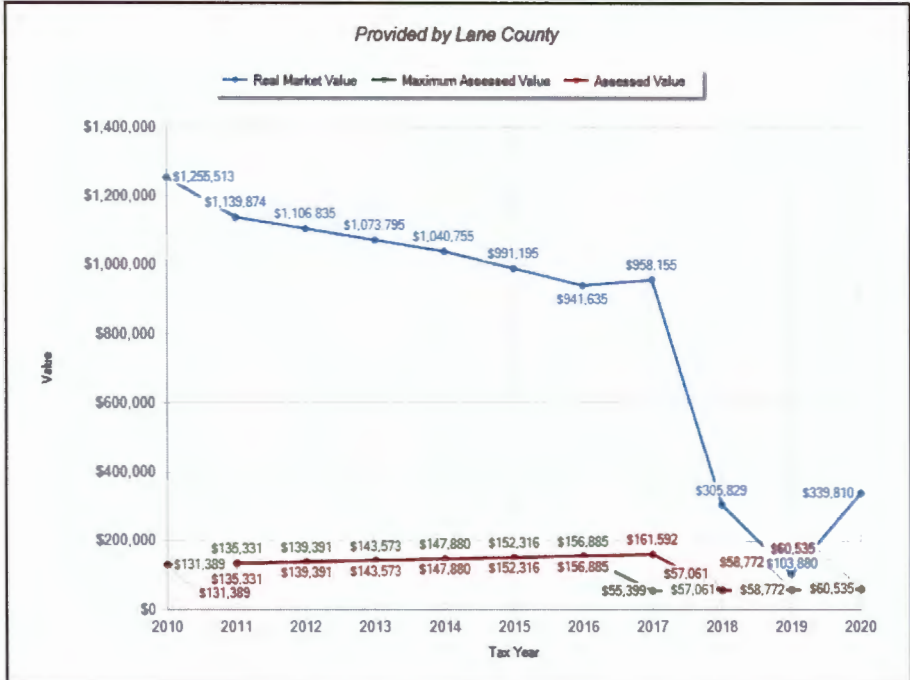
Recent Receipts

Date	Amount Received	Tax	Discount	Interest
11/04/2020	\$730.14	\$730.14	\$22.58	\$0.00
11/07/2019	\$702.80	\$702.80	\$21.73	\$0.00
11/07/2018	\$729.22	\$729.22	\$22.55	\$0.00
11/15/2017	\$2,050.57	\$2,050.57	\$63.42	\$0.00
10/27/2016	\$1,987.23	\$1,987.23	\$61.46	\$0.00

Valuation History

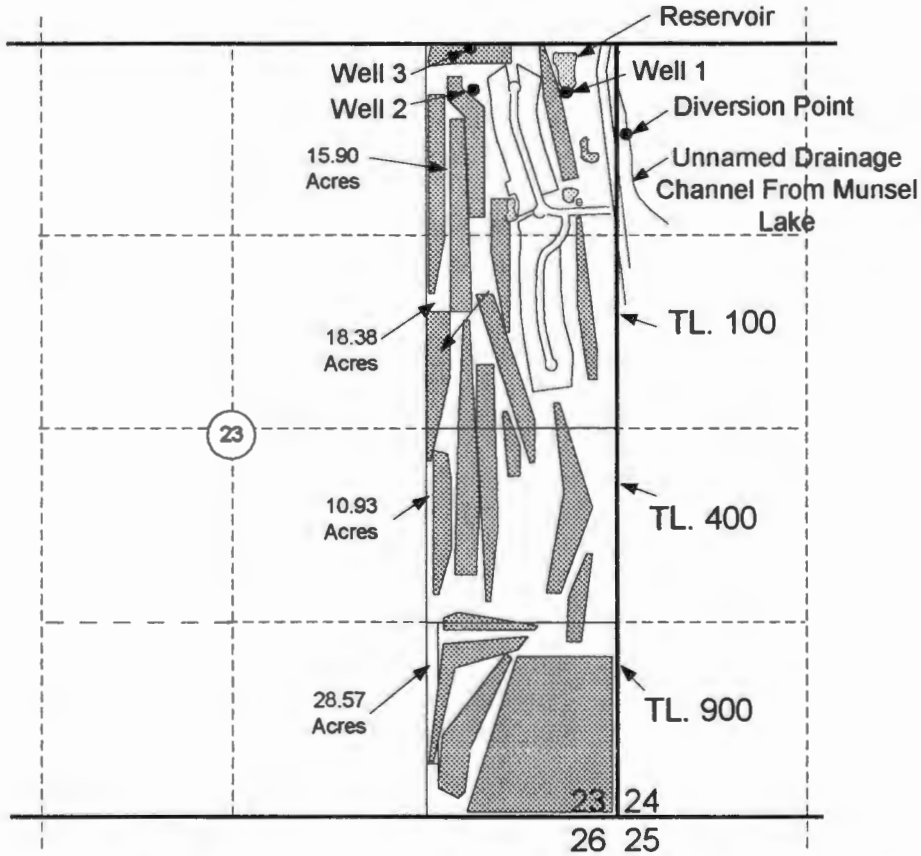
More information on the values below can be found [here](#)

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Assessed Value	\$131,389	\$135,331	\$139,391	\$143,573	\$147,880	\$152,316	\$156,885	\$161,592	\$57,061	\$58,772	\$60,535
Maximum Assessed Value	\$131,389	\$135,331	\$139,391	\$143,573	\$147,880	\$152,316	\$156,885	\$55,399	\$57,061	\$58,772	\$60,535
Real Market Value	\$1,255,513	\$1,139,874	\$1,106,835	\$1,073,795	\$1,040,755	\$991,195	\$941,635	\$958,155	\$305,829	\$339,810	



T.18S. R.12W. Sec. 23

Superseded



Diversion Point is located 625 feet south and 50 feet east of the northeast corner of Section 23
 Proposed Well 1 is located 325 feet south and 350 feet west of the northeast corner of Section 23.
 Proposed Well 2 is located 300 feet south and 970 feet west of the northeast corner of Section 23.
 Proposed Well 3 is located 30 feet south and 1,010 feet west of the northeast corner of Section 23

Application No. *84855*
 Permit No.



EXPIRATION: *12/31/02*

- Area (73.78 Acres) to be irrigated.
- Pond or Reservoir

Scale: 1" = 1,320'



This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.



Water Right Application Map

Pacific Hydro-Geology Inc.

Ocean Dunes Golf Links
 T.18 S. R.12W. Sec. 23 Tax Lots 100, 400, and 900

RECEIVED

NOV 26 2013



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

Request for Assignment
WATER RESOURCES DEPT
SALEM, OREGON

If for multiple rights, a separate form and fee for each right will be required.

1. OCEAN DUNES LLC / RANDY CURTOLA
(Name of Applicant / Permit / Transfer Holder / License Holder / GR Certificate of Registration)

3345 MUNSEL LAKE Rd. FLORENCE, OR 97439 541-991-2744
(Mailing Address) (City) (State) (Zip) (Phone #)

- hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;
- hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)
- hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # S-84855 ; Permit # S-53991 ; Transfer # NA
-OR-
License # NA ; GR Statement # NA ; GR Certificate of Registration # NA

As filed in the office of the Water Resources Director, to:

Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
(Name of New Owner)
c/o Tribal Attorney, Harrang Long Gary Rudrick P.C.
1001 SW 5th Avenue, 16th Floor, Portland, OR 97204 (503) 242-0000
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in the Application, Permit, Transfer, License, or GR Certificate of Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 2nd day of October, 2013.

Applicant/Permit Holder Randy Curtola

Applicant/Permit Holder _____

ASSIGNED
11/26/2013

DQ NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 3:00 a.m. on date of receipt at Salem, Oregon.
Fee receipt # 110585
Water Rights Division

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$85.



Oregon

John A. Kitzhaber, MD, Governor

November 26, 2013

Water Resources Department

North Mall Office Building

725 Summer St. NE, Suite A

Salem, OR 97301

Phone 503-986-0900

FAX 503-986-0904

www.wrd.state.or.us

Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
c/o Tribal Attorney: Harrang Long Gary Rudrick P.C.
1001 SW 5th. Avenue, 16th. Floor
Portland, Oregon 97204

Reference: Application S-84855, Permit S-53991 – Application R-84856, Permit R-13407
Application G-15594, Permit G-15109 – Application R-85106, Permit R-R-13402
Application R-85107, Permit R-13403 – Application R-85108, Permit R-13404

The assignment from Ocean Dunes LLC c/o Randy Curtola to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians has been recorded in the records of the Water Resources Department.

The Departments records will now show the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians as the permit holders of record.

Our records have been changed accordingly and the original requests are enclosed. Receipt numbers 110595, 110596, 110597, 110598, 110599, and 110600 covering the recording fees are also enclosed.

Please review the permits to be familiar with the conditions and timelines contained in the permits. These conditions and timelines will have to be met before a Certificates of Water Right can be issued.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipts 110595, 110596, 110597, 110598, 110599, and 110600

cc: Watermaster 2
Ocean Dunes LLC
Malia Kupillas
Data Center, OWRD (cover letter & request)
Hydrographics
File

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to

-84855
 CONFEDERATED TRIBES OF COOS,
 LOWER UMPQUA AND SIUSLAW INDIANS
 001-~~SW~~ 5TH AVE 16TH FLOOR
 PORTLAND, OR 97204



9590 9402 5870 0038 7396 17

2. Article Number (Transfer from service label)

7018 0680 0002 0041 6630

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

mail carrier

 Agent Addressee

B. Received by (Printed Name)

in mailbox

C. Date of Delivery

2/19

D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

RECEIVED

FEB 22 2021

OWRD

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

USPS TRACKING #



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 5870 0038 7396 17

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box •

Oregon Water Resources
725 Summer St NE, Suite A
Salem, OR 97301



Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number S-84855

Final Order
Extension of Time for Permit Number S-53991

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file for judicial review, or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

Permit S-53991 was issued by the Department on December 22, 2003. The permit called for complete application of water to beneficial use by October 1, 2008. On September 25, 2009, Ocean Dunes, LLC submitted to the Department an Application for Extension of Time for Permit S-53991. In accordance with OAR 690-315-0050(2), on May 18, 2010 the Department issued a Proposed Final Order proposing to extend the time to apply water to full beneficial use to October 1, 2015. The protest period closed July 2, 2010 in accordance with OAR 690-315-0060(1). No protest was filed.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

1. **Water Use Condition**

The use of any water under Permit G-S-53991 is subject to this Water Use Condition. The department has determined a need to condition any use of water from sources authorized under Permit S-53991 with a "Water Use Condition." This condition

requires the water user to install a meter or other suitable measuring device prior to diverting any water from the unnamed stream and/or no name reservoir and install and received written notification from ODFW approving the type and installation of fish screens before any water is diverted from the unnamed stream.

2. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2013**. *A form will be enclosed with your Final Order.*

(a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

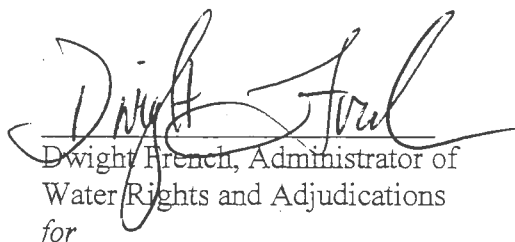
(b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0040(2).

Order

The extension of time for Application S-84855, Permit S-53991, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use is extended to ~~October 1, 2015.~~

DATED: July 13, 2010


Dwight French, Administrator of
Water Rights and Adjudications

for
Phillip C. Ward, Director

Final Order: Permit S-53991

Page 2 of 3

-
- If you have any questions about statements contained in this document, please contact Scott Kudlemyer at (503) 986-0813.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Mailing List for Extension FO Copies

Note: Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

FO Date: July 13, 2010

Copies Mailed

**Application S-84855
Permit S-53991**

By: DS
On: 7/13/10

Original mailed to permit holder

Ocean Dunes, LLC
Attn Randy Curtola
3345 Munsel Lake Rd
Florence, OR 97439

Copies sent to:

1. WRD - App. File S-84855/ Permit S-53991
2. WRD - Watermaster District 2, Michael Mattick
3. ~~WRD - Support Staff, Salem...Permit record update~~

Fee paid as specified under ORS 536.050 to receive copy:

4. None

Receiving via e-mail (10 AM day of signature date)

5. None

If Progress Reports are included:

Add record to Progress Report tracking sheet.xls Done: by SK Date 7/13/10

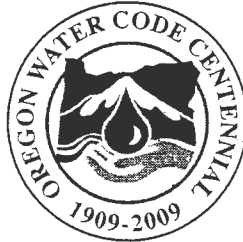
CASEWORKER: SBK

Final Order: Permit S-53991

Page 1 of 1

**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time



In the Matter of the Application for an Extension of Time)
for Permit S-53991, Water Right Application S-84855) PROPOSED FINAL ORDER
in the name of Ocean Dunes, LLC.)

Permit Information

Application File S-84855 Permit S-53991

Basin: 18 – Mid Coast / Watermaster District 2

Date of Priority: August 27, 2001

Authorized Use of Water

Source of Water: Unnamed stream and no name reservoir, tributaries of
North Fork Siuslaw River
Purpose of Use: Irrigation of 73.78 Acres
Maximum Rate: 0.60 Cubic Feet per Second (cfs)

**This Extension of Time request is being processed in accordance with Oregon
Administrative Rule Chapter 690, Division 315**

***Please read this Proposed Final Order in its entirety as it contains
additional conditions not included in the original permit.***

This Proposed Final Order applies only to Permit S-53991, water right Application S-84855.
A copy of Permit S-53991 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time to apply water to full beneficial use from October 1, 2008 to October 1, 2015.
- Make the extension subject to certain conditions set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
PFO – Proposed Final Order

Units of Measure

cfs – cubic feet per second
gpm – gallons per minute
AF – acre-feet

AUTHORITY

Generally, see ORS 537.230 and OAR Chapter 690 Division 315.

ORS 537.230(3) provide in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

OAR 690-315-0050(5) states that extension orders may include, but are not limited to, any condition or provision needed to: ensure future diligence; mitigate the effects of the subsequent development on competing demands on the resource; and periodically document the continued need for the permit.

OAR 690-315-0050(6) allows the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

FINDINGS OF FACT

Background

1. Permit S-53991 was granted by the Department on December 12, 2003 and assigned on March 2, 2009. The permit authorizes the use of up to 0.60 cfs from March 1 through July 15 of each year and 0.040 cfs from July 15 through October 15 of each year from the unnamed stream and 9.2 acre-feet from no name reservoir, constructed under Application R-84856, Permit R-13407, tributaries of North Fork Siuslaw River, for irrigation of 73.78 acres. The permit specified complete application of water was to be made on or before October 1, 2008.
2. The permit holder submitted an "Application for Extension of Time" to the Department on September 25, 2009 requesting the time to apply water to full beneficial use under the terms of Permit S-53991 be extended from October 1, 2008 to October 1, 2015. This is the first permit extension requested for Permit S-53991.
3. Notification of the Application for Extension of Time for Permit S-53991 was published in the Department's Public Notice dated October 6, 2009. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230¹, 537.248² and/or 539.010(5)³.

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

4. On September 25, 2009 the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

5. Senate Bill 300 (1999 legislation) eliminates the requirement that holders of new surface water and ground water permits start construction on water projects within one year after the Department issues the permit. Senate Bill 300 applies to any application for a permit filed after October 23, 1999.

¹ORS 537.230 applies to surface water permits only.

²ORS 537.248 applies to reservoir permits only.

³ORS 539.010(5) applies to surface water and ground water permits.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

6. As of September 25, 2009 the remaining work to be completed consists of rebuilding the diversion point, replacing two pumps, replacing mainline system from POD to reservoir, installing fish screens and meter, and applying water to full beneficial use.
7. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2015, to accomplish the application of water to beneficial use under the terms and conditions of Permit S-53991 is both reasonable and necessary.

Good Cause [OAR 690-315-0040(1)(d)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Construction [OAR 690-315-0040(3)(a)]

8. Work was accomplished within the time allowed in the permit or previous extension as follows:
 - a. Construction of the water system began prior to October 1, 2008.
 - b. Work completed (specified in the Application for an Extension of Time) before the original development time frame under Permit S-53991 includes reservoir construction and installation of pumps and mainlines.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]

9. The following beneficial use was made of the water during the permit or previous extension time limits:
 - a. Since Ocean Dunes, LLC purchased the property in 2006 the permit holder has not diverted any water from the unnamed stream or no name reservoir, tributaries of North Fork Siuslaw River. Diversion of any water is infeasible at this time due to vandalized pumps, a clogged mainline and a general state of disrepair at the diversion point.

Compliance with Conditions [OAR 690-315-0040(3)(c)]

10. The water right permit holder's conformance with the permit or previous extension conditions.
 - a. The Department has considered the permit holder's compliance with conditions, and has identified the following concerns: (1) the record does not show that a meter or other suitable measuring device has been installed, (2) the permit holder has not yet installed and obtained written documentation from the Oregon Department of Fish and Wildlife approving the installation of fish screens.
 - b. Failure to comply with permit conditions constitutes illegal use of water. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

Financial Investments [OAR 690-315-0040(3)(d)]

11. Financial investments made toward developing the beneficial water use.
 - a. As of September 25, 2009 the permit holder has invested approximately \$150,000 which is approximately 70 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$65,800 investment is needed for the completion of this project.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b)]

12. As of September 25, 2009 the permit holder has invested approximately \$150,000 which is approximately 70 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$65,800 investment is needed for the completion of this project.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

13. The Department has found good faith of the appropriator under Permit S-53991.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

14. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].

- a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit S-53991; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The points of diversion are located on an unnamed stream and no name reservoir, tributaries of North Fork Siuslaw River. The unnamed stream and no name reservoir, tributaries of North Fork Siuslaw River are not located within or above any state or federal scenic waterway, are located within an area ranked “highest” for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and are located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. The unnamed stream, tributary of the North Fork Siuslaw River is not listed by the Department of Environmental Quality as a water quality limited stream.
15. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
 - a. As of September 25, 2009, the permit holder has invested approximately \$150,000
16. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
 - a. None have been identified.
17. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
 - a. None have been identified.
18. OAR 690-315-0050(5) provides for extension orders to include, but are not limited to, any condition or provision needed to ensure future diligence, and/or mitigate the effects of the subsequent development on competing demands on the resource. The department has determined a need to condition any use of water from sources authorized under Permit S-53991 with a “Water Use Condition.” This condition, specified under Item 1 of the “Conditions” section of this PFO, requires the water user to install a meter or other suitable measuring device prior to diverting any water from the unnamed stream and/or no name reservoir and install and received written notification from ODFW approving the type and installation of fish screens before any water is diverted from the unnamed stream.
19. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A “Checkpoint Condition” is specified under Item 2 of the “Conditions” section of this PFO to meet this condition.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

20. Use and income from the permitted water development results in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0040(2)(g)]

21. The permit holders need to wait for the City of Florence to make a determination regarding land use processes before they know if a portion of the water right needs to be developed for irrigation use or residential use

Unforeseen Events [OAR 690-315-0040(2)(h)]

22. Unforeseen events extended the length of time needed to fully develop and perfect Permit S-53991, in that the permit holders are faced with rebuilding the point of diversion, replacing a clogged mainline and vandalized pumps.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230(3).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.230 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Full application of water to beneficial use can be accomplished by October 1, 2015⁴, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

⁴Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

6. As authorized in OAR 690-315-0050(5) and as described in Finding 18 above, the Department has established, as specified in the “Conditions” section of this PFO (Item 1), a “Water Use Condition” that applies to any use of water under Permit S-53991 in order to ensure future diligence and mitigate the effects of the subsequent development on competing demands on the resource.
7. As required by OAR 690-315-0050(6) and as described in Finding 19 above, the Department has established, as specified in the “Conditions” section of this PFO (Item 2), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit S-53991.

Proposed Order

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to apply water to beneficial use under Permit S-53991 from October 1, 2008 to October 1, 2015.

Subject to the following conditions:

CONDITIONS

1. Water Use Condition

The use of any water under Permit G-S-53991 is subject to this Condition. The department has determined a need to condition any use of water from sources authorized under Permit S-53991 with a “Water Use Condition.” This condition requires the water user to install a meter or other suitable measuring device prior to diverting any water from the unnamed stream and/or no name reservoir and install and received written notification from ODFW approving the type and installation of fish screens before any water is diverted from the unnamed stream.

2. Checkpoint Condition


The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2013. A form will be enclosed with your Final Order.**

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in

developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: May 18, 2010


Dwight French
Administrator
Water Rights & Adjudications Division

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **July 2, 2010**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or

- b. Schedule a contested case hearing if a protest has been submitted, and:
- 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.


-
- If you have any questions about statements contained in this document, please contact Scott Kudlemyer at 503-986-0813.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
 - Address any correspondence to : Water Rights and Adjudications Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
- Fax: 503-986-0901
-

Mailing List for Extension PFO Copies

PFO Date: May 18, 2010

**Application S-84855
Permit S-53991**

Copies Mailed

By: 
On: 5/18/10

Original mailed to Applicant:

Ocean Dunes, LLC
Attn: Randy Curtola
3345 Munsel Lake Rd
Florence, OR 97439

Copies sent to:

1. WRD - App. File S-84855/ Permit S-53991
2. WRD - Watermaster District 2, Michael Mattick

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving via e-mail (10 AM Tuesday of signature date)

4. None

CASEWORKER: SBK

Extension PFO Checklist for
Other than Muni or Quasi-Municipal
 Water Use Permits
 (OAR 690-315-0010 through OAR 690-315-0060)

Application: S- 84855 Permit: S- 53991 Permit Amendment? No Yes T- _____ pending approved

Permit Holder's Name: Ocean Dunes, LLC

Permit Holder's Mailing Address: 3345 Munsel Lake Rd email vern@oceandunesgolf.com

Phone Number: 541-991-2744

POD Location: Township 18 S Range 12 W Section 24 $\frac{1}{4}$ NWNW

Drainage Basin: 18 County: Lane Watermaster District: 2 Watermaster: Michael Mattick

Date Permit was issued: 12/22/2003

Priority Date: 8/27/2001

Date of PN: 10/6/2009

Source: An unnamed stream and no name reservoir, tributaries of North Fork Siuslaw River

Use: Irrigation of 73.78 acres

"Q": 0.60 cfs 3/1/ through 7/15 of each year, 0.040 cfs from 7/15 through 10/15 of each year from an unnamed stream and 9.2 acre-ft from no name reservoir, constructed under app R-84856, permit R-13407

Orig "A" Date: _____

Orig "B" Date: 10/1/

Orig "C" Date: 10/1/2008

Extension request rec'd: 9/25/2009

Last Authorized "B" Date: 10/1/

Last Authorized "C" Date: 10/1/2008

Request Number (1, 2, 3...): 1

Proposed "B" Date: 10/1/

Proposed C Date: 10/1/2015

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Install meters
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fish Screens
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

Yes No

- Work was accomplished within the time allowed in the permit or previous extension
- Water right permit holder conformed with the permit or previous extension conditions
- Financial investments were made toward developing the beneficial water use.
 - Amount Invested to date: \$150,000 Estimated Remaining Cost: \$65,800
- Beneficial use made of the water during the permit or previous extension time limits
 - Permit holder has beneficially used 0.60 cfs gpm af of the total permitted quantity of water on 73.78 acres

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes No

Application: - _____ Permit: - _____ Township _____ Range _____ Section _____

Determination of the market and the present demand for water or power to be supplied:

Identify the closest surface water or localized water basin. North Fork Siuslaw River
Ground Water Permits: Is the POA located...
Surface Water Permits: Is the POD located...

- Yes No**
- above a state scenic waterway? Name _____ Source: OWRD "Areas Above State Scenic Waterways" Map
 - within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
 - within a sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.aml"
 - within a critical or limited Ground Water Area? Name of area _____
 - within a Withdrawn Area? Name of area _____
 - in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list _____
 - within an area ranking low / moderate / high / highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. Approval of Extension Request

No ... "Good Cause" *cannot* be found. Denial of Extension Request

Conditions to be included in Extension PFO (if applicable)? Yes No

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

5-year Progress Report Checkpoints (Years: **2013**)

Other: _____

Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

- COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**
"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."
- COBU Requirement - Surface Water - post July 9, 1987**
"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."
- COBU Requirement - Ground Water - post July 9, 1987**
"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____

Reviewer's Name: _____ Date: _____

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SEP 25 2009

WATER RESOURCES DEPT
SALEM, OREGON



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

Application for
Extension of Time
for a **Water Right Permit**
(Non-Municipal / Non-Quasi-municipal Water Use)

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

*A separate extension application must be submitted for each permit as per
OAR 690-315-0020(2).*

*This application and a summary of review criteria and procedures that are generally applicable to this
application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.*

I, Randy Curtola agent for Ocean Dunes LLC.

NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

3345 Munsel Lake Rd.
ADDRESS

CITY Florence

STATE OR

ZIP 97439

541-991-2744
PHONE

vern@oceandunesgolf.com
E-MAIL ADDRESS

the permit holder of: Application Number S-84855

Permit Number S-53991
[OAR 690-315-0020(3)(b)]

do hereby request that the time in which to:

complete construction (of diversion/appropriation works and/or purchase and installation of the
equipment necessary to the use of water), which time now expires on October 1, _____, be
extended to October 1, _____,

N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

X apply water to full beneficial use under the terms and conditions of the permit, which time now
expires on October 1, 2008, be extended to October 1, 2015.

SEP 25 2009

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SALEM, OREGON

Before submitting your Application for Extension of Time, make sure the following items are included:

- This completed Application for Extension of Time.
- Statutory fee of \$500.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

along with the

\$500 STATUTORY FEE TO:

**Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301**



GENERAL TIPS:

- Permit holders of municipal or quasi-municipal water use permits DO NOT use this form. The correct form is *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, available at the following link:
<http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#other>
- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at:
<http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.

- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- The water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Answer the Following Questions to Complete this Application for Extension of Time

[OAR 690-315-0020(3)(d)]

1. **Did the actual construction of the water system/well drilling begin within the time specified in the permit?** NA-Permit does not have an A Date



TIP: Not all permits specify a date by which construction was to begin.

Date construction began is: NA

Details of construction: NA

[OAR 690-315-0020(3)(c)(A)]

2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? Yes No

2-A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.



TIP: The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

2-B) If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
1	2015	A meter or suitable measuring device as approved by the Director has not been installed
2	2015	An approved fish screen needs to be installed at the surface water point of appropriation

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** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension.

[OAR 690-315-0020(3)(e)]

3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

3-A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.

CHART-C

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
1965	Pumps and mainlines installed	\$ 50,000
1990	Reservoir was constructed	\$100,000
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
12/22/2003	Date the permit was signed - find date above signature on last page of permit.	
NA	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	
10/1/2008	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

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WATER RESOURCES DEPT
SALEM, OREGON

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OVER THE COUNTER

CHART-C (continued)

DATE	WORK ACCOMPLISHED AFTER "C-DATE" <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost for Chart-C		\$150,000

* If exact cost is not known, you must provide your best estimate.

3-B) If this is not your 1st Application for Extension of Time request, fill out CHART-D below (in addition to CHART-C above). Use chronological order.

CHART-D

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
	NA	
10/1/	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	

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SALEM, OREGON

CHART-D (Continued)

DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost of Chart-D		NA

* If exact cost is not known, you must provide your best estimate.

[OAR 690-315-0020(3)(f)]

4. **Cost of project to date: \$150,000**
(The total combined cost from CHART-C and CHART-D)

[OAR 690-315-0020(3)(e)(B)]

5. **Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit and/or prior extensions of time (if any) made to date.**



TIP: Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

- 5-A) **For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):**



TIP: Report the rate in the same units of measurement as specified in the permit.

Maximum rate used to date = 0.60 cfs (cubic feet per second) or,

Maximum rate used to date = 269.3 gpm (gallons per minute) or,

Acre-feet stored to date = _____ AF

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- 5-B) **For Ground Water Permit Extensions (e.g. G-XXXX):**



TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

WATER RESOURCES DEPT
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CHART-E

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum instantaneous rate used from this well -- under <u>this</u> permit only (CFS or GPM)	Is this well authorized or utilized under additional water rights?	If yes, provide the Permit, Certificate, or Transfer No.
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
Total instantaneous rate from all wells utilized under this permit								

5-C) If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location. Has or will a permit amendment application been/be filed? Yes No

If a Permit Amendment Application has been filed: Transfer No. T-_____

Well # _____: Actual location: _____

Well # _____: Actual location: _____

[OAR 690-315-0020(3)(e)(C)]

6. Provide the total number of acres irrigated to date under this permit (if applicable).

Total acres irrigated to date: 73.78

Ground Water Permits: Please specify which wells are being utilized for this irrigation.

Well # _____ Acres _____ Well # _____ Acres _____

Well # _____ Acres _____ Well # _____ Acres _____

[OAR 690-315-0020(3)(j)]

7. Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

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SALEM, OREGON

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OVER THE COUNTER

CHART-F

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2020	Replace one or both pumps	\$ 5,000
2020	Replace mainline system from POD to reservoir	\$ 50,000
2020	Install meter	\$ 800
2020	Install fish screen	\$ 10,000
Year:	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$65,800

[OAR 690-315-0020(3)(g)]

8. **Estimated remaining cost to complete the project: \$65,800**
(The total cost from CHART-F)

[OAR 690-315-0020(3)(h)]

9. **List the reasons why the project was not constructed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances (A, B, C or D).**

9-A) **The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.**

NA

9-B) **The financial resources needed to develop the project precluded completion of the project within authorized time frames.**

More time is needed under current economic conditions to acquire the additional funds to complete these tasks.

9-C) **Good faith attempts to comply with permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.**

NA

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WATER RESOURCES DEPT
SALEM, OREGON

9-D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.

The wife of the owner of Ocean Dunes at the time the water right application was submitted developed terminal cancer between the time the application was submitted and the permit was issued. During her illness, the owner drilled one well and let the existing surface water system deteriorate. After her death, the owner finally sold the golf course to Ocean Dunes LLC in 2006. Ocean Dunes LLC, at the time of purchase, did not have the time or the additional finances to re-build the point of diversion and install a fish screen and meter. The existing mainline is now clogged and may need to be replaced. However, the mainline now runs under cottages that were built after the pipeline was installed, which means the mainline will need to be rerouted through a new area of the golf course to reach the reservoir. The two existing pumps have been vandalized and need to be replaced. In addition, a portion of the land covered by the water right may be developed into a housing development, and provided water by the City of Florence. Therefore, at this time, Ocean Dunes needs to wait for the land use process to be completed before they will know whether that portion of the water right will be developed as a part of the golf course, or for residential use.

[OAR 690-315-0020(3)(k)]

10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

11.

More time is needed to re-build the surface water system and complete the land use process for the proposed residential area.

11. Provide any other information you wish OWRD to consider while evaluating your Extension of Time Application.

None

I am the permit holder, or have authorization from the permit holder, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension.

Randy Wirth

Signature

9/18/09

Date

RECEIVED

SEP 25 2009

WATER RESOURCES DEPT
SALEM, OREGON

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OVER THE COUNTER

Application # 5-84855 Permit # 5-53991

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

◆ **WRIG...**

Money Received on: 10/1/09

◆ **Extension Specialist...**

Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

◆ **Jonnine Skaug...**

Publish on Public Notice (initial 30-day comment): Date of notice 10/6/09

Update WRIS Database

In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

In the "Ext Filed" field... Enter the date the Extension Application was received.

Yes or No:

Return file to Extension Specialist after PN

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **97969**

INVOICE # _____

RECEIVED FROM: Pacific Hydro - Geology, Inc.

APPLICATION	See below
PERMIT	
TRANSFER	

CASH: CHECK:# 3597 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1000.⁰⁰

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES		\$
	OTHER: (IDENTIFY)		\$
0243	I/S Lease		
0244	Muni Water Mgmt. Plan		
		0245	Cons. Water

**RECEIVED
OVER THE COUNTER**

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$ <u>1000.⁰⁰</u>
WATER RIGHTS:			
0201	SURFACE WATER	EXAM FEE	0202
0203	GROUND WATER	\$	0204
0205	TRANSFER	\$	
WELL CONSTRUCTION		EXAM FEE	
0218	WELL DRILL CONSTRUCTOR	\$	0219
	LANDOWNER'S PERMIT		0220
	OTHER (IDENTIFY)		

S-84855 = \$500.⁰⁰
G-15594 = \$500.⁰⁰

46111

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #
0210	MONITORING WELLS	\$	CARD #
	OTHER (IDENTIFY)		

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FW/WRD)		\$
0231	HYDRO LICENSE FEE (FW/WRD)		\$
	HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____	TITLE _____
OBJ. CODE _____	VENDOR # _____
DESCRIPTION _____	\$ _____

RECEIPT: **97969**

DATED: 9.25.09 BY: LSB



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

October 6, 2009

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Rights Section has received your application for an extension of time for **APPLICATION FILE#: S-84855 (PERMIT#: S-53991)**. Your application will be reviewed in the near future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you have questions concerning your extension of time application, please contact Scott Kudlemyer at (503) 986-0813. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's Internet home page at: "www.wrd.state.or.us".



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

Request for Assignment

By Proof of Ownership
 (If Permit/Transfer Holder is not available)

If for multiple rights, a separate form and fee for each right will be required.

I, Randy Curtola, Agent for Ocean Dunes LLC
 (Name of Party Requesting Assignment)

3345 Munsel Lake Rd FLORENCE OR 97439 541.991.2744
 (Mailing Address) (City) (State) (Zip) (Phone #)

- ... hereby request assignment of application/permit/transfer;
- ... hereby request assignment of a portion of application/permit/transfer:
 (You must include a map showing the portion of the application permit/transfer to be assigned.)

I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.

Application # S-84855; Permit # S-53991; Transfer# _____
 -OR-

GR Statement # _____; GR Certificate of Registration # _____

Ocean Dunes Golf Links Inc. Bill Robinson
 (Name of Permit/Transfer Holder of Record)

unknown
 (Mailing Address) (City) (State) (Zip) (Phone #)

Note: You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)

- 1) I certify that I am the current owner of the property described in this application, Permit or Certificate of Registration.
- 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
- 4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 20 day of February, 2009.

Party Requesting Assignment Randall Curtola

Party Requesting Assignment _____

O.R. ASS/GRN BY PROOF
 2002-2-3
 J. Sauter

DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon. Fee receipt # 75769
 For Director by Jerry Sauter, Program Analyst in Water Rights Division J. Sauter

The completed "Request for Assignment form must be submitted to the Department along with a recording fee of \$50.

RECEIVED
 MAR 02 2009

WATER RESOURCES DEPARTMENT

RECEIPT # 95769

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # see below

RECEIVED FROM: Ocean Dunes, LLC

BY:

APPLICATION
PERMIT
TRANSFER

CASH: CHECK:# 6274 OTHER: (IDENTIFY)

\$ 300.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$

OTHER: (IDENTIFY) \$

0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

615594 R 85106

0407 COPY & TAPE FEES \$

S 84855 R 85107

0410 RESEARCH FEES \$

R 84856 R 85108

0408 MISC REVENUE: (IDENTIFY) \$ 300.00

Assignment

TC162 DEPOSIT LIAB. (IDENTIFY) \$

0240 EXTENSION OF TIME \$

WATER RIGHTS: 46111

EXAM FEE

RECORD FEE

0201 SURFACE WATER \$ 0202 \$

\$

0203 GROUND WATER \$ 0204 \$

\$

0205 TRANSFER \$

\$

WELL CONSTRUCTION

RECEIVED

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR \$ 0219 \$

OVER THE COUNTER

LANDOWNER'S PERMIT \$ 0220 \$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$

0210 MONITORING WELLS \$

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$

0231 HYDRO LICENSE FEE (FW/WRD) \$

HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION \$

RECEIPT: 95769

DATED: 3/2/09 BY: XBCO



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

March 2, 2009

Ocean Dunes, LLC
Attn: Randy Curtola
3345 Munsel Lake Rd.
Florence, Oregon 97439

Reference: Application G-15594, Permit G-15109
Application S-84855, Permit S-53991
Application R-84856, Permit R-13407

Application R-85106, Permit R-13402
Application R-85107, Permit R-13403
Application R-85108, Permit R-13404

Regarding Application G-15594, Permit G-15109 and, Application S-84855, Permit S-53991, the assignment by proof from Ocean Dunes Folf Links, Inc. Bill Robinson to Ocean Dunes, LLC has been recorded in the records of the Water Resources Department.

Regarding Application R-84856, Permit R-13407, Application R-85106, Permit R-13402, Application R-85107, Permit R-13403, and Application R-85108, Permit R-13404 the assignment by proof from Bill Robinson and Theodore M. Johnson to Ocean Dunes, LLC has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original requests are enclosed. Receipt number 95769 covering the recording fee of \$300 was given to your agent Malia Kupillas.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: original requests

cc: Watermaster 2
Ocean Dunes Golf Links Inc.
Bill Robinson and Theodore M. Johnson
Malia Kupillas
Data Center, OWRD (Complete Copy of Assignment Request)
Hydrographics
File

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **64896**

725 Summer St. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Ocean Dunes Golf Links, Inc

BY: _____

APPLICATION	<u>584855</u>
PERMIT	
TRANSFER	

CASH: CHECK:# 7287 OTHER: (IDENTIFY)

TOTAL REC'D \$ 250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES		\$
_____	OTHER:	(IDENTIFY) _____	\$
_____	OTHER:	(IDENTIFY) _____	\$

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY) _____		\$
TC162	DEPOSIT LIAB. (IDENTIFY) _____		\$
0240	EXTENSION OF TIME		\$

WATER RIGHTS:

0201	SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203	GROUND WATER	\$	0204	\$ <u>250.00</u>
0205	TRANSFER	\$		\$

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
	LANDOWNER'S PERMIT	\$	0220	\$
_____	OTHER (IDENTIFY) _____			

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	
0210	MONITORING WELLS	\$	
_____	OTHER (IDENTIFY) _____		

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FWWRD)		\$
0231	HYDRO LICENSE FEE (FWWRD)		\$
_____	HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____ TITLE _____
 OBJ. CODE _____ VENDOR # _____
 DESCRIPTION _____ \$ _____

RECEIPT: **64896**

DATED: 12/18/03 BY: Leona Albin



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

VIA MAIL

December 22, 2003

Steve Shropshire
Attorney at Law
Jordan Schrader
P.O. Box 230669
Portland,
OR 97281

RE: Water Right Application S 84855 in the Name of Ocean Dunes

Dear Steve:

Enclosed are copies of the signed settlement agreement, final order incorporating settlement and permit issued for the above-captioned application. The originals of these documents are being sent to Bill Robinson under separate cover.

Thank you for working with the Oregon Water Resources Department to resolve the issues associated with the applicant's protest.

Sincerely,

Renee Moulun
Protest Program Coordinator

Cc: Bill Robinson

BEFORE THE OREGON WATER RESOURCES DEPARTMENT


In the Matter of Water Right Application)
S 84855 in the Name of Ocean Dunes)
Golf Links, Inc.)
Applicant and Protestant)

FINAL ORDER
INCORPORATING
SETTLEMENT AGREEMENT

Based on the attached Settlement Agreement, which is incorporated herein and which includes the permit attached thereto, I find that the proposed use will not impair or be detrimental to the public interest

Therefore, it is ORDERED that, pursuant to ORS 537.153, Application S 84855 is approved and a permit shall issue.

DATED this 22 day of December, 2003


Paul R. Cleary, Director
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF LANE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

OCEAN DUNES GOLF LINKS INC.
BILL ROBINSON
3345 MUNSEL LAKE RD
FLORENCE, OREGON 97439

(541) 997-3232

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-84855

SOURCE OF WATER: AN UNNAMED STREAM AND NO NAME RESERVOIR, TRIBUTARIES OF NORTH FORK SIUSLAW RIVER

PURPOSE OR USE: IRRIGATION OF 73.78 ACRES

MAXIMUM RATE: 0.60 CUBIC FOOT PER SECOND MARCH 1 THROUGH JULY 15 OF EACH YEAR AND 0.040 CUBIC FOOT PER SECOND FROM JULY 15 THROUGH OCTOBER 15 OF EACH YEAR FROM AN UNNAMED STREAM AND 9.2 ACRE-FEET FROM NO NAME RESERVOIR, CONSTRUCTED UNDER APPLICATION R-84856, PERMIT R-13407

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 15 OF EACH YEAR FROM AN UNNAMED STREAM; MARCH 1 THROUGH OCTOBER 31 OF EACH YEAR FROM NO NAME RESERVOIR

DATE OF PRIORITY: AUGUST 27, 2001

POINT OF DIVERSION LOCATION: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 24, T18S, R12W, W.M.; 625 FEET SOUTH & 50 FEET EAST FROM NE CORNER, SECTION 23

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 15.90 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 18.38 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 10.93 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 28.57 ACRES

SECTION 23

TOWNSHIP 18 SOUTH, RANGE 12 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The Oregon Department of Fish and Wildlife (ODFW) has determined that fishways are not necessary. The required screens are to be in place, functional, and approved by ODFW before diversion of any water.

STANDARD CONDITIONS

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Complete application of the water to the use shall be made on or before October 1, 2008. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued December 22, 2003


Paul R. Cleary, Director
Water Resources Department

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application)	
S 84855 in the Name of Ocean Dunes)	SETTLEMENT AGREEMENT
Golf Links, Inc.)	FOR APPLICATION S 84855
<i>Applicant and Protestant</i>)	

The Oregon Water Resources Department (“OWRD”), the Oregon Department of Fish and Wildlife (“ODFW”) and Ocean Dunes Golf Links, Inc. (“Applicant”) do hereby stipulate and agree as follows:

Stipulations

- I. On August 27, 2001, Applicant submitted to OWRD an application (S 84855) for 0.92 cubic foot per second and 9.2 acre feet of water from an unnamed stream and reservoir tributary to the North Fork of the Siuslaw River, for irrigation of 73.78 acres in Lane County.
- II. Because the proposed use occurs in an area that contains endangered, threatened or sensitive fish species, the OWRD requested comment from an interagency team to review the proposed use for potential adverse impacts to endangered, threatened or sensitive fish populations. OAR 690-033-0330. The interagency team consisted of OWRD, the Department of Environmental Quality (“DEQ”), ODFW and the Oregon Department of Agriculture.
- III. ODFW commented that OWRD should approve the proposed use with fishery conditions.
- IV. DEQ provided comments indicating that it is concerned about the impacts of the proposed use on water quality, and commented that the N. Fork of the Siuslaw River is “water quality limited” for temperature and that the proposed use would exacerbate this water quality limitation. DEQ recommended no withdrawals June 1 through September 30 of each year.
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- VII. On December 12, 2002, Applicant submitted temperature data from the stream where the proposed use is located. DEQ subsequently analyzed this data and withdrew its concerns regarding the impact of the proposed use on the stream.

ODFW maintained its concerns regarding the impact of the proposed use on fish habitat.

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- IX. ODFW, OWRD and Applicant agree that the concerns raised by Applicant and ODFW regarding application S 84855 are resolved solely on the following terms.

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1. Applicant waives the opportunity to file exceptions to the Final Order Incorporating Settlement Agreement and any right to judicial review of this Agreement and Final Order.
2. In signing this Agreement Applicant withdraws with prejudice their protest to the PFO for application S 84855 and withdraws its request for hearing.
3. Each party to this Agreement represents, warrants and agrees that the person who executed this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that party and bind that party to the terms of this Agreement.
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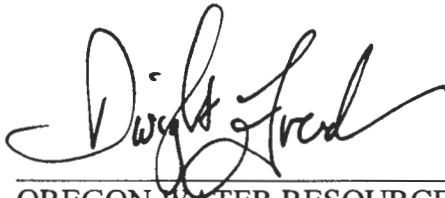
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determination is based on the mutual understanding that the flow rates set forth in the permit cap the rate and volume of withdrawals over a 24-hour period. It is based on the further understanding that instantaneous pumping rate shall not exceed the stated rate in the permit. To address ODFW's concern and to implement this settlement, the permittee agrees to adopt a pumping schedule that adheres to these limits and that maintains as consistent a rate of withdrawal as possible over any 24-hour period.

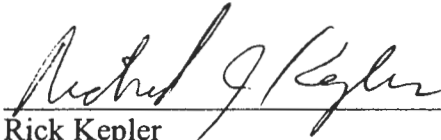
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OREGON WATER RESOURCES
DEPARTMENT
158 12th St. N.E.
Salem, OR 97301-4172
Telephone: (503) 378-8455
Facsimile: (503) 378-6203

10-20-03

Date



Rick Kepler

OREGON DEPARTMENT OF FISH & WILDLIFE
Habitat Program, Fish Division
3406 Cherry Ave. NE
Salem, OR 97303-4924
Telephone: (503) 947-6084
Facsimile: (503) 947-6070

10/15/03

Date

William G. Preece

OCEAN DUNES GOLF LINKS, INC.

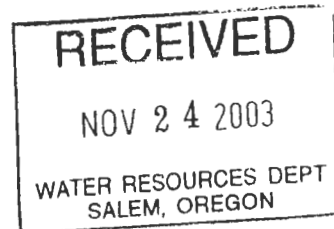
3345 Munsel Lake Rd.

Florence, Oregon 97439

Telephone (541) 997-3232

11/18/03

Date





Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

VIA MAIL

December 17, 2003

Steve Shropshire
Attorney at Law
Jordan Schrader
P.O. Box 230669
Portland,
OR 97281

RE: Water Right Application S 84855 in the Name of Ocean Dunes

Dear Steve:

Although I have received the signed settlement agreement on this matter and a representative from this agency has signed the agreement, we cannot complete processing of this application until we receive a \$200.00 permit recording fee.

Please submit this fee to me (attention to Renee Moulun) as soon as possible so that we may issue the permit for this application. Call me if you have any questions: (503) 986-0824.

Sincerely,

Renee Moulun
Protest Program Coordinator

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **64896**

725 Summer St. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Ocean Dunes Golf Links, Inc
BY: _____

APPLICATION	<u>584855</u>
PERMIT	
TRANSFER	

CASH: CHECK:# 7287 OTHER: (IDENTIFY)

TOTAL REC'D \$ 250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES		\$
_____	OTHER: (IDENTIFY)	_____	\$
_____	OTHER: (IDENTIFY)	_____	\$

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)	_____	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	\$
0240	EXTENSION OF TIME		\$
WATER RIGHTS:			
0201	SURFACE WATER	EXAM FEE	0202
0203	GROUND WATER	\$	0204
0205	TRANSFER	\$	
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE	0219
	LANDOWNER'S PERMIT	\$	0220
_____	OTHER (IDENTIFY)	_____	

RECORD FEE
\$ <u>250.00</u>
\$
LICENSE FEE
\$
\$

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #
0210	MONITORING WELLS	\$	CARD #
_____	OTHER (IDENTIFY)	_____	

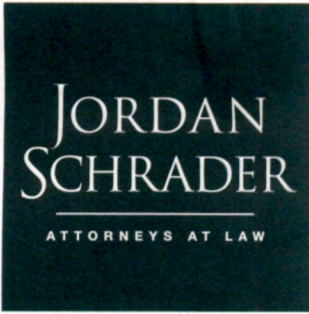
0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FWWRD)		\$
0231	HYDRO LICENSE FEE (FWWRD)		\$
_____	HYDRO APPLICATION		\$

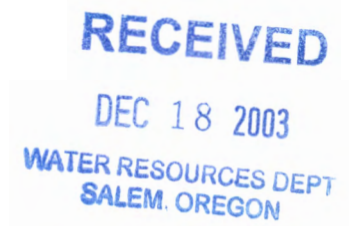
TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **64896** DATED: 12/18/03 BY: Leona Albin



December 17, 2003



Renee Moulun, Protest Program Coordinator
Water Rights Section
Oregon Water Resources Department
725 Summer St NE Ste A
Salem OR 97301

Re: **Permit Fee Check – Settlement Agreement**
Water Right Application S 84855
Applicant: Ocean Dunes Golf Links, Inc./Bill Robinson
Our File No. 47315/31911

Dear Renee:

STEVEN L. SHROPSHIRE

Admitted
Oregon and Washington

Enclosed is Ocean Dunes Golf Links, Inc.'s check no. 7287 in the amount of \$250 for the water rights permit to be issued pursuant to the Settlement Agreement reached between the Department of Water Resources, the Department of Fish and Wildlife and my client, Ocean Dunes Golf Links, Inc.

When the permit is issued, please forward the original to Ocean Dunes Golf Links, Inc. with a copy to me.

Thank you again for your assistance. If you have any questions, please call me or my paralegal Allison Brennan.

Very truly yours,

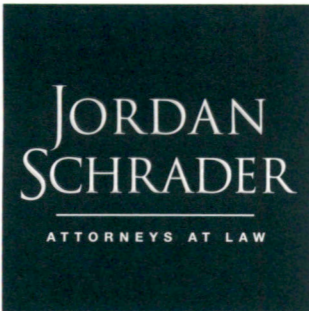
E-mail
steve.shropshire@jordanschrader.com

JORDAN SCHRADER PC

Steven L. Shropshire

Enclosure

cc: Bill Robinson, Ocean Dunes Golf Link, Inc.
Rohn Roberts, Esq.



November 21, 2003

Renee Moulun, Protest Program Coordinator
Water Rights Section
Oregon Water Resources Department
725 Summer St NE Ste A
Salem OR 97301

Re: **Settlement Agreement**
Water Right Application S 84855
Applicant: Ocean Dunes Golf Links, Inc./Bill Robinson
Our File No. 47315/31911

Dear Renee:

Enclosed are triplicate originals of the Settlement Agreement for Application S 84855 (the "Agreement") pursuant to agreement reached between the Department of Water Resources, the Department of Fish and Wildlife (collectively, the "Departments") and my client, Ocean Dunes Golf Links, Inc.

Ocean Dunes executed the enclosed originals. Please arrange for execution by an authorized representative of each Department. Upon full execution, each Department should retain one original for its records and return one fully executed original to my office.

If you have any questions, please call me or my paralegal Allison Brennan.

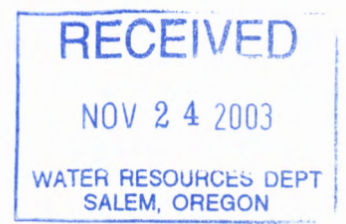
Very truly yours,

JORDAN SCHRADER PC

Steven L. Shropshire

Enclosures

cc: Bill Robinson, Ocean Dunes Golf Link, Inc.
Rohn Roberts, Esq.



STEVEN L. SHROPSHIRE

Admitted
Oregon and Washington

E-mail
steve.shropshire@jordanschrad.com

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application)
S 84855 in the Name of Ocean Dunes) SETTLEMENT AGREEMENT
Golf Links, Inc.) FOR APPLICATION S 84855
Applicant and Protestant)



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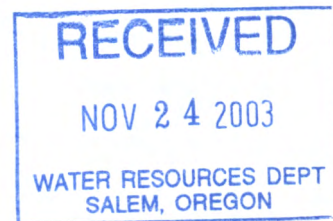


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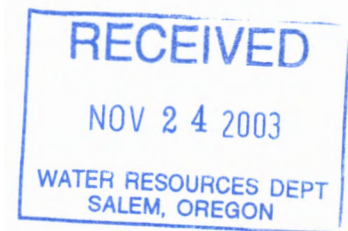
OREGON WATER RESOURCES
DEPARTMENT
158 12th St. N.E.
Salem, OR 97301-4172
Telephone: (503) 378-8455
Facsimile: (503) 378-6203

Date



OREGON DEPARTMENT OF FISH & WILDLIFE
Newport Field Office
2040 SE Marine Science Drive
Newport, OR 97365-5294
Telephone: (541) 867-4741
Facsimile: (541) 867-0311

Date



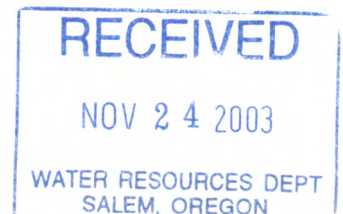
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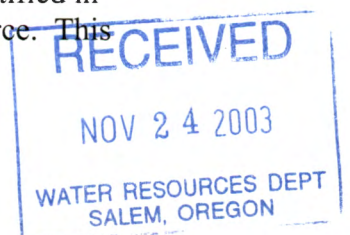
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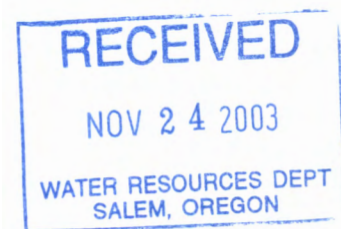


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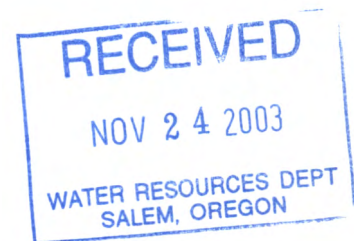
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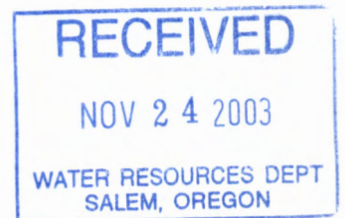
Date



William G. Pierce

OCEAN DUNES GOLF LINKS, INC.
3345 Munsel Lake Rd.
Florence, Oregon 97439
Telephone (541) 997-3232

11/18/03
Date



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Golf Links, Inc.) FOR APPLICATION S 84855
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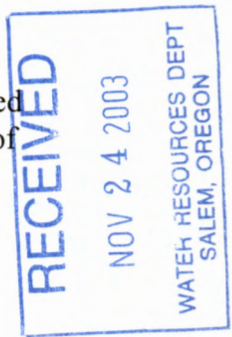
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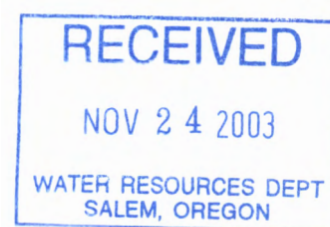
8. Any outstanding processing fees shall be paid by Applicant before a permit shall issue.
9. The parties agree to entry of the Final Order Incorporating Settlement Agreement and issuance of a permit consistent with the attached draft permit.

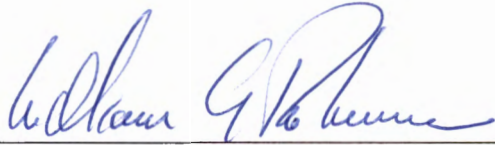
OREGON WATER RESOURCES
DEPARTMENT
158 12th St. N.E.
Salem, OR 97301-4172
Telephone: (503) 378-8455
Facsimile: (503) 378-6203

Date

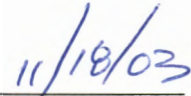
OREGON DEPARTMENT OF FISH & WILDLIFE
Newport Field Office
2040 SE Marine Science Drive
Newport, OR 97365-5294
Telephone: (541) 867-4741
Facsimile: (541) 867-0311

Date

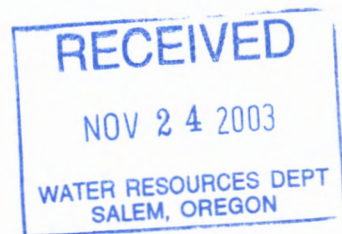




OCEAN DUNES GOLF LINKS, INC.
3345 Munsel Lake Rd.
Florence, Oregon 97439
Telephone (541) 997-3232



Date



RECEIVED
NOV 24 2003
WATER RESOURCES DEPT
SALEM, OREGON

ReneeM

From: Renee Moulun [Renee.M.MOULUN@wrd.state.or.us]
Sent: Monday, October 20, 2003 1:05 PM
To: 'Allison Brennan'
Subject: RE: Ocean Dunes S 84855

Allison:

The the attached settlement agreement is the final version of the agreement, and has been signed by ODFW (10/15/03) and by OWRD (10/20/03). We are waiting for the signature of whomever is representing Ocean Dunes. Please don't hesitate to call me if you have any other questions. (503) 986-0824.
Thank you.

Renee

-----Original Message-----

From: Allison Brennan [mailto:Allison.Brennan@jordanschrader.com]
Sent: Monday, October 20, 2003 10:13 AM
To: Renee Moulun (Renee.M.MOULUN@wrd.state.or.us)
Subject: FW: Ocean Dunes S 84855

Renee:

I am a paralegal who works with Steve Shropshire. Can you please confirm that the attached settlement agreement is the final version? I was on vacation for the last two weeks and want to be sure the client executes the final version.

Thank you for your help.

Allison Brennan, Paralegal
Jordan Schrader PC
Attorneys at Law
(503) 598-7070
mail to: allison.brennan@jordanschrader.com
on the web at www.jordanschrader.com

-----Original Message-----

From: Steve Shropshire
Sent: Tuesday, September 30, 2003 9:52 AM
To: Allison Brennan
Subject: FW: Ocean Dunes S 84855

-----Original Message-----

From: Renee Moulun [mailto:Renee.M.MOULUN@wrd.state.or.us]
Sent: Tuesday, September 30, 2003 9:55 AM
To: 'Steve Shropshire'; Kevin.W.Goodson@state.or.us
Cc: Mike Mattick (E-mail)
Subject: Ocean Dunes S 84855

Kevin:

Attached is a new draft of the settlement agreement. Please note paragraph 7 in the Agreement portion of the doc. Steve has drafted this new paragraph at my request. Although we had discussed placing the 24-hour pump regime language in the permit, I have not been able to come up with a permit condition that is enforceable and/or specific enough such that the permittee would be able to prove up on the permit condition come the final proof survey and certification. Please call me, I would like to discuss this with you further.

Renee

Renee Moulun
Water Resources Department
725 NE Summer St., Ste. A
Salem, OR 97301-2430
(503) 996-0824

PLEASE DO NOT read, copy, or disseminate this communication unless you are the intended addressee. This e-mail communication may contain confidential and/or privileged information intended only for the addressee. If you have received this communication in error, please call me immediately at 503-598-7070. Also, please notify me immediately via e-mail that you have received the communication in error. Thank you.

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application)
S 84855 in the Name of Ocean Dunes) SETTLEMENT AGREEMENT
Golf Links, Inc.) FOR APPLICATION S 84855
Applicant and Protestant)

The Oregon Water Resources Department (“OWRD”), the Oregon Department of Fish and Wildlife (“ODFW”) and Ocean Dunes Golf Links, Inc. (“Applicant”) do hereby stipulate and agree as follows:

Stipulations

- I. On August 27, 2001, Applicant submitted to OWRD an application (S 84855) for 0.92 cubic foot per second and 9.2 acre feet of water from an unnamed stream and reservoir tributary to the North Fork of the Siuslaw River, for irrigation of 73.78 acres in Lane County.
- II. Because the proposed use occurs in an area that contains endangered, threatened or sensitive fish species, the OWRD requested comment from an interagency team to review the proposed use for potential adverse impacts to endangered, threatened or sensitive fish populations. OAR 690-033-0330. The interagency team consisted of OWRD, the Department of Environmental Quality (“DEQ”), ODFW and the Oregon Department of Agriculture.
- III. ODFW commented that OWRD should approve the proposed use with fishery conditions.
- IV. DEQ provided comments indicating that it is concerned about the impacts of the proposed use on water quality, and commented that the N. Fork of the Siuslaw River is “water quality limited” for temperature and that the proposed use would exacerbate this water quality limitation. DEQ recommended no withdrawals June 1 through September 30 of each year.
- V. The OWRD watermaster for district 2 commented that water was available through October 15 of each year.
- VI. On April 2, 2002, OWRD issued its Proposed Final Order (“PFO”) for application S 84855. OWRD addressed the comments it received from ODFW and DEQ by restricting the use to March 1 through May 31 of each year for the stream diversion and from March 1 through October 31 of each year from the reservoir.
- VII. On December 12, 2002, Applicant submitted temperature data from the stream where the proposed use is located. DEQ subsequently analyzed this data and withdrew its concerns regarding the impact of the proposed use on the stream.

ODFW maintained its concerns regarding the impact of the proposed use on fish habitat.

- VIII. On May 16, 2002, Applicant filed a timely protest to the PFO for application S 84855.
- IX. ODFW, OWRD and Applicant agree that the concerns raised by Applicant and ODFW regarding application S 84855 are resolved solely on the following terms.

Agreement

1. Applicant waives the opportunity to file exceptions to the Final Order Incorporating Settlement Agreement and any right to judicial review of this Agreement and Final Order.
2. In signing this Agreement Applicant withdraws with prejudice their protest to the PFO for application S 84855 and withdraws its request for hearing.
3. Each party to this Agreement represents, warrants and agrees that the person who executed this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that party and bind that party to the terms of this Agreement.
4. The period of the proposed use will be as follows:

March 1 through October 15 of each year from an unnamed stream; March 1 through October 31 of each year from no name reservoir.
5. The maximum rate of the proposed use will be as follows:

0.60 cubic foot per second March 1 through July 15 of each year and 0.40 cubic foot per second from July 15 through October 15 of each year from an unnamed stream.
6. The proposed use will contain the following condition regarding fish screening:

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The Oregon Department of Fish and Wildlife (“ODFW”) has determined that fishways are not necessary. The required screens are to be in place, functional, and approved by ODFW before diversion of any water.
7. ODFW has indicated concern with pulsed water withdrawals based on potential impacts to the unnamed tributary. As a result of settlement discussions between permittee and ODFW, ODFW determined that the flow rates identified in paragraph 5 and set forth in the permit are protective of the resource. This

determination is based on the mutual understanding that the flow rates set forth in the permit cap the rate and volume of withdrawals over a 24-hour period. It is based on the further understanding that instantaneous pumping rate shall not exceed the stated rate in the permit. To address ODFW's concern and to implement this settlement, the permittee agrees to adopt a pumping schedule that adheres to these limits and that maintains as consistent a rate of withdrawal as possible over any 24-hour period.

8. Any outstanding processing fees shall be paid by Applicant before a permit shall issue.
9. The parties agree to entry of the Final Order Incorporating Settlement Agreement and issuance of a permit consistent with the attached draft permit.

OREGON WATER RESOURCES
DEPARTMENT
158 12th St. N.E.
Salem, OR 97301-4172
Telephone: (503) 378-8455
Facsimile: (503) 378-6203

Date

OREGON DEPARTMENT OF FISH & WILDLIFE
Newport Field Office
2040 SE Marine Science Drive
Newport, OR 97365-5294
Telephone: (541) 867-4741
Facsimile: (541) 867-0311

Date

OCEAN DUNES GOLF LINKS, INC.
3345 Munsel Lake Rd.
Florence, Oregon 97439
Telephone (541) 997-3232

Date

ReneeM

From: Renee Moulun [Renee.M.MOULUN@wrd.state.or.us]
Sent: Tuesday, September 30, 2003 9:55 AM
To: 'Steve Shropshire'; 'Kevin.W.Goodson@state.or.us'
Cc: Mike Mattick (E-mail)
Subject: Ocean Dunes S 84855

Kevin:

Attached is a new draft of the settlement agreement. Please note paragraph 7 in the Agreement portion of the doc. Steve has drafted this new paragraph at my request. Although we had discussed placing the 24-hour pump regime language in the permit, I have not been able to come up with a permit condition that is enforceable and/or specific enough such that the permittee would be able to prove up on the permit condition come the final proof survey and certification. Please call me, I would like to discuss this with you further.



S 84855 stip.doc

Renee

Renee Moulun
Water Resources Department
725 NE Summer St., Ste. A
Salem, OR 97301-2430
(503) 996-0824

9/30
Kevin Goodson okay
w/ ¶ 7. Will sign
or get approp. person
@ ORFW to sign.

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application)	
S 84855 in the Name of Ocean Dunes)	SETTLEMENT AGREEMENT
Golf Links, Inc.)	FOR APPLICATION S 84855
<i>Applicant and Protestant</i>)	

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- 1. Applicant waives the opportunity to file exceptions to the Final Order Incorporating Settlement Agreement and any right to judicial review of this Agreement and Final Order.
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OREGON WATER RESOURCES
DEPARTMENT
158 12th St. N.E.
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Date

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Telephone: (541) 867-4741
Facsimile: (541) 867-0311

Date

OCEAN DUNES GOLF LINKS, INC.
3345 Munsel Lake Rd.
Florence, Oregon 97439
Telephone (541) 997-3232

Date

ReneeM

From: Steve Shropshire [steve.shropshire@jordanschrader.com]
Sent: Friday, August 15, 2003 3:15 PM
To: MOULUN Renee M; 'Kevin Goodson'
Subject: Ocean Dunes

Renee,

Kevin just called and reminded me that we had also discussed a 24-hour pumping regime rather than a pulsed type of withdrawal. We do not object to a permit condition talking about that kind of schedule. I therefore propose the following additional condition:

"The rates of use set forth herein are based on a 24-hour continuous pumping regime. To minimize impacts to the resource, the permittee will implement a pumping schedule designed to maintain as consistent a rate of withdrawal as possible in any 24-hour period. In no event shall permittee's instantaneous rate of diversion exceed the permitted maximums set forth herein."

Kevin, I believe this accurately captures the essence of our discussions. Please confirm this with Renee and I so that Renee can finalize the proposed documents.

Steven L. Shropshire

Jordan Schrader PC

Two Centerpointe Drive, 6th Floor

Lake Oswego, Oregon 97035

ph: 503-598-5583 * fax: 503-598-7373

e-mail: steve.shropshire@jordanschrader.com

web site: www.jordanschrader.com

- Lower rate
- Talk him out of it.
- Statmt. in settlement agreement keep part of permit.

PLEASE DO NOT read, copy, or disseminate this communication unless you are the intended addressee. This e-mail communication may contain confidential and/or privileged information intended only for the addressee. If you have received this communication in error, please call me immediately at 503-598-7070. Also, please notify me immediately via e-mail that you have received the communication in error. Thank you.

ReneeM

From: Kevin Goodson [Kevin.W.Goodson@STATE.OR.US]
Sent: Monday, August 18, 2003 9:05 AM
To: steve.shropshire@jordanschrader.com; MOULUN Renee M
Subject: Re: Ocean Dunes

Steve,

The wording you developed addresses my concern. As long as WRD has no problems with it, I agree with putting this wording in the permit and will then agree with issuing the permit as amended. Thanks.

Kevin Goodson
Oregon Department of Fish and Wildlife
Asst. District Fish Biologist
North Coast Watershed District - Newport Field Office
(541)867-0300 ext. 236

>>> Steve Shropshire <steve.shropshire@jordanschrader.com> 08/15/03 03:14PM >>>

Renee,

Kevin just called and reminded me that we had also discussed a 24-hour pumping regime rather than a pulsed type of withdrawal. We do not object to a permit condition talking about that kind of schedule. I therefore propose the following additional condition:

"The rates of use set forth herein are based on a 24-hour continuous pumping regime. To minimize impacts to the resource, the permittee will implement a pumping schedule designed to maintain as consistent a rate of withdrawal as possible in any 24-hour period. In no event shall permittee's instantaneous rate of diversion exceed the permitted maximums set forth herein."

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Steven L. Shropshire

Jordan Schrader PC

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Lake Oswego, Oregon 97035

ph: 503-598-5583 * fax: 503-598-7373

e-mail: steve.shropshire@jordanschrader.com

web site: www.jordanschrader.com

ReneeM

From: Steve Shropshire [steve.shropshire@jordanschrader.com]

Sent: Tuesday, September 30, 2003 9:11 AM

To: Renee Moulun (Renee Moulun)

Subject: Ocean Dunes Golf Links Water Right Application S-84855

Renee,

As we discussed on the phone today, it appears there could be considerable future difficulty associated with the enforcement and perfection of a continuous pumping regime permit condition. As an alternative, we discussed incorporating the continuous pumping requirement into the settlement agreement rather than the final permit.

I would suggest something along the following lines: "ODFW has indicated concern with pulsed water withdrawals based on potential impacts to the unnamed tributary. As a result of settlement discussions between permittee and ODFW, ODFW determined that the flow rates set forth in the permit are protective of the resource. This determination is based on the mutual understanding that the flow rates set forth in the permit cap the rate and volume of withdrawals over a 24-hour period. It is based on the further understanding that instantaneous pumping rate shall not exceed the stated rate in the permit. To address ODFW's concern and to implement this settlement, the permittee agrees to adopt a pumping schedule that adheres to these limits and that maintains as consistent a rate of withdrawal as possible over any 24-hour period."

Feel free to suggest changes as needed to integrate it into the settlement document.

Steve

Steven L. Shropshire

Jordan Schrader PC

Two Centerpointe Drive, 6th Floor

Lake Oswego, Oregon 97035

ph: 503-598-5583 * fax: 503-598-7373

e-mail: steve.shropshire@jordanschrader.com

web site: www.jordanschrader.com

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9/30/03

ReneeM

From: Renee Moulun [Renee.M.MOULUN@wrд.state.or.us]
Sent: Wednesday, August 27, 2003 10:26 AM
To: Dwight French (E-mail)
Cc: 'steve.shropshire@jordanschrader.com'
Subject: FW: Ocean Dunes

Dwight:

I left a message with Steve (he's out of office until 9/3) letting him know that we had some concerns regarding enforcement and/or proving up on the condition as he suggests it. I told him we'd be running this by Mike to see if we could come up with some alternatives and also told him it might be a good idea if he thought about asking his client to lower the instantaneous pump rate to fit into the 24 hour pumping regime ODFW seeks.

Renee

-----Original Message-----

From: Steve Shropshire [mailto:steve.shropshire@jordanschrader.com]
Sent: Friday, August 15, 2003 3:15 PM
To: MOULUN Renee M; 'Kevin Goodson'
Subject: Ocean Dunes

Renee,

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Kevin, I believe this accurately captures the essence of our discussions. Please confirm this with Renee and I so that Renee can finalize the proposed documents.

Steven L. Shropshire

Jordan Schrader PC

Two Centerpointe Drive, 6th Floor

Lake Oswego, Oregon 97035

ph: 503-598-5583 * fax: 503-598-7373

e-mail: steve.shropshire@jordanschrader.com

ReneeM

From: Steve Shropshire [steve.shropshire@jordanschrader.com]
Sent: Thursday, August 14, 2003 12:09 PM
To: 'Renee.M.MOULUN@wrd.state.or.us'; Kevin.W.Goodson@state.or.us
Subject: RE: Ocean Dunes

Renee,

Before you finalize the documents and mail them out, I propose a few typographical changes.

First, in the Settlement Agreement, "Agreement" section, paragraph 5: maximum rate should be 0.60, not 0.060.

Second, in the Permit Draft, the maximum rates should be 0.60 and 0.40, not 0.060 and 0.040.

Finally, in the Permit Draft, the issue date should be 2003 rather than 2002.

Otherwise, everything looks good at first glance.

Thanks.

Steve

-----Original Message-----

From: Renee Moulun [mailto:Renee.M.MOULUN@wrd.state.or.us]
Sent: Thursday, August 14, 2003 10:54 AM
To: Kevin.W.Goodson@state.or.us; 'Steve Shropshire'
Subject: Ocean Dunes

I am also mailing to you all of these documents today.

Renee
(503) 378-8455 x239.

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Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

VIA ELECTRONIC MAIL AND MAIL

Steve.shropshire@jordanschrader.com

Kevin.w.goodson@state.or.us

August 14, 2003

Steve Shropshire
Attorney at Law
Jordan Schrader
P.O. Box 230669
Portland,
OR 97281

Kevin Goodson
Oregon Department of Fish and Wildlife
Newport Field Office
2040 SE Marine Science Drive
Newport, OR 97365-5294

RE: Water Right Application S 84855 in the Name of Ocean Dunes Golf Links, Inc.
and Bill Robinson

Dear Gentlemen:

Enclosed is a draft of the Settlement Agreement resolving the issues associated with application S 84855. Also enclosed are a draft Final Order Incorporating Settlement Agreement and Draft Permit.

Please review and comment as needed or sign if appropriate and return to me at your earliest convenience. Don't hesitate to call me if you have any questions or comments: (503) 378-8455 ext. 239.

Thank you for both of your efforts in resolving the issues raised in the protest without a contested case hearing.

Sincerely,

Renee Moulun
Protest Program Coordinator

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application)
S 84855 in the Name of Ocean Dunes) SETTLEMENT AGREEMENT
Golf Links, Inc.) FOR APPLICATION S 84855
Applicant and Protestant)

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ODFW maintained its concerns regarding the impact of the proposed use on fish habitat.

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4. The period of the proposed use will be as follows:

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The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The Oregon Department of Fish and Wildlife ("ODFW") has determined that fishways are not necessary. The required screens are to be in place, functional, and approved by ODFW before diversion of any water.
7. Any outstanding processing fees shall be paid by Applicant before a permit shall issue.

8. The parties agree to entry of the Final Order Incorporating Settlement Agreement and issuance of a permit consistent with the attached draft permit.

OREGON WATER RESOURCES
DEPARTMENT
158 12th St. N.E.
Salem, OR 97301-4172
Telephone: (503) 378-8455
Facsimile: (503) 378-6203

Date

OREGON DEPARTMENT OF FISH & WILDLIFE
Newport Field Office
2040 SE Marine Science Drive
Newport, OR 97365-5294
Telephone: (541) 867-4741
Facsimile: (541) 867-0311

Date

OCEAN DUNES GOLF LINKS, INC.
3345 Munsel Lake Rd.
Florence, Oregon 97439
Telephone (541) 997-3232

Date

DRAFT

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application)	FINAL ORDER
S 84855 in the Name of Ocean Dunes)	INCORPORATING
Golf Links, Inc.)	SETTLEMENT AGREEMENT
<i>Applicant and Protestant</i>)	

Based on the attached Settlement Agreement, which is incorporated herein and which includes the permit attached thereto, I find that the proposed use will not impair or be detrimental to the public interest

Therefore, it is ORDERED that, pursuant to ORS 537.153, Application S 84855 is approved and a permit shall issue.

DATED this __ day of August, 2003

Paul R. Cleary, Director
Oregon Water Resources Department

DRAFT

This is not a permit!!!

DRAFT

STATE OF OREGON

COUNTY OF LANE

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

OCEAN DUNES GOLF LINKS INC.
BILL ROBINSON
3345 MUNSEL LAKE RD
FLORENCE, OREGON 97439

(541) 997-3232

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-84855

SOURCE OF WATER: AN UNNAMED STREAM AND NO NAME RESERVOIR, TRIBUTARIES OF NORTH FORK SIUSLAW RIVER

PURPOSE OR USE: IRRIGATION OF 73.78 ACRES

MAXIMUM RATE: 0.060 CUBIC FOOT PER SECOND MARCH 1 THROUGH JULY 15 OF EACH YEAR AND 0.040 CUBIC FOOT PER SECOND FROM JULY 15 THROUGH OCTOBER 15 OF EACH YEAR FROM AN UNNAMED STREAM AND 9.2 ACRE-FEET FROM NO NAME RESERVOIR, CONSTRUCTED UNDER APPLICATION R-84856, PERMIT _____

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 15 OF EACH YEAR FROM AN UNNAMED STREAM; MARCH 1 THROUGH OCTOBER 31 OF EACH YEAR FROM NO NAME RESERVOIR

DATE OF PRIORITY: AUGUST 27, 2001

POINT OF DIVERSION LOCATION: NW ¼ NW ¼, SECTION 24, T18S, R12W, W.M.; 625 FEET SOUTH & 50 FEET EAST FROM NE CORNER, SECTION 23

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE ¼ NE ¼ 15.90 ACRES

SE ¼ NE ¼ 18.38 ACRES

NE ¼ SE ¼ 10.93 ACRES

SE ¼ SE ¼ 28.57 ACRES

SECTION 23

TOWNSHIP 18 SOUTH, RANGE 12 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The Oregon Department of Fish and Wildlife (ODFW) has determined that fishways are not necessary. The required screens are to be in place, functional, and approved by ODFW before diversion of any water.

STANDARD CONDITIONS

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best

practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Complete application of the water to the use shall be made on or before October 1, 2006. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2002

DRAFT - THIS IS NOT A PERMIT

Paul R. Cleary, Director
Water Resources Department

ReneeM

From: Steve Shropshire [steve.shropshire@jordanschrader.com]
Sent: Wednesday, August 13, 2003 3:55 PM
To: MOULUN Renee M
Cc: 'Kevin Goodson'
Subject: Ocean Dunes Application No. S-84855

Renee,

Ocean Dunes is now prepared to enter into a settlement agreement with OWRD regarding Application No. S-84855. Provided the following issues can be resolved in a revised PFO, Ocean Dunes will withdraw its protest in this matter.

As you know, this spring we conducted extensive discussions with Kevin Goodson at ODFW regarding permit conditions that would allow for the use of water under Application No. S-84855, yet be protective of fish in the area. ODFW's concerns related to the effects that Ocean Dunes' diversions could have on the unnamed surface stream named as the source in the application. We have agreed to resolve those concerns by limiting the volume of water that Ocean Dunes will withdraw over the course of the irrigation season. The terms of that agreement are as follows: Ocean Dunes may divert surface water from March 1 to July 15 each year at the rate of 0.60 c.f.s., and from July 15 to October 15 at a rate of 0.40 c.f.s. There were no discussions regarding the necessity of installing a fishway, as Ocean Dunes will not be placing any obstructions in the source stream. By copy of this e-mail to Kevin Goodson, I ask that he let us know if this does not reflect his understanding of our agreement.

In Ocean Dunes' protest dated May 16, 2002, we raised other points that also need to be addressed in the new PFO. First, the end date for the irrigation season should be extended through October 15 each year to reflect the watermaster's water availability recommendation. Second, the permit condition requiring Ocean Dunes to "install a fishway at the obstruction" appears to be standard language that is not applicable to the facts underlying this Application, and should be deleted from the PFO. ODFW has not indicated that the installation of such a facility would be necessary or helpful in this case.

All other proposed conditions in the initial PFO dated April 2, 2002 are acceptable, including the requirement that Ocean Dunes install fish screens on its intake before using water under the permit.

Thank you for your assistance. Please do not hesitate to contact me if I can be of any help.

Steve

Steven L. Shropshire

Jordan Schrader PC

Two Centerpointe Drive, 6th Floor

Lake Oswego, Oregon 97035

ph: 503-598-5583 * fax: 503-598-7373

e-mail: steve.shropshire@jordanschrader.com

ReneeM

From: Kevin Goodson [Kevin.W.Goodson@STATE.OR.US]
Sent: Tuesday, April 29, 2003 11:17 AM
To: steve.shropshire@jordanschneider.com; MOULUN Renee M
Subject: Analysis of flow data from Ocean Dunes GC

I've had a chance to review the data provided by Pacific Hydro-Geology and to put together some thoughts on Ocean Dunes pumping from the stream.

It's good to know that the golf course can meet their needs by running the pumps continuously at a lower level. The only question is what that level should be. While Pacific Hydro was correct that I put out a level of 50% of stream flow in our last phone conversation, that was a level I came up with off the top of my head and was a level that I would definitely be concerned about injuries to fish. I would be more comfortable with a lower level that minimizes impacts as much as possible. I feel that level would be 25% of stream flow.

The flow data provided did not adequately describe the natural stream flow for this stream throughout the irrigation season. Developing flow trends from two or three points of measurement is not possible. I can only look at the days flow was measured and make some broad assumptions from there. Based on the flow measurements taken in June, .5 cfs would be close to the 25% of flow. This level of withdrawal would become too large a portion of the flow as we get into July and beyond and the stream flow becomes less. My guess is that flows drop to less than .75 cfs in September (the low flow month on coastal streams).

I propose the following conditions to Ocean Dunes' water right permit. Allow a withdrawal of .5 cfs from March 1 through July 15 and .25 cfs from July 15 through October 31. This will hopefully limit the withdrawal, on average, to 25% of stream flow and provide the majority of the water the golf course needs for irrigation. I would be happy to discuss this in a conference call if anyone would like. I will not be available on May 1st, 5th or 8th, but will be in the office the rest of the time.

Kevin Goodson
Oregon Department of Fish and Wildlife
Asst. District Fish Biologist
North Coast Watershed District - Newport Field Office
(541)867-0300 ext. 236

Pacific Hydro-Geology Inc.

18477 S. Valley Vista Rd.
Mulino, OR 97042
(503) 632-5016

April 17, 2003

Mr. Kevin Goodson
Oregon Department of Fish and Wildlife
Newport Field Office
2040 SE Marine Science Dr.
Newport, OR 97365

Re: Flow data analysis requested as follow-up of temperature study for Ocean Dunes Golf Links

Dear Mr. Goodson:

This letter presents the findings from an evaluation of stream level and flow measurements collected while conducting a stream temperature study on behalf of Ocean Dunes Golf Links (Ocean Dunes). The original temperature study was conducted by Pacific Hydro-Geology Inc. (PHG) to address concerns expressed by Ms. Roberta Lindberg of the Water Quality Division of the Oregon Department of Environmental Quality (ODEQ) regarding potential impacts to the temperature of a small stream that Ocean Dunes withdraws water from for irrigation. The findings from the temperature study are discussed in our December 1, 2002, report.

Our review and analysis of the available stream level and flow data has been completed in response to a telephone discussion with you on April 2, 2003. We understand from that discussion that your primary concerns include the overall reduction in stream flows from pumping, as well as surging of stream flow that may result from a cyclic pumping schedule. We understand that you would be particularly concerned if pumping from the stream resulted in reduction of natural stream flows by more than 50%.

ESTIMATED STREAM PUMPING REQUIREMENTS

Currently, Ocean Dunes does not have the capability to directly measure the pumping rate when they are withdrawing water from the stream because there is no flow meter plumbed in-line with the pump. Nonetheless, the required rates of withdrawal from the stream can be estimated based on available records of water use during previous irrigation seasons.

Based on information provided by Mr. Richard Weight, the golf course superintendent, Ocean Dunes typically applies about 330,000 gallons per day (gpd) to irrigate the golf

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course in the early part of the irrigation season (through July 31). In the late season, (August, September, and October) they usually apply about 246,000 gpd to irrigate the golf course. Less water is applied in the late season because the daylight hours are shorter. If Ocean Dunes withdrew water from the stream 24 hours per day and 7 days per week, they would need to pump at a rate of about 230 gallons per minute (gpm), or 0.51 cubic feet per second (cfs) during the early season, and about 171 gpm, or 0.38 cfs, during the late season, to keep up with the irrigation schedule.

ESTIMATED STREAM FLOW

Stream Level and Flow Measurement Locations

Stream level measurements were made at temperature measurement stations 2 and 3. Stream flow measurements were made at temperature measurement station 3. The rationale for selection of these locations for temperature monitoring are discussed in our December 1, 2002 report. The locations of the stations are shown on Figure 1.

Stream Flow and Level Measurements

Stream flow measurements were performed periodically at Station 3 where the stream flows underneath 31st Street through a 24-inch concrete culvert. The measurements were performed initially when the temperature data loggers were first installed on June 14, 2002, when the data loggers were checked and re-set on August 9, 2002, and finally when the data loggers were removed on October 13, 2002.

Stream flow measurements were performed using one or both of two different methods: 1) floating a tennis ball through the culvert, and 2) measuring the flow at the downstream end of the culvert using a Global ® FP101 current meter (Global Water Instrumentation, Inc.). The tennis ball method involved timing the travel of a tennis ball through the length of the culvert and estimating flow by multiplying the calculated velocity (average of three trials) of the tennis ball by the cross-sectional area of the filled portion of the culvert. Flow measurements using the current meter were performed at the downstream end of the culvert using the "averaging method" prescribed by the manufacturer. Flow measurements using both the tennis ball method and current meter are summarized in Table 1.

Stream flow was also monitored by observations of the stream level at two locations: on a staff gage installed at Station 2, just downstream from the pumping station, and at the upstream end of the culvert at Station 3. The staff gage was first installed on April 15, 2002, when the reference level of 0.00 feet was established. Stream flow measurements at Station 3 were made relative to the top of the culvert. The stream level measurements collected at Stations 2 and 3 are provided in Table 1.

Findings from Stream Flow and Level Measurements

As shown in Table 1, the stream flow measurements using the tennis ball method were higher than the measurements made using the current meter. Stream flows measured

using the tennis ball were 2.5 cubic feet per second (cfs) at the beginning of the study (June 14, 2002), 0.99 cfs on August 9, 2002, and 1.36 cfs at the end of the study (October 13, 2002). Flow measurements using the current meter were 0.79 cfs on August 9, 2002, and 0.99 cfs at the end of the study. Stream flow was not measured using the current meter at the beginning of the study.

The likely reason for the difference in flow measurements using the two methods is that the floating tennis ball measures the stream velocity at the top of the stream profile, where flow is typically faster. Thus, measurements using this method tend to overestimate stream flow. The current meter measurements were taken throughout the entire stream profile, and thus should more accurately reflect the average stream velocity through the section measured. Therefore, the measurements using the current meter may be more accurate than those using the tennis ball method.

A conservative estimate for the actual flow on June 14, 2002 (the date when stream flow was measured only using the tennis ball) can be made by comparing the data from the two methods for the August and October measurements. The current meter measurements in August and October were 80 and 73 percent of their respective tennis ball measurements. Therefore, a conservative estimate of the stream flow in June would be about a 70 percent of the tennis ball measurement, or about 1.8 cfs.

While natural stream flow (i.e., when the pump was off) was not measured during the driest part of the year (August), it can be estimated by correlating the available stream level data with the available flow measurements. Figure 2 shows two curves derived by plotting measured (or estimated) stream flow measurements for both the tennis ball and the current meter methods versus stream level measurements from Station 3. Assuming that the curve for the current meter represents the most accurate relationship of flow to stream level, we estimate that natural flow in the stream during August was about 0.8 cfs. This value was derived using the stream level measurement from August 9, 2002 (when the pump was off) of 1.89 feet below the reference point, as shown on Figure 2.

Estimated August 2002 Flow Represents Worst Case

The estimated flow of about 0.8 cfs in August 2002 is likely close to the lowest flow that would be expected from the small unnamed stream. As shown by precipitation data for Honeyman State Park obtained from the Oregon Climate Service web site, August is typically the driest month in the year, and 2002 was the second driest year on record. A copy of the monthly precipitation data for Honeyman State Park is provided as Attachment A.

CONCLUSIONS

Based on information provided by Ocean Dunes, their irrigation needs could normally be met by pumping the stream 24 hours per day, 7 days per week at a rate of 0.51 cfs through July 31, and a rate of 0.38 during August, September, and October. These two pumping rates can be compared with the corresponding estimated early and late stream flows of 1.8 and 0.8 cfs, respectively. Therefore, based on our evaluation of the available stream level, stream flow, and historic precipitation data, it appears that the continuous pumping rates required to meet irrigation needs would not exceed 50% of

the available stream flow, even during periods of extreme drought. Additionally, continuous pumping (with periodic shut downs for maintenance, as necessary), should eliminate the concern about surging the stream flow.

Please call us at (503) 632-5016 if there are any questions, or additional information is required.

Sincerely,

Malia R. Kupillas

Malia R. Kupillas, R.G., C.W.R.E.

Gregory E. Kupillas

Gregory E. Kupillas, R.G., C.W.R.E.

Attachments: Table 1. Stream Level and Flow Measurements
Figure 1. Temperature [and Flow] Monitoring Station Locations
Figure 2. Stream Levels versus Flow Measurements

Attachment A. Precipitation Data for Honeyman State Park

Cc: Bill Robinson, Ocean Dunes Golf Links
Steve Shropshire, Jordan Schrader
Renee Moulun, Oregon Water Resources Department



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Table 1. Stream Level and Flow Measurements

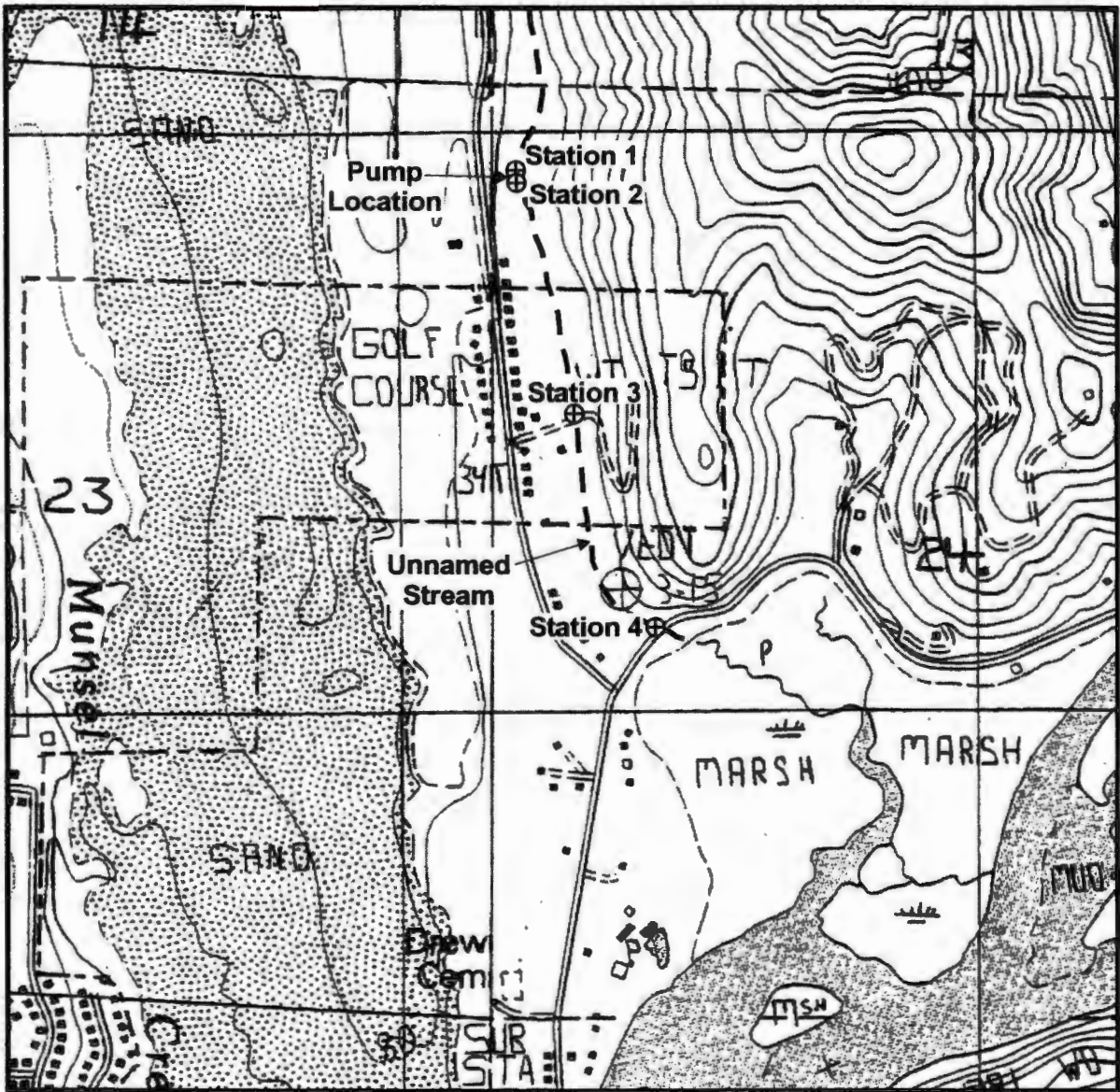
Ocean Dunes Golf Links
Stream Temperature Study

Date, Time	Station 2 Stream Level Measurement (feet below reference)	Station 3 Stream Level Measurement (feet below reference)	Measured Flow at Station 3 (cfs)		Pumping Status
			Tennis Ball Method	Current Meter	
4/15/02, 3:07 PM	0.00	NM	NM	NM	Pump off
4/15/02, 3:17 PM	NM	1.48	NM	NM	Pump off
6/14/02, 7:20 PM	0.20	NM	NM	NM	Pump on
6/14/02, 8:15 PM	NM	1.81	NM	NM	Pump on
6/15/2002, 12:21 PM	NM	1.68	2.50	NM	Pump off
6/15/2002, 1:02 PM	0.12	NM	NM	NM	Pump off
8/9/2002, 10:15 AM	NM	1.90	0.99	0.79	Pump on
8/9/2002, 11:25 AM	0.24	NM	NM	NM	Pump on
8/9/02, 11:53 AM	0.24	NM	NM	NM	Pump off*
8/9/02, 12:13 PM	NM	1.89	NM	NM	Pump off
10/13/2002, 5:15 PM	NM	1.82	1.36	0.99	Pump off
10/13/2002, 6:01 PM	0.19	NM	NM	NM	Pump off

NM = Not Measured

* Pump shut off at about 11:50 AM

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Key:

⊕ **Station 1** Temperature Monitoring Station Location and Designation

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Scale: 1" = 1,000'



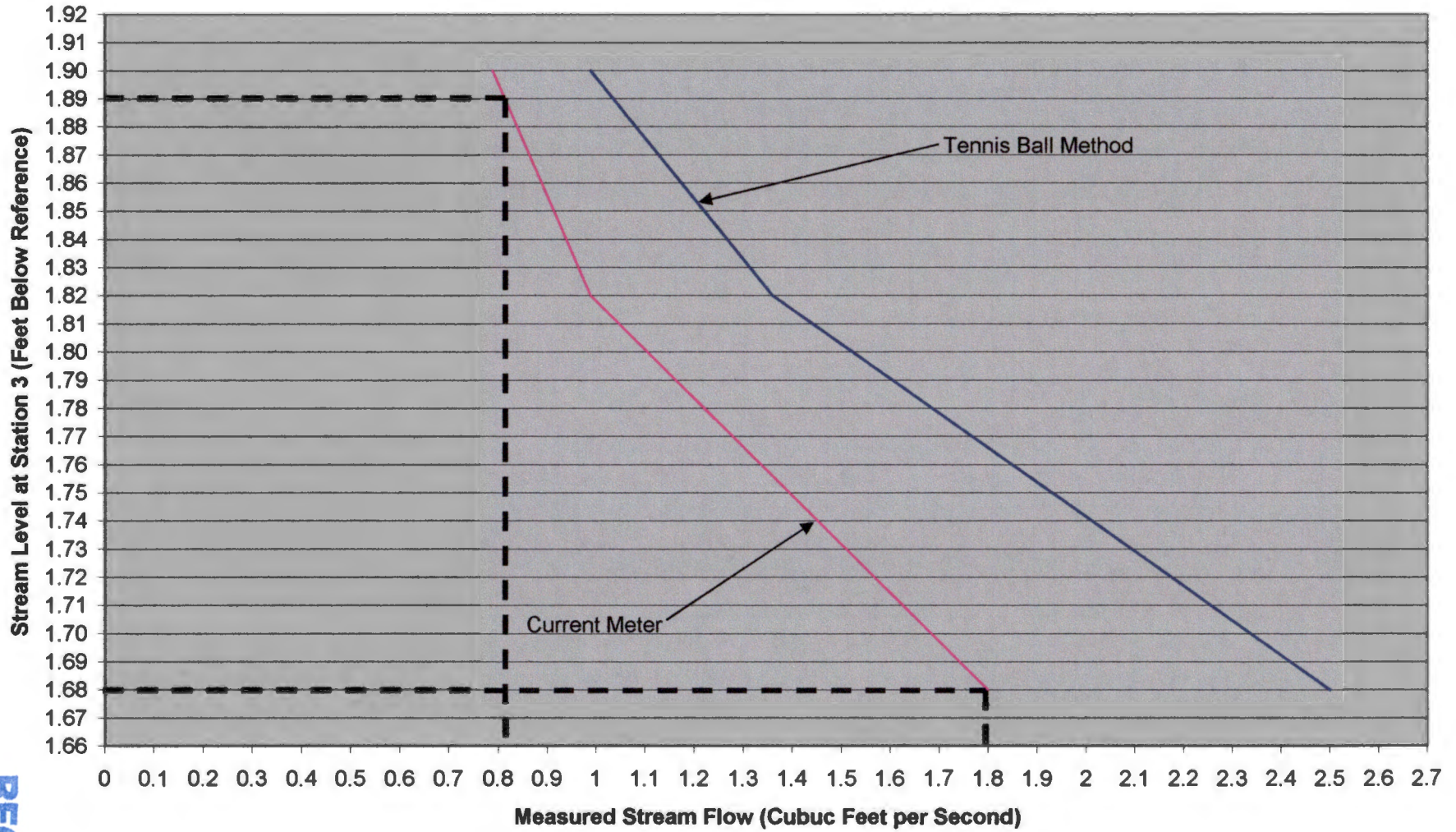
Source: USGS 7.5 Minute Topographic Survey
Map of Florence Quadrangle, Oregon, 1984



Figure 1. Temperature Monitoring Station Locations

Ocean Dunes Golf Links
Stream Temperature Study

Figure 2. Stream Level versus Flow Measurements
Ocean Dunes Golf Links



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ATTACHMENT A. PRECIPITATION DATA FOR HONEYMAN STATE PARK

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PrecipData

Station number: 353995 Station name: HONEYMAN STATE PARK

Element : DAILY PRECIPITATION Quantity : MONTHLY SUM Units : INCHES
 a = 1 day missing, b = 2 days missing, c = 3 days, ..etc...,
 z = 26 or more days missing, A = Accumulations present
 Long-term means based on columns; thus, the monthly row may not
 sum (or average) to the long-term annual value.

Maximum allowable number of missing days : 5
 99.99 = missing month 999.99 = incomplete year

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	ANNUAL
1971	99.99	99.99	99.99	99.99	99.99	2.98	0.38	3.24	3.46	4.30	12.35	17.32	999.99
1972	12.38	9.23	10.77	8.25	1.65	1.02	0.33	0.57	2.23	1.13	6.58	13.59	67.73
1973	8.61	3.28	10.39	2.24	2.84	3.21	0.03	0.79	5.12	4.93	19.73	18.99	80.16
1974	14.07	11.08	18.41	3.89	3.37	2.16	3.16	0.11	0.43	1.37	10.05	15.18	83.28
1975	11.91	12.29	9.54	6.52	3.02	0.75	0.46	2.31	0.00	9.89	11.91	13.06	81.66
1976	11.67	10.02	6.45	3.25	1.65	0.39	1.48	2.83	1.13	1.67	2.55	2.54	45.63
1977	1.85	6.35	9.18	1.34	4.48	0.81	0.06	2.53	5.69	4.32	13.02	14.99	64.62
1978	14.85	8.37	3.05	10.47	5.99	2.34	0.90	2.60	3.68	1.14	7.04	6.60	67.03
1979	5.22	16.45	5.10	5.41	5.31	0.98	0.51	1.79	2.67	12.01	9.93	13.91	79.29
1980	8.19	9.60	7.47	7.17	2.10	3.00	0.43	0.37	1.40	4.48	9.82	14.70	68.73
1981	4.09	8.23	9.17	3.82	4.47	4.31	0.09	0.42	4.11	11.71	12.46	19.11	81.99
1982	14.28	11.02	9.51	8.25	0.66	2.24	1.05	1.24	2.77	7.11	8.46	15.91	82.50
1983	15.44	14.99	14.02	4.30	3.36	4.49	3.80	2.23	0.43	2.80	15.29	15.60	96.75
1984	4.50	12.28	10.29	6.10	6.46	5.18	0.04	0.42	1.49	9.11	18.88	7.18	81.93
1985	0.86	6.50	7.54	1.67	2.06	5.01	1.12	0.14	3.70	9.08	7.99	5.05	50.72
1986	9.93	17.69	6.65	3.99	4.50	1.32	1.24	0.11	5.39	3.71	10.87	4.91	70.31
1987	13.41	7.23	10.32	3.91	2.88	0.58	1.55	0.38	0.49	0.49	7.82	19.41	68.47
1988	12.41	2.59	7.27	3.48	8.26	2.68	0.55	0.08	1.63	0.85	17.20	7.93	64.93
1989	9.55	99.99	16.39	2.73	4.08	1.65	1.17	2.75	0.46	5.84	5.83	3.98	999.99
1990	16.28	10.24	5.49	6.72	4.31	3.60	0.46	1.30	0.13	9.48	10.26	5.13	73.40
1991	7.30	5.77	9.33	6.08	6.07	0.64	0.50	2.66	0.01	2.86	11.33	7.80	60.35
1992	9.06	7.12	2.14	8.83	0.14	0.39	0.43	0.68	1.05	5.14	9.28	13.74	58.00
1993	8.64	4.66	9.28	10.12	5.59	5.39	2.28	99.99	0.13	1.77	2.38	11.60	999.99
1994	7.39	8.95	5.79	3.63	2.17	2.48	0.14	0.23	1.85	5.67	15.33	10.86	64.49
1995	20.02	4.53	12.27a	7.66e	2.73i	3.75f	.26a	.70c	4.49f	5.07a	11.66c	15.14r	62.17d
1996	12.59f	17.14f	5.20c	7.18h	5.01w	.97	1.12a	.20b	2.92b	9.28c	11.65g	22.67f	19.69f
1997	12.81a	3.72b	11.23c	6.38b	1.61b	2.56z	1.89	1.41	7.46h	8.67a	5.46g	8.43f	47.72d
1998	10.32g	13.89d	10.24d	2.96b	5.66e	3.53e	0.14a	0.00	1.50	5.93c	19.06c	14.67f	62.91b
1999	13.51e	10.34i	8.68d	3.30k	6.25l	2.78c	1.88	1.36b	0.49d	4.67c	14.59h	11.65b	45.02d
2000	18.02i	12.75h	5.00d	3.09g	4.60b	2.80c	0.10b	0.31	1.73f	5.59e	3.93n	6.99c	25.39e
2001	4.36a	4.38e	5.93a	4.78a	2.17d	3.14e	0.50	1.63b	0.67e	5.03b	10.84b	13.82c	57.25
2002	17.11g	5.51d	7.76a	5.71a	3.10d	2.79h	0.22d	0.19c	1.34j	0.42a	0.00z	0.00z	22.91e

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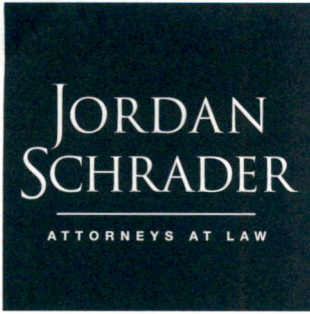
From: Kevin Goodson [Kevin.W.Goodson@STATE.OR.US]
Sent: Tuesday, March 25, 2003 12:20 PM
To: MOULUN Renee M
Subject: Water Right permit application S-84855

ODFW has reviewed all of the information provided by Ocean Dunes Golf Course and their consultant Pacific Hydro-Geology Inc. regarding the withdrawal of water from an unnamed stream for irrigation. We have the following comments.

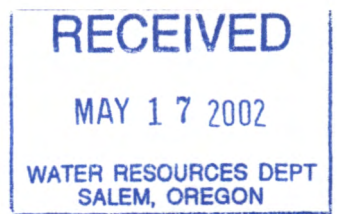
1. Due to the habitat present in the lower section of the unnamed stream, ODFW believes juvenile coho and chinook as well as cutthroat trout are likely to utilize portions of this stream.
2. Based on the temperature analysis from DEQ, it appears that the water withdrawal from the unnamed stream does not increase the temperature of the water downstream of the golf course's diversion point.
3. ODFW does not understand the need for the water from the unnamed stream. Ocean Dunes has received a ground water right for .92 cfs to irrigate the golf course, which the Watermaster says is available. Water Resources stipulates in the ground water right permit and in the proposed final permit for the stream water right that the golf course can only use 1/80th of a cfs per acre in total to irrigate. If Ocean Dunes already has that much water available from their wells and cannot use more than that by law, why do they need water from the stream?
4. There was insufficient data provided to determine how much of the stream flow is diverted for irrigation by the golf course. In their June 18, 2002 letter to DEQ, Pacific Hydro-Geology stated that they would be taking stream level measurements on a regular basis along with water velocity estimates. The information provided in their December 1, 2002 report to DEQ was minimal and did not give an adequate description of how the withdrawal does, or does not, effect stream flow. Without that information it is difficult to determine how the withdrawal effects fish habitat in the stream and from that, how it effects fish.
5. ODFW is also concerned with the constant manipulation of the stream's flow during the summer months. The pumps are turned on and off for different periods of time, which results in the stream flow being reduced and then increased for these same periods. This likely causes fish to retreat from , and move into, the stream as the flow decreases and then increases. The decreases in flow could cause stress to the fish or possibly even strand them in shallow or dry areas if the flow decreases quickly. If water needs to be withdrawn, it should be done gradually and then constantly so the water level in the stream does not drop quickly and stays more consistent for the summer months. We would be able to better understand the impacts of these withdrawals, and possible remedies, if we knew how much of the stream flow was withdrawn by the golf course.
6. In most coastal streams, summer low flows constrain fish productivity. From the information we have, ODFW would expect that this is also the case in this unnamed stream and that water withdrawals during the summer months further constrain fish productivity. We therefore encourage alternatives be pursued that eliminate or minimize water withdrawals from the unnamed stream from June through September.

These are our comments. I can put them in an official letter to WRD if you think that is best. Let me know.

Kevin Goodson
Oregon Department of Fish and Wildlife
Asst. District Fish Biologist
North Coast Watershed District - Newport Field Office
(541)867-0300 ext. 236



Formerly
Tarlow Jordan & Schrader



VIA FEDERAL EXPRESS

May 16, 2002

Ms. Renee Moulun
Water Rights Section
Oregon Water Resources Department
158 12th St. NE
Salem, OR 97310

Re: Protest Re Ocean Dunes Golf Links Inc. Application No. S-84855
Our File No. 47315/31911

Dear Ms. Moulun:

STEVEN L. SHROPSHIRE

Admitted
Oregon and Washington

Our firm represents Ocean Dunes Golf Links, Inc., the applicant/protestant referenced below. This letter constitutes Ocean Dunes Golf Links, Inc.'s protest under ORS 537.621(7) to the Water Resources Department's Proposed Final Order for surface water application no. S-84855.

Protestant:

Ocean Dunes Golf Links, Inc.
c/o Bill Robinson
3345 Munsel Lake Rd.
Florence, Oregon 97439
541-997-3232

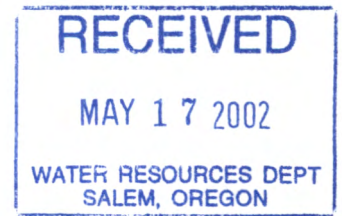
E-mail
steve.shropshire@jordanschrader.com

Timely Protest. This protest is filed in a timely fashion. On April 2, 2002 the Oregon Water Resources Department ("Department") published notice of the proposed final order on this application. The 45-day protest period expires on May 17, 2002, at 5:00 p.m.

Factual Background. Ocean Dunes Golf Links, Inc., the applicant, owns a golf course in Lane County, Oregon. The surface diversion proposed in application no. S-84855 (the "Application") is located adjacent to the golf course property on an unnamed stream, which is a tributary to the North Fork of the Siuslaw River. The unnamed stream meets the North Fork approximately one mile upstream from the confluence of the North Fork and the main stem of the Siuslaw River. This entire area is within the estuary of the Siuslaw River and is thus subject to tidal fluctuations.

JORDAN SCHRADER PC

Oregon Water Resources Department
May 16, 2002
Page 2



The Application was filed on August 27, 2001. On January 11, 2002, the Department initiated a Division 33 review process, based on its determination that the proposed use would occur in an area that may affect the habitat of sensitive, threatened, or endangered fish species.

On January 17, 2002, Watermaster Michael J. Mattick filled out a Division 33 Application Worksheet as part of the initial review for the Application. In the comments portion of the worksheet, Mr. Mattick indicated that "a closer look at water availability would show that water is available thru Oct 15."

On January 18, 2002 the Department issued its Initial Review Determinations on the Application. Among other findings, the Initial Review stated that water was available to support the requested surface diversion from March 1 through September 30 of each year from the unnamed stream.

On February 12, 2002, the Oregon Department of Environmental Quality ("DEQ"), represented by interagency team member Roberta Lindberg, filed its Division 33 Application Review Sheet. DEQ concluded that the proposed withdrawal would degrade the habitat of endangered salmonids unless withdrawals were prohibited during the period from June 1 through September 30 of each year. Ms. Lindberg made this finding despite contrasting findings on the Review Sheet she filed for Ocean Dunes ground water application (G-15594) on January 28, 2002, where she made the following comment:

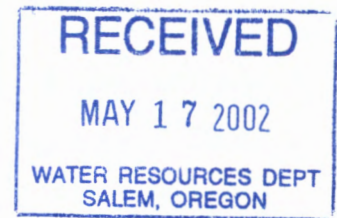
The drainage channel is a tributary of the Siuslaw, which is water-quality limited for temperature. However, the channel joins the Siuslaw at the estuary, where temperature is controlled by tidal movement.

On February 13, 2002, the Oregon Department of Fish and Wildlife ("ODF&W"), represented by interagency team member Tami Wagner, filed its Division 33 Application Review Sheet. ODF&W indicated that the proposed use will occur in an area that may affect the essential habitat of Coho Salmon, a threatened species. ODF&W further found that by restricting use to the March 1 to October 15 period when water was available, the impact to the habitat could be mitigated.

On April 2, 2002, the Department issued its proposed final order on the Application, including a draft permit. The PFO contained several findings of fact, including a finding that water is available from March 1 through

JORDAN SCHRADER PC

Oregon Water Resources Department
May 16, 2002
Page 3



September 30 of each year. It also indicates that the interagency team recommended imposing a condition on the permit prohibiting withdrawals from June 1 through September 30 of each year. The PFO also contains conclusions of law. Among these is a conclusion that the Application is entitled to a presumption that it will not impair or be detrimental to the public interest under ORS 537.153, and that the presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest. Despite this conclusion, the draft permit attached to the PFO only allows diversions from the unnamed stream from March 1 through May 31 of each year. The draft permit also includes a condition requiring Ocean Dunes to "install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish." ODF&W's Division 33 Application Review Sheet makes no mention of such an obstruction.

Interest in Proposed Final Order. Ocean Dunes is the applicant.

Impairment of Ocean Dunes' Interest. The PFO and draft permit impose conditions on the proposed water use that are so restrictive as to render the resulting permit useless to Ocean Dunes as to the requested surface right.¹ By shortening the season of use by five months, Ocean Dunes will be unable to use this surface water right to irrigate its golf course during the dry summer months. This will inevitably lead to degraded course conditions, including burnout of the golf course vegetation. This in turn will injure Ocean Dunes by resulting in course closures, loss of reputation, and ultimately loss of business revenues and impairment of property values.

Description of Proposed Final Order Deficiency and Suggested Correction.

1. The end date for the season of use set forth in the draft permit does not reflect the watermaster's recommendation regarding interpretation of water availability data in this area. This deficiency could be corrected by extending the permitted season of use through October 15 of each year.
2. The proposed season of use in the draft permit is not supported by substantial evidence. The interagency team failed to submit a unified recommendation regarding the proposed use. To justify the significant curtailment of the proposed season of use, the team is required under OAR 690-033-0330(2)(a) to find the application would result in the "loss of essential habitat." No such finding was made. Indeed, ODF&W found no

¹ Ocean Dunes does not protest the portion of the draft permit pertaining to the associated storage right.

JORDAN SCHRADER PC

Oregon Water Resources Department
May 16, 2002
Page 4



problem with the proposed use from March 1 to October 15 of each year. By contrast, DEQ recommended the severely curtailed season of use, despite a finding one week earlier on another Ocean Dunes application that temperature in the Siuslaw estuary is “controlled by tidal movement.” These inconsistencies should be resolved by issuing a final permit with a season of use on the surface diversion extending from March 1 to October 15 of each year. Any shorter season of use would be contrary to substantial evidence and the Department’s Division 33 rules.

3. The PFO contains a legal conclusion that the Application is entitled to a presumption that it will not impair or be detrimental to the public interest under ORS 537.153, and that the presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest. Despite this conclusion, the draft permit attached to the PFO only allows diversions from the unnamed stream from March 1 through May 31 of each year. The permit should be made consistent with the legal conclusion in the PFO by amending the permit to reflect the proposed season of use (as modified by late-season water availability) of March 1 through October 15 of each year.

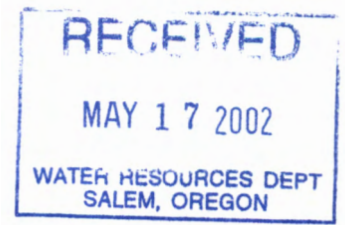
4. The permit condition requiring Ocean Dunes to “install a fishway at the obstruction” appears to be standard language that is not applicable to the facts underlying this application. No such obstruction is identified in the Application or the PFO. Further, Ocean Dunes has no control over any obstruction to fish passage. Therefore, this condition should be removed from the final permit.

Legal Authority Supporting Protest. This protest is filed pursuant to ORS 537.621(7) and OAR 690-310-0160. Other authority supporting this protest includes ORS 537.620(3)(b), ORS 537.621(2) and (3), OAR 690-310-0080(1)(b), 690-033-0000, and OAR 690-033-0310 through 690-033-0340.

Protest Fee. Because Ocean Dunes is the applicant, no protest fee is required under ORS 536.050.

JORDAN SCHRADER PC

Oregon Water Resources Department
May 16, 2002
Page 5



Contact Information. Please direct all correspondence regarding this protest to Steven Shropshire at Jordan Schrader PC, P.O. Box 230669, Portland, OR 97281, with a copy to Ocean Dunes Golf Links, at the address listed above.

Very truly yours,

JORDAN SCHRADER PC

A handwritten signature in blue ink, appearing to be "SLS", written over the typed name "Steven L. Shropshire".

Steven L. Shropshire

Enclosures

cc: Bill Robinson
Malia Kupillas
Rohn Roberts

ReneeM

From: Renee Moulun [Renee.M.MOULUN@wrd.state.or.us]
Sent: Friday, March 14, 2003 12:00 PM
To: 'kevin.w.goodson@state.or.us'
Subject: Water Availability on Siuslaw

Hi Kevin:

Thanks again for taking the time to talk with me about Ocean Dunes yesterday. I am attaching the water availability table I pulled up during our conversation -- hope it's helpful. Feel free to call if you have any questions (503) 37808455 x 239

Renee



Siuslaw w.a.doc

COPY

VIA FACSIMILE: 1.541.867.0311
AND FIRST CLASS MAIL

**JORDAN
SCHRADER**
ATTORNEYS AT LAW

March 12, 2003

Kevin Goodson
Department of Fish & Wildlife
2040 SE Marine Science Dr
Newport OR 97365

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MAR 13 2003
WATER RESOURCES DEPT.
SALEM, OREGON

Re: **Water Right Application S 84855**
Applicant: Ocean Dunes Golf Links, Inc./Bill Robinson
Our File No. 47315/31911

Dear Mr. Goodson:

This letter follows our telephone conversation of yesterday, March 11, wherein you advised that despite the Department of Environmental Quality's ("DEQ") findings regarding the temperature data for the waters proposed use for under the above-referenced application, ODFW has remaining questions regarding the application.

As you are aware, the application protest is currently on administrative hold pending DEQ and ODFW review of temperature data we submitted in an effort to resolve your concerns with the application. You indicated during our conversation that you would be talking to the OWRD this week to gain answers to your remaining questions regarding the process and information provided. You further indicated that you should be able to provide your final comments no later than the week of March 24, 2003, and sooner if possible.

In the interim, Ocean Dunes has requested that OWRD extend the administrative hold on the application protest from the current deadline of this Friday, March 14 to Monday, March 31, 2003, to accommodate your further inquiry and review.

STEVEN L. SHROPSHIRE

Admitted
Oregon and Washington

Direct Dial
503.598.5583

E-mail
steve.shropshire@jordanschrader.com

Mobile Phone
503.522.8667

OUR
40TH
YEAR

JORDAN SCHRADER PC

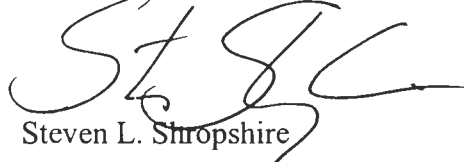
Kevin Goodson
March 12, 2003
Page 2

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MAR 13 2003
WATER RESOURCES DEPT.
SALEM, OREGON

Please call me if you have any questions. Thank you for your assistance.

Very truly yours,

JORDAN SCHRADER PC



Steven L. Shropshire

cc: Ocean Dunes Golf Links, Inc.
Rohn Roberts, Esq.
Malia Kupillas
Renee Moulun, OWRD

March 12, 2003

Renee Moulun, Protest Program Coordinator
Water Rights Section
Oregon Water Resources Department
158 12th St NE
Salem OR 97301-4172



Re: **Water Right Application S-84855**
Applicant: Ocean Dunes Golf Links, Inc./Bill Robinson
Our File No. 47315/31911

Dear Renee:

STEVEN L. SHROPSHIRE

Admitted
Oregon and Washington

This letter constitutes Ocean Dunes Golf Links, Inc.'s and Bill Robinson's request for the Oregon Water Resources Department to extend the administrative hold on Application S-84855 from the current deadline of this Friday, March 14, to Monday, March 31, 2003. This request is made to allow Kevin Goodson of the Oregon Fish & Wildlife Department to talk to the Water Resources Department about questions he has regarding the application. Mr. Goodson estimated that he should be able to provide his final comments on the application no later than the week of March 24, 2003. This request for extension of time is made in order to accommodate his schedule.

Please call me if you have any questions regarding this request. Thank you for your ongoing cooperation regarding this matter.

E-mail
steve.shropshire@jordanschrader.com

Very truly yours,

JORDAN SCHRADER PC

Steven L. Shropshire

Enclosures

cc: Bill Robinson, Ocean Dunes Golf Link, Inc.
Rohn Roberts, Esq.
Malia Kupillas
Kevin Goodson





Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

VIA MAIL

February 25, 2003

Steve Shropshire
Attorney at Law
Jordan Schrader
P.O. Box 230669
Portland,
OR 97281

RE: Water Right Application S 84855 in the Name of Ocean Dunes Golf Links, Inc.
and Bill Robinson

Dear Steve:

Pursuant to your request of February 13, 2003, the Oregon Water Resources Department will continue to hold the above-captioned application until **March 14, 2003**, to allow the Department of Environmental Quality to complete its review of temperature data for the waters proposed for use under application S 84855. Please contact me if applicant would like to reactivate this application sooner.

Sincerely,

Renee Moulun
Protest Program Coordinator

ReneeM

From: Steve Shropshire [steve.shropshire@jordanschrader.com]
Sent: Thursday, February 13, 2003 5:54 PM
To: Renee Moulun (Renee Moulun)
Subject: Ocean Dunes Application No. S-84855

Renee,

We have encountered delays with DEQ's review of temperature data for the source waters named in Application No. S-84855. Based on representations made by DEQ representative, Bobbi Lindberg, we understand that the DEQ review will be complete no later than February 28, 2003. To accommodate this schedule, we request that you extend the administrative hold on this file for 30 additional days to March 14, 2003.

Please contact me or my paralegal, Allison Brennan, if you have any questions.

Best regards,

Steven L. Shropshire

Jordan Schrader PC

Two Centerpointe Drive, 6th Floor

Lake Oswego, Oregon 97035

ph: 503-598-5583 * fax: 503-598-7373

e-mail: steve.shropshire@jordanschrader.com

web site: www.jordanschrader.com

PLEASE DO NOT read, copy, or disseminate this communication unless you are the intended addressee. This e-mail communication may contain confidential and/or privileged information intended only for the addressee. If you have received this communication in error, please call me immediately at 503-598-7070. Also, please notify me immediately via e-mail that you have received the communication in error. Thank you.



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

VIA MAIL

August 13, 2002

Steve Shropshire
Attorney at Law
Jordan Schrader
P.O. Box 230669
Portland,
OR 97281

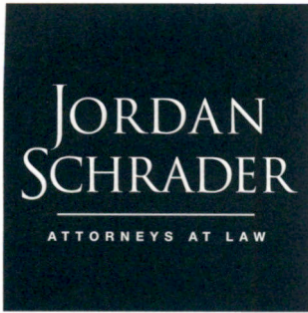
RE: Water Right Application S 84855 in the Name of Ocean Dunes Golf Links, Inc.
and Bill Robinson

Dear Steve:

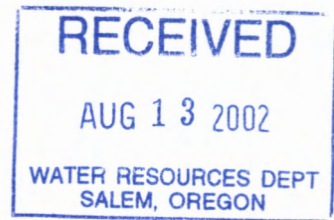
Thank you for your letter of August 12, 2002, in which you requested I place application S 84855 on hold for 180 days. The Oregon Water Resources Department will place this application on hold until **February 12, 2003**. Please contact me if applicant would like to reactivate this application sooner.

Sincerely,

Renee Moulun
Protest Program Coordinator



Formerly
Tarlow Jordan & Schrader



VIA FEDERAL EXPRESS

August 12, 2002

Renee Moulun
Oregon Water Resources Department
Attention: Water Rights Division
Commercial Building
158 12th St NE
Salem OR 97301-4172

Re: **Request for Extension**
Ocean Dunes Golf Links, Inc.'s Surface Water Rights Application
No. S-84855
Our File No. 47315/31911

STEVEN L. SHROPSHIRE

Admitted
Oregon and Washington

Dear Renee:

As you are aware, this firm represents Ocean Dunes Golf Links, Inc., the applicant referenced above. Under Oregon Administrative Rule 690-310-0270(2), Ocean Dunes Golf Links, Inc. requests an extension of the 180-day period for the Department's issuance of the final order or scheduling a contested case hearing. The purpose for this request is to allow Ocean Dunes to work with the interagency members to resolve any potential concerns regarding its application.

If you have any questions, please call me or my paralegal, Allison Brennan.

Very truly yours,

E-mail
steve.shropshire@jordanschrader.com

JORDAN SCHRADER PC

Steven L. Shropshire

cc: Bill Robinson, Ocean Dunes Golf Links, Inc.
Rohn Roberts, Esq.
Malia Kupillas

Pacific Hydro-Geology Inc.

18477 S. Valley Vista Rd.
Mulino, OR 97042
(503) 632-5016

June 18, 2002

Ms. Roberta Lindberg
Oregon Department of Environmental Quality
1102 Lincoln St., Suite 210
Eugene, Oregon 97401

RE: Ocean Dunes Golf Links surface water right application S-84855 and potential impacts on temperature and fish.

Dear Ms. Lindberg:

This letter documents the temperature and hydrology data that will be collected this irrigation season for Ocean Dunes Golf Links surface water right. These data will be used to evaluate potential pumping influences on the unnamed stream.

Temperature Data

Baseline temperature measurements were made on April 15, 2002 by Tami Wagner, Oregon Fish and Wildlife, at three of the four proposed measuring locations. On June 14th and 15th, Hobo® temperature data loggers were installed at four locations along the unnamed stream. The first location is at a point upstream of the diversion point. The data logger at this location will serve to measure water temperatures prior to pumping influences. The second location is a point just below the diversion point. The third location is at the upstream end of the culvert where the stream crosses 31st St. This location was selected for measuring water temperature and flow between the discharge point and where the stream is tidally influenced. The fourth location is at the upstream end of the culvert where the unnamed stream flows under the North Fork Road and discharges into the estuary of the North Fork of the Siuslaw River. The fourth location is tidally influenced. The data loggers were set to record temperature in degrees Fahrenheit every hour. The data loggers will be field checked and the data downloaded in early August and the end of October. Ocean Dunes will maintain a record of when the water is pumped from the diversion point for a comparison with the other field data. The pumping schedule will remain close to 60 hours of pumping and 10 to 12 hours off.

Hydrology Data

A stake serving as a staff gage was installed just below the diversion point on April 15, 2002. The water level at that time was marked on the stake for a background water level measurement. Future water level measurements will be measured from that mark. Depth to water from the top of the culverts was measured at the 31st St. culvert and the North Fork Road culvert on April 15th, June 14th and June 15th. Flow velocity was also measured at the 31st St. culvert using a tennis ball. Flow velocity measurements will

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JUN 21 2002

WATER RESOURCES DEPT.
SALEM, OREGON

also be collected at the 31st St. culvert during each site visit for a comparison over the summer. An approximately 4-inch long fish was caught on the tennis ball on the last velocity test. The fish's jaw was caught on the fuzz of the ball from possibly trying to bite it. Perhaps the fish thought the tennis ball was a giant salmon egg. The fish could not be identified and it was released.

Please call me at (503) 632-5016 if there are any questions, or additional information is required.

Sincerely,

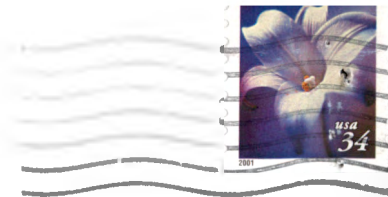
Malia R. Kupillas

Malia R. Kupillas, R.G., C.W.R.E.

CC: Tami Wagner, Oregon Department of Fish and Wildlife
Kerry Lefever, Oregon Water Resources Department
Bill Robinson, Ocean Dunes Golf Links
Steve Shropshire, Jordan and Schrader Law Offices

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JUN 21 2002
WATER RESOURCES DEPT.
SALEM, OREGON

Pacific Hydro-Geology Inc.
18477 S. Valley Vista Rd.
Mulino, Oregon 97042



Oregon Water Resources
Ms. Kerry Lefever
158 12th Street NE
Salem, Oregon 97310-0210

97301+4172





ReneeM

From: LINDBERG Bobbi [Bobbi.Lindberg@state.or.us]
Sent: Monday, March 10, 2003 11:18 AM
To: MOULUN Renee M; Steve Shropshire; Greg Kupillas
Cc: GOODSON Kevin W; BLANCHARD John
Subject: Ocean Dunes Temperature Analysis

Good morning!

I have completed the analysis of the temperature data from Ocean Dunes Golf Course, with very interesting results. The data show that the pumping does influence water temperature in the unnamed stream. The effect is small, but statistically significant. One of the more interesting results is that when the stream temperature is low (52 - 54 F.), pumping has the effect of raising the temperature at the downstream sites, but when the stream temperature is higher (55 - 58 F.), the pumping has the effect of reducing the temperature at the downstream sites. The following chart illustrates the results, with the left column showing the temperature at Site 1, and the other columns showing the predicted temperatures at Sites 2, 3, and 4 using the formula generated from doing a regression of these sites to Site 1:

	1	2 - Off	2 - On		3 - Off	3 - On		4 - Off	4 - On
	52	52.2103	52.3305		52.6826	53.0486		52.986	53.584
	53	53.1169	53.1512		53.552	53.7424		53.9935	54.355
	54	54.0235	53.9719		54.4214	54.4362		55.001	55.126
	55	54.9301	54.7926		55.2908	55.13		56.0085	55.897
	56	55.8367	55.6133		56.1602	55.8238		57.016	56.668
	57	56.7433	56.434		57.0296	56.5176		58.0235	57.439
	58	57.6499	57.2547		57.899	57.2114		59.031	58.21

The pink-colored squares show when the pumping results in more temperature increase downstream than when the pump is off. The blue-colored squares show when the pumping results in either less of an increase or more of a decrease in temperature than when the pump is off.

These results suggest that the unnamed stream from which Ocean Dunes pumps has significant groundwater influence, and that when the surface water is pumped, the influence of the groundwater is more pronounced. Groundwater temperature is typically in the low 50's, and it is interesting that the effect of the pumping reverses close to that temperature. It is likely that the unnamed stream is receiving inputs of groundwater downstream of the pumping site.

I am attaching a report describing how I analyzed the data, and a spreadsheet with my calculations.

So what does this mean? Pumping does affect stream temperature of the unnamed stream, but in different ways at different stream temperatures, with heating resulting only when stream temperatures are low. That, together with the fact that the effect is small, suggest that from a stream temperature perspective, there is no reason to oppose the water right requested by Ocean Dunes Golf Course. On behalf of DEQ, we withdraw our objection to the water right application. We would, however, encourage the golf course to consider planting trees along the unnamed stream, as well as explore the possibility of replacing some irrigation water with treated effluent from the Florence sewage

treatment plant.

Thank you, and I apologize for the size of the attachments.

Bobbi Lindberg

Oregon Department of Environmental Quality
Report on Analysis of Ocean Dunes Temperature Data
March 10, 2003

Consultants for Ocean Dunes Golf Course, in support of its application for a water right permit to withdraw from an unnamed stream, did a temperature study from June 15 to October 13, 2002. Four temperature sensors were installed in the unnamed stream, which is a tributary to the North Fork Siuslaw River, a stream identified on DEQ's list of waters which do not meet water quality standards. The North Fork Siuslaw is listed for high stream temperature.

One sensor was installed immediately upstream of the withdrawal point. The second was installed immediately downstream of the withdrawal. The third was installed about 1500 feet downstream, and the fourth another 1500 feet downstream, close to where the unnamed stream flows into the North Fork Siuslaw. The sites are identified on the consultants' Figure 1 in their report.

Initially paper charts of the temperature sensor readings were provided, but electronic versions of the data were requested to facilitate analysis. The data was provided in electronic text files, three for each station.

Methods:

The temperature data was taken from the text files and brought into spreadsheet format in Excel. Data spikes from air exposure during installation and data downloading were removed from the data set.

In addition to the temperature data, the consultants provided hand-written pump logs for June 14 through September 28. Those logs show that pumping from the stream occurred throughout the periods from June 14 through July 19, and from August 8 through September 27. From July 20 through August 7, and from September 28 through October 13, the pumps were not operated.

This provided four separate time periods for analysis, two when the pump was used routinely and two when the pump was not used. After considering various methods to analyze this, it was decided to break the data into two groups, one when the pumps were operating and the other when the pump was not being used.

Simple regressions were performed on the data from the upstream site, Site 1, to the three downstream sites for both sets of data, and correlations were determined for times when the pump was operating and when it was not. R-squared values were computed to determine the degree of correlation to the temperatures at Site 1. Statistical tests were run to determine significance.

This method does not take into account weather patterns during the four separate periods, nor does it look for patterns within the periods when the pumps were alternating between on and off.

Results:

For all the downstream stations there was a difference between the time periods when the pump was employed and when the pump was not used. The results are shown in the table below:

	R-squared value	Formula for Regression
Site 2 Pumps On	.8617	$y=0.8207x + 9.6541$
Site 2 Pumps Off	.9649	$y=.9066x + 0.9649$
Site 3 Pumps On	.6907	$y=0.6938 + 16.971$
Site 3 Pumps Off	.8857	$y=0.8694x + 7.4738$
Site 4 Pumps On	.6619	$Y=0.771x + 13.492$
Site 4 Pumps Off	.8607	$y=1.0075x + 0.596$

Applying the above formulas of the best fit line to temperatures at Site 1 yields the following results:

Site 1	2 - Off	2 - On	3 - Off	3 - On	4 - Off	4 - On
52	52.2103	52.3305	52.6826	53.0486	52.986	53.584
53	53.1169	53.1512	53.552	53.7424	53.9935	54.355
54	54.0235	53.9719	54.4214	54.4362	55.001	55.126
55	54.9301	54.7926	55.2908	55.13	56.0085	55.897
56	55.8367	55.6133	56.1602	55.8238	57.016	56.668
57	56.7433	56.434	57.0296	56.5176	58.0235	57.439
58	57.6499	57.2547	57.899	57.2114	59.031	58.21

The values highlighted in pink show an increase in downstream temperatures during the time pumping is occurring. The values highlighted in blue show either a smaller increase in temperature downstream or a larger decrease in temperature downstream.

Discussion:

The data indicate that the pumping for irrigation by Ocean Dunes Golf Course does have an impact on the stream temperature. The effect, which is small, results in increased temperatures downstream when stream temperature is in the range of 52 to 54 degrees F. However, when stream temperatures are higher (55 – 58 degrees F.) this effect is reversed, and the pumping has a cooling effect on downstream sites.

This seemingly contradictory result can be explained by the influence of groundwater. When stream temperatures are warm, pumping surface water may result in an increased percentage of groundwater downstream, thus cooling the stream slightly due to groundwater's cooling influence. Groundwater temperatures generally are in the 45 – 55 degree F. range in Oregon.

Conclusion: Pumping by Ocean Dunes does have an effect on stream temperature at downstream sites. The effect is an increase in temperature when stream temperatures are low (52 – 54) but the effect is cooling when stream temperatures are higher (55 – 58). The effect is small but statistically significant.

Report prepared by:

Bobbi Lindberg
 Natural Resources Specialist
 Eugene Office, DEQ
 1102 Lincoln Street, Suite 210
 Eugene, OR 97401

	1 2 - Off	2 - On
52	52.2103	52.3305
53	53.1169	53.1512
54	54.0235	53.9719
55	54.9301	54.7926
56	55.8367	55.6133
57	56.7433	56.434
58	57.6499	57.2547

	3 - Off	3 - On
	52.6826	53.0486
	53.552	53.7424
	54.4214	54.4362
	55.2908	55.13
	56.1602	55.8238
	57.0296	56.5176
	57.899	57.2114

	4 - Off
	52.986
	53.9935
	55.001
	56.0085
	57.016
	58.0235
	59.031

4 - On

53.584

54.355

55.126

55.897

56.668

57.439

58.21

Dick Bailey

From: Paul R. Cleary [paul.r.cleary@wrд.state.or.us]
Sent: Thursday, March 13, 2003 2:06 PM
To: Richard BAILEY
Subject: FW: FERC Hydro Rules/WSWC Call

Dick - do you want to listen in on this? PRC
-----Original Message-----

From: Tony Willardson [mailto:twillards@wswc.state.ut.us]
Sent: Thursday, March 13, 2003 11:37 AM
To: fnpfeiffer@aol.com; jost461@ecy.wa.gov; hricci@ndwr.state.nv.us; dmontagn@sra.dst.tx.us; kwhite@tnrcc.state.tx.us; paul.r.cleary@wrд.state.or.us
Cc: Craig Bell; credding@wswc.state.ut.us
Subject: FERC Hydro Rules/WSWC Call

During next week's Western States Water Council's Water Resources Committee meeting
at **10:00 a.m Central Time, Thursday, March 20,**

Jim Canaday from California will provide a briefing regarding FERC's rulemaking regarding the federal hydropower licensing process. The Council will also consider a policy proposal on this matter.

See the meeting briefing books, Tabs C and L for background information.

For members not able to attend the Council meeting, we have set up a conference call line. To join the call, Council members should dial **1-312-461-9324**, then dial **494254** when prompted.

Comments on FERC's NOPR are due by April 21st, and regional workshops have been scheduled. See WSW #1503 or visit www.ferc.gov/hydro/docs/hydro_rule.htm.

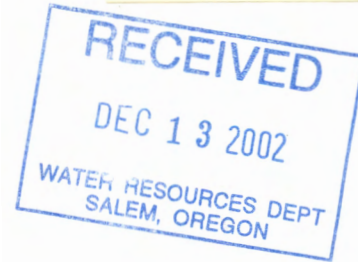
Please contact the Council office if you have any questions.
I will be out of the office traveling, but can be reached on my cell phone at (801) 573-7593.

Tony

**JORDAN
SCHRADER**
ATTORNEYS AT LAW

December 12, 2002

George H. Westfall
Oregon Department of Fish & Wildlife
Mapleton Satellite Office
Mapleton OR 97453
(541) 268-1049



• No flow data
• How much
H₂O pumped
by Ocean Dunes?
- Did they have
all?

Re: Stream Temperature Study for
Ocean Dunes Golf Links Water Right Applications
Our File No. 47315/31911

Dear Mr. Westfall:

STEVEN L. SHROPSHIRE

Admitted
Oregon and Washington

Direct Dial
503.598.5583

E-mail
steve.shropshire@jordanschrader.com

Mobile Phone
503.522.8667

Enclosed please find a copy of a stream temperature study prepared by Pacific Hydro-Geology Inc. (PHG) on behalf of Ocean Dunes Golf Links (Ocean Dunes). This report summarizes the results of the temperature study conducted by PHG through joint agreement with Ocean Dunes, the Oregon Department of Environmental Quality, and Oregon Department of Fish & Wildlife.

As you will recall, ODFW is involved in this matter as a result of the interagency team consultation process that was initiated after Ocean Dunes filed groundwater Application No. G-15594 and surface water Application No. S-84855 in the latter part of 2001. On February 13, 2002, Tami Wagner filed a Division 33 application review sheet with the Water Resources Department, indicating the proposed withdrawals would impact the essential habitat of coho salmon. However, through discussions with Ms. Wagner and Roberta Lindberg at DEQ, we were informed that neither agency possessed relevant data with regard to temperature in the potentially affected water body. As a result, we proposed to commence a study through the 2002 irrigation season to monitor the effects that Ocean Dunes' withdrawals have upon temperature in the unnamed source tributary and the North Fork of the Siuslaw River.

Summarized briefly, PHG was able to determine that Ocean Dunes' diversions did not significantly affect stream temperatures in the areas of concern. This data supports our initial belief that Ocean Dunes is not impacting the resource in an adverse fashion. As a result, we request that you immediately inform the Water Resources Department that you have no remaining concerns with regard to applications S-84855 or G-15594.



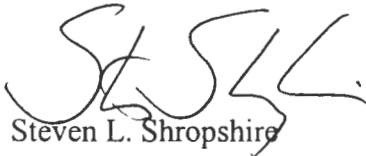
JORDAN SCHRADER PC

George Westphal
Oregon Department of Fish & Wildlife
December 12, 2002
Page 2

I would appreciate your earliest possible attention to this matter. In fact, I would greatly appreciate the courtesy of a telephone call once you have reviewed the report, notifying me of when you expect to be able to communicate with the Water Resources Department on this matter. Meanwhile, please do not hesitate to contact me if you have any questions or concerns.

Very truly yours,

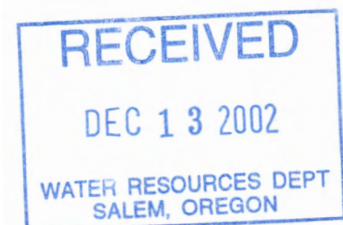
JORDAN SCHRADER PC



Steven L. Shropshire

Enclosure

cc: Ocean Dunes Golf Links, Inc.
Rene Moulun
Malia Rosner Kupillas, R.G., CWRE





COPY



December 12, 2002

Roberta Lindberg
Oregon Department of Environmental Quality
1102 Lincoln St #210
Eugene OR 97401

Re: Stream Temperature Study for
Ocean Dunes Golf Links Water Right Applications
Our File No. 47315/31911

Dear Ms. Lindberg:

STEVEN L. SHROPSHIRE

Admitted
Oregon and Washington

Direct Dial
503.598.5583

E-mail
steve.shropshire@jordanschrad.com

Mobile Phone
503.522.13667



Enclosed please find a copy of a stream temperature study prepared by Pacific Hydro-Geology Inc. (PHG) on behalf of Ocean Dunes Golf Links (Ocean Dunes). This report summarizes the results of the temperature study conducted by PHG through joint agreement with Ocean Dunes, the Oregon Department of Environmental Quality, and Oregon Department of Fish & Wildlife.

As you will recall, you are involved in this matter as a result of the interagency team consultation process that was initiated after Ocean Dunes filed groundwater Application No. G-15594 and surface water Application No. S-84855 in the latter part of 2001. On February 12, 2002, you submitted a Division 33 application review sheet to the Water Resources Department indicating a concern that the proposed water withdrawals could have an adverse impact on temperature in a water quality limited stream—namely, the North Fork of the Siuslaw River. However, through discussions with you and Tami Wagner of the Oregon Department of Fish & Wildlife, we learned that neither agency possessed relevant data with regard to temperature in the potentially affected water body. As a result, we proposed to commence a study through the 2002 irrigation season to monitor the effects that Ocean Dunes' withdrawals have upon temperature in the unnamed source tributary and the North Fork of the Siuslaw River.

Summarized briefly, PHG was able to determine that Ocean Dunes' diversions did not significantly affect stream temperatures in the areas of concern. This data supports our initial belief that Ocean Dunes is not impacting the resource in an adverse fashion. As a result, we request that

JORDAN SCHRADER PC

Roberta Lindberg
Oregon Department of Environmental Quality
December 12, 2002
Page 2

you immediately inform the Water Resources Department that you have no remaining concerns with regard to applications S-84855 or G-15594.

I would appreciate your earliest possible attention to this matter. In fact, I would greatly appreciate the courtesy of a telephone call once you have reviewed the report, notifying me of when you expect to be able to communicate with the Water Resources Department on this matter. Meanwhile, please do not hesitate to contact me if you have any questions or concerns.

Very truly yours,

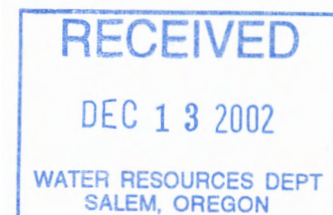
JORDAN SCHRADER PC



Steven L. Shropshire

Enclosure

cc w/encs: Rene Moulun, Water Resources Department
cc: Ocean Dunes Golf Links, Inc.
Malia Rosner Kupillas, R.G., CWRE



Pacific Hydro-Geology Inc.

18477 S. Valley Vista Rd.
Mulino, OR 97042
(503) 632-5016

December 1, 2002

Ms. Roberta Lindberg
Oregon Department of Environmental Quality
1102 Lincoln Street, Suite 210
Eugene, Oregon 97401

Re: Stream temperature study for Ocean Dunes Golf Links

Dear Ms. Lindberg:

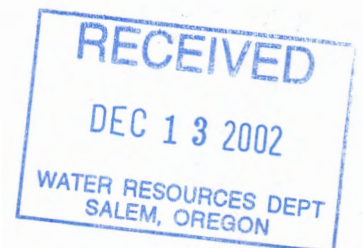
This letter presents the findings from a stream temperature study conducted by Pacific Hydro-Geology Inc. (PHG) on behalf of Ocean Dunes Golf Links (Ocean Dunes). The temperature study was conducted in accordance with the procedures outlined in a letter dated May 8, 2002 from PHG to Ms. Roberta Lindberg of the Water Quality Division of the Oregon Department of Environmental Quality (ODEQ).

The purpose of the temperature study was to assess potential temperature impacts in a small stream from which Ocean Dunes withdraws water for irrigation. Specifically, the study was conducted to determine if ambient temperatures in a small stream tributary to the North Fork of the Siuslaw River below Ocean Dunes's pumping station exceeded the relevant temperature criterion of 64 degrees (Fahrenheit) established by the 303(d) listing for the North Fork of the Siuslaw River (Record ID 2736).

The study involved a preliminary site visit on April 15, 2002 with Tami Wagner of the Oregon Department of Fish and Wildlife (ODFW), and continuous monitoring of ambient water temperature at four locations along the stream from June 14, 2002 to October 13, 2002. Periodic stream level measurements were also performed at temperature measurement Station 2.

Temperature Measurement Stations

Four temperature measurement stations, identified as Stations 1 through 4, were selected at locations both above and below the pumping station for Ocean Dunes. Station 1 was located just upstream from the pumping station. This location was chosen to monitor surface water temperatures upstream of potential pumping influences. Station 2 was located just downstream of the pumping station. Station 3 was located at the upstream end of the culvert where the stream crosses beneath 31st Street. The location of Station 3 was chosen to measure water temperatures at an intermediate location between the pumping station and where the stream enters the estuary. Station 4 was located at the upstream end of a culvert where the stream flows under the North Fork Road and discharges into the estuary of the North Fork of the Siuslaw River. The locations of the temperature monitoring stations are shown on Figure 1.



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Temperature Measurement Procedures

Preliminary Temperature Measurements. During the initial site visit on April 15, 2002, Tami Wagner of the ODFW measured a water temperature of 52 degrees Fahrenheit at Stations 2, 3, and 4 using a standard mercury thermometer.

Data Logger Set-Up. Temperatures were monitored at one-hour intervals from June 14 to October 13, 2002 using a Hobo® temperature data logger at each of the four monitoring stations. The temperature data loggers were installed inside waterproof cases. The temperature probes were extended to the outside of the cases through a small hole drilled in the side of each case. The holes were filled with a silicone sealer to prevent water entry into the containers. Lead fishing weights were installed inside the containers, which allowed the data logger assemblies to sink. The data loggers were placed in the bottom of the stream under logs or rocks and secured to a fixed object or wooden stake using heavy fishing line.

Downloading of Data Loggers. The data loggers were initially installed on the evening of June 14. On the morning of June 15, the data loggers were retrieved and the data downloaded using a lap-top computer to check for proper function. All four of the data loggers appeared to be functioning normally (however, the data logger at Station 4 had only recorded one temperature, most likely as a result of an error made when first launching the logging program). The data loggers were then re-set to resume temperature monitoring and replaced in their original positions. The data loggers were checked, downloaded, re-set, and replaced again on the morning of August 8, 2002. The data loggers were downloaded and removed on the evening of October 13, 2002.

Data Logger Calibration. Following completion of the temperature monitoring, the calibration of the data loggers was checked in the office according to the following procedures: The data loggers were set to log temperatures every minute, on the minute, and were immersed in a tub of water with a beginning ambient temperature of about 7 degrees Celsius (about 45 degrees Fahrenheit). The water temperature of the water was monitored using a laboratory thermometer (Taylor Environmental Instruments Bi-Therm Dial Thermometer) and recorded every minute, on the minute, using a watch synchronized with the data loggers. The temperature of the water was thus monitored simultaneously using the data loggers and the laboratory thermometer as the temperature of the water was raised slowly by adding warm water to the tub. The water temperature increased over a period of about 13 minutes to a final temperature of about 16 degrees Celsius (about 60 degrees Fahrenheit).

The minute by minute measurements of the data loggers and laboratory thermometer are provided in Table 1. The results of the calibration test showed that the temperatures recorded by the data loggers were consistent with the temperatures measured with the laboratory thermometer.

Stream Level Measurements

Stream levels were monitored by observations of the water level on a staff gage installed at Station 2, just downstream from the pumping station. The staff gage was first installed on April 15, 2002, when the reference level of 0.00 feet was established. The maximum drop in water level was -0.24 feet, measured on August 9, 2002. Two

measurements were made on August 9, one when the pump was running, and another a few minutes after the pump was shut off. The staff gage measurement did not measurably change from -0.24 feet after shutting the pump off. The staff gage measurements are summarized on Table 2.

Ocean Dunes Pumping from Stream

Throughout most of the temperature study (June 14, 2002 through September 20, 2002), Ocean Dunes was actively pumping water from the stream for irrigation of the golf course. From June 14 through July 19, the pumping cycles typically consisted of operating the pump continuously for 2 to 4 days, and then shutting the pump off for about 8 hours. From July 19 through August 8, Ocean Dunes irrigated only with ground water; therefore, no water was withdrawn from the unnamed stream during this period. From August 8 through September 20, the cycle of pumping from the stream typically consisted of about 3 days with the pump on, followed by about 24 hours with the pump off. After September 20, Ocean Dunes reported using very little water for irrigation. Copies of Ocean Dunes' pumping records with notations indicating the pump on and pump off durations are included as Attachment A.

Findings

Temperature Measurements. The stream temperature data recorded at the 4 stations are plotted versus time as shown on Figures 2 through 9. For each station, the data are broken into two separate graphs, one for the period of June 14 through August 9, 2002, and the other for the period August 9 through October 13, 2002. As shown by the graphed data, stream temperatures fluctuated diurnally at each of the four stations, with daily changes generally ranging from less than 2 degrees to about 6 degrees. During the entire period of measurement (June 14 to October 13, 2002), stream temperatures generally fluctuated between 48 and 59 degrees. Higher temperature spikes recorded on June 15 and August 9, 2002, reflect ambient air temperatures measured by the probes after removal from or prior to placement back into the stream when downloading data. These temperature spikes are noted on Figures 2 through 7 and 9.

The highest stream temperatures recorded occurred on August 13, 2002, at all four stations. The maximum stream temperatures recorded on August 13, 2002 were 59.4, 58.7, 58.7, and 60.1 degrees Fahrenheit at Stations 1 through 4, respectively. The lowest temperatures recorded occurred on October 11 and 12, 2002, and ranged from 47.6 to 48.3 degrees Fahrenheit.

During the period when Ocean Dunes was not pumping water from the stream (July 19 through August 8), water temperatures appeared to fluctuate within about the same range as observed during the periods of active pumping from the stream. Furthermore, based on the data recorded at Stations 1 and 2, stream temperatures appeared to remain essentially the same both directly above and directly below the pumping station during the periods when Ocean dunes was actively pumping.

Stream Level Measurements. As shown in Table 2, the lowest stream levels (-0.24 feet relative to the reference point established in April 2002), were observed during the August 9, 2002 site visit. These levels are likely representative of seasonal low flow conditions in the stream. The lack of observed change in stream level measurements



on August 9, 2002 in response to shutting the pump off suggests that pumping by Ocean Dunes does not significantly affect the stream flow.

Conclusions

The results of this study indicate that stream temperatures generally did not exceed 60 degrees at any of the four temperature monitoring stations. The highest temperature recorded in the stream was 60.1 degrees Fahrenheit measured at Station 4 on August 13, 2002. Thus, the maximum temperature recorded in the stream was nearly 4 degrees below the temperature criterion of 64 degrees established by the 303(d) listing for the North Fork of the Siuslaw River.

Comparison of the temperatures recorded when Ocean Dunes was not pumping from the stream with the temperatures recorded during the periods of active pumping suggests that the stream temperatures were not significantly affected by the withdrawals. The similarity of stream temperatures both above and below the pumping station during periods of active pumping further indicates that pumping by Ocean Dunes does not impact stream temperatures.

Observations of stream level measurements both under pumping and non-pumping conditions suggest that withdrawals by Ocean Dunes do not significantly impact stream flow.

Please call us at (503) 632-5016 if there are any questions, or additional information is required.

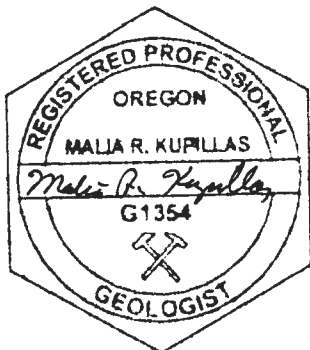
Sincerely,

Malia R. Kupillas

Malia R. Kupillas, R.G., C.W.R.E.

Gregory E. Kupillas

Gregory E. Kupillas, R.G., C.W.R.E.



Attachments: Table 1. Temperature Data Logger Calibration Data
Table 2. Stream Level Measurements



- Figure 1. Temperature Monitoring Station Locations
- Figure 2. Temperature versus Time, Ocean Dunes – Station 1
6/14/02 8:28 PM to 8/9/02 11:31 AM
- Figure 3. Temperature versus Time, Ocean Dunes – Station 1
8/9/02 11:45 AM to 10/13/02 5:45 PM
- Figure 4. Temperature versus Time, Ocean Dunes – Station 2
6/14/02 8:14 PM to 8/9/02 11:15 AM
- Figure 5. Temperature versus Time, Ocean Dunes – Station 2
8/9/02 11:34 AM to 10/13/02 5:34 PM
- Figure 6. Temperature versus Time, Ocean Dunes – Station 3
6/14/02 8:28 PM to 8/9/02 9:35 AM
- Figure 7. Temperature versus Time, Ocean Dunes – Station 3
8/9/02 10:29 AM to 10/13/02 5:29 PM
- Figure 8. Temperature versus Time, Ocean Dunes – Station 4
6/15/02 1:19 PM to 8/9/02 9:19 AM
- Figure 9. Temperature versus Time, Ocean Dunes – Station 4
8/9/02 10:05 AM to 10/13/02 5:05 PM

Attachment A. Ocean Dunes Pumping Records

Cc: Bill Robinson, Ocean Dunes Golf Links
George Westfall, Oregon Department of Fish and Wildlife
Renee Moulun, Oregon Water Resources Department

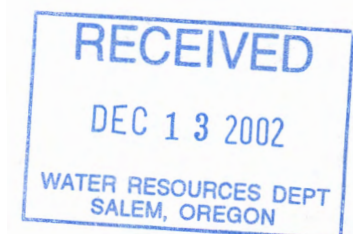


Table 1. Temperature Datalogger Calibration Data

Ocean Dunes Golf Links
Stream Temperature Study

Time	Temperature									
	Thermometer		Logger 1		Logger 2		Logger 3		Logger 4	
	(°C)	(°F)	(°C)	(°F)	(°C)	(°F)	(°C)	(°F)	(°C)	(°F)
8:38	6.5	43.7	6.6	43.9	6.6	43.9	7.0	44.6	6.6	43.9
8:39	6.5	43.7	6.6	43.9	7.0	44.6	7.0	44.6	7.0	44.6
8:40	8.0	46.4	8.2	46.8	8.2	46.8	8.2	46.8	8.2	46.8
8:41	8.0	46.4	8.2	46.8	8.2	46.8	8.6	47.5	8.2	46.8
8:42	9.5	49.1	9.8	49.6	9.8	49.6	9.8	49.6	9.8	49.6
8:43	10.0	50.0	9.8	49.6	9.8	49.6	10.2	50.4	9.8	49.6
8:44	11.0	51.8	11.3	52.3	11.3	52.3	11.3	52.3	11.3	52.3
8:45	11.0	51.8	11.3	52.3	11.3	52.3	11.3	52.3	10.9	51.6
8:46	12.5	54.5	12.9	55.2	12.9	55.2	13.3	55.9	12.9	55.2
8:47	12.5	54.5	12.9	55.2	12.9	55.2	13.3	55.9	12.9	55.2
8:48	14.0	57.2	14.8	58.6	14.8	58.6	14.8	58.6	14.8	58.6
8:49	14.5	58.1	14.8	58.6	14.8	58.6	14.8	58.6	14.4	57.9
8:50	16.0	60.8	16.3	61.3	16.3	61.3	16.3	61.3	16.3	61.3
8:51	16.0	60.8	16.3	61.3	16.3	61.3	16.3	61.3	15.9	60.6

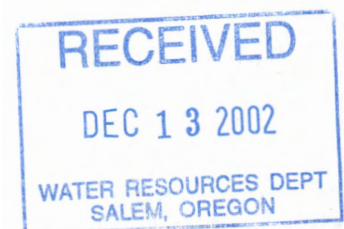


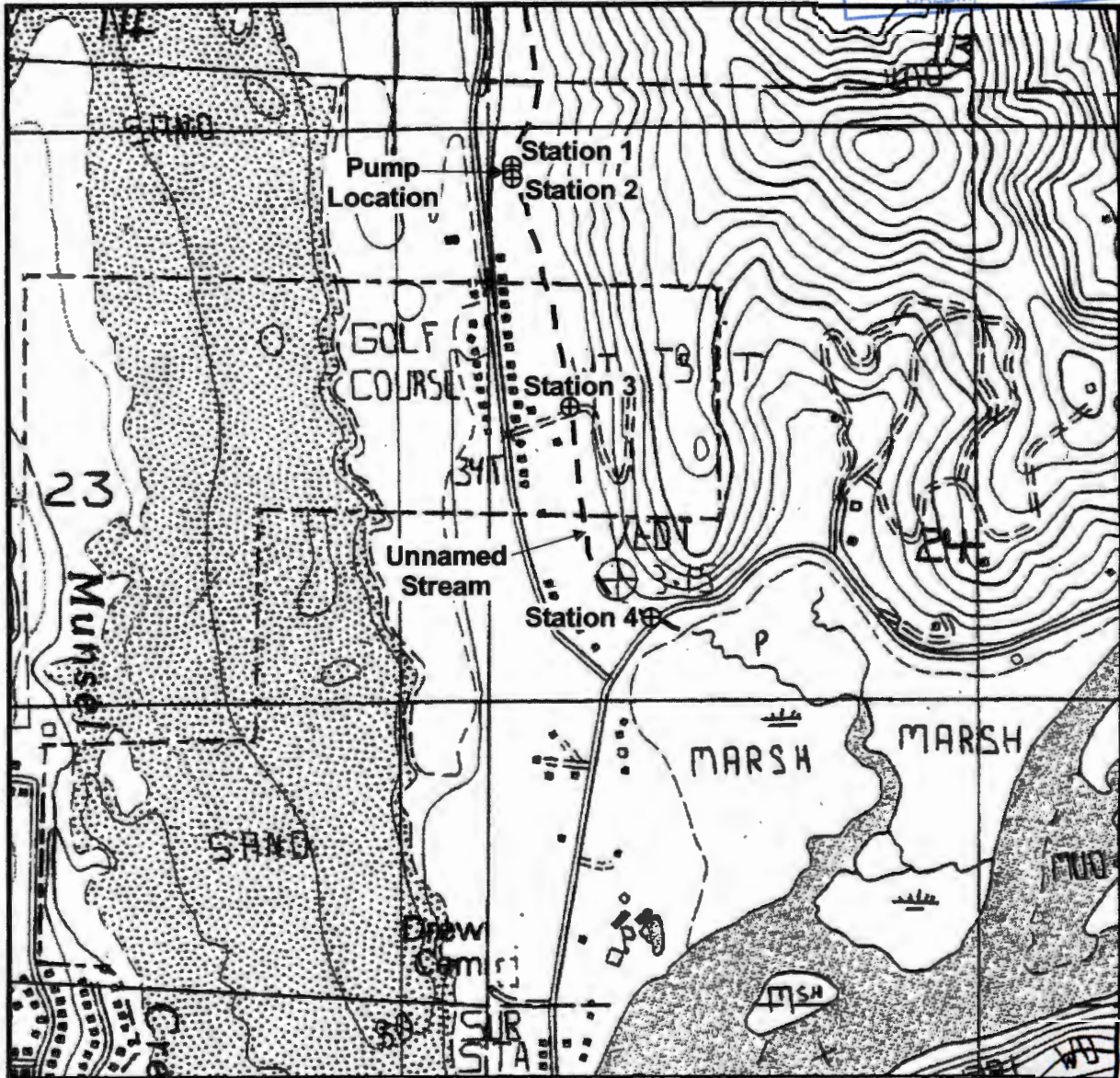
Table 2. Stream Level Measurements

Ocean Dunes Golf Links
Stream Temperature Study

Date, Time	Stream Level Measurement (feet below reference)	Pumping Status
4/15/02, 3:07 PM	0.00	Pump off
6/14/02, 7:20 PM	-0.20	Pump on
6/15/2002, 12:21 PM	-0.12	Pump off
8/9/2002, 10:15 AM	-0.24	Pump on
8/9/02, 11:53 AM	-0.24	Pump off
10/13/2002, 5:15 PM	-0.19	Pump off

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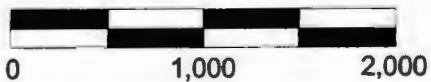


Key:

⊕ **Station 1** Temperature Monitoring Station Location and Designation



Scale: 1" = 1,000'



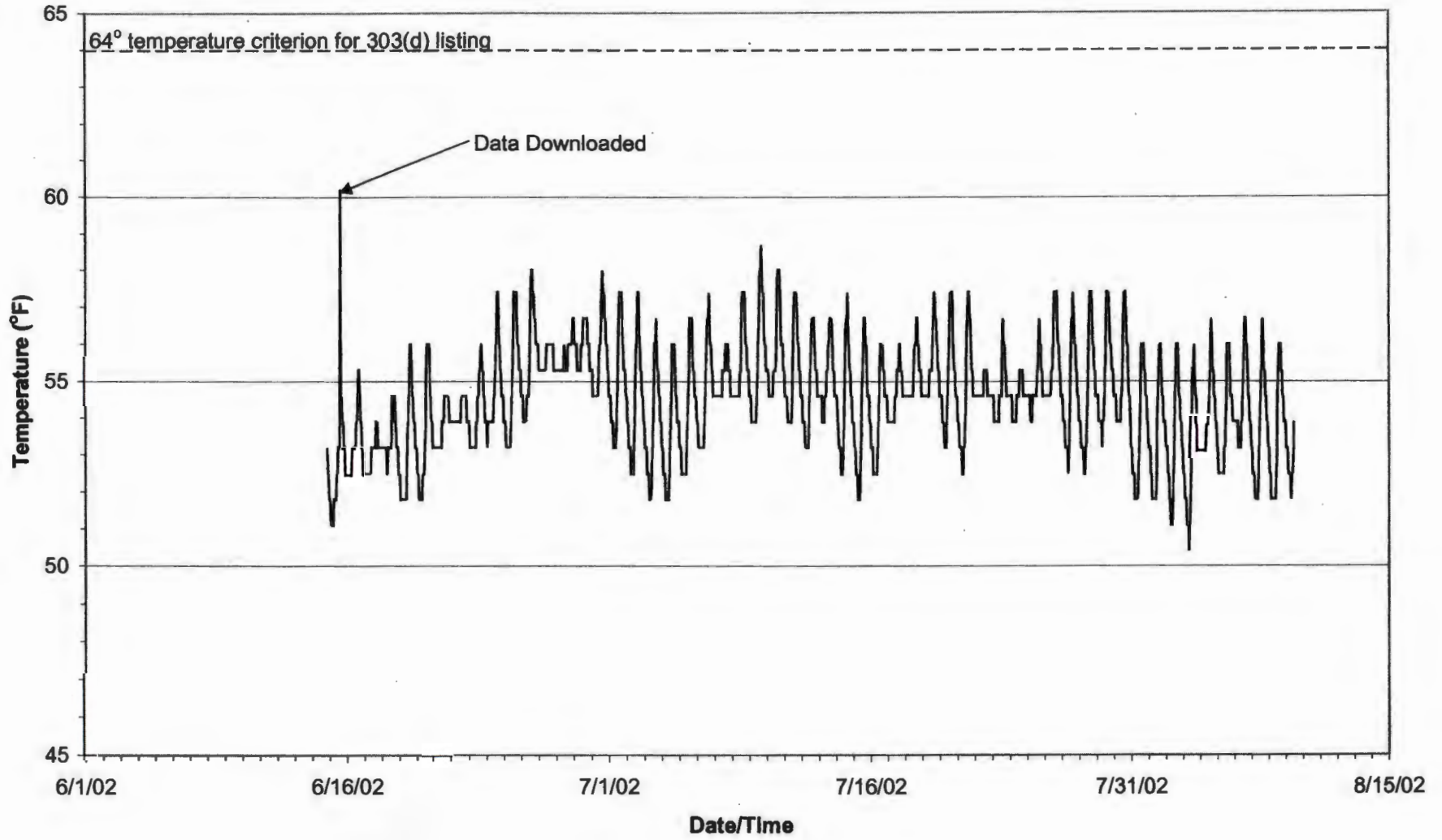
Source: USGS 7.5 Minute Topographic Survey
Map of Florence Quadrangle, Oregon, 1984

Figure 1. Temperature Monitoring Station Locations

Ocean Dunes Golf Links
Stream Temperature Study

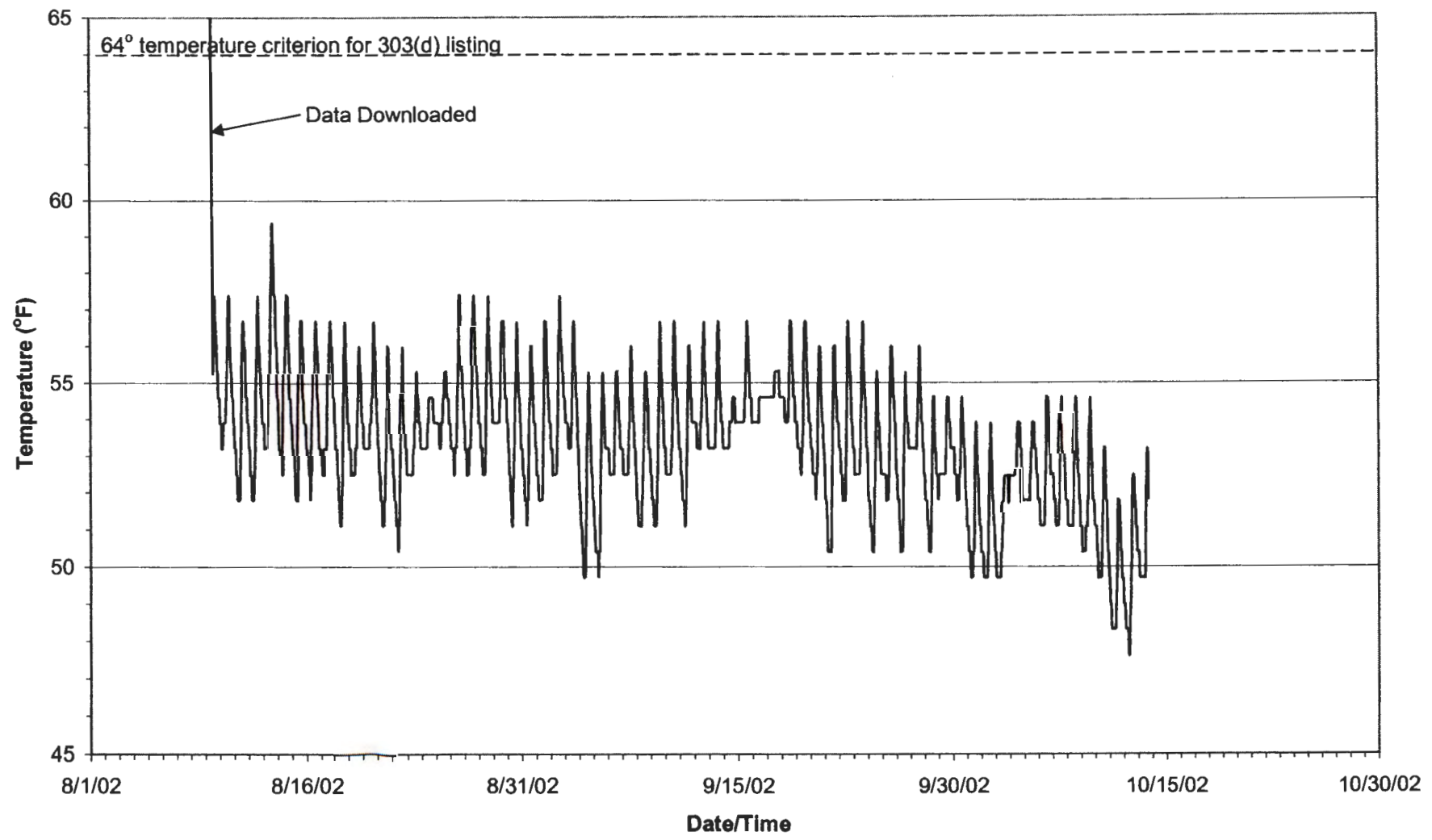
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Figure 2. Ocean Dunes - Site 1
6/14/02 8:28 PM to 8/9/02 11:31 AM



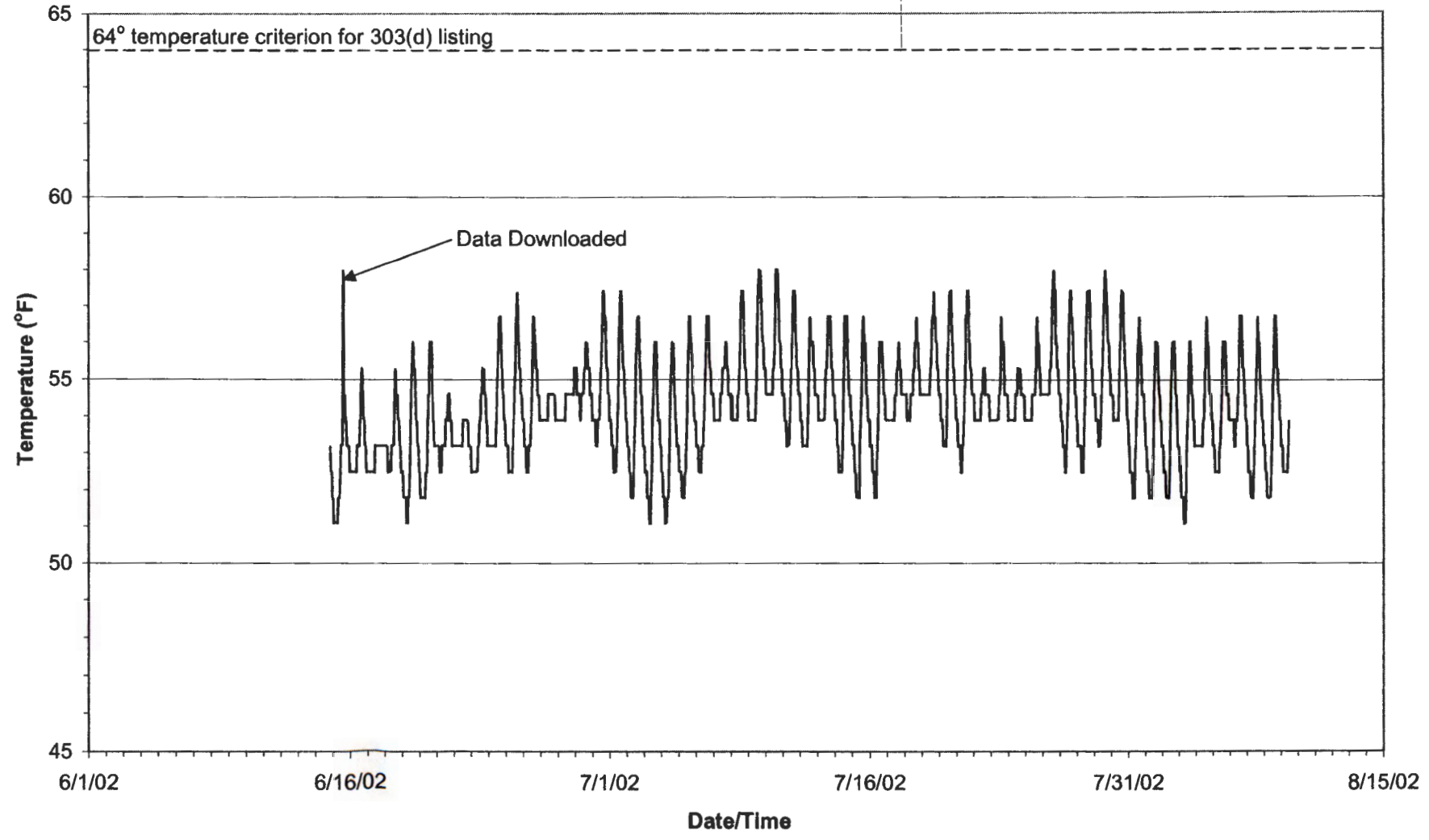
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Figure 3. Ocean Dunes - Site 1
8/9/02 11:45 AM to 10/13/02 5:45 PM



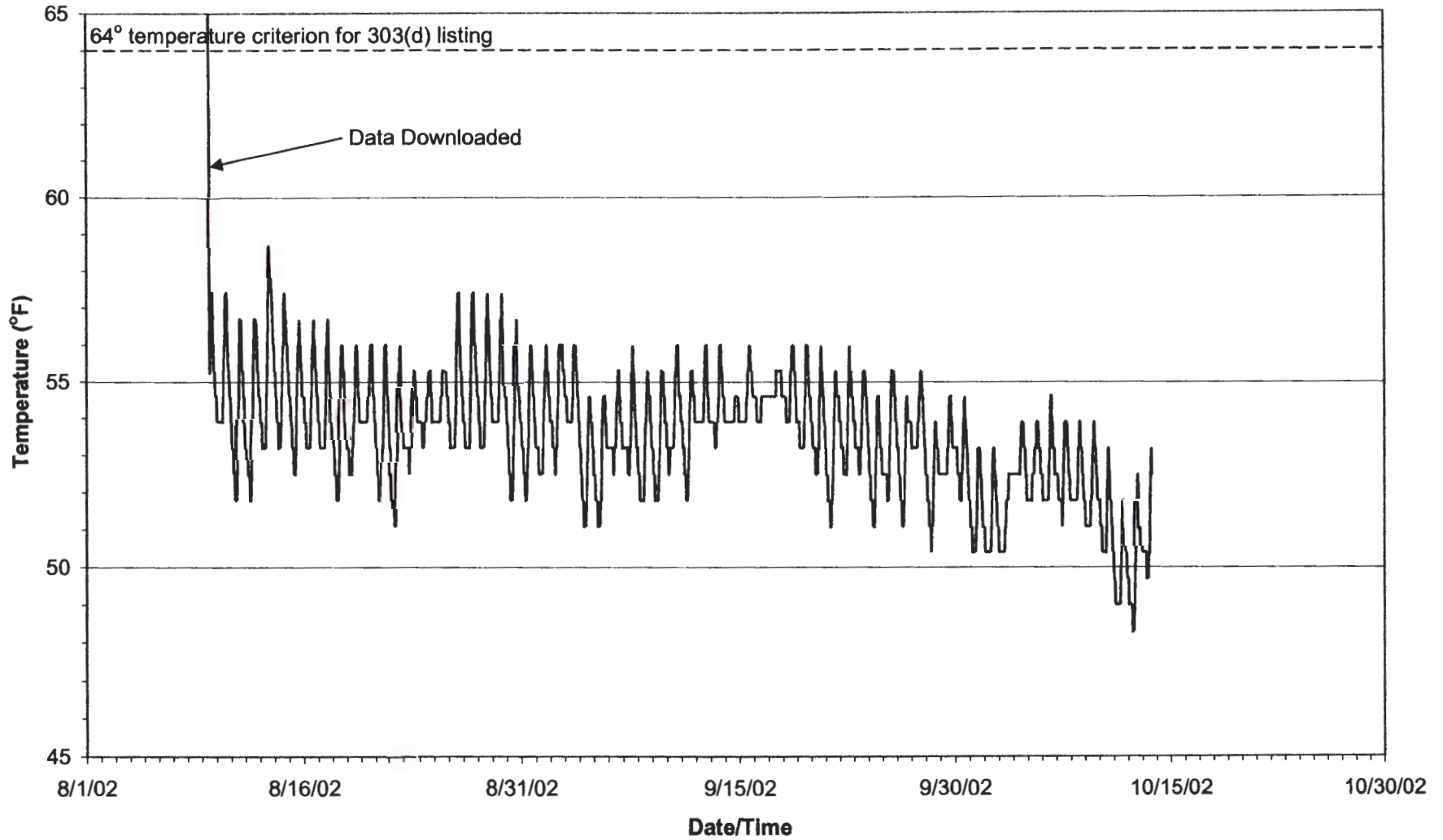
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Figure 4. Ocean Dunes - Site 2
6/14/02 8:14 PM to 8/9/02 11:15 AM



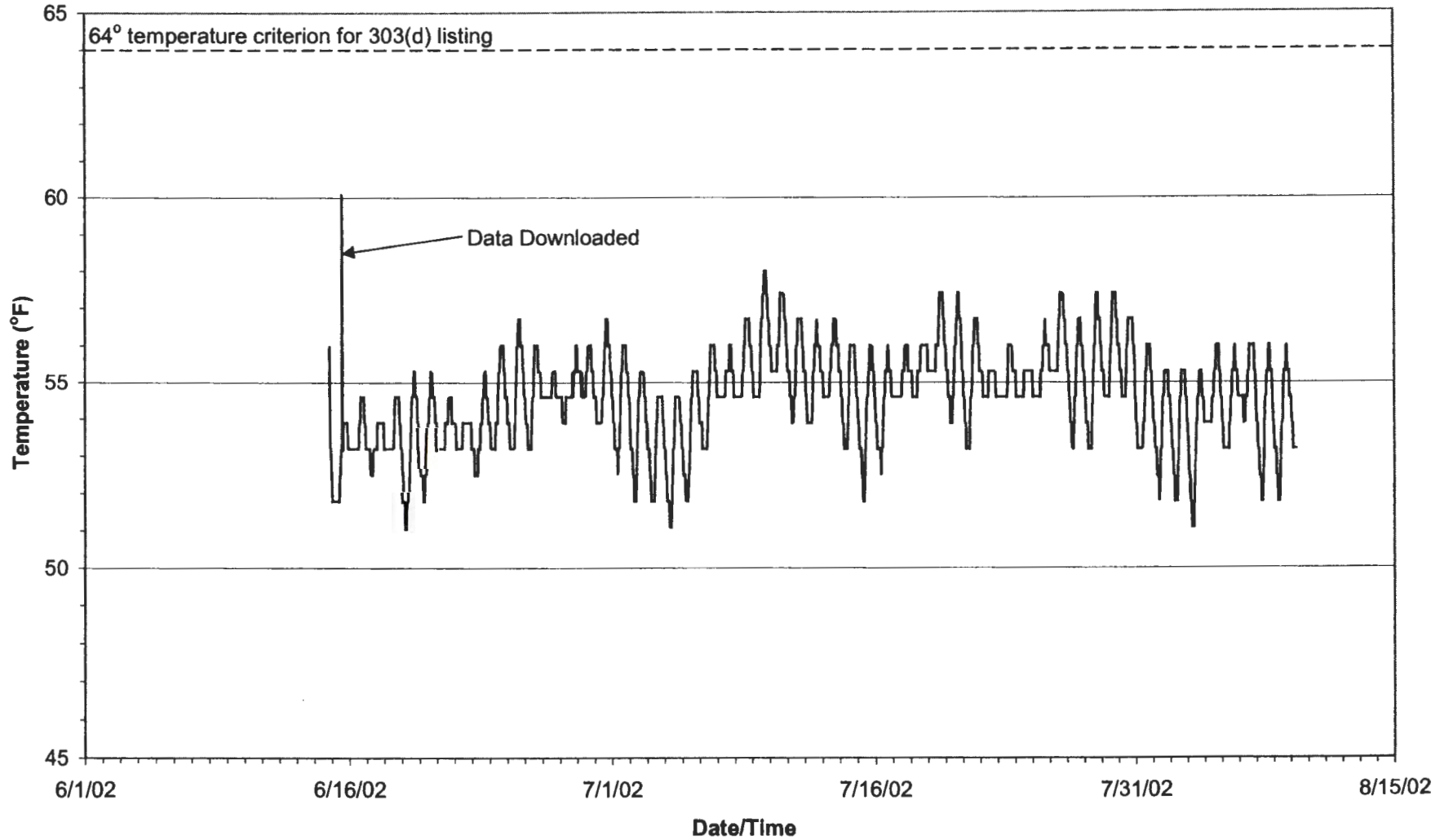
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Figure 5. Ocean Dunes - Site 2
8/9/02 11:34 AM to 10/13/02 5:34 PM



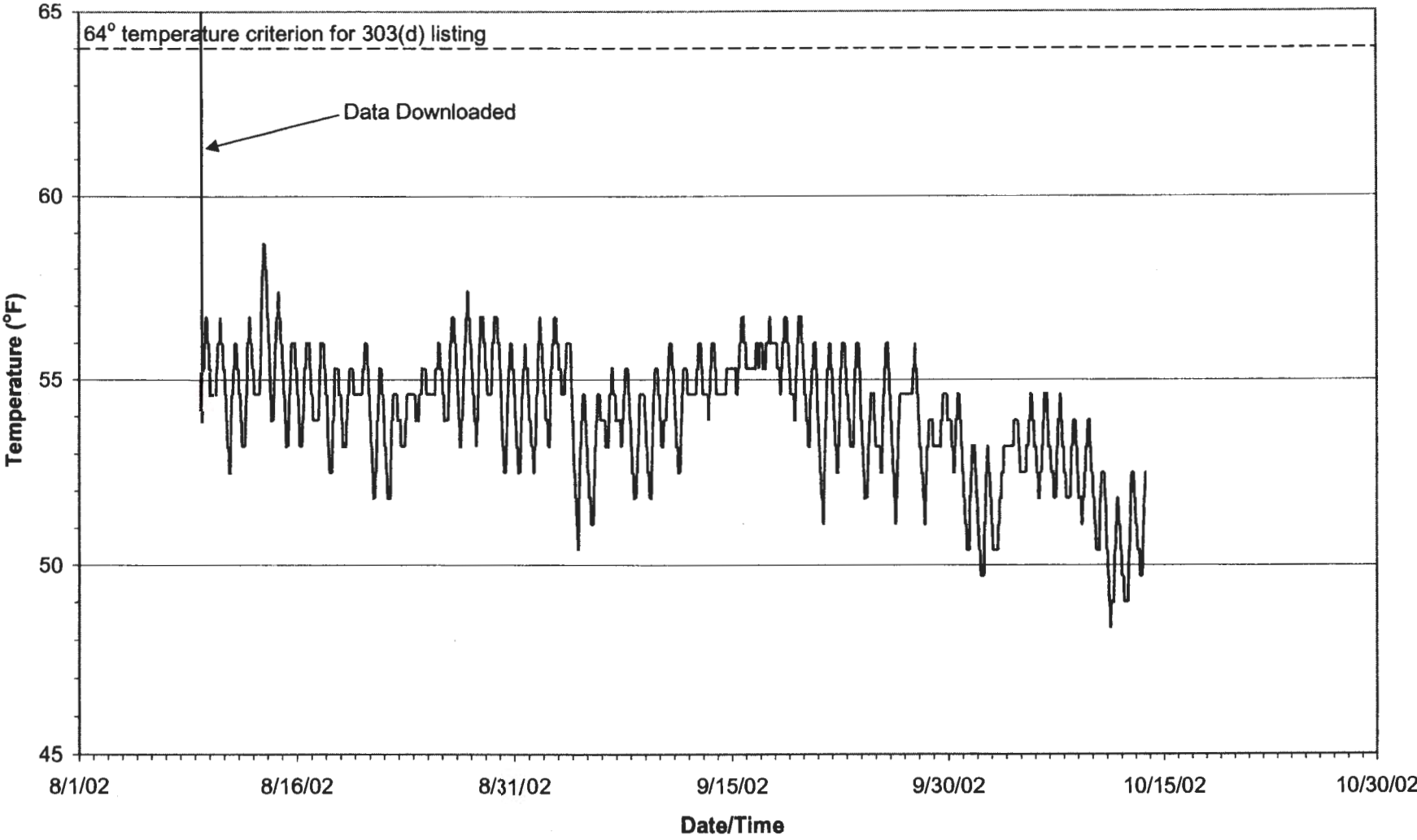
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Figure 6. Ocean Dunes - Site 3
6/14/02 8:28 PM to 8/9/02 9:35 AM



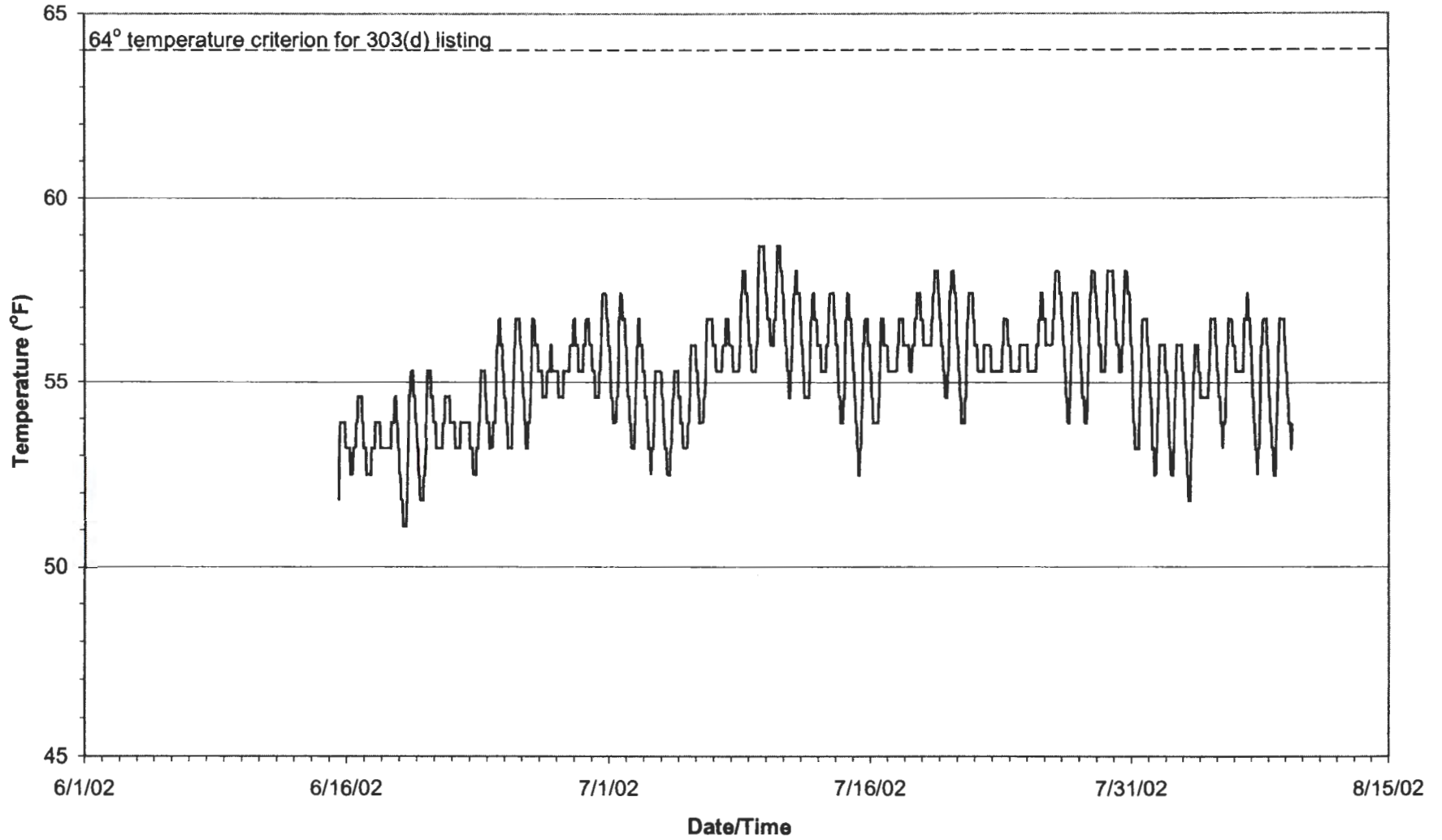
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SALEM, OREGON

Figure 7. Ocean Dunes - Site 3
8/9/02 10:29 AM to 10/13/02 5:29 PM



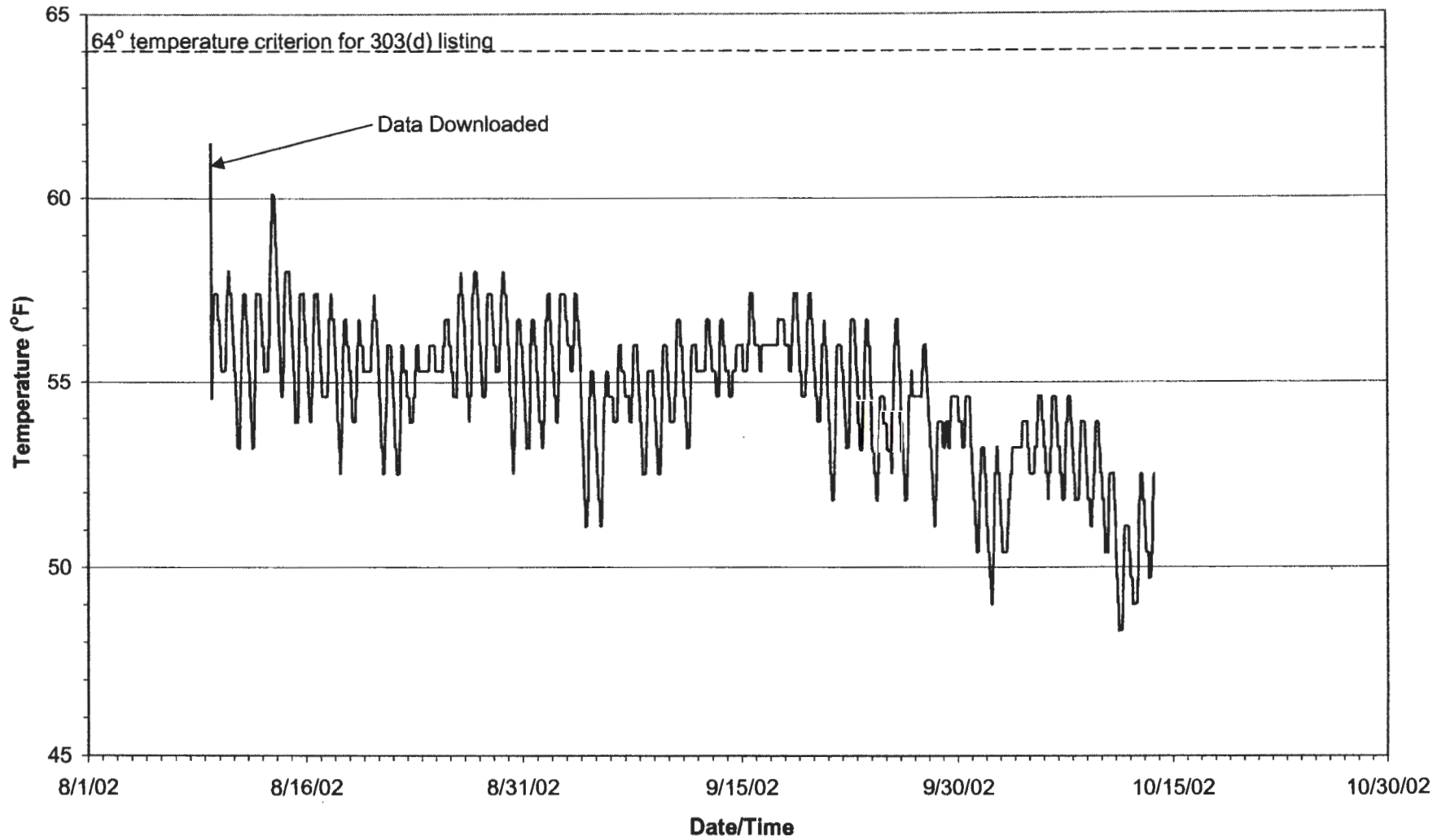
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WATER RESOURCES DEPT
SALEM, OREGON

Figure 8. Ocean Dunes - Site 4
6/15/02 1:19 PM to 8/9/02 9:19 AM

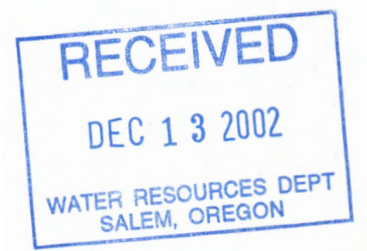


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Figure 9. Ocean Dunes - Site 4
8/9/02 10:05 AM to 10/13/02 5:05 PM



ATTACHMENT A. OCEAN DUNES PUMPING RECORDS



Sat.	June 15, turned pump off At 7:00 AM. Turned pump back on at 2:45 PM same day.	Off - 7.75 hrs On - 68.5 hrs
Tues.	June 18, turned pump off At 11:20 AM.	Off - 18 hrs
Wed.	June 19, turned pump back on At 5:10 AM	On - 63.75 hrs
Fri	June 21, turned pump off At 9:00 PM	Off - 8.25 hrs
Sat.	June 22, turned pump back on At 5:55 AM	On - 72.25 hrs
Tues	June 25, turned pump off At 5:45 AM	Off - 8.25 hrs
Tues.	June 25, turned pump back on At 2:00 PM	On - 70 hrs

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Fri.	June 28, turned pump off at 11:55 am	<u>Rain</u>	Off - 42.5 hrs
Sun	June 30, turned pump back on at 6:55 am		On - 6.25 hrs
Sun	June 30, turned pump off at 12:40 pm		Off - 16.5 hrs
Mon	July 1, turned pump back on at 5:15 am		On - 71.25 hrs
Thu	July 4, turned pump off at 5:30 am		Off - 8 hrs
Thu	July 4, turned pump back on at 1:30 pm		On - 73.75 hrs
Sun	July 7, turned pump off at 3:15 pm		Off - 3.75 hrs
Sun	July 7, turned pump back on at 6:55 am		On - 86 hrs

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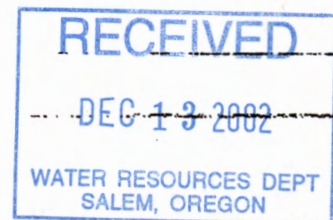
Thur	July 11 Turned pump off at 9:05 AM	Off - 4.25 hrs
Thur	July 11 Turned pump back on at 1:22 PM	On - 99 hrs
Mon	July 15 turned pump off at 4:10 PM	Off - 2 hrs
Mon	July 15 turned pump back on at 6:05 PM	On - 37.25 hrs
Wed	July 17 turned pump off at 7:15 AM	Off - 27.5 hrs
Wed	July 17 turned pump back on at 3:05 PM	On - 45 hrs
Fri	July 19 turned pump off at 11:57 AM	Off - 483.75 hrs
Thur	Aug 8 turned pump on at 8:00 AM	On - 27.5 hrs
Fri	Aug 9 turned pump off at 11:50 AM	Off - 20.5 hrs

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Ocean Dunes Golf Links

Sat. 8-10	turned on pump at 8:10 AM	On ~ 70.25 hrs
Tue 8-13	turned pump off at 6:30 AM	Off ~ 23.75 hrs
Wed 8-14	turned on pump at 6:10 AM	On ~ 73.50 hrs
Sat. 8-17	turned pump off at 7:45 AM	Off ~ 10.75 hrs
Sat. 8-17	turned on pump at 6:30 PM	On ~ 72.75 hrs
Tue. 8-20	turned pump off at 7:00 AM	Off ~ 24 hrs
Wed. 8-21	turned on pump at 7:25 AM	On ~ 71 hrs
Sat. 8-24	turned pump off at 6:35 AM	Off ~ 24.25 hrs
Sun 8-25	turned on pump at 6:50 AM	On ~ 71.25 hrs
Wed 8-28	turned pump off at 6:40 AM	Off ~ 25.5 hrs
Thu 8-29	turned pump on at 8:15 AM	On ~ 71 hrs
Sun 9-1	turned pump off at 7:10 AM	Off ~ 24.25 hrs
Mon 9-2	turned on pump at 7:25 AM	On ~ 72.25 hrs
Thu 9-5	turned pump off at 7:45 AM	Off ~ 23.75 hrs
Fri. 9-6	turned on pump at 7:30 AM	On ~ 71.5 hrs
Mon. 9-9	turned pump off at 7:00 AM	Off ~ 25.25 hrs
Tue. 9-10	turned on pump at 8:15 AM	On ~ 47 hrs
Thu 9-12	turned pump off at 7:22 AM	Off ~ 24 hrs
Fri. 9-13	turned on pump at 7:15 AM	On ~ 72 hrs
Mon 9-16	turned pump off at 7:18 AM	Rain Off ~ 20.75 hrs
Sat. 9-21	turned on pump at 8:07 AM	On ~ 71.75 hrs
Tue. 9-24	turned pump off at 7:45 AM	Off ~ 24 hrs
Wed 9-25	turned on pump at 7:40 AM	On ~ 72.25 hrs
Thu 9-28	turned pump off at 7:55 AM	Rain

I used very little water after this time period.
 I used the well to fill up the lake at this point. and very little at that.



Pacific Hydro-Geology Inc.

18477 S. Valley Vista Rd.
Mulino, OR 97042
(503) 632-5016

May 9, 2002

Ms. Roberta Lindberg
Oregon Department of Environmental Quality
1102 Lincoln St., Suite 210
Eugene, Oregon 97401

RE: Ocean Dunes Golf Links surface water right application S-84855 and potential impacts on temperature and fish.

Dear Ms. Lindberg:

On April 15, 2002, Tami Wagner, Oregon Department of Fish and Wildlife (ODFW), and Malia Kupillas, Pacific Hydro-Geology Inc. (PHG), observed the proposed diversion point on the unnamed stream. This unnamed stream discharges into the North Fork of the Siuslaw River, approximately one mile from where the North Fork of the Siuslaw discharges into the main stem of the Siuslaw River. Both the North Fork of the Siuslaw and the main stem of the Siuslaw are tidally influenced in this area.

During the site visit, we concluded that additional water temperature data were needed to confirm that the proposed 0.92 cfs of water pumped by Ocean Dunes does not impact the temperature of the unnamed stream in September and October to an extent that any fish populations are depleted in the unnamed stream. Therefore, PHG is proposing to monitor stream temperature and water levels monthly through October. During each monthly monitoring event, the temperature and water level measurements will be taken at the end of a 60 hour pumping period and 12 hours later just before pumping resumes. These measurements will be collected at a point upstream of the diversion point, a point just below the diversion point, at the upstream end of the culvert where the stream crosses 31st St., and at the upstream end of the culvert where the unnamed stream discharges into the estuary of the North Fork of the Siuslaw River. A continuous temperature recorder could be installed just below the diversion point for a more complete picture of temperature changes in the stream through the summer. Water temperature could also be measured at the North Fork of the Siuslaw, if a location with access can be identified.

Please call me at (503) 632-5016 if there are any questions, or additional information is required.

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MAY 13 2002
WATER RESOURCES DEPT.
SALEM, OREGON

Sincerely,

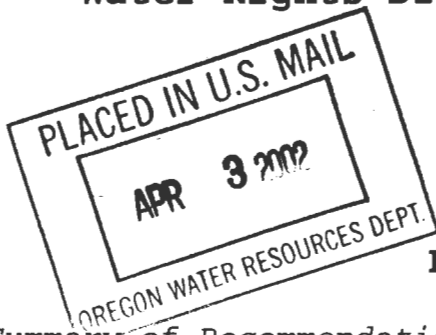
Malia R. Kupillas

Malia R. Kupillas, R.G., C.W.R.E.

CC: Tami Wagner, Oregon Department of Fish and Wildlife
Kerry Lefever, Oregon Water Resources Department
Bill Robinson, Ocean Dunes Golf Links
Steve Shropshire, Jordan and Schrader Law Offices

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MAY 13 2002
WATER RESOURCES DEPT.
SALEM, OREGON

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number S-84855

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Prior to issuance of a permit, permit recording fees in the amount of \$100.00 must be submitted to the Department. In order to expedite the processing of the Final Order and permit, you may wish to submit \$100.00 prior to the protest deadline of May 17, 2002. Please include your application number on your check made out to the Oregon Water Resources Department. If this fee is not paid prior to May 17, 2002, issuance of your permit will be delayed until all fees are paid.

Application History

On AUGUST 27, 2001, OCEAN DUNES GOLF LINKS INC. BILL ROBINSON submitted an application to the Department for the following water use permit:

- Amount of Water: 0.92 CUBIC FOOT PER SECOND AND 9.2 ACRE-FEET
- Use of Water: IRRIGATION OF 73.78 ACRES
- Source of Water: AN UNNAMED STREAM AND NO NAME RESERVOIR, TRIBUTARIES OF NORTH FORK SIUSLAW RIVER
- Area of Proposed Use: LANE County within SECTION 23, TOWNSHIP 18 SOUTH, RANGE 12 WEST, W.M.

On January 11, 2002, the Department mailed the applicant notice of its Initial Review, determining that "The use of 0.92 CUBIC FOOT PER SECOND (CFS) from AN UNNAMED STREAM, A TRIBUTARY OF NORTH FORK SIUSLAW RIVER for IRRIGATION OF 73.78 ACRES AND AESTHETICS is allowable from March 1 through September 30 of each year. The use of 9.2 acre-feet from No Name Reservoir, contingent upon approval of application R-84856, for irrigation of 73.78 acres is allowable March 1 through October 31 of each year." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On February 5, 2002, the Department gave public notice of the application in its weekly notice. The public notice included a request

for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

Findings of Fact

The Mid Coast Basin Program allows the use of water for irrigation.

Senior water rights exist on AN UNNAMED STREAM AND ON NO NAME RESERVOIR, TRIBUTARIES OF NORTH FORK SIUSLAW RIVER, or on downstream waters.

AN UNNAMED STREAM AND NO NAME RESERVOIR, TRIBUTARIES OF NORTH FORK SIUSLAW RIVER is not within or above a State Scenic Waterway.

An assessment of water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation (at an 80 percent exceedance probability) March 1 through September 30.

The Department finds that the amount of water requested, 0.92 CFS from an unnamed stream and 9.2 AF from No Name Reservoir, is an acceptable amount.

In accordance with OAR 690-33-330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team recommended that additional limitations or conditions of use be imposed on this application as follows:

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

No withdrawal from the unnamed stream during June 1 through September 30 of each year.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12) (i.e. the use of water is human consumption or livestock), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Mid Coast Basin Plan, or a preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

The proposed use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific public interest under ORS 537.170(8) that

- would be impaired or detrimentally affected; and
- (B) Specifically how the identified public interest would be impaired or detrimentally affected.

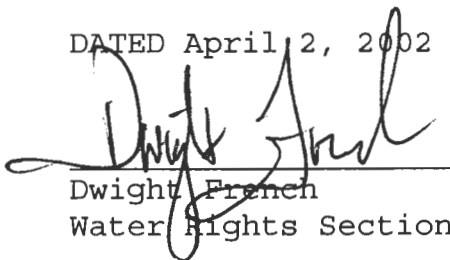
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED April 2, 2002



Dwight French
Water Rights Section Manager

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Protest Rights and Standing

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and

- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.153(5), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$150.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **May 17, 2002**.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

This document was prepared by Jerry Gainey. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 1-503-378-8455 extension 458.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun. Her extension number is 239.

If you have other questions about the Department or any of its programs please contact our Water Rights

Information Group at extension 201. Address all other correspondence to:

Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310
Fax: (503)378-6203

gaineyjw-WEEK 349

DRAFT

This is not a permit!!!

DRAFT

STATE OF OREGON

COUNTY OF LANE

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

OCEAN DUNES GOLF LINKS INC.
BILL ROBINSON
3345 MUNSEL LAKE RD
FLORENCE, OREGON 97439

(541) 997-3232

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-84855

SOURCE OF WATER: AN UNNAMED STREAM AND NO NAME RESERVOIR, TRIBUTARIES OF NORTH FORK SIUSLAW RIVER

PURPOSE OR USE: IRRIGATION OF 73.78 ACRES

MAXIMUM RATE: 0.92 CUBIC FOOT PER SECOND FROM AN UNNAMED STREAM AND 9.2 ACRE-Feet FROM NO NAME RESERVOIR, CONSTRUCTED UNDER APPLICATION R-84856, PERMIT _____

PERIOD OF USE: MARCH 1 THROUGH MAY 31 OF EACH YEAR FROM AN UNNAMED STREAM; MARCH 1 THROUGH OCTOBER 31 OF EACH YEAR FROM NO NAME RESERVOIR

DATE OF PRIORITY: AUGUST 27, 2001

POINT OF DIVERSION LOCATION: NW ¼ NW ¼, SECTION 24, T18S, R12W, W.M.; 625 FEET SOUTH & 50 FEET EAST FROM NE CORNER, SECTION 23

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE ¼ NE ¼ 15.90 ACRES
SE ¼ NE ¼ 18.38 ACRES
NE ¼ SE ¼ 10.93 ACRES

Application S-84855 Water Resources Department

PERMIT DRAFT

SE ¼ SE ¼ 28.57 ACRES
SECTION 23
TOWNSHIP 18 SOUTH, RANGE 12 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

STANDARD CONDITIONS

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best

practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Complete application of the water to the use shall be made on or before October 1, 2006. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2002

DRAFT - THIS IS NOT A PERMIT

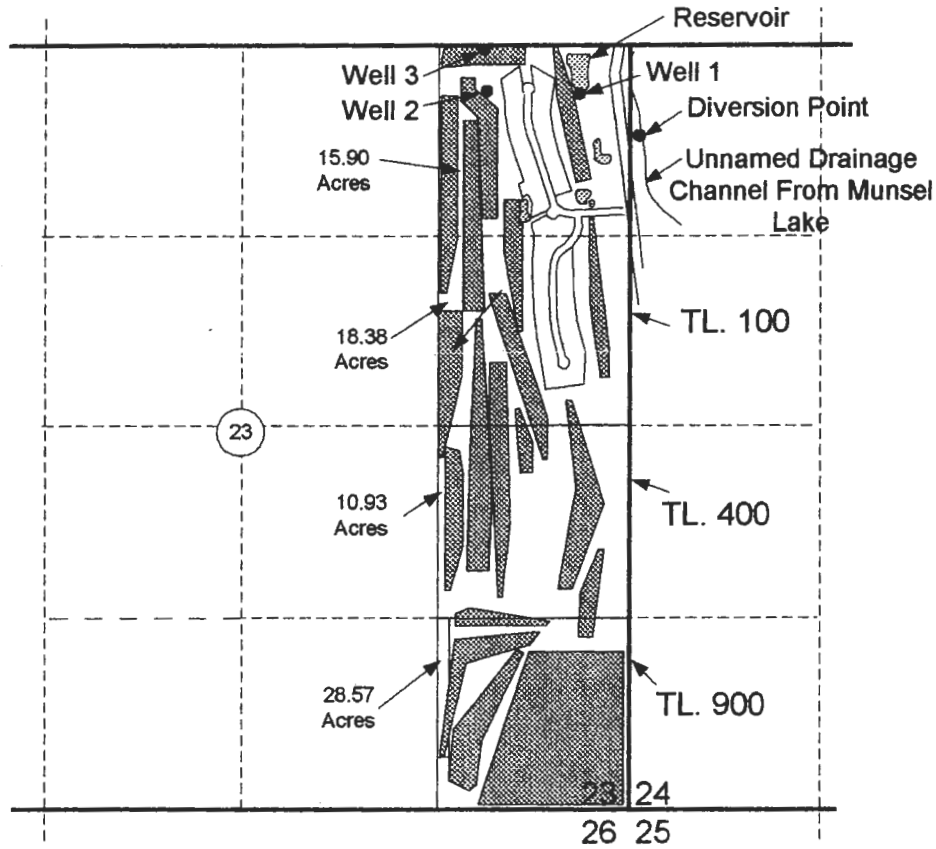
Paul R. Cleary, Director
Water Resources Department

T.18S. R.12W. Sec. 23

RECEIVED

NOV 19 2001



WATER RESOURCES DEPT.
SALEM, OREGON



Diversion Point is located 625 feet south and 50 feet east of the northeast corner of Section 23. Proposed Well 1 is located 325 feet south and 350 feet west of the northeast corner of Section 23. Proposed Well 2 is located 300 feet south and 970 feet west of the northeast corner of Section 23. Proposed Well 3 is located 30 feet south and 1,010 feet west of the northeast corner of Section 23. The Reservoir is located 175 feet south and 350 feet west of the northeast corner of Section 23.

CERTIFIED WATER RIGHTS EXAMINER
#60772WRE
Malia R. Karpallas
MALIA R. KARPILLAS
JUNE 08, 1999
STATE OF OREGON

EXPIRATION DATE: 6/30/2003

 Area (73.78 Acres) to be irrigated.
 Pond or Reservoir

Scale: 1" = 1,320'



This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.



Water Right Application Map

Pacific Hydro-Geology Inc.

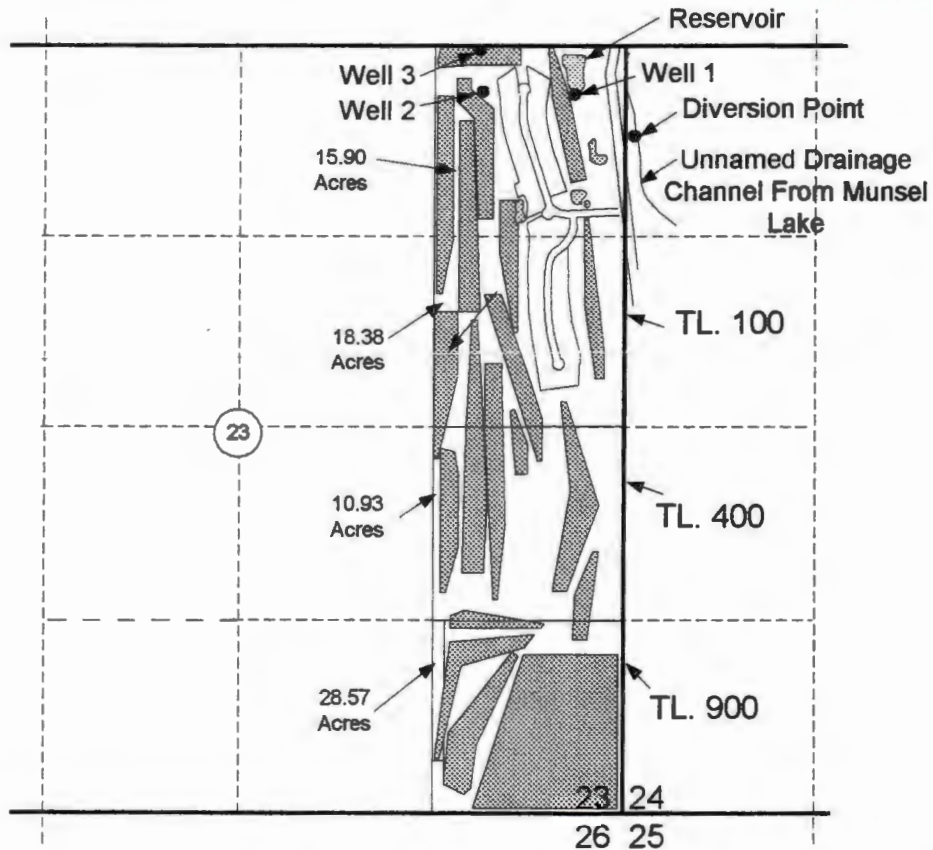
Ocean Dunes Golf Links
T.18 S. R.12W. Sec. 23 Tax Lots 100, 400, and 900

T.18S. R.12W. Sec. 23

RECEIVED

NOV 19 2001



WATER RESOURCES DEPT.
SALEM, OREGON



Diversion Point is located 625 feet south and 50 feet east of the northeast corner of Section 23. Proposed Well 1 is located 325 feet south and 350 feet west of the northeast corner of Section 23. Proposed Well 2 is located 300 feet south and 970 feet west of the northeast corner of Section 23. Proposed Well 3 is located 30 feet south and 1,010 feet west of the northeast corner of Section 23. The Reservoir is located 175 feet south and 350 feet west of the northeast corner of Section 23.



EXPIRATION DATE: 6/30/2003

-  Area (73.78 Acres) to be irrigated.
-  Pond or Reservoir

Scale: 1" = 1,320'



This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.



Water Right Application Map

Pacific Hydro-Geology Inc.

Ocean Dunes Golf Links
T.18 S. R.12W. Sec. 23 Tax Lots 100, 400, and 900

1400
-101
401
18-12-73

JUN 20 1989 1578R

INDIVIDUAL WARRANTY DEED

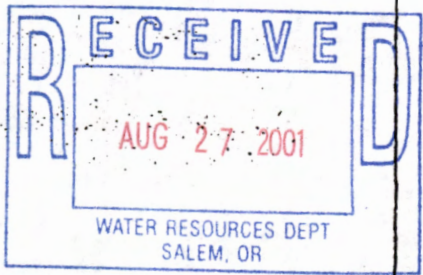
KPTCO 80393/20-5205
18 12 23 101/400/401/901
Acct 783959/784023
784049/784247

8926520
ROBERT D. LAAM and JAMES B. IRVING

conveys and warrants to OCEAN DUNES GOLF LINKS, INC., an Oregon corporation

the following described real property situated in Lane County, Oregon
free of encumbrances except as specifically set forth herein, to-wit:

LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF MARKED EXHIBIT "A" AND CONSISTING OF THREE (3) PAGES.



2281714.20*89*06REC 25.00
2281714.20*89*06PFUAD 10.00

This conveyance is subject to and except: SEE EXHIBIT "B".

The true consideration for this conveyance is \$ 400,000.00.

"THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES."

Dated: June 19th, 1989.

Robert D. Laam
Robert D. Laam
James B. Irving
James B. Irving

STATE OF OREGON
County of Lane
June 19th, 1989
ROBERT D. LAAM and JAMES B. IRVING

NORMA G. RUSSELL
NOTARY PUBLIC - OREGON
My Commission Expires 6/20/89

Norma G. Russell
Notary Public for Oregon
6/20/89

Tax Acct. no's: 783959, 784023, 784049 and a portion of 784247.
OCEAN DUNES GOLF LINKS, INC.
3345 Munsel Lake Road,
Florence, OR. 97439

Application No. 84855
Permit No.

JUN 20 1989 1578R

8926520

EXHIBIT "A"

Page 1

PARCEL I

Beginning at a point on the Northerly line of the Southeast one-quarter of the Southeast one-quarter of Section 23, Township 18 South, Range 12 West of the Willamette Meridian, said point being North 66° 42' 27" West 220.98 feet from the Northeast corner of said Southeast one-quarter of the Southeast one-quarter of Section 23; thence along said Northerly line North 66° 42' 27" West 231.00 feet; thence leaving said Northerly line South 2° 00' 00" West 42.00 feet; thence South 82° 28' East 231.00 feet; thence North 3° 00' 00" East 59.07 feet to the point of beginning, in Lane County, Oregon.

PARCEL II

The East 1/2 of the Northeast quarter and the Northeast quarter of the Southeast quarter of Section 23, Township 18 South, Range 12 West of the Willamette Meridian, in Lane County, Oregon.

EXCEPT: Rhodo-View Dunes First Addition, as platted and recorded in Book 52, Page 8, Lane County Oregon Plat Records, in Lane County, Oregon.

ALSO EXCEPT: That portion conveyed to Lane County Oregon by instrument recorded September 17, 1963, Reception No. 25835, Lane County Oregon Deed Records, in Lane County, Oregon.

ALSO EXCEPT: Beginning at the section corner common to Sections 13, 14, 23 and 24, Township 18 South, Range 12 West of the Willamette Meridian, in Lane County, Oregon; running thence South 325.0 feet along the Section line between Section 23 and 24 to a point; thence West to the Easterly right of way line of Munsel Lake County Road No. 1083, thence North along the Easterly right of way line of said Munsel Lake County Road to its intersection with the North line of said Section 23; thence East along the North line of said Section 23, to the place of beginning, in Lane County, Oregon.

ALSO EXCEPT: A parcel of land located in the Northeast 1/4 of the Northeast 1/4 of Section 23, Township 18 South, Range 12 West of the Willamette Meridian, in Lane County, Oregon; more particularly described as follows: Beginning at a point on the Westerly boundary of the Munsel Lake County Road No. 1083, opposite Engineer's Center line station No. L 84 + 61.00, said point being 1283.7 feet South and 49.72 feet West of the Northeast corner of said Section 23; thence North 5° 56' 45" West along said road boundary, 100.00 feet, thence leaving said road boundary South 84° 03' 15" West 140 feet; thence South 5° 56' 45" East 100.00 feet; thence North 84° 03' 15" East 140 feet more or less, to the point of beginning, in Lane County, Oregon.

ALSO EXCEPT: Rhodo-View Dunes Fourth Addition, as platted and recorded in Book 62, Page 3, Lane County Oregon Plat Records, Lane County, Oregon.

ALSO a water pipeline easement and right of way easement over the following described property; which was created by instrument No. 77-16111, recorded March 22, 1977, Official Records of Lane County, Oregon, and as amended as to certain property by instrument recorded March 30, 1988, Reel 1506, Reception No. 88-12411, Official Records of Lane County, Oregon.

The West 1/2 of the Northwest quarter of Section 24, Township 18 South, Range 12 West of the Willamette Meridian, in Lane County, Oregon.

EXCEPT: Beginning at a point which is 25.42 chains South 0° 01 3/4' East along a straight line between the Northeast corner and the Southeast corner of Section 23, and 10.65 chains North 89° 58 1/4' East from the Northeast corner of said Section 23, Township 18 South, Range 12 West, Willamette Meridian, in Lane County, Oregon; thence from said beginning point, South 14° 36' West 3.69 chains, thence South 75° 24' East 2.71 chains; thence North 14° 36' East 3.69 chains; thence North 75° 24' West 2.71 chains to the place of beginning, in Lane County, Oregon.

ALSO EXCEPT: A parcel of land in the Southwest quarter of the Northwest quarter of Section 24, Township 18 South, Range 12 West of the Willamette Meridian, in Lane County, Oregon, more particularly described as follows: Beginning at a point on the Easterly boundary of County Road No. 1083, said point being also a point on the quarter Section line running East and West through Section 24; thence along said quarter line

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East a distance of 100.0 feet; thence at right angles North a distance of 250.0 feet; thence at right angles West a distance of approximately 250 feet to the Easterly boundary of said road; thence Southerly along said Easterly boundary to the point of beginning, in Lane County, Oregon.

ALSO EXCEPT: That tract conveyed to Lane County, Oregon, by instrument recorded February 14, 1963, Reception No. 99716, Lane County Oregon Deed Records, in Lane County, Oregon.

ALSO EXCEPT: Beginning at a point where the East right of way line of Munsel Lake Road intersects the North right of way line of 11st Street, said point being South 2045.24 feet and East 111.76 feet of the Northwest corner of Section 24, Township 18 South, Range 12 West, Willamette Meridian, Lane County, Oregon; thence North 71° 21' 15" East 416.02 feet; thence North E97.12 feet; thence West to the East right of way line of said Munsel Lake Road; thence in a Southerly direction along said East right of way line to the point of beginning, all in Lane County, Oregon.

ALSO EXCEPT: Beginning at a point on the South line of the Southwest 1/4 of the Northwest 1/4, Section 24, Township 18 South, Range 12 West of the Willamette Meridian, Lane County, Oregon, said point also lying 200 feet East of the Easterly right of way line of Lane County Road No. 1083; thence East 150.0 feet, more or less, to the center line of a creek; thence North 2° 00' West along said creek upstream, 729.29 feet, more or less, to the Northerly line of a 50 foot roadway; thence South 71° 21' 15" West, along the Northerly line of said roadway, 427.58 feet, to the Easterly right of way line of said County Road No. 1083; thence Southerly along the Easterly right of way line of said County Road 345.80 feet, more or less; thence East parallel to and 250 feet distant North from the South line of the Southwest 1/4 of the Northwest 1/4 of said Section 24, 223.5 feet; thence South 250.0 feet to the point of beginning, in Lane County, Oregon.

EXCEPTING THEREFROM: That part conveyed to the City of Florence for a 50 foot roadway by Deed recorded November 26, 1969, Reception No. 88803, in Lane County, Oregon.

ALSO EXCEPT: The plat of Rhoda-View Dunes Second Addition, as platted and recorded in Book 58, Page 2, Lane County Oregon Plat Records, in Lane County, Oregon.

ALSO EXCEPT: Beginning at a point on the East right of way line of Munsel Lake Road, said point being South 1021.59 feet and West 16.59 feet of the Northeast corner of Section 23, Township 18 South, Range 12 West of the Willamette Meridian; thence East 100.43 feet; thence South 5° 56' 45" East 140.00 feet; thence South 84° 03' 15" West 100.0 feet; thence North 5° 56' 45" West 150.40 feet to the point of beginning, in Lane County, Oregon.

ALSO EXCEPT: A strip of land lying within the Southwest one quarter of the Northwest one quarter of Section 24, Township 18 South, Range 12 West of the Willamette Meridian, Lane County, Oregon, said strip of land being fifty feet in width and lying 25 feet on each side of the following described center line: Beginning at a point on the Easterly right of way line of the Munsel Lake Road (Lane County Road No. 1083) said point lying 2,070.21 feet South and 115.98 feet East of the Northwest corner of said Section 24, said point also lying 30 feet Easterly when measured at right angles, from center line Station 92+67.27 of said Munsel Lake Road; thence North 71° 21' 15" East along the center line of a water line easement granted to the City of Florence, Oregon, by J. L. Mann and Elsie Mann, recorded July 1, 1965, Reel 268, Deed Records of Lane County, Oregon, a distance of 420 feet, more or less, to the center line of an un-named creek flowing from North to South, all in Lane County, Oregon.

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EXHIBIT "A"

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ALSO EXCEPT: Beginning at the West 1/4 corner of Section 24, Township 18 South, Range 12 West of the Willamette Meridian and thence following along the West line of said Section 24, North 0° 03' 21" West 394.17 feet to a point on the Southerly boundary of Rhodo-View Dunes First Addition as platted and recorded in Book 52, Page 8, Lane County Oregon Plat Records; thence running along said Southerly boundary North 80° 21' 51" East 84.69 feet to the Southeast corner of said plat; said corner being on the Westerly margin of Munsel Lake Road; thence running along said Westerly margin along the arc of a 2834.79 foot radius curve right (the long chord of which bears South 06° 23' 23" East 218.04 feet) 218.10 feet South, 04° 11' 09" East 67.94 feet and along the arc of a 984.93 foot radius curve left (the long chord of which bears South 07° 59' 31" East 130.77 feet) 130.86 feet to a point on the East-West center 1/4 section line of said Section 24; thence leaving said margin and running along said center East-West 1/4 section line North 87° 32' 44" West 130.63 feet to the Point of Beginning, all in Florence, Lane County, Oregon.

ALSO: A pump and pipeline easement, over the following described property, which was created by instrument recorded March 30, 1988, Reel 1506, Reception No. 88-12411, Official Records of Lane County, Oregon: Beginning at the West one-quarter corner of Section 24, Township 18 South, Range 12 West of the Willamette Meridian, thence along the West line of said Section 24, North 0° 03' 21" West 15.01 feet; thence leaving said Westerly line of Section 24, South 87° 32' 44" East 127.60 feet to the Westerly margin of Munsel Lake Road; thence along said Westerly margin along the arc of a 984.93 foot radius curve left (the chord of which bears South 11° 20' 57" East 15.44 feet) a distance of 15.44 feet; thence leaving said Westerly margin North 87° 32' 44" West 130.63 feet to the point of beginning, in Lane County, Oregon.

Application No. 84855
 Permit No.

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EXHIBIT "B"

Rights of the public in streets, roads and highways.

Water transmission line easement, including the terms and provisions thereof, from Rhodo Dunes Golf Course, to the City of Florence, dated May 11, 1965, recorded July 1, 1965, Reel 268, Reception No. 9476, Deed Records of Lane County, Oregon.

Water transmission line easement, including the terms and provisions thereof, from J. L. Mann and Elsie Mann, his wife, to the City of Florence, recorded July 1, 1965, Reception No. 9476, Deed Records of Lane County, Oregon.

Overhead right of way easement, including the terms and provisions thereof, from Jake Mann, to the Central Lincoln People's Utility District, dated January 29, 1975, recorded February 20, 1975, Reel 730, Reception No. 75-06316, Official Records of Lane County, Oregon.

Overhead right of way easement, including the terms and provisions thereof, from Jake Mann, to the Central Lincoln People's Utility District, dated January 29, 1975, recorded February 20, 1975, Reel 730, Reception No. 75-06314, Official Records of Lane County, Oregon.

Overhead right of way easement, including the terms and provisions thereof, from Jake Mann, to the Central Lincoln People's Utility District, dated January 29, 1975, recorded February 20, 1975, Reel 730, Reception No. 75-06317, Official Records of Lane County, Oregon.

Terms and provisions contained in that certain easement recorded March 22, 1977, Reel 839, Reception No. 77-16111, Official Records of Lane County, Oregon.

Sewer pressure line easement, including the terms and provisions thereof, from Laam, Irving & Company of Gladstone, Oregon, to the City of Florence, Oregon, a municipal corporation, recorded July 15, 1981, Reel 1146, Reception No. 81-30595, and amended by instrument recorded February 4, 1982, Reel 1178, Reception No. 82-03704, Official Records of Lane County, Oregon.

Terms and provisions contained in that certain Release and Grant of Easement, recorded March 30, 1988, Reel 1506, Reception No. 88-12411, Official Records of Lane County, Oregon.

8926520

State of Oregon,
County of Lane-

I, the County Clerk, in and for the said
County, do hereby certify that the within
instrument was received for record at

20 JAN 19 11 15

Reel 1578R

Lane County OFFICIAL RECORDS
Lane County Clerk

By: *[Signature]*

Application No.
Permit No.

84855

PFO CHECKLIST

Application #: S 84855
County LANE Basin: K8-Mid Coast
Township 18S Range 12W Section 23 1/4 1/4 SE NE NE SE SE NE SE

- 1. Shortcomings preventing PFO, FO, or permit? Y/N Should process continue Y/N
- 2. NO Groundwater Review A B C D River/Stream Name _____
 a. Groundwater Availability A B C
 b. Is second groundwater review complete? Y/N necessary? Y/N
 c. Is the well located in a GWLA or CA? Y/N (If Y or close include map of POD) Area _____
- 3. Is use from **BOR** / Doug Co. project? Y/N Contract in file? N / Contract # _____
- 4. Is the use allowed by the **Basin Program**? Y/N Limited? Y/N 690-518
- 5. Water Availability Data OK / **REDONE** / NA (80% live flow & 50% storage) _____
- 6. Is the source **withdrawn** or limited by statute or Department order? Y/N
- 7. Is the Proposed Use located in or above a **SWW**? Y/N
- 8. **Division 33**: Y / N / NA Above Bonn (after July 17, 1992) Y/N Limit to April 15 - September 30 Y/N
 Below Bonn (after April 8, 1994; June 3, 1994) Y/N add PISPC Y/N
Statewide (in shaded areas on T, E, and S Map - after June 3, 1994) Y/N
- 9. IR identifies as on DEQ 303d List? Y/N / NA Comments received? Y/N
- 10. Rate 180
 Duty 242 Season: Normal 3/1-10/31 Req 3/1-10/31
Restrict to: 3/1-9/30 - WA
- 11. Rate: Max 0.92 CFS Req 0.92 CFS

- 12. **Small** (≤ 0.1 cfs, ≤ 9.2 AF), **Medium** (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or **Large** (≥ 1.5 cfs, ≥ 100 AF)
 condition **7I** and **municipal** require the **Large** condition
- 13. Conditions 0050 B546
 New River Basin or Bonanza? Y/N/NA (see M:\groups\wr\pfo\findings & other lang)
- 14. IR Date 1/18/02 Public Notice Date 2/5/02 Comment Rec'd no
- 15. Filed after 10/23/99? Y/N (if Y A date should be removed)
- 16. Watermaster Dist: (1 2 16 18 20 NWR) (3 4 5 21 - NCR) (6 8 9 10 - ER) (11 12 17 - SCR) (13 14 15 19 - SWR)
- 17. CWRE, representatives or Property owners to notify? Y/N
 summary: Maha R Kupillas CWRE FEES: EXAM: 250
Q 1155 150
042AF 100
150 500
575
RE
See Reverse

Initials: grf Date: 3/19/02

Fees:

EXAM:	250
Q - 1 CFS	150
9.2 AF x 10 =	<u>100</u>
	500
RECORDS	<u>175</u>
	675
PD	<u>575</u>
DUE	\$ <u>100</u>

IR CHECKLIST

Application #: S 84855
Diversions Info: County LANE Basin: 18-MidCoast WID: SOS/471
Township 18S Range 12W Section 23 1/4 1/4 SE NE NE
SE SE NE SE

NA

Groundwater Review

- a. PSI A B C D River/Stream Name _____
- b. Groundwater Availability A B C
- c. Is the well located in a GWLA or CGWA? Y / N (If in an area include map showing POD)

NA

Is the well located in T1N R3E Sec 20, 21, 28, 29 Y / N

 6. Allowed under Basin Program (Y) / N Limitations? Y / N RAR 690-518

 7. Withdrawn? Y / (N) season allowed _____

 8. SWW Y / (N) (if Y notify state parks) _____

 9. Water Availability (80% live flow / 50% storage) NA _____

 14. DIVISION 33 (Y) / N / NA Above Bonn Y / N (7/17/92) Below Bonn Y / N (4/8/94) (Y) Stated (Y) (6/3/94) map date _____

 10. Rate/Duty/Season Requested IR 73.78 AC | 0.92 CFS | 3/1-10/31
Allowable IR 73.78 AC | 0.92 CFS | 3/1-9/30 Restricted to: 3/1-9/30-WA

 13. B.O.R. or Doug Co. project Y / (N) contract # _____

 17. Condition S ($\leq 0.1, \leq 9.2$) M (≥ 0.1 or ≤ 1.5 CFS, or ≥ 9.2 or ≤ 100 AF), L ($\geq 1.5, \geq 100$), BOR, GW, etc. Y / N _____

 18. Land use approval OK'd needs approval county notified NA

 19. Watermaster Dist: (1 (2) 16 18 20 (NWR)) (3 4 5 21 - NCR) (6 8 9 10 - ER) (11 12 17 - SCR) (13 14 15 19 - SWR)

 15. DOA 1010 (Y) / N 303D Y / (N)

 16. Is the use located within Oregon Streamflow Restoration Area? Y / (N) / NA

 20. Letter format (Good) - Limited - Bad - Bad w/ IRshort - Bad w/ HC Opportunity

 21. CWRE, representative, etc. to notify? (Y) / N Malia R Kupillas

See File R-84856

Name: Serry Gansley Date: 1/4/02

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above.

The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

690-518-0010

Classifications

(1) The maximum economic development of this state, the attainment or the highest and best use of the waters of the Mid-Coast Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, power development, industrial mining, recreation, wildlife and fish life uses with preference given to human consumption and livestock consumption over any other beneficial uses. The waters of the Mid-Coast Basin are hereby so classified with the following exceptions:

(Note: There are no exceptions to the subject surface water source. DWF)



Water Availability for WID 505

jump to:

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- [water law](#)
- [water rights](#)
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WATER AVAILABILITY TABLE

Water Availability as of 1/ 1/**** for
SIUSLAW R > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 505 Basin: MID COAST Exceedance Date:
Time: 13:31

Select an Item Number for More Details

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
1	505	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES

STREAM NAMES

Water Availability as of 1/ 1/**** for
SIUSLAW R > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 505 Basin: MID COAST Exceedance Date:
Time: 13:31

Item	Watershed ID	Stream Name
1	505	SIUSLAW R > PACIFIC OCEAN - AT MOUTH

LIMITING WATERSHEDS

Water Availability as of 1/ 1/**** for
SIUSLAW R > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 505 Basin: MID COAST Exceedance Date:
Time: 13:31

Mnth	Limiting Watershed	Stream Name	Water Avail?
1	505	SIUSLAW R > PACIFIC OCEAN - AT MOUTH	YES
2	505	SIUSLAW R > PACIFIC OCEAN - AT MOUTH	YES
3	505	SIUSLAW R > PACIFIC OCEAN - AT MOUTH	YES
4	505	SIUSLAW R > PACIFIC OCEAN - AT MOUTH	YES
5	505	SIUSLAW R > PACIFIC OCEAN - AT MOUTH	YES
6	505	SIUSLAW R > PACIFIC OCEAN - AT MOUTH	YES
7	505	SIUSLAW R > PACIFIC OCEAN - AT MOUTH	YES
8	505	SIUSLAW R > PACIFIC OCEAN - AT MOUTH	YES
9	505	SIUSLAW R > PACIFIC OCEAN - AT MOUTH	YES
10	505	SIUSLAW R > PACIFIC OCEAN - AT MOUTH	NO
11	505	SIUSLAW R > PACIFIC OCEAN - AT MOUTH	YES
12	505	SIUSLAW R > PACIFIC OCEAN - AT MOUTH	YES
Stor	505	SIUSLAW R > PACIFIC OCEAN - AT MOUTH	YES

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 1/ 1/**** for
SIUSLAW R > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 505 Basin: MID COAST Exceedance Date:
Time: 13:31

Month	Natural	CU + Stor	CU + Stor	Expected	Reserved	Instream
-------	---------	-----------	-----------	----------	----------	----------

	Stream Flow	Prior to 1/1/93	After 1/1/93	Stream Flow	Stream Flow	Water Rights
1	2550.00	8.35	1.05	2540.00	0.00	260.00
2	2790.00	8.35	1.06	2780.00	0.00	260.00
3	2360.00	8.35	1.00	2350.00	0.00	260.00
4	1560.00	8.68	1.01	1550.00	0.00	260.00
5	894.00	9.66	1.18	883.00	0.00	215.00
6	499.00	12.90	1.50	485.00	0.00	160.00
7	266.00	20.60	1.80	244.00	0.00	95.00
8	161.00	17.80	1.07	142.00	0.00	95.00
9	137.00	9.55	1.01	126.00	0.00	95.00
10	190.00	8.67	0.03	181.00	0.00	250.00
11	742.00	8.35	0.98	733.00	0.00	320.00
12	2040.00	8.35	1.00	2030.00	0.00	320.00
Stor	1530000	7840	766	1520000	0	156000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 1/ 1/**** for
SIUSLAW R > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 505 Basin: MID COAST Exceedance Date:
Time: 13:31

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other
1	0.07	0.00	6.32	0.85	0.01	2.12	0.03	0.00
2	0.08	0.00	6.32	0.85	0.01	2.12	0.03	0.00
3	0.02	0.00	6.32	0.85	0.01	2.12	0.03	0.00
4	0.00	0.36	6.32	0.85	0.01	2.12	0.03	0.00
5	0.00	1.51	6.32	0.85	0.01	2.12	0.03	0.00
6	0.00	5.11	6.32	0.85	0.01	2.12	0.03	0.00
7	0.00	13.04	6.32	0.85	0.01	2.12	0.03	0.00
8	0.00	9.51	6.32	0.85	0.01	2.12	0.03	0.00
9	0.00	1.24	6.32	0.85	0.01	2.11	0.03	0.00
10	0.00	0.32	5.37	0.85	0.01	2.11	0.03	0.00
11	0.00	0.00	6.32	0.85	0.01	2.12	0.03	0.00
12	0.02	0.00	6.32	0.85	0.01	2.12	0.03	0.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 1/ 1/**** for
SIUSLAW R > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 505 Basin: MID COAST Exceedance Date:
Time: 13:31

APP #	0	0	0	0	0	0	0	0
Reservations								
Status Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

10	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS
 Water Availability as of 1/ 1/**** for
 SIUSLAW R > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 505 Basin: MID COAST Exceedance Date:
 Time: 13:31

-----ISWRs-----							
APP #	505A	0	0	0	0	0	0
Status	Cert.						
1	260.00	0.00	0.00	0.00	0.00	0.00	0.00
2	260.00	0.00	0.00	0.00	0.00	0.00	0.00
3	260.00	0.00	0.00	0.00	0.00	0.00	0.00
4	260.00	0.00	0.00	0.00	0.00	0.00	0.00
5	215.00	0.00	0.00	0.00	0.00	0.00	0.00
6	160.00	0.00	0.00	0.00	0.00	0.00	0.00
7	95.00	0.00	0.00	0.00	0.00	0.00	0.00
8	95.00	0.00	0.00	0.00	0.00	0.00	0.00
9	95.00	0.00	0.00	0.00	0.00	0.00	0.00
10	250.00	0.00	0.00	0.00	0.00	0.00	0.00
11	320.00	0.00	0.00	0.00	0.00	0.00	0.00
12	320.00	0.00	0.00	0.00	0.00	0.00	0.00

1

Paul R. Cleary, Director

Oregon Water Resources Department • 158 12th ST. NE • Salem, OR 97310 • Phone: (503)378-8455 • Fax: (503) 378-2496

Analysis for Application: S84855**Location: 18.00 S-12.00 W-23-sese** ✓**Uses: IR 28.570 (P)****Basins**

BASIN_NUM	BASIN_NAME
18	Mid Coast

Records Found: 1**WaterMaster Districts**

WATERDIST	REGION
2	NW

Records Found: 1**WAB**

BASIN	WID	LINK_1
18	505	Water Availability: 50% 80%
18	479	Water Availability: 50% 80%

Records Found: 2**County**

COUNTY	FIPS
Lane	41039

Records Found: 1**Groundwater Restricted Records Found: 0****Divison 33 Area**

DIV33
In a Div33 area

Records Found: 1**Rule 4D**

RULE4D
In a Rule4D Area

Records Found: 1**303D Streams Records Found: 0****303D Lakes Records Found: 0****Location: 18.00 S-12.00 W-23-nese** ✓**Uses: IR 10.930 (P)****Basins**

BASIN_NUM	BASIN_NAME
18	Mid Coast

Records Found: 1**WaterMaster Districts**

WATERDIST	REGION
2	NW

Records Found: 1

WAB

BASIN	WID	LINK_1
18	505	Water Availability: 50% 80%

Records Found: 1

County

COUNTY	FIPS
Lane	41039

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0

303D Lakes Records Found: 0

Location: 18.00 S-12.00 W-23-sene ✓

Uses: IR 18.380 (P)

Basins

BASIN_NUM	BASIN_NAME
18	Mid Coast

Records Found: 1

WaterMaster Districts

WATERDIST	REGION
2	NW

Records Found: 1

WAB

BASIN	WID	LINK_1
18	505	Water Availability: 50% 80%

Records Found: 1

County

COUNTY	FIPS
Lane	41039

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0

303D Lakes Records Found: 0

Location: 18.00 S-12.00 W-23-nene ✓

Uses: IR 15.900 (P)

Basins

BASIN_NUM	BASIN_NAME
18	Mid Coast

Records Found: 1

WaterMaster Districts

WATERDIST	REGION
2	NW

Records Found: 1

WAB

BASIN	WID	LINK_1
18	505	Water Availability: 50% 80%

Records Found: 1

County

COUNTY	FIPS
Lane	41039

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0

303D Lakes Records Found: 0

Form 2 - Lower Columbia/Statewide

ODFW DIVISION 33 APPLICATION REVIEW SHEET

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Date: 1/19/02 21 day Deadline Date: 2/15/02 Application # 84855

Applicant's Name: Ocean Dunes Golf

1) Will the proposed use occur in an area that may affect the essential habitat of sensitive, threatened, or endangered fish species? [690-33-330(1)]

NO / YES Species: Coho Salmon Status: Sensitive, Threatened, Endangered

IF ANSWER TO QUESTION (1) IS YES, CONTINUE ON THIS PAGE TO QUESTION (2).

IF ANSWER IS NO, FILL OUT PUBLIC INTEREST REVIEW SHEET (PAGE 2)

What stage or value is at risk (circle all that apply): Spawning, Incubation, Rearing, Passage, Habitat Value

2) Will the proposed use result in a LOSS in the essential habitat of THREATENED OR ENDANGERED SPECIES or a NET LOSS in the habitat of a SENSITIVE SPECIES?

~~NO / YES~~ Unknown

A) Standard of NET LOSS applies to sensitive species statewide. [690-33-330(2)(a)]

B) Standard of LOSS applies to T or E species outside the Columbia Basin. [690-33-330(2)(b)]

3) Can conditions be applied to mitigate the impact to the essential habitat of a S, T or E species?

NO / YES [690-33-330(3)]

Which conditions are recommended?

Restrict use to period when water is available - March 1 - October 15?

(Try to select conditions from the Menu of Conditions)

4) If conditions cannot be identified to offset impacts to the essential habitat of S, T or E species, would the proposed use harm the species?

NO / YES [690-33-330(4)]

If YES, please explain:

ODFW RECOMMENDATION:

- Approval with fishery conditions.
- Approval without fishery conditions.
- Denial.

ODFW Representative: Name: Lauri Weym Date: 2-13-02

WRD Contact: Kerry Lefever, Acting Interagency Coordinator, Water Rights Division
1-800-624-3199 ext: 276 / Fax: 503-378-6203 / e-mail: Kerry.A.LEFEVER@vrd.state.or.us

DIVISION 33 APPLICATION REVIEW SHEET FOR USE BY DEQ

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Date: 1/18/02 21 day Deadline Date: 2/18/02 Application # 84855

Applicant's Name: Ocean Dunes Golf

1) Is there a connection to a 303(d) listed water quality limited waterbody? NO YES

Explain: N. Fork Siuslaw is listed on 303(d) list for temperature

2) What is the potential for this use to impact a water quality limited waterbody: HIGH MEDIUM LOW

Explain: Reduction of flows in summertime is likely to exacerbate temperature problems. The .92 cfs withdrawal ~~will~~ will affect stream temperature but the use of stored water would not.

3) If the answer to question (2) is HIGH or MEDIUM, will the proposed use still result in diminution of water quality for the habitat of sensitive, threatened, or endangered fish species? NO YES

If YES, how? Increased stream temperature degrading habitat of endangered salmonids.

4) Can conditions be applied to mitigate the impact of the use? NO YES

Which conditions are recommended? (Try to select conditions from the Menu of Conditions)
No withdrawals during June 1 - Sept. 30, period of WQ impairments.

5) If conditions cannot be identified to offset impacts, would the proposed use affect the Habitat of Sensitive, Threatened, or Endangered Fish Species? NO YES

If YES, please explain: Increased stream temperature degrading habitat of endangered salmonids.

DEQ RECOMMENDATION:

- Approval with conditions.
- Approval without conditions.
- Denial.

Post-it* Fax Note	7671	Date	2/20	# of pages	1
To	Kerry Lefever	From	Bobbi Lindberg		
Co./Dept.	WRD	Co.	DEQ		
Phone #		Phone #	541-686-7838 x242		
Fax #	503-378-6203	Fax #	686-7551		

DEQ Representative: Name: Robert J. Lindberg Date: 2/12/02

WRD Contact: Kerry Lefever, Senior Water Rights Technician, Water Rights Division
503-378-8455 ext: 276 / Fax: 503-378-6203 / e-mail: Kerry.A.LEFEVER@wrdr.or.state.us

Revised: 08/13/01

RECEIVED

JAN 30 2002

DEQ - MEDFORD

WATERMASTER DIVISION 33 APPLICATION WORK SHEET

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species,
OAR 690-33-310 through 340.

Date: 1/18/02 21 day Deadline Date: 2/15/02 Application # 84855

Applicant's Name: Ocean Dunes Golf

SOURCE OF WATER: GROUNDWATER SURFACE WATER STORAGE

DESCRIPTION OF THE SOURCE: Unnamed Stream, formed by seepage thru dune forming Munsel Lake.
(A spring, well, sump, exempt pond, unnamed stream, etc.)

1) If from surface water, does the water at the proposed diversion location flow into another water body?
 YES NO SOMETIMES
If sometimes, describe the time period, Between: _____ and _____

2) Does the source ever go dry in the area of the proposed diversion?
 YES NO

3) To your knowledge, has the requested source of water been regulated because of insufficient flow to satisfy existing water rights including instream water rights?
 YES NO
If YES, please explain: _____

4) Is there sufficient flow at the proposed point of diversion to satisfy all existing water rights and provide the quantity of water requested under this application?
 YES NO

5) Did you meet with staff from another agency to discuss this application?
 YES NO
Who: _____ Agency: _____ Date: _____

6) Is mitigation an option?
 YES NO
If YES, please explain: _____

Comments: A closer look at Water Availability would show that water is available thru Oct 15. ~~We~~ IF there are no OTHER issues - we should at least Allow that. Also, this stream drains into the N. Fx. Siuclaw in Tide water. It is the NFS-R with the Water Ava - problem. I have heard some questions to

Name: Paul J. Mattick Date: 1-17-02 Title: Watermaster, District 2

WRD Contact: Kerry Lefever, Acting Interagency Coordinator, Water Rights Division
1-800-624-3199 ext: 276 / Fax: 503-378-6203 / e-mail: Kerry.A.LEFEVER@ wrd.or.state.us

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

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 packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- 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 canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

X *William G. Peterson*
Signature of Applicant

8/18/01
Date

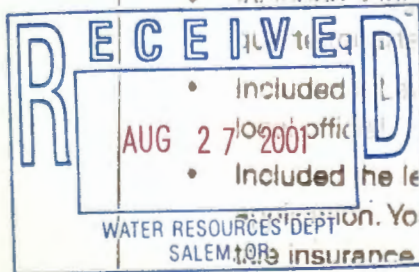
Signature of Co-applicant:

Date

Application No. *84855*
Permit No.

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map which includes township, range, section, quarter and tax lot number.
- Included a Land Use information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may submit a copy of the deed, deed sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.





Pacific Hydro-Geology Inc.
18477 S. Valley Vista Rd.
Mulino, OR 97042
(503) 632-5016

January 11, 2002

Copy to: R-84856

Oregon Water Resources Department
Jerry Gainey
158 12th Street NE
Salem, Oregon 97310-0210

RE: Application to store water, S-84855, Ocean Dunes Golf Links.

Dear Oregon Water Resources Department:

The maximum capacity of water that can be stored in the reservoir is 9.2 acre feet. The application to store water should also be amended to add surface-water runoff as a source, because the reservoir will capture a small amount of surface-water runoff. Additional applications to store water in the other ponds will be submitted at a later date.

Please call me, Pacific Hydro-Geology Inc., at (503) 632-5016 if you have any questions.

Sincerely,

Malia R. Kupillas R.G., C.W.R.E.

cc: Bill Robinson, Ocean Dunes Golf Links



Oregon

John A. Kitzhaber, M.D., Governor

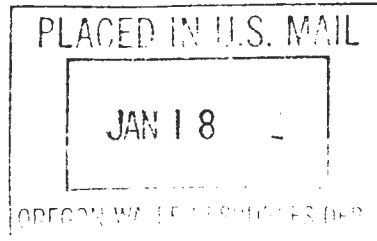
Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

January 18, 2002

OCEAN DUNES GOLF LINKS INC.
BILL ROBINSON
3345 MUNSEL LAKE RD
FLORENCE, OREGON 97439

(541) 997-3232



Reference: File S-84855

Dear Applicant:

THIS IS NOT A PERMIT AND IS SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.

This letter is to inform you of the favorable preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from AN UNNAMED STREAM, A TRIBUTARY OF NORTH FORK SIUSLAW RIVER for IRRIGATION OF 73.78 ACRES AND AESTHETICS and the use of stored water from No Name Reservoir to be constructed under Application R-84856 is **allowable** under OAR 690-518, the Mid Coast Basin Program.
3. Water in the amount of 0.92 CUBIC FOOT PER SECOND for AESTHETICS AND IRRIGATION OF 73.78 ACRES is **available** from March 1 through September 30 of each year from an unnamed stream and 9.2 ACRE-FEET FOR IRRIGATION OF 73.78 ACRES from March 1 through October 31 of each year from No Name Reservoir, **contingent upon approval of application R-84856.**

Summary of Initial Determinations

The use of 0.92 CUBIC FOOT PER SECOND (CFS) from AN UNNAMED STREAM, A TRIBUTARY OF NORTH FORK SIUSLAW RIVER for IRRIGATION OF 73.78 ACRES AND AESTHETICS is allowable from March 1 through September 30 of each year.

The use of 9.2 Acre-feet from No Name Reservoir, contingent upon approval of application R-84856, for IRRIGATION OF 73.78 ACRES is allowable from March 1 through October 31 of each year.

Because of these favorable determinations, the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, February 1, 2002**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the

amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

2. You may be required to install fish screens at the point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. 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.
4. 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.
5. The priority date for this application is AUGUST 27, 2001.

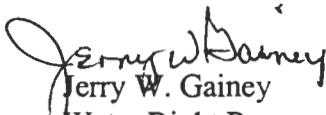
WARNING: This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews public comments and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

The water source identified in your application is in an area in which an Agricultural Water Quality Management Area Plan is being developed. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders. These plans help make sure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to contact Mike Wolf, (503) 986-4711 at the ODA to learn more about the plan and how it may affect your proposed water use.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at (503) 378-8455 extension 201. Feel free to call me at (503) 378-8455 extension 458 if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: (503)378-6203.

Sincerely,


Jerry W. Gainey

Water Right Processing Technician

cc: Regional Manager, Watermaster , Water Availability Section

enclosures: Flow Chart of Water Right Process
Stop Processing Form

S-84855
wab 18-479/505
pou 18-479/505
gw

APPLICATION FACT SHEET

Mail to: *Applicant, Watermaster, District Biologist (ODFW)*
If necessary, also mail to : *Regional Water quality manager (DEQ), and DOA*

Application File Number: S-84855

Applicant: OCEAN DUNES GOLF LINKS INC.; BILL ROBINSON

County: LANE

Watermaster: 2

Priority Date: AUGUST 27, 2001

Source: AN UNNAMED STREAM, A TRIBUTARY OF NORTH FORK SIUSLAW RIVER

Use: IRRIGATION OF 73.78 ACRES

Quantity: 0.92 CUBIC FOOT PER SECOND

Basin Name & Number: Mid Coast, #18

Stream Index Reference: Volume 2 NFK SIUSLAW R & MISC

Point of Diversion Locations:

Reservoir: NEENE, SECTION 23, T18S, R12W, W.M.; 175 FEET SOUTH & 350
FEET WEST FROM THE NE CORNER OF SECTION 23

Unnamed Stream: NWNW, SECTION 24, T18S, R12W, W.M.; 625 FEET SOUTH & 50
FEET EAST FROM NE CORNER, SECTION 23

Place of Use: NENE 15.9 ACRES, SENE 18.38 ACRES, NESE 10.93 ACRES, SESE 28.57
ACRES, SECTION 23, TOWNSHIP 18 SOUTH, RANGE 12 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, February 1, 2002

PUBLIC NOTICE DATE: Tuesday, February 5, 2002

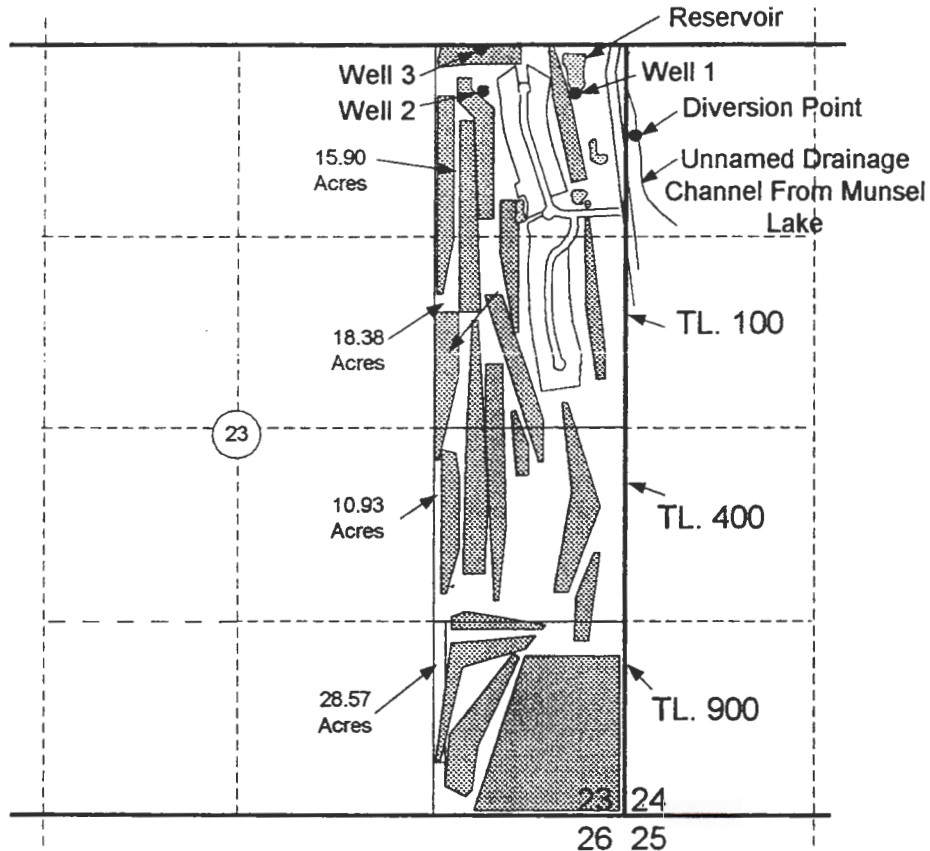
30 DAY COMMENT DEADLINE DATE: Thursday, March 7, 2002

T.18S. R.12W. Sec. 23

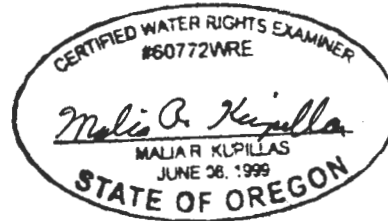
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

NOV 19 2001

WATER RESOURCES DEPT.
SALEM, OREGON

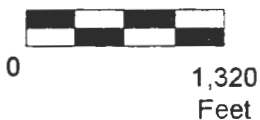


Diversion Point is located 625 feet south and 50 feet east of the northeast corner of Section 23. Proposed Well 1 is located 325 feet south and 350 feet west of the northeast corner of Section 23. Proposed Well 2 is located 300 feet south and 970 feet west of the northeast corner of Section 23. Proposed Well 3 is located 30 feet south and 1,010 feet west of the northeast corner of Section 23. The Reservoir is located 175 feet south and 350 feet west of the northeast corner of Section 23.



-  Area (73.78 Acres) to be irrigated.
-  Pond or Reservoir

Scale: 1" = 1,320'



EXPIRATION DATE: 6/30/2008

This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

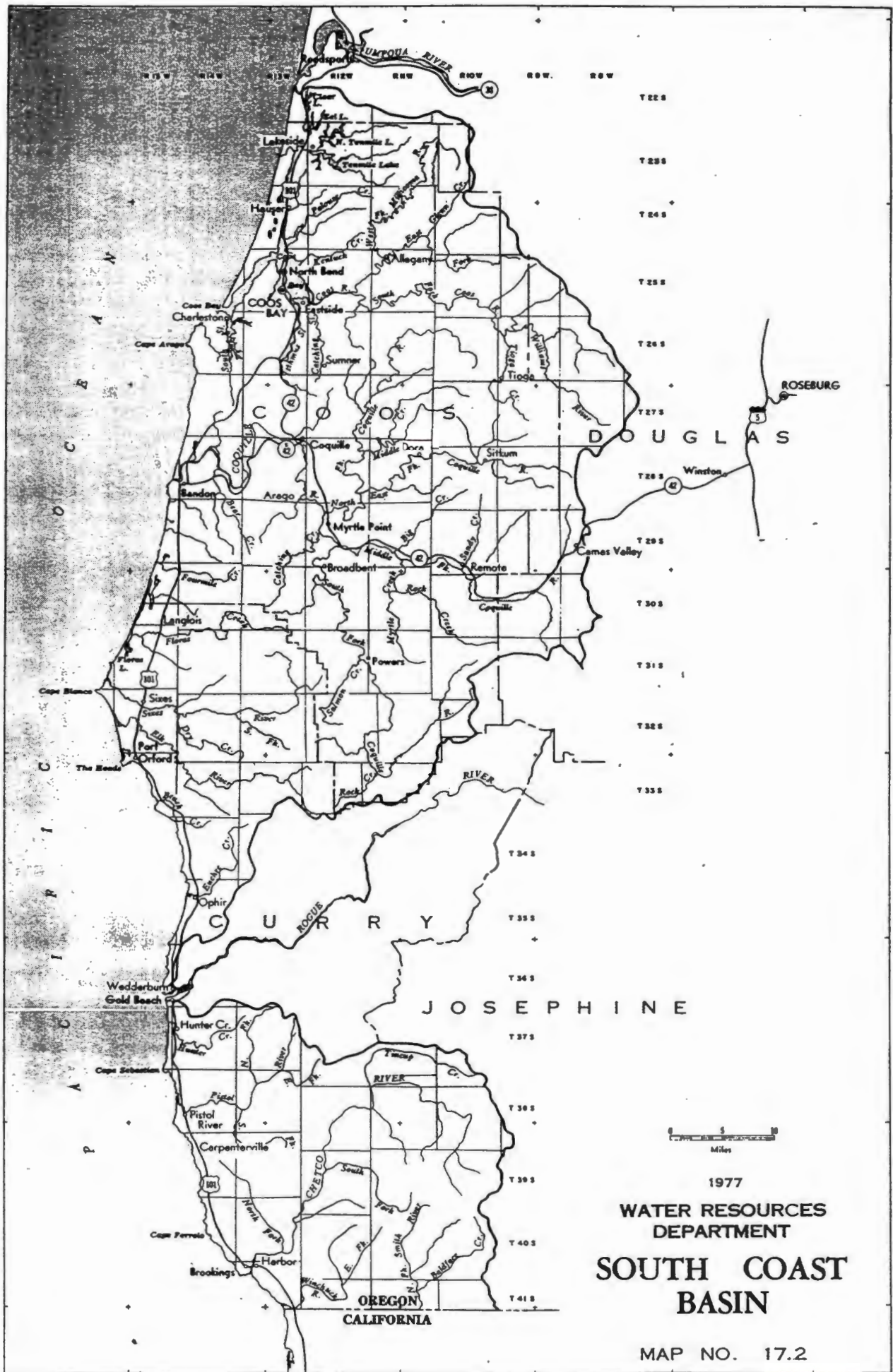


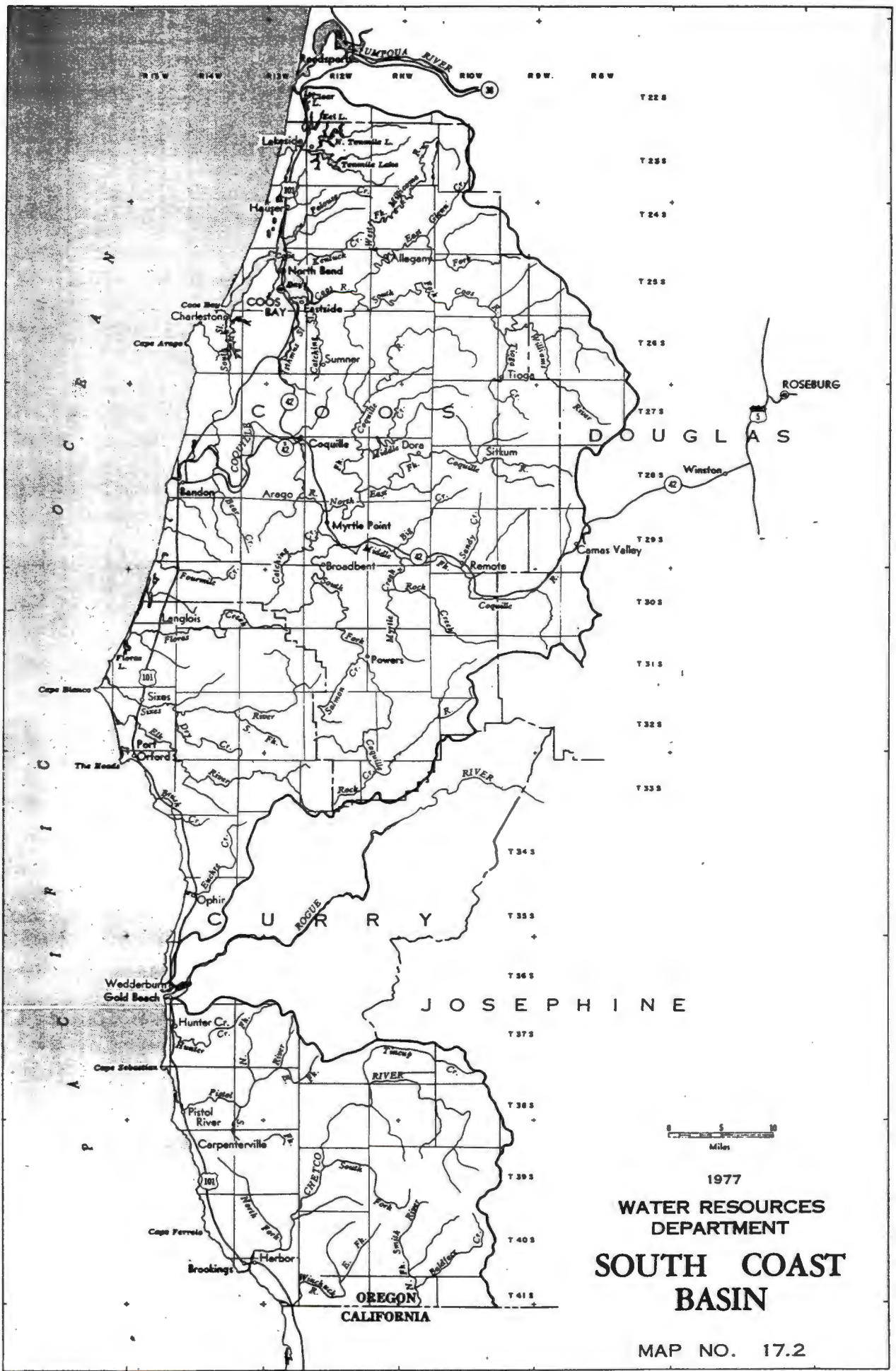
Water Right Application Map

Pacific Hydro-Geology Inc.

Ocean Dunes Golf Links
T.18 S. R.12W. Sec. 23 Tax Lots 100, 400, and 900

RECEIVED
MAY 1 1966





1977
 WATER RESOURCES
 DEPARTMENT
**SOUTH COAST
 BASIN**

MAP NO. 17.2

Pacific Hydro-Geology Inc.

18477 S. Valley Vista Rd.

Mulino, OR 97042

(503) 632-5016

RECEIVED
NOV 15 2001
WATER RESOURCES DEPT.
SALEM, OREGON

November 13, 2001

Oregon Water Resources
Mr. Jerry Gainey
158 12th Street NE
Salem, Oregon 97310-0210

RE: Water Right Application S-84855, Ocean Dunes Golf Links, Inc.

Dear: Mr. Gainey

Please amend the surface water right application to include esthetic use of water to maintain the ponds shown on the water right application map. All of the ponds are lined and water levels are maintained by pumping water from the diversion point to the reservoir for storage, then pumped to the ponds when additional water is needed. A revised water right application map is also enclosed with the location of the reservoir described.

Please call me at (503) 632-5016 if you have any questions.

Sincerely,

Malia R. Kupillas

Malia R. Kupillas R.G., C.W.R.E.

cc: Bill Robinson, Ocean Dunes Golf Links



State of Oregon
Water Resources Department
158 12th Street NE, Salem, OR 97310
(503)378-8455 • (800)624-3199
www.wrd.state.or.us

Primary
Application for a Permit to Use
Surface Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

1. APPLICANT INFORMATION

A. Individuals

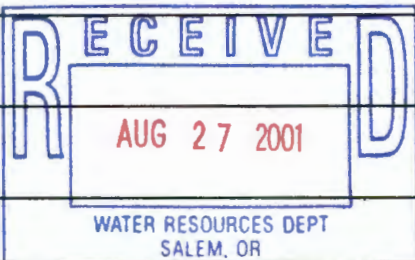
Applicant: _____
First Last

Co-applicant: _____
First Last

Mailing address: _____
City State Zip

Phone: _____
Home Work Other

*Fax: _____ *E-Mail address: _____



B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: Ocean Dunes Golf Links, Inc.

Name and title of person applying: Bill Robinson and Theodore M. Johnson
President Vice President

Mailing address of organization: 3345 Munsel Lake Rd
Florence Oregon 97439
City State Zip

Phone: 541. 997. 3232 541. 997. 9479
Day Evening

*Fax: 541. 997. 3692 *E-Mail address: _____

*Optional information

For Department Use		
App. No. <u>84855</u>	Permit No. _____	Date <u>8-27-01</u>

2. SOURCE AND PROPERTY OWNERSHIP

A. The Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: unnamed trib. From Munsel Lake Tributary to: Siuslaw River, North Fork
Source 2: _____ Tributary to: _____
Source 3: _____ Tributary to: _____
Source 4: _____ Tributary to: _____

B. Property Ownership

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

- Yes (Skip to section 3 "Water Use.")
 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 an easement permitting access.

List the names and mailing addresses of all affected landowners.*

RECEIVED
AUG 27 2001
WATER RESOURCES DEPT SALEM, OR

*If more than 25 landowners are involved, a list is not required. See instructions.

3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express the amount of water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses in the instructions.

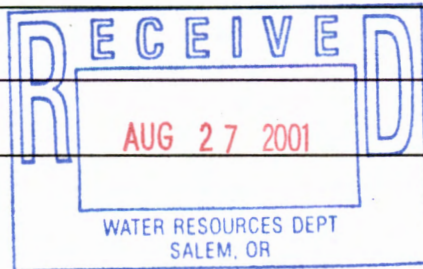
- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach Form I
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal or quasi-municipal**, attach Form M
- If your proposed use is **commercial/industrial**, attach Form Q

B. Amount of Water

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

Source	Use	Amount	
unnamed stream	irrigation	0.92	<input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af



C. Period of Use

Indicate the time of year you propose to use the water: March 1 - October 31
 (For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: 73.78 acres
 (This number should be consistent with your application map.)

4. WATER MANAGEMENT

A. Diversion

What method will you use to divert water from the source? In line horizontal turbines

Pump (give horsepower and pump type) 10 Hp low pressure, 50 Hp & 25 Hp

Head-gate (give dimensions) _____

Other means (describe) _____

Application No. 84855
 Permit No. _____

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

- Weir
- Meter
- Periodic Sampling
- Other (describe) Computer on the irrigation system tells exactly how much they have pumped.

C. Transport

How will you transport water to your place of use?

- Ditch or canal (give average width and depth)

Width _____ Depth _____

Is the ditch or canal to be lined? Yes No

- Pipe (give diameter and total length)

Diameter 6-inch lines Length 1,500ft

8-inch lines, 150ft, 4-inch loopline 4,00ft

- Other (describe) _____

D. Application/Distribution Method

What equipment will you use to apply water to your place of use? _____

Irrigation or land application method (check all that apply):

- Flood
- High-pressure sprinkler
- Low pressure sprinkler
- Drip
- Water cannons
- Center pivot system
- Hand lines
- Wheel lines
- Siphon tubes or gated pipe with furrows
- Other, describe _____

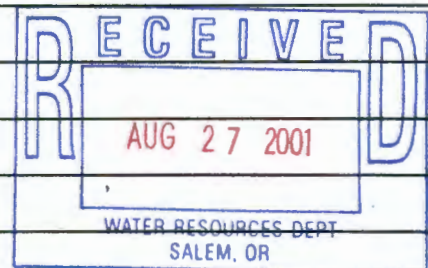
Distribution method

- Direct pipe from source
- In-line storage (tank or pond)
- Open canal

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain.

irrigate at night when possible.



5. RESOURCE PROTECTION

Protection Practices

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See the 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.

Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: _____

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: Construction completed and

slopes re-vegetated.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: Not applicable now, but future maintenance

will be completed during times when fish are less impacted and risk for erosion will be minimal.

Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: Slopes are vegetated with grass and shrubs.

Chemical products are not kept near the surface waters.

Other: _____

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

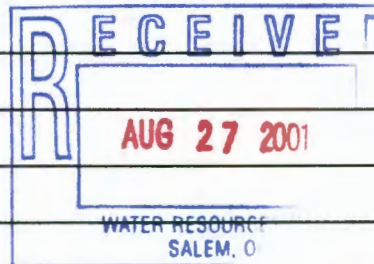
Proposed date construction will begin Existing Reservoir and diversion point

Proposed date construction will be completed _____

Proposed date beneficial water use will begin currently being used

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.



Application No. 84855

Surface Water/5 Permit No.

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

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 packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- 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 canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

X

Signature of Applicant

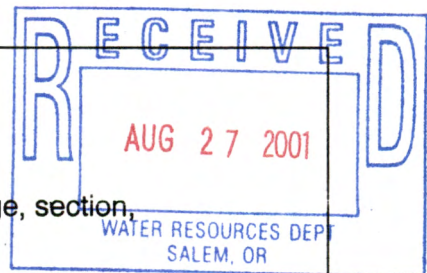
Date

Signature of Co-applicant

Date

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.





Oregon Water Resources Department

FORM I

FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

Primary Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 73.78 Acres Surface Water

Secondary: 73.78 Acres Groundwater

List the permit or certificate number of the primary water right: no. _____

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- | | | |
|-----------------------|---|--|
| 1. <u>Golf Course</u> | <input checked="" type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 2. _____ | <input type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 3. _____ | <input type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 4. _____ | <input type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |



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

184.45 acre-feet

(1 acre-foot equals 12 inches of water spread over one acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- | | |
|--|---|
| <input checked="" type="checkbox"/> Daily during daytime hours | <input checked="" type="checkbox"/> Daily during nighttime hours |
| <input type="checkbox"/> Two or three times weekly during daytime | <input type="checkbox"/> Two or three times weekly during nighttime |
| <input type="checkbox"/> Weekly, during daytime hours | <input type="checkbox"/> Weekly, during nighttime hours |
| <input checked="" type="checkbox"/> Other, explain: <u>when needed</u> | |

Application No. 84855
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Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: Ocean Dunes Golf Links, Inc.

Address: 3345 Munsel Lake Road

City: Florence State: OR Zip: 97439 Day Phone: 541.997.3232

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
<u>185/124/23</u>	<u>TL 100, 400, 900</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

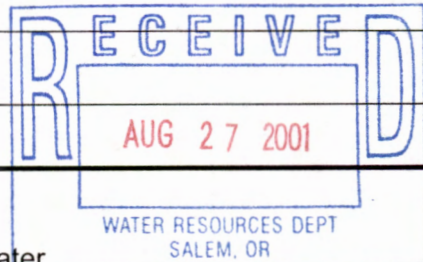
List counties and cities where water is proposed to be diverted, conveyed, or used. **Application No. 84855**
Permit No.

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Irrigate golf course greens, tees, and Fairways.

Briefly describe: Golf course playing areas need to be irrigated during the summer to maintain the golf course



D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

1.97

CFS

GPM

Acc Feet

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); _____ . Go to section B "Approval" below
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
Conditional Use	FCC 10-4	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
Design Review	FCC 10-6	<input checked="" 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

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Sanjiv N. Nigam Date: 8/24/01

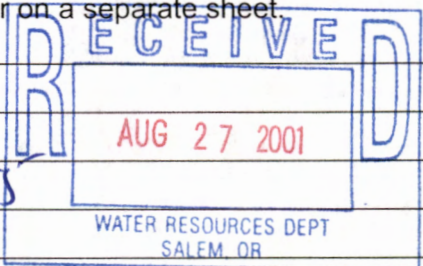
Title: Community Dev. Director Phone: 541-997-8237

Signature: Sanjiv N. Nigam
signed as to City approval of development of golf course & PUB only

C. Additional Comments

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

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 Permit No. _____



Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

attract in that area are those that want RV pads and that also keeps other vehicles and boats off of the road, which you shouldn't have out there anyway, it keeps the subdivision looking better. The blank side of the houses, most of the houses will have a blank side, so if you are 5' from one side and 5' from the other then you are 10' overall between the houses which, the original Surf Village, most of the houses in that area are on the 5' setback. Occasionally you will have a blank side, which should be blank, but there is 3 bedrooms and the center one would have to face that direction, but there wouldn't be a window necessarily on the other side to be looking into. You have to have egress out of the bedrooms, so I would like that option to be included also. I would just like to request this to be approved because we started out with the 5' setbacks and this has really hampered our design criteria and given us not that many options.

Chairman Wilson called for citizens in favor. Hearing none he asked for citizens opposed. Planning Director Gillispie stated a letter had been received by Mr. & Mrs. Klem owners of Tax Lot 550 which abuts Highway 101, is not developed and is 3.16 acres in Highway Zoning, outside the subdivision. She stated she thinks they misunderstood the request and their objection was a 5' setback, and they thought the reason was to crowd more houses on the site, however, the lots are already subdivided so it wouldn't make any more lots.

Chairman Wilson closed the public hearing at 8:07 p.m.

Very minor discussion ensued with Commissioner Pearson stating he would like it spelled out in the conditions that would require a minimum 5' setback and that both sideyard setbacks add up to the 20'.

Commissioner Pearson moved to approve Resolution 89-7-25-45 modifying the Findings of Fact to delete reference to distance between residences of 20' and adding definite conditions that there will be a minimum 5' sideyard setback and both sideyard distances will add up to 20' total setback, second by Commissioner Stone.

For clarification Planning Director Gillispie stated "total sideyard setback for each lot be not less than 20' with a minimum of 5' on each side."

By voice vote, all "aye", motion carried.

At this point Chairman Wilson, with concurrence of Commissioners, moved to item D.

D. PUBLIC HEARING
Resolution 89-7-25-47
Preliminary approval for 51-Unit
residential PUD and expansion of an
existing golf course at Munsel Lake Rd.
Map 18-12-23 Tax Lot 101 and 401
Ocean Dunes Golf Links, Inc.
Represented by William Robinson, Pres.



Chairman Wilson opened the public hearing at 8:12 p.m. and asked for ex-parte contact or conflict of interest. Hearing none he asked for staff report.

Planning Director Gillispie reported this is an application for a 51 unit residential PUD and expansion of the existing golf course as part of this development. It's adjacent to Munsel Lake Road at the existing golf course site, zoned Restricted Residential. The existing 9 hole golf course was constructed about 20 years ago and at the same time the owner put in the 30 lot subdivision along Munsel lake Road. The road is a regional road under County management and requires permission for access or change of access onto this road. As part of this approval the applicant will have to have it looked at by the County Public Works Engineer to make sure the access meets their criteria. They have stated in other proposals, the latest one was Rhodo-Dunes PUD, that the road was suitable to handle large volumes of traffic. The developers required design team consists of applicant Robinson as Landscape Architect and Planner, Gene Wobbe & Associates as surveyor and Jim Branch of Branch Engineering as engineer. They fulfill the size requirements for a PUD, they have 3-40 acre tracts, what we are considering are the 2-north 40 acre tracts. The one farthest south is in the County and outside our USA, they have received approval from Lane County for expansion of the golf course, but there will be no residences in that 40 acres. There PUD as far as lot size will comply strictly with Restricted Residential requirements, each lot will be at least 9000 square feet, they plan on probably moderate sized residences on these lots since it is geared to retirement type use. The area outside the portion of this lotted off for private lots will remain as the golf course. They do plan an expansion of the clubhouse facility as well as a relocation of their maintenance building and irrigation system. They don't show any perimeter yards buffering these residential lots since the golf course itself is intended as open space for the PUD and will buffer from other uses. The building height will comply with Code, off street parking will be required for each unit; the streets are planned at 24' in width and whoever develops the site, each building site will be required to put in parking for that residence on their own lot. All utilities will be underground; water and sewer will be put in to City standards and will be turned over to the City for maintenance upon approval by the City. As far as open space, Code requires 20% of the net development area as open space, in this case they intend the golf course itself remain as open space for this PUD. As far as the criteria for development, according to Code Section 10-23-4 the development is compatible with the general purpose and intent of the Comprehensive Land Use Plan, which designates this area as residential. Zoning is Restricted Residential, which requires a larger lot, less density; the plan shows the subdivision laid out in a general north/south direction; since doing this preliminary plan, in discussion with the applicant he has stated an existing knoll in back of the clubhouse is quite distinctive and he plans on swinging his access road and the lots around to preserve that knoll as part of the golf course design. He plans on re-vegetating any part that is disturbed as well as put in a lot of extra vegetation to screen some existing things such as part of the clubhouse, the maintenance building, etc. Munsel Lake Road will serve as the collector street for this project, it is classified a regional road and

they have stated it is suitable for this use for residential traffic. The property is served by City water at this time and will be sewerred. Applicant intends to eventually bring sewers and water to the north end of this property. At this time he will bring it a short distance to the existing access road to the clubhouse, it will be extended later on to serve the north part of the subdivision and golf course property. He has a small area, noted on the plan at the far north end of the property which is reserved for future residential use, about 2 1/2 acres. At the time that develops, water and sewer will be extended to serve that area. The parking lot, during our staff review, was noted that the applicant should ensure there is enough area between the road and the parking lot itself to provide good vegetative screening along Munsel Lake Road. This application is a preliminary PUD application only and for the final approval it will require tentative subdivision approval and approval of utilities by staff. A site investigation report has been done on the site, there are a couple of wet areas which do not qualify as wetlands and certainly not as significant wetlands. These areas are in use, the one to the south is now used for irrigation purposes and in looking this over, there is a letter in the file from Lane County who reviewed this whole site, the south 40-acres, for wetlands and say it does not constitute a wetland. The new area planned for irrigation pond on the north end is much shallower, a seasonally wet area and does not qualify as a wetland, he will deepen it, line it and make it a pool to pump water into for irrigation. No hazardous conditions have been identified on the site, no historical sites, no significant fish or wildlife habitat, relying on the Wilsey & Ham Study, which shows no significant biological habitat or rare and endangered species. The proposal complies with Comprehensive Plan provisions for low density residential land use and provides upgrading of the recreational opportunities on the site by expanding from 9-holes to 18-holes, it will provide much more enjoyment. Staff recommends preliminary approval with the condition that the small knoll be saved, he plans to do that, the width of the access road, and the size of the lots. The next step is preliminary subdivision approval which will include approval of access by Lane County, engineered utility plan and additional requirements contained in the subdivision plan.

Bill Robinson, Applicant: Stated he just moved to town a couple of days, however, he has looked at the golf course for the last 2 years and decided to purchase it in June of this year. The idea, or the intent of the application is to produce a subdivision quite high quality where all the residents will have a good view of the golf course and the housing being situated on high land, looking down onto the golf course is much safer. He is a golf course architect and has designed over 265 courses across the United States and Canada. This piece of property, probably is the best piece of property he has ever seen for a golf course. What they are trying to produce is what is called a "golf links" which is basically a golf course which is built on sand left by the sea when it receded. There are very few true golf links in North America, the real true golf links are in Scotland, but there are a couple on the California coast and a few on the eastern coast. When we saw this, we knew it was a special piece of land so the intent is to do something quite high quality.

Commissioner Stone asked about the lay out to which Mr. Robinson explained, 1-2-3 are exactly as is, 4 from tee to landing area is identical, but the green will be put just above the existing #5 tee and then 5 then plays from old #5 tee up the hill and onto the sand dunes and then hole #7 plays back down and we hook into the existing 5th as the 8th hole and it plays as a par 5 down to beyond the existing #5 green, we eliminate the 6th hole completely and then we play the 7th hole as #9 so if you only want to play 9 holes at the end of hole number 6 you can cross over the hill and back to the clubhouse. Then hole #10 is half of number 8 to the landing area then we will dogleg it back up into the sand dunes again, then holes 11 through 16 are all new and hole #17 plays from the sand dunes to the existing #8 green a par 3 drop shot and then #18 is a new hole that plays from near the #9 tee down onto the practice fairway and right along the practice fairway to the clubhouse itself. What that does is the first portion of hole #1 is as is, there will be new green to the left of the #1 green in the lower area and then you will walk from the first green up to the second tee. By moving #1 green and hole #9 we expose that entire ridge, or high land, which has the exposure onto the two valleys and the idea is to put the houses right along that ridge. Mark Shepherd, who is the manager of the course, and I have taken a look and the irrigation pond that we had originally thought would be done near the #1 green we are going to eliminate and expand the pond up around the #18 hole. The reason for that is that we were concerned about the children that might be in the playground on Munsel Lake Road getting curious about a large pond which would be deep because it would be used for irrigation, so the idea is to move it to the other end of the course where there is no housing, that way the pump house, etc., that would generate noise, we could put into the hillside and muffle all the noise. The other thing is we don't have to take down some of the larger trees that are on the property.

In answer to the question of a driving range, Mr. Robinson stated that what he would like to do eventually is look at the possibility of leasing some property for a driving range across the road from the parking lot in an area that is low then goes up into a hillside, so they can hit into the hillside.

Hearing no citizens in favor or opposed to the proposal the public hearing was closed at 8:32 p.m.

Minor discussion was heard with reservations about landscaping and open space being provided by the golf course itself and apprehension about any more residential frontage on Munsel Lake Road, but with general consensus that it is a nice play and well done.

Commissioner Pearson moved to approve Resolution 89-7-25-47 with second by Commissioner Balfour, by voice vote all "aye", motion carried.

Application No. 84855
Permit No.

**LANE COUNTY HEARINGS OFFICIAL
REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW THE EXPANSION
OF A GOLF COURSE WITHIN AN RR-5/BD DISTRICT
(UNCONTESTED)**

Application Summary

Ocean Dunes Golf Links, c/o William Robinson, 3345 Munsel Lake Road, Florence, OR 97439. Tax lot 900, assessor's map 18-12-23. Request for a conditional use permit to allow the expansion of a golf course within an RR-5 District.

Parties of Record

William Robinson

Application History

Hearing Date: August 30, 1995

Decision Date: September 5, 1995

Appeal Deadline: September 15, 1995 Lane County Board of Commissioners

Statement of Criteria

Lane County Rural Comprehensive Plan
Lane Code 16.231(5)
Lane Code 16.243(9)

Findings of Fact

1. The property subject to this application, hereinafter referred to as "the subject property," can be identified as tax lot 900, assessor's map 18-12-23. The subject property is 40 acres in size and is located between North Fork Siuslaw Road to the east and the Florence Urban Growth Boundary/City Limits to the west. The applicant's golf course lies adjacent to the north and the course club house and primary parking is located within the City of Florence. The subject property is vacant and much of it is in open sand.

Lands to the east of the subject property lie within the Florence City Limits and are proposed for residential development. Land to the north is owned by the applicant and is occupied by a portion of the golf course. Property to the west of the subject property is zoned RR-5 and is generally developed with residences (Willow Dunes Subdivision). Property to the south is vacant and is in open sand. The applicant's construction plans call for the retention of a 40-foot buffer of existing trees on the east property line and a 100-foot buffer of trees on the west property line. A 100-foot buffer of land will remain on the southern property line.

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2. The subject property is designated Rural Residential by the Rural Comprehensive Plan, is zoned RR-5. The subject property was the subject of an amendment to the Lane County Rural Comprehensive Plan (PA 2962-94), where it was redesignated from Forest Lands to Nonresource, and a rezoning from F-2 Impacted Forest Lands to R-5 Rural Residential.
3. The applicant requests a conditional use permit to expand the golf course about 300 yards to the south. The increase in size of the golf course is about 7 percent. No new holes will be added but four holes will be relocated from tax lot 400, adjacent to the north, to the subject property for safety reasons. The density and location of the existing holes were such that several golfers have been struck with golf balls. The sand on the subject property will be stabilized through the planing of beach grass on the fringes and through full irrigation while the new fairways are being established. This process will take about 3 weeks. The applicant's August 8 1995 letter to Jerry Kendall is incorporated into these findings of fact by reference.
4. The subject property does contain NWI wetlands (Map Florence 2) but the proposed improvements will not affect this area. A generalized map of the wetland area is found in Exhibit 7 to File PA 7119-95. Condition of Approval #3 of this decision requires that a 25 foot, no impact buffer be marked around the wetland area during construction of the relocated holes.
5. The subject property is not designated by Lane Manual 13.010(2) as being water quantity or quality limited. Water usage will increase about 7 percent, except during the period when the new grass is being established and the old holes are still being utilized.

The subject property is not located within a flood hazard area.
6. An Indian cemetery exists on tax lot 902, adjacent to the southeast. The applicant has agreed to maintain a 100-foot setback from the cemetery and to construct a barrier fence between tax lot 902 and the subject property to prevent the access of golfers onto the former property.

Decision

THE REQUEST (PA 7119-95) FOR A CONDITIONAL USE PERMIT TO ALLOW THE EXPANSION OF A GOLF COURSE WITHIN AN RR-5 DISTRICT IS APPROVED subject to the following conditions of approval:

1. The golf course expansion shall occur in the manner represented by the applicant, with the subject property used for four relocated holes.
2. The applicant shall maintain a 100-foot setback containing trees from the Indian cemetery on tax lot 902. A barrier fence between the properties shall be erected and maintained by the applicant to prevent access from the golf course onto the cemetery grounds.
3. The applicant shall comply with Division of State Land wetlands regulations in conjunction with the clearing of vegetation and site development. Prior to construction, and with the supervision of DSL, the applicant shall physically stake a 25-foot wide "no construction" buffer around the wetland area (generally identified in Exhibit 7 to file PA 7119-95).

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4. The applicant shall develop the subject property in compliance with the responses supplied by the applicant to Jerry Kendall, Lane County Land Management Division, in a letter dated August 8, 1995, which addressed the standards of the Beaches & Dunes Combining Zone found in Lane Code 16.243(9).

Justification for the Decision (Conclusion)

I. PLAN CONFORMITY

The property is designated Nonresource by the Rural Comprehensive Plan. No Plan policies have been identified as being specifically applicable to this request.

II. ZONE CONFORMITY

Lane Code 16.231 – Lane Code 16.231(4)(i) allows golf courses within rural residentially zoned property subject to conditional use permit approval by the hearings official. Lane Code 16.231(5) states that uses conditionally permitted under Lane Code 16.231(4) are subject to compliance with the following criteria:

- (a) **Will not significantly impact existing uses on adjacent and nearby lands and other uses permitted in the zone in which the subject property is located.**

The proposed use is largely passive in nature and is not likely to cause any excessive noise or dust. Potential negative impacts that have been identified include impact on groundwater supplies, traffic, trespass/vandalism and impacts to wetlands.

Groundwater supply—As water needs vary proportionally with the size of the golf course, the proposed 300 yard extension of the golf course would increase the water needs of the golf course by about seven percent. This figure may double during the period of time when seeding and irrigation of the expansion area occurs and the holes to be replaced are still in plan. The subject property is not located within a groundwater limited area and, as a matter of fact, there has not been any problems for the applicant to water the existing 5,800 yard golf course. In addition, two city-owned wells are located 100 and 300 feet, respectively, from the border of the golf course. The former is only a few years old. The fact that the applicant has not experience water supply problems and other wells in the area are operating successfully is an indication that the slight additional water needs of the expanded golf course will not adversely affect the quantity of groundwater in the area.

Traffic—It is difficult to predict what affect the proposed expansion will have on traffic although the applicant is hopeful that the expansion will attract additional users as the course will be safer and will now be over 6,000 yards long, a threshold against which golf courses are measured.

3. The fundamental nature of the golf course will remain the same, however, in that it will still be an 18-hole golf course. No other amenities are proposed to be added through this conditional use permit request. The club house and parking lot, which are located within the Florence City Limits, were presumably designed to accommodate the maximum usage

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Permit No.

an 18-hole golf course can sustain. The proposed expansion should make this potential more realizable.

Trespass/Vandalism—Developed or developing properties are located to the west and east of the subject property and will be protected by a 40-foot buffer of existing trees on the east and a 100-foot buffer of trees on the west from trespass and vandalism. The remainder of the golf course lies to the north. The property to the south is undeveloped sand dunes and this property will be protected by a 100-foot buffer of land.

The only adjacent property which may be more sensitive to trespass and vandalism is the Indian cemetery located to the southeast on tax lot 902. To reduce the potential to vandalism on the cemetery from trespass from users of the expanded golf course the applicant has agreed to maintain a 100-foot setback from the cemetery and to construct a barrier fence between tax lot 902 and the subject property. This understanding has been incorporated into Condition of Approval #2.

Wetlands—Regulated wetlands have been identified on the subject property and are generally marked on Exhibit 7 to File PA 7119-95. Although the expansion will apparently not directly affect this area it is possible that construction activities (grading, sand dune stabilization, seeding, etc. may infringe on the area. To protect the wetlands during this narrow window of danger, the applicant has agreed to a Division of State Lands proposal to physically stake a 25-foot wide “no construction” buffer around the wetland area during the construction phase of the golf course expansion.

Based upon the above discussion, the Hearings Official must conclude that the proposed expansion, as conditioned by this decision, will not significantly impact existing uses on adjacent and nearby lands and other uses permitted in the zone in which the subject property is located.

- (b) **Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands.**

As stated above, the potential for trespass and vandalism onto tax lot 902 and the infringement into the wetlands area during construction have been addressed in the conditions of approval.

- (c) **The proposed use is consistent with the policies contained in the Rural Comprehensive Plan.**

No policies of the Plan have been deemed to specifically apply to this application although the proposal appears to be consistent with Recreational Needs policies #2, #4, #5, #7, and #9 which encourage private, outdoor recreational developments that are complementary to public facilities.

Lane Code 16.243 – The subject property has a BD/ Beaches and Dunes overlay and has been subject to a site investigation report pursuant to Lane Code 16.243(13). The applicant’s response as to how the proposal will conform to Lane Code 16.243(9) is contained in his August 8, 1995 letter to Gerry [sic] Kendall of the Lane County Land Management Division. This response has

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been deemed acceptable by staff and the Hearings Official has conditioned this approval upon compliance with the commitments contained therein.

Respectfully Submitted,



Gary Darnielle
Lane County Hearings Official

Application No. 84855

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **47771**

158 12TH ST. N.E.
 SALEM, OR 97310-0210
 378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Ocean Dunes Golf
 BY: _____

APPLICATION	384855
PERMIT	
TRANSFER	

CASH: CHECK: # 96-130 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 1200.00

0417 WRD MISC CASH ACCT

*Ref # 47772
47773*

ADJUDICATIONS

PUBLIC UTILITIES

**RECEIVED
OVER THE COUNTER**

OTHER: (IDENTIFY) _____

\$
\$
\$
\$

REDUCTION OF EXPENSE

CASH ACCT.

PCA AND OBJECT CLASS

VOUCHER #

\$

0427 WRD OPERATING ACCT

MISCELLANEOUS

Well 1

- 0407 COPY & TAPE FEES
- 0410 RESEARCH FEES
- 0408 MISC REVENUE: (IDENTIFY) _____
- TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$
\$
\$
\$

WATER RIGHTS:

- 0201 SURFACE WATER
- 0203 GROUND WATER
- 0205 TRANSFER
- WELL CONSTRUCTION**
- 0218 WELL DRILL CONSTRUCTOR
- LANDOWNER'S PERMIT

EXAM FEE
\$ <u>400</u>
\$
\$
EXAM FEE
\$

- 0202
- 0204
- 0206
- 0219
- 0220

RECORD FEE
\$ <u>175</u>
\$
\$
LICENSE FEE
\$
\$

OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

- 0211 WELL CONST START FEE
- 0210 MONITORING WELLS

\$
\$

CARD #
CARD #

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

- 1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

- 0233 POWER LICENSE FEE (FW/WRD)
- 0231 HYDRO LICENSE FEE (FW/WRD)

LIC NUMBER

\$
\$

HRDRO APPLICATION _____

\$

RECEIPT # **47771**

DATED: 8-27-01 BY: D. Marshall

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **110595**

INVOICE # _____

RECEIVED FROM: Confederate Tribe of Coos, Lower Umpqua + Siuslaw

APPLICATION	584855
PERMIT	
TRANSFER	

CHECK # 86612 OTHER: (IDENTIFY)

TOTAL REC'D \$ 85.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ **46111**
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$ Assignment T **85.00**
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$	0202 RECORD FEE \$
0203 GROUND WATER	EXAM FEE \$	0204 RECORD FEE \$
0205 TRANSFER	EXAM FEE \$	

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219 LICENSE FEE \$
LANDOWNER'S PERMIT		0220 LICENSE FEE \$
OTHER (IDENTIFY) _____		

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD # _____
0210 MONITORING WELLS \$ CARD # _____
OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$
0231 HYDRO LICENSE FEE (FW/WRD) \$
HYDRO APPLICATION \$

**RECEIVED
OVER THE COUNTER**

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION \$ _____

RECEIPT: **110595**

DATED: 11-26-13 BY: [Signature]

CONFEDERATED TRIBES OF COOS, LOWER UMPQUA & SIUSLAW INDIANS

86612

Payee OREGON WATER RESOURCES DEPARTMENT

86612

Vendor ID OREWATRES

Account #:

10/21/2013

Invoice	Description	Discount	Amount
WATER RESC -3	OCEAN DUNES	\$0.00	\$85.00
Total :		\$0.00	\$85.00