

Application for a Permit to Use Surface Water



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

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 (www.oregon.gov/owrd/law.our). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$200. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$350.00 for the applicant and \$700.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

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Minimum Requirements Checklist

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

Include this checklist with the application

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

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: source of water requested
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: resource protection
- SECTION 7: project schedule
- SECTION 8: within a district
- SECTION 9: remarks

Attachments:

-
- Land Use Information Form with approval and signature (*must be an original*) or signed receipt See Attachment D
 - Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. Please see Attachment A for a legal description of the property where water is to be diverted, conveyed, and used.
 - Fees - Amount enclosed: \$1,773.60
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included: See Attachment B

-
- Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North Directional Symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference corner on map
 - Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot clearly identified
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
 - Other:

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Application for a Permit to Use Surface Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Organization Information

NAME COQUILLE TRIBE, ATTN: BRENDA MEADE, TRIBAL CHAIRPERSON		PHONE (HM)	
PHONE (WK) 541-756-0904	CELL		FAX
ADDRESS P.O. BOX 783			
CITY NORTH BEND	STATE OR	ZIP 97459	E-MAIL *

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

AGENT / BUSINESS NAME KIMBERLY GRIGSBY		PHONE 541-257-9004	FAX
ADDRESS 1600 Western Blvd., Suite 240			CELL
CITY Corvallis	STATE OR	ZIP 97333	E-MAIL* KGrigsby@gsiws.com

Note: Attach multiple copies as needed

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

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

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

Applicant Signature

Brenda Meade
Brenda Meade, Tribal Chairperson
Print Name and title if applicable

12/4/17
Date

App. No. _____	For Department Use Permit No. _____	Date _____	RECEIVED BY OWRD
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SECTION 2: PROPERTY OWNERSHIP

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

Yes

There are no encumbrances.

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

No

I have a recorded easement or written authorization permitting access.

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

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

N/A

You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map. Please see Attachment A for a legal description of the property where water is to be diverted, conveyed, and used.

SECTION 3: SOURCE OF WATER

A. 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: Fourth Creek Reservoir

Tributary to: Coos Bay

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

Permit R-13908, and the right previously evidenced by Certificate 11180 and modified by T-12581. See Attachment C.

B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in item 3A above?

Yes.

No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

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If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: WATER USE

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	PERIOD OF USE	AMOUNT
Fourth Creek Reservoir	Cranberry Use*	Year-round	Up to 30.3* <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Fourth Creek Reservoir	Irrigation	Mar. 1 to Oct. 31	Up to 31.5* <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Fourth Creek Reservoir	Wetland Enhancement	Mar. 1 to Oct. 31	Up to 14.0* <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
All uses combined annual use not to exceed 48			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af

***See remarks in Section 9**

For irrigation use only:
 Please indicate the number of primary and supplemental acres to be irrigated.
 Primary: 12.6 Acres Supplemental: 0.0 Acres
 List the Permit or Certificate number of the underlying primary water right(s): N/A
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 31.5 AF

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: _____
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

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SECTION 5: WATER MANAGEMENT

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A. Diversion and Conveyance

What equipment will you use to pump water from your source?

Pump (give horsepower and type): 20 Hp submersible pump

Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

The 20 horsepower submersible pump will deliver water to an 8-inch water mainline that will convey the water to a bulge in the system. Water from the bulge will be pumped by centrifugal irrigation pumps and delivered by pipe to adjacent cranberry bogs for cranberry use. After use in the cranberry bogs, the water will be returned to the system bulge. Water from the system bulge also will be pumped to a separate irrigation system for irrigation of landscape and a created wetland system. There will be a separate irrigation system supplied by the 8-inch mainline from the diversion that will irrigate landscaping and community gardens.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

A combination of water application methods will be used for the cranberry use, including sprinklers and flooding. Water used to irrigate landscape, the community gardens, and the created wetland system will be applied using a combination of sprinklers and drip irrigation.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

The method of water application will be based on the water needs of the crops irrigated and the water requirements of the cranberry growing operation. The cranberry bogs and the water application system for the cranberry growing operation have been designed to facilitate use of water in the bogs and return of excess water back to the system bulge for reuse by the cranberry growing operations. The design minimizes diversions from the water source. No damage to public uses of water will occur.

SECTION 6: RESOURCE PROTECTION

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 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: N/A-The Point of Diversion has already been constructed, and has an existing screen to prevent uptake of fish.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: N/A-The Point of Diversion has already been constructed.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: The Point of Diversion has already been constructed, and use of water will not require operating equipment in the water.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Water will be used in a manner to prevent erosion and run-off.

SECTION 7: PROJECT SCHEDULE

Date construction will begin: Within 5 years of permit issuance

Date construction will be completed: Within 5 years of permit issuance

Date beneficial water use will begin: Within 5 years of permit issuance

SECTION 8: WITHIN A DISTRICT

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

Irrigation District Name N/A	Address	
City	State	Zip

SECTION 9: REMARKS

Use this space to clarify any information you have provided in the application.

The Applicant is requesting a water use permit to use up to a maximum of 48.0 acre-feet of stored water from Fourth Creek Reservoir. The stored water will be used for irrigation, cranberry, and wetland enhancement purposes. (The use of water for cranberry purposes will include the use of water for temperature control, pest control, and harvesting, as well as for irrigation.) The volume of water used for each purpose is anticipated to vary from year to year, based on factors such as weather variations. The total volume of water used, however, will not exceed 48 acre-feet per year, which is the volume of water the Applicant stores in Fourth Creek Reservoir.

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Attachment D
Land Use Form

Application for a Permit to Use Surface Water – Coquille Indian Tribe

Land Use Information Form



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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Land Use Information Form



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

Applicant(s): Coquille Indian Tribe

Mailing Address: P.O. Box 783

City: North Bend

State: OR

Zip Code: 97459

Daytime Phone: 541-756-0904

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
See attached map					_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation, cranberry use, wetland enhancement
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

Coquille Indian Tribe's Empire Reservation

B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond
 Ground Water
 Surface Water (name) Fourth Creek Reservoir

Estimated quantity of water needed: 48
 cubic feet per second
 gallons per minute
 acre-feet

Intended use of water: Irrigation
 Commercial
 Industrial
 Domestic for _____ household(s)
 Municipal
 Quasi-Municipal
 Instream
 Other Cranberry use and wetland enhancement

Briefly describe:

The Coquille Indian Tribe is applying for a permit to use up to 48 acre-feet of stored water from Fourth Creek Reservoir for irrigation, wetland enhancement and cranberry use on lands within the Tribe's Empire Reservation.

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

See bottom of Page 3. →

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For Local Government Use Only

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

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Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): *Coquille Indian Tribe Zoning Ordinance AND COMPREHENSIVE PLAN - SECTION 315.405*
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

Name: TOOO Tripp Title: Property & Project Manager
 Signature: *[Signature]* Phone: 541-756-0904 Date: 12-28-2017
 Government Entity: Coquille Indian Tribe

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

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

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**Attachment A
Legal Description**

Application for a Permit to Use Surface Water – Coquille Indian Tribe

WARRANTY DEED - STATUTORY FORM
INDIVIDUAL GRANTOR

94 11 0704

The Coquille Indian Tribe

....., Grantor,
conveys and warrants to the United States of America in trust for the Coquille
Indian Tribe

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

Portions of Sections 19, 20, 29, 30 and 31 in T. 25 S., R. 13 W., and of Section 36
in T. 25 S., R. 14 W., and of Section 1 in T. 26 S., R. 14 W., and of Section 6 in
T. 26 S., R. 13 W., all in the Willamette Meridian, Oregon, as described in Exhibit
A, attached and made a part hereof, containing 906.9 acres, more or less.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The property is free from encumbrances except
Title to the land herein is subject to any existing easement for public roads and
highways, for public utilities and for railroads and pipelines and any other rights-
of-way or reservations of record.

The true consideration for this conveyance is \$ None** (Here comply with the requirements of ORS 93.030)
**for the conversion of the fee title to trust status.

This conveyance is in conformance with the Indian Reorganization Act of 1934 (48 Stat.
984) and the Coquille Restoration Act of 1989 (25 U.S.C. Section 715c:)

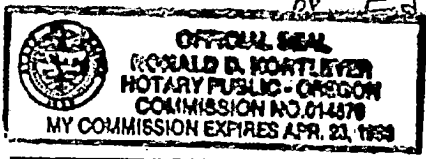
Dated this 4th day of November, 1994.

Edward L. Metcalf
Edward L. Metcalf, Chairperson
Coquille Tribal Council

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DE-
SCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND
USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING
THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE
PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR
COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

STATE OF OREGON, County of Coos) ss.

This instrument was acknowledged before me on November 4, 1994,
by Edward L. Metcalf



Comm #
014876

Ronald D. Kortlever
Notary Public for Oregon
My commission expires April 23, 1996

WARRANTY DEED

Coquille Indian Tribe
U.S.A. in trust for Coquille Indian Tribe, Siletz Agency
P.O. Box 569, Siletz, OR 97380

GRANTEE'S ADDRESS, ZIP
After recording return to:
BIA Siletz Agency
P.O. Box 569
Siletz, OR 97380
NAME, ADDRESS, ZIP

Until a change is requested, all tax statements
shall be sent to the following address:
AFTER RECORDING
RETURN TO
Title-File Insurance
131 N. 3rd Box 1073
Coos Bay, OR 97420-0233
NAME, ADDRESS, ZIP 64755

STATE OF OREGON, }
County of } ss.

I certify that the within instru-
ment was received for record on the
..... day of, 19.....,
at o'clock M., and recorded
in book/reel/volume No..... on
page or as fee/file/instru-
ment/microfilm/reception No.....
Record of Deeds of said County.

Witness my hand and seal of
County affixed.

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NAME
By Deputy

OWRD

4 11 0704

Beginning at the Southeast corner of Block 139 of the PLAT OF FIRST ADDITION TO EMPIRE, Coos County, Oregon, from which point the iron pipe at the Northwest corner of Section 29, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, bears North $66^{\circ} 26'$ West a distance of 164.39 feet; and running thence South $66^{\circ} 26'$ East along the Southerly boundary of the said PLAT OF FIRST ADDITION TO EMPIRE, for a distance of 435.61 feet to a point on the boundary of the South First Creek Reservoir site belonging to the Coos Bay Pulp Corporation; thence following along the said reservoir site boundary as follows: South $13^{\circ} 06'$ East for a distance of 58.60 feet; thence South $66^{\circ} 26'$ East for a distance of 45.00 feet; thence South $36^{\circ} 58'$ West for a distance of 64.76 feet; thence South $14^{\circ} 24'$ West for a distance of 62.80 feet; thence North $53^{\circ} 57'$ East for a distance of 67.23 feet; thence North $19^{\circ} 03'$ East for a distance of 114.35 feet to a point on the said Southerly boundary of the PLAT OF FIRST ADDITION TO EMPIRE; thence South $66^{\circ} 26'$ East along the said Southerly boundary for a distance of 62.33 feet to the Southeast corner of Block 140 of the said plat; thence following along the said Southerly boundary of the plat of FIRST ADDITION TO EMPIRE as follows: South $0^{\circ} 53'$ East for a distance of 121.73 feet; thence North $89^{\circ} 07'$ East for a distance of 500.0 feet; thence South $0^{\circ} 53'$ East for a distance of 260.0 feet; thence North $89^{\circ} 07'$ East for a distance of 500.0 feet; thence South $0^{\circ} 53'$ East for a distance of 260.0 feet; thence North $89^{\circ} 07'$ East for a distance of 960.42 feet to the Southeast corner of the said PLAT OF FIRST ADDITION TO EMPIRE; thence leaving the said boundary of FIRST ADDITION TO EMPIRE and running thence Southerly along the North and South quarter section line through the said Section 29 for a distance of 368 feet, more or less, to the Southeast corner of Government Lot 1 of the said Section 29; thence Westerly along the South boundary of the said Government Lot 1 and of the Perry B. Marple Donation Land Claim No. 39 for a distance of 2640 feet, more or less, to the Southwest corner of the said Donation Land Claim No. 39; thence North $1^{\circ} 53' 1/2''$ West along the West boundary of the said Section 29 for a distance of 489.2 feet, more or less, to an iron pipe which is situated a distance of 837.03 feet South of the Northwest corner of said Section 29; thence North $88^{\circ} 6' 1/2''$ East for a distance of 280.0 feet to an iron pipe; thence North $1^{\circ} 53' 1/2''$ West for a distance of 400.0 feet to an iron pipe; thence North $66^{\circ} 26'$ West for a distance of 276.43 feet to an iron pipe at the Southeast corner of the Roy Routledge Tract; thence North $23^{\circ} 34'$ East along the Southeasterly boundary of the said tract for a distance of 274.17 feet to the point of beginning. Being a portion of Government Lot 1 of Section 29 and the Perry B. Marple Donation Land Claim No. 39 in Section 29, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon.

Also, the SW 1/4 of the NE 1/4 of Section 29, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon.

Also, the S 1/2 of the NW 1/4 of Section 29, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon. Also beginning at a point 30 feet East of the Southeast corner of Block 139, FIRST ADDITION TO EMPIRE, Coos County, Oregon, said point being the center line of vacated Harrison Street in said PLAT OF FIRST ADDITION TO EMPIRE, Coos County, Oregon; thence Northeasterly along the said center line to a point 30 feet West of the Northwest corner of Lot 9, Block 125, FIRST ADDITION TO EMPIRE, Coos County, Oregon, prior to its vacation in Book 138, Page 112, Deed Records of Coos County, Oregon; thence Southeasterly along the North boundary of said Block 125 to the center of vacated Jefferson Street in said PLAT OF FIRST ADDITION TO EMPIRE, Coos County, Oregon; thence South to a point 30 feet West of the Northwest corner of Lot 11, Block 124; thence Easterly along the North boundaries of Blocks 124, 123, 122 and 121 and the South boundary of Marshall Avenue to the East boundary of the

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SW 1/4 of Section 20, Townsh: 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon; thence South along the East boundary of said SW 1/4 of Section 20 and the East boundary of the NW 1/4 of Section 29 of said Township and Range to the South boundary of vacated Park Avenue in the PLAT OF FIRST ADDITION TO EMPIRE; thence South 89° 07' West 960.42 feet; thence North 0° 53' West 260 feet; thence South 89° 07' West 500 feet; thence North 0° 53' West 260.00 feet; thence South 89° 07' West 500 feet; thence North 0° 53' West 121.75 feet to the Southeast corner of Block 140 of FIRST ADDITION TO EMPIRE; thence Northwest along said South boundary 560 feet, more or less, to the point of beginning.

ALSO: Beginning at a point on the Southerly boundary of Block 140, FIRST ADDITION TO EMPIRE, Coos County, Oregon; from which point the Northwest corner of Section 29, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon bears North 66° 26' West a distance of 600.0 feet; thence running South 13° 06' East a distance of 58.60 feet; thence South 66° 26' East a distance of 45.00 feet; thence South 36° 58' West a distance of 64.76 feet; thence South 14° 24' West a distance of 62.80 feet; thence North 53° 57' East a distance of 67.23 feet; thence North 19° 03' East a distance of 114.35 feet; to a point on the Southerly boundary of said Block 140, FIRST ADDITION TO EMPIRE, thence North 66° 26' West a distance of 100.0 feet to the point of beginning and being a portion of the Perry B. Marple Donation Land Claim No. 39, in Section 29, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon.

DESCRIPTION OF SECOND CREEK RESERVOIR SITE: Beginning at a point from which the iron pipe at the Southwest corner of Section 30, Township 25 South, Rnge 13 West of the Willamette Meridian, Coos County, Oregon, bears South 33° 57' 2/3' West a distance of 5591.96 feet and running thence South 22° 20' East a distance of 121.08 feet; thence South 6° 25' West a distance of 89.56 feet; thence South 51° 41' East a distance of 103.23 feet; thence South 12° 46' East a distance of 76.90 feet; thence South 22° 24' 1/2' East a distance of 123.31 feet; thence South 17° 47' West a distance of 111.32 feet; thence South 0° 47' West a distance of 73.01 feet; thence South 5° 43' West a distance of 100.50 feet; thence South 7° 07' 1/2' East a distance of 88.68 feet; thence South 24° 55' East a distance of 109.17 feet; thence South 9° 05' 1/2' East a distance of 50.63 feet; thence South 3° 58' West a distance of 101.24 feet; thence East a distance of 12.00 feet; thence North 13° 47' East a distance of 102.79 feet; thence North 5° 18' West a distance of 59.42 feet; thence North 23° 41' West a distance of 62.24 feet; thence North 3° 01' West a distance of 95.13 feet; thence North 19° 20' East a distance of 181.22 feet; thence North 5° 06' 1/2' East a distance of 179.71 feet; thence North 26° 16' 1/2' West a distance of 88.10 feet; thence North 4° 29' West a distance of 51.16 feet; thence North 81° 18' East a distance of 99.14 feet; thence South 78° 36' East a distance of 131.60 feet; thence East a distance of 60.00 feet; thence South 49° 32' East a distance of 89.38 feet; thence South 78° 54' East a distance of 57.07 feet; thence South 59° 44' 1/2' East a distance of 111.14 feet; thence South 16° 02' 1/2' East a distance of 83.24 feet; thence South 0° 30' West a distance of 227.01 feet; thence South 36° 34' East a distance of 115.80 feet; thence South 46° 40' East a distance of 72.86 feet; thence South 8° 15' East a distance of 69.72 feet; thence South 33° 41' 1/2' East a distance of 86.53 feet; thence South 14° 10' East a distance of 110.36 feet; thence South 7° 51' West a distance of 58.55 feet; thence South 17° 09' East a distance of 55.65 feet; thence South 72° 24' 1/2' East a distance of 45.73 feet; thence South 87° 08' East a distance of 40.05 feet; thence North 10° 00' East a distance of 10.00 feet; thence North 76° 22' West a distance of 72.79 feet; thence North 0° 25' East a distance of 168.36 feet; thence North 13° 15' West a distance of 48.95 feet; thence North 36° 04' 1/2' West a distance of 86.61 feet; thence North 1° 27' West a distance of 79.03 feet; thence North 32° 30' West a distance of 133.99 feet; thence North 40° 20' West a distance of 69.53 feet; thence

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North 27° 04' East a distance of 101.07 feet; thence South 36° 12' East a distance of 60.80 feet; thence South 68° 12' East a distance of 64.62 feet; thence North 35° 00' East a distance of 10.00 feet; thence North 49° 00' West a distance of 50.01 feet; thence North 14° 17 1/2' West a distance of 109.39 feet; thence North 32° 07' West a distance of 110.98 feet; thence North 18° 53' West a distance of 80.32 feet; thence North 56° 33' West a distance of 134.24 feet; thence North 39° 36 1/2' West a distance of 112.93 feet; thence North 49° 03' West a distance of 90.03 feet; thence North 75° 58' West a distance of 82.46 feet; thence North 37° 49' West a distance of 288.64 feet; thence South 68° 02' West a distance of 318.10 feet to the point of beginning; the above described tract being a portion of the E. J. Foley Donation Land Claim No. 40, in Section 30, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon.

EXCEPT that portion described in instrument recorded October 7, 1987, bearing Microfilm Reel No. 87-5-7053, Records of Coos County, Oregon.

ALSO EXCEPT that portion described in Warranty Deed to Charleston Sanitary District recorded February 5, 1993, bearing Microfilm Reel No. 93-02-0187, Records of Coos County, Oregon.

Beginning at the iron pipe at the quarter section corner on the East boundary of Section 30, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, and running thence North 1° 53 1/2' West along the said East boundary for a distance of 1187.74 feet to an iron pipe; thence South 88° 06 1/2' West for a distance of 923.57 feet to an iron pipe; thence South 16° 59' West for a distance of 424.14 feet to a point on the Northeasterly boundary of Second Creek Reservoir site owned by Coos Bay Pulp Corporation; thence following along the said reservoir site boundary as follows South 36° 04 1/2' East for a distance of 29.50 feet; thence South 13° 15' East for a distance of 48.95 feet; thence South 0° 25' West for a distance of 168.36 feet; thence South 76° 22' East for a distance of 72.79 feet; thence South 10° 00' West for a distance of 10.00 feet; thence leaving the said reservoir site boundary and running South 66° 26' East for a distance of 41.52 feet; thence South 23° 34' West along the Easterly boundary of a sixty foot roadway for a distance of 2704.50 feet to a point on the South boundary of the N 1/2 of Government Lot 6 of said Section 30; thence North 88° 05' East along the said South boundary of the N 1/2 of Government Lots 6 and 7 of the said Section 30 for a distance of 2050.75 feet to a point on the East boundary of the said Section 30; thence North 0° 28' West along the said East boundary for a distance of 1945.61 feet to the point of beginning. Being a portion of Government Lots 6 and 7 of the E. J. Foley Donation Land Claim No. 40, all in Section 30, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon.

Beginning at a point on the South boundary of the NW 1/4 of the NW 1/4 of Section 31, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, a distance of 244.96 feet Easterly from the Southwest corner of the said NW 1/4 of the NW 1/4 of Section 31, the said point being on the Southerly boundary of the Fourth Creek Reservoir Site belonging to the Coos Bay Pulp Corporation; and running thence along the said reservoir boundary as follows: North 6° 23' East for a distance of 102.55 feet; thence South 78° 41 1/2' East for a distance of 50.99 feet; thence North 8° 08' East for a distance of 176.78 feet; thence North 45° 48 1/2' East for a distance of 50.21 feet; thence North 23° 22' East for a distance of 88.24 feet; thence North 10° 24' East for a distance of 49.82 feet; thence North 58° 11 1/2' East for a distance of 92.96 feet; thence North 81° 35' East for a distance of 170.84 feet; thence North 75° 13' East for a distance of 74.46 feet; thence South 66° 58 1/2' East for a distance of 43.46 feet; thence South 43° 30' East for a distance of 81.35 feet; thence South 36° 52' East for a distance of 80.0 feet; thence North 19° 43 1/2' East

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for a distance of 56.30 feet; thence North $41^{\circ} 49'$ East for a distance of 50.99 feet; thence South $87^{\circ} 19'$ East for a distance of 64.07 feet; thence South $47^{\circ} 22'$ East for a distance of 171.27 feet; thence South $71^{\circ} 34'$ East for a distance of 72.72 feet; thence North $87^{\circ} 47'$ East for a distance of 56.04 feet; thence North $69^{\circ} 18 \frac{1}{2}'$ East for a distance of 96.21 feet; thence South $74^{\circ} 44 \frac{1}{2}'$ East for a distance of 68.41 feet; thence South $62^{\circ} 12'$ East for a distance of 62.18 feet; thence South $36^{\circ} 33'$ East for a distance of 72.20 feet; thence South $71^{\circ} 34'$ East for a distance of 56.92 feet; thence South $49^{\circ} 38'$ East for a distance of 131.24 feet; thence South $47^{\circ} 41'$ East for a distance of 43.28 feet; thence South $30^{\circ} 51'$ East for a distance of 83.86 feet; thence South $50^{\circ} 46'$ East for a distance of 17.88 feet to a point on the South boundary of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the said Section 31; thence South $87^{\circ} 32'$ West along the said South boundary of the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 31 for a distance of 1520.65 feet to the point of beginning; being a portion of the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 31, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon.

The W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 31, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon. EXCEPT that portion described in instrument recorded February 11, 1981, bearing Microfilm Reel No. 81-1-1904; Records of Coos County, Oregon.

The S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 31, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, EXCEPTING therefrom 4.07 acres, which is included within the boundaries of the Fourth Creek Reservoir Site belonging to the Coos Bay Pulp Corporation.

DESCRIPTION OF THE FOURTH CREEK RESERVOIR SITE: Beginning at a point on the boundary between Section 31, Township 25 South, Range 13 and Section 36, Township 25 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, a distance of 684.93 feet South of the iron pipe at the Northwest corner of said Section 31 and running thence South $36^{\circ} 25 \frac{1}{2}'$ West a distance of 166.78 feet; thence South $17^{\circ} 24'$ West a distance of 438.80 feet; thence South $54^{\circ} 10'$ East a distance of 88.81 feet; thence South $67^{\circ} 26 \frac{1}{2}'$ East a distance of 70.38 feet; thence North $82^{\circ} 05 \frac{1}{2}'$ East a distance of 72.69 feet; thence South $79^{\circ} 23'$ East a distance of 25.50 feet to a point on the line between Sections 31 and 36 above described a distance of 1311.67 feet South of the Northwest corner of said Section 31, and running thence South $79^{\circ} 23'$ East a distance of 71.50 feet; thence South $41^{\circ} 59'$ East a distance of 67.27 feet; thence South $10^{\circ} 47'$ East a distance of 171.02 feet; thence South $1^{\circ} 52'$ East a distance of 123.07 feet; thence South $22^{\circ} 18'$ East a distance of 211.36 feet; thence South $37^{\circ} 27'$ East a distance of 35.83 feet; thence South $70^{\circ} 33 \frac{1}{2}'$ East a distance of 54.09 feet; thence North $30^{\circ} 00'$ East a distance of 10.00 feet; thence North $52^{\circ} 34'$ West a distance of 68.01 feet; thence North $10^{\circ} 01'$ West a distance of 138.10 feet; thence North $21^{\circ} 31'$ West a distance of 76.32 feet; thence North $12^{\circ} 16'$ East a distance of 117.69 feet; thence North $5^{\circ} 58 \frac{1}{2}'$ West a distance of 86.47 feet; thence North $6^{\circ} 23'$ East a distance of 278.73 feet; thence South $78^{\circ} 41 \frac{1}{2}'$ East a distance of 50.99 feet; thence North $8^{\circ} 08'$ East a distance of 176.78 feet; thence North $45^{\circ} 48 \frac{1}{2}'$ East a distance of 50.21 feet; thence North $23^{\circ} 22'$ East a distance of 88.24 feet; thence North $10^{\circ} 24'$ East a distance of 49.82 feet; thence North $58^{\circ} 11 \frac{1}{2}'$ East a distance of 92.96 feet; thence North $81^{\circ} 35'$ East a distance of 170.84 feet; thence North $75^{\circ} 13'$ East a distance of 74.46 feet; thence South $66^{\circ} 58 \frac{1}{2}'$ East a distance of 43.46 feet; thence South $43^{\circ} 30'$ East a distance of 81.35 feet; thence South $36^{\circ} 52'$ East a distance of 80.00 feet; thence North $19^{\circ} 43 \frac{1}{2}'$ East a distance of 56.30 feet; thence North $41^{\circ} 49'$ East a distance of 50.99 feet; thence South $87^{\circ} 19'$ East a distance of 64.07 feet; thence South $47^{\circ} 22'$ East a distance of 171.27 feet; thence South $71^{\circ} 34'$ East a distance of 72.73 feet; thence North $87^{\circ} 57'$ East a distance of 56.04 feet; thence North $69^{\circ} 18 \frac{1}{2}'$ East a distance of 96.21 feet; thence

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South 74° 44 1/2' East a distance of 68.41 feet; thence South 6° 16' East a distance of 62.18 feet; thence South 36° 33' East a distance of 72.20 feet; thence South 71° 34' East a distance of 56.92 feet; thence South 49° 38' East a distance of 131.24 feet; thence South 49° 41' East a distance of 43.28 feet; thence South 30° 51' East a distance of 83.86 feet; thence South 50° 46' East a distance of 77.47 feet; thence South 13° 00' East a distance of 80.05 feet; thence South 2° 46' East a distance of 62.07 feet; thence South 16° 19' East a distance of 42.72 feet; thence South 21° 34' West a distance of 46.24 feet; thence South 53° 18' East a distance of 68.60 feet; thence South 8° 45' West a distance of 92.07 feet; thence South 14° 56' East a distance of 108.67 feet; thence South 3° 08' West a distance of 73.11 feet; thence South 18° 26' West a distance of 91.71 feet; thence South 23° 52' East a distance of 98.09 feet; thence South 29° 18' East a distance of 271.77 feet; thence South 35° 16' East a distance of 150.62 feet; thence South 44° 36' East a distance of 193.93 feet; thence South 42° 16 1/2' East a distance of 89.20 feet; thence North 45° 00' East a distance of 10.00 feet; thence North 27° 55' West a distance of 98.40 feet; thence North 42° 25 1/2' West a distance of 125.99 feet; thence North 28° 12' West a distance of 188.35 feet; thence North 23° 50' West a distance of 131.18 feet; thence North 12° 51' West a distance of 116.93 feet; thence North 44° 03' West a distance of 84.47 feet; thence North 12° 23' West a distance of 41.98 feet; thence North 10° 56 1/2' East a distance of 152.78 feet; thence North 19° 29' West a distance of 68.95 feet; thence North a distance of 43.00 feet; thence North 37° 40' East a distance of 99.81 feet; thence North 24° 12' West a distance of 97.58 feet; thence North 29° 45' East a distance of 56.47 feet; thence North 44° 17 1/2' West a distance of 57.28 feet; thence North 2° 47' West a distance of 103.12 feet; thence North 44° 22' East a distance of 64.35 feet; thence North 76° 24' East a distance of 63.79 feet; thence North 67° 23' East a distance of 78.00 feet; thence North 84° 44 1/2' East a distance of 76.32 feet; thence South 55° 18 1/2' East a distance of 31.62 feet; thence North 39° 44' East a distance of 152.67 feet; thence South 59° 10 1/2' West a distance of 133.44 feet; thence West a distance of 288.00 feet; thence North 52° 41' West a distance of 100.06 feet; thence North 27° 02' West a distance of 55.01 feet; thence North 2° 14 1/2' East a distance of 51.04 feet; thence North 82° 21 1/2' West a distance of 82.53 feet; thence North 54° 02 1/2' West a distance of 126.02 feet; thence North 35° 25' West a distance of 55.22 feet; thence North 5° 42 1/2' West a distance of 50.13 feet; thence North 61° 02' West a distance of 64.01 feet; thence North 51° 11' East a distance of 170.70 feet; thence North 30° 00' West a distance of 10.00 feet; thence South 78° 37' West a distance of 353.03 feet; thence North 79° 07' West a distance of 52.95 feet; thence North 26° 50' West a distance of 95.26 feet; thence North 49° 29' West a distance of 72.35 feet; thence North 80° 18' West a distance of 154.21 feet; thence South 80° 12' West a distance of 82.20 feet; thence North 66° 06' West a distance of 70.21 feet; thence North 59° 13 1/2' West a distance of 87.08 feet; thence North 82° 49' West a distance of 119.94 feet; thence South 72° 45' West a distance of 168.59 feet; thence South 84° 45 1/2' West a distance of 109.46 feet; thence North 22° 49 1/2' West a distance of 129.02 feet; thence West a distance of 16.00 feet; thence South 16° 10 1/2' West a distance of 129.03 feet; thence South 43° 51' West a distance of 210.76 feet; thence South 83° 12 1/2' West a distance of 169.19 feet; thence South 36° 25 1/2' West a distance of 24.83 feet to a point of beginning, the above described tract being portions of Government Lot 1, Section 36, Township 25 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, and of the NW 1/4 and the NE 1/4 and the SW 1/4 of Section 31, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon. EXCEPT that portion described in instrument recorded December 29, 1976, bearing Microfilm Reel No. 76-12-18674, Records of Coos County, Oregon.

Government Lots 3 and 4, and the E 1/2 of the SW 1/4, except 0.01 acres lying within the boundaries of the Fourth Creek Reservoir site, and also excepting 4.30 acres lying

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within the boundaries of the Wheel Reservoir site; the S 1/2 of the SE 1/4 and the NW 1/4 of the SE 1/4 of Section 31, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon.

Government Lot 4, that portion of Government Lots 1, 2, 3, 5, the SE 1/4 of the NE 1/4, the SE 1/4 of the NW 1/4 of Section 6, Township 26 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, lying North of the Libby-Charleston County Road.

EXCEPT that portion described in right of way deed to Coos County, in instrument recorded March 31, 1976, bearing Microfilm Reel No. 76-3-5047, Records of Coos County, Oregon.

Beginning at a point in Government Lot 1, Section 36, Township 25 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, from which point the iron pipe at the Northeast corner of said Section 36, bears North 27° 07' East a distance of 2493.72 feet; and running thence South 49° 25 1/2' West a distance of 89.88 feet; thence South 22° 25' East a distance of 154.69 feet; thence South 33° 24' West a distance of 190.79 feet to a point on the South boundary of said Government Lot 1, Section 36, a distance of 1265.28 feet West of the iron pipe at the Southeast corner of said Government Lot 1, Section 36; and continuing thence South 33° 24' West a distance of 27.21 feet; thence South 45° 41' East a distance of 58.70 feet; thence South 69° 33' East a distance of 125.94 feet; thence South 73° 15 1/2' East a distance of 128.45 feet; thence South 31° 18' West a distance of 205.97 feet; thence South 38° 13' West a distance of 281.28 feet; thence South 4° 00' East a distance of 100.24 feet; thence South 12° 23' West a distance of 135.15 feet; thence South 24° 40' West a distance of 107.84 feet; thence South 6° 00' East a distance of 220.20 feet; thence East a distance of 17.00 feet; thence North 2° 06' West a distance of 218.15 feet; thence North 27° 20' East a distance of 100.18 feet; thence South 77° 57 1/2' East a distance of 76.69 feet; thence North 11° 06' East a distance of 161.01 feet; thence North 36° 05' East a distance of 146.01 feet; thence North 53° 35' East a distance of 175.21 feet; thence South 67° 15' East a distance of 33.62 feet; thence South 8° 02 1/2' East a distance of 92.91 feet; thence South 8° 02' West a distance of 85.84 feet; thence South 31° 26' West a distance of 63.28 feet; thence South 20° 57' East a distance of 122.94 feet; thence South 42° 51 1/2' East a distance of 97.10 feet; thence North 7° 15 1/2' West a distance of 158.27 feet; thence North 32° 00' East a distance of 254.72 feet; thence South 74° 21 1/2' East a distance of 25.96 feet; thence South 2° 12' East a distance of 287.21 feet; thence South 18° 47 1/2' East a distance of 152.11 feet; thence North 1° 41' East a distance of 136.06 feet; thence North 15° 45' East a distance of 162.09 feet; thence North 39° 32' East a distance of 81.69 feet; thence South 53° 48' East a distance of 120.21 feet; thence South 36° 58' East a distance of 121.40 feet; thence South 20° 57' West a distance of 100.66 feet; thence South 13° 51' East a distance of 146.25 feet; thence South 80° 53' East a distance of 82.04 feet; thence South a distance of 166.00 feet; thence South 9° 22 1/2' East a distance of 214.87 feet; thence South 4° 21' West a distance of 105.30 feet; thence South 8° 53' East a distance of 161.94 feet; thence South 27° 01' West a distance of 114.49 feet; thence South 6° 46' West a distance of 356.47 feet; thence South 20° 06 1/2' East a distance of 119.27 feet; thence South 1° 04' East a distance of 215.04 feet; thence South 13° 46' East a distance of 155.46 feet; thence South 2° 18' West a distance of 43.46 feet to a point on the line between said Section 36, Township 25 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, and Section 1, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, from which point the iron pipe

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at the Southeast corner of said Section 36 bears North $89^{\circ} 08'$ East a distance of 279.54 feet; thence continuing South $2^{\circ} 18'$ West a distance of 205.74 feet; thence South $0^{\circ} 30'$ East a distance of 129.54 feet; thence East a distance of 20.0 feet; thence North $11^{\circ} 38'$ East a distance of 167.98 feet; thence North $3^{\circ} 44' 1/2'$ East a distance of 171.79 feet to a point on the line between Sections 1 and 36 above described from which point the Southeast corner of said Section 36 bears North $89^{\circ} 08'$ East a distance of 221.58 feet; thence continuing North $3^{\circ} 44' 1/2'$ East a distance of 42.67 feet; thence North $7^{\circ} 10'$ West a distance of 152.19 feet; thence North $9^{\circ} 28'$ East a distance of 152.07 feet; thence North a distance of 170.00 feet; thence North $11^{\circ} 55'$ East a distance of 130.82 feet; thence South $34^{\circ} 51'$ East a distance of 299.22 feet; thence North $48^{\circ} 29'$ East a distance of 10.99 feet to a point on the line between Section 36, Township 25 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, and Section 31, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon a distance of 400.0 feet North of the Southeast corner of Section 36; and continuing thence North $48^{\circ} 29'$ East a distance of 52.47 feet; thence North $57^{\circ} 57'$ West a distance of 47.51 feet to a point on the line between Sections 31 and 36 above described a distance of 460.0 feet North of the Southeast corner of said Section 36; thence North $22^{\circ} 04'$ West a distance of 107.12 feet; thence North $23^{\circ} 26'$ West a distance of 98.09 feet; thence North $2^{\circ} 30'$ West a distance of 137.13 feet; thence North $73^{\circ} 25'$ East a distance of 82.98 feet to a point on the line between Sections 31 and 36 above described a distance of 810.0 feet North of the Southeast corner of said Section 36; thence East a distance of 221.47 feet; thence South $71^{\circ} 25'$ East a distance of 124.49 feet; thence North $56^{\circ} 33' 1/2'$ West a distance of 203.88 feet; thence North $69^{\circ} 59'$ West a distance of 79.80 feet; thence West a distance of 96.00 feet to a point on the line between Sections 31 and 36 above described a distance of 910.0 feet North of the Southeast corner of said Section 36; and continuing thence West a distance of 45.00 feet; thence North $68^{\circ} 32' 1/2'$ West a distance of 66.51 feet; thence North $7^{\circ} 03'$ East a distance of 195.48 feet; thence North $82^{\circ} 21'$ East a distance of 79.87 feet to a point on the line between Sections 31 and 36 above described a distance of 1139.0 feet North of the Southeast corner of said Section 36; and continuing North $82^{\circ} 21'$ East a distance of 21.77 feet; thence North $41^{\circ} 17'$ West a distance of 33.40 feet to a point on the line between Sections 31 and 36 above described a distance of 1167.00 feet North of the Southeast corner of said Section 36; thence continuing North $41^{\circ} 17'$ West a distance of 61.68 feet; thence North a distance of 42.00 feet; thence North $64^{\circ} 26'$ East a distance of 43.18 feet to a point on the line between Sections 31 and 36 above described a distance of 1274.0 feet North of the Southeast corner of said Section 36; thence continuing North $64^{\circ} 26'$ East a distance of 84.30 feet; thence North $52^{\circ} 01'$ West a distance of 98.49 feet to a point on the line between Sections 31 and 36 above described a distance of 1371.0 feet North of the Southeast corner of said Section 36; thence North $64^{\circ} 45' 1/2'$ West a distance of 50.16 feet; thence North $6^{\circ} 25'$ East a distance of 152.16 feet; thence North $76^{\circ} 59'$ East a distance of 26.11 feet to the point on the line between Sections 31 and 36 above described a distance of 1550.0 feet North of the Southeast corner of said Section 36; thence continuing North $76^{\circ} 59'$ East a distance of 39.58 feet; thence North $48^{\circ} 44'$ East a distance of 65.19 feet; thence North $67^{\circ} 20'$ East a distance of 171.23 feet; thence South $39^{\circ} 39'$ East a distance of 45.45 feet; thence South $20^{\circ} 36'$ East a distance of 176.26 feet; thence South $60^{\circ} 17'$ East a distance of 93.55 feet; thence North $86^{\circ} 43'$ East a distance of 76.17 feet; thence North $60^{\circ} 29'$ West a distance of 127.90 feet; thence North $13^{\circ} 46'$ West a distance of 100.89 feet; thence North $29^{\circ} 42'$ East a distance of 118.41 feet; thence North $65^{\circ} 29'$ West a distance of 279.91 feet; thence South $73^{\circ} 34'$ West a distance of 173.00 feet to a point on the line between Sections 31 and 36 above described a distance of 1757.0 feet North of the Southeast corner of said Section 36; thence North $28^{\circ} 36'$ West a distance of 52.33 feet; thence North $41^{\circ} 40'$ West a distance of 133.87 feet; thence North $5^{\circ} 05'$ East a distance of 169.19 feet; thence North $80^{\circ} 18' 1/2'$ East a distance of 95.03 feet to a point on the line between Sections 31 and 36 above described a distance of 2087.00 feet North of the Southeast corner of said Section 36; thence continuing North $80^{\circ} 18' 1/2'$ East a distance of 103.81 feet; thence South $80^{\circ} 53'$ East a distance of 82.04 feet; thence South $60^{\circ} 09' 1/2'$ East a distance of 148.72 feet; thence South $64^{\circ} 10'$

TICOR TITLE INSURANCE

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East a distance of 279.98 feet; thence South $78^{\circ} 45' 1/2''$ East a distance of 120.53 feet; thence South $89^{\circ} 20'$ East a distance of 129.79 feet; thence North a distance of 28.00 feet; thence North $89^{\circ} 06'$ West a distance of 128.02 feet; thence North $66^{\circ} 09'$ West a distance of 103.87 feet; thence North $48^{\circ} 34'$ West a distance of 193.41 feet; thence North $52^{\circ} 22' 1/2''$ West a distance of 181.82 feet; thence North $67^{\circ} 51'$ West a distance of 185.70 feet; thence North $79^{\circ} 52'$ West a distance of 133.48 feet to a point on the line between Sections 31 and 36 above described a distance of 2275.0 feet North of the Southeast corner of said Section 36; thence North $80^{\circ} 00'$ West a distance of 146.83 feet; thence North $14^{\circ} 45'$ West a distance of 98.23 feet; thence North $26^{\circ} 34'$ West a distance of 89.44 feet; thence North $15^{\circ} 46'$ West a distance of 140.83 feet to a point on the South boundary of Government Lot 1, Section 36, Township 25 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, a distance of 242.38 feet West of the Southeast corner of said Government Lot 1, Section 36; thence continuing North $15^{\circ} 46'$ West a distance of 35.82 feet; thence North $57^{\circ} 55'$ West a distance of 158.15 feet; thence South $79^{\circ} 27'$ West a distance of 191.23 feet; thence North $33^{\circ} 33'$ West a distance of 113.99 feet; thence North $4^{\circ} 16'$ West a distance of 161.45 feet; thence North $19^{\circ} 25'$ West a distance of 111.33 feet; thence South $85^{\circ} 20'$ West a distance of 216.68 feet; thence South $71^{\circ} 21' 1/2''$ West a distance of 262.53 feet to the point of beginning; lying in Government Lot 1 and the SE 1/4 of Section 36, Township 25 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; and the W 1/2 of the SW 1/4 of Section 31, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon; and the NE 1/4 of the NE 1/4 of Section 1, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon. The SE 1/4 of the SE 1/4 of Section 36, Township 25 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, excepting therefrom 6.47 acres heretofore deeded to Coos Bay Pulp Corporation, as part of the Tarheel Creek Reservoir Site, and also excepting therefrom 0.04 acres heretofore deeded to the public for the right of way of Fourth Street.

The NE 1/4 of the NE 1/4 of Section 1, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, except that portion thereof heretofore conveyed by Empire Development Company to Sitka Spruce Pulp and Paper Company by a deed recorded in Volume 108, at Pages 570 and 573, inclusive, of the Deed Records of Coos County, Oregon, and also excepting therefrom the land deeded to the public for right of way for Fifth and Seventh Streets.

The NE 1/4 of the SE 1/4 of Section 36, Township 25 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, except that part lying within the "Tarheel Reservoir" as disclosed in deed recorded in Deed Book 108, page 570, Records of Coos County, Oregon.

That portion of Government Lots 1 and 2, Section 36, Township 25 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, lying Easterly of the Cape Arago State Highway.

ALSO: That parcel of land lying in Sections 19, 20 and 29, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, being a portion of the FIRST ADDITION TO EMPIRE, more particularly described as follows: Beginning at the Southeast corner of Section 19; and running thence North $66^{\circ} 26'$ West a distance of 979.61 feet along the Southerly line of the FIRST ADDITION TO EMPIRE; thence North $23^{\circ} 34'$ East a distance of 360.00 feet along the center line of vacated Wall Street; thence North $66^{\circ} 26'$ West a distance of 156.00 feet along the South line of Lot 16 to the Southeast corner of Lot 7, Block 130; thence North $23^{\circ} 34'$ East a distance of 280.00 feet along the Westerly line of the alley running through Block 130 to the North block line; thence North $66^{\circ} 26'$ West a distance of 100.00 feet to the Northwest corner of Lot 1, Block 130; thence continuing North $66^{\circ} 26'$ West an additional 10 feet; thence North $23^{\circ} 34'$ East a distance of 80.00 feet to a point 10 feet West of the Southwest corner of Lot 11, Block 102; thence North $23^{\circ} 34'$ East a distance of 320.00 feet along Market Street; thence South $66^{\circ} 26'$ East a distance of 110.00 feet to the Northeast corner of Lot 4, Block 102; thence South $23^{\circ} 34'$ West a distance of 40.00 feet to the Southeast corner of Lot 4, Block 102; thence South $66^{\circ} 26'$ East a distance of 296.00 feet to the

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Northeast corner of Lot 5, Block 103; thence South 23° 34' West a distance of 280.00 feet to the Southeast corner of Lot 11, Block 103; thence South 66° 26' East a distance of 116.00 feet to the Southeast corner of Lot 12, Block 103; thence South 23° 34' West a distance of 70.00 feet; thence South 66° 26' East a distance of 888.00 feet to a point North 23° 34' East a distance of 10.0 feet from the Northeast corner of Lot 22, Block 126; thence South 66° 26' East a distance of 60.00 feet to the Northwest corner of Block 116; thence South 23° 34' West a distance of 650.00 feet to the South line of the FIRST ADDITION TO EMPIRE; thence North 66° 26' West a distance of 224.39 feet to the point of beginning.

EXCEPTING therefrom that portion conveyed to the City of Empire for street purposes by instrument recorded July 6, 1964, in Book 310, Pages 635 and 638, Deed Records of Coos County, Oregon.

EXCEPT that portion contained within public roads and highways.

ALSO EXCEPT those portions described in Microfilm Reel No. 68-7-29818, Records of Coos County, Oregon; in Microfilm Reel No. 68-7-29820, Records of Coos County, Oregon; in Microfilm Reel No. 67-2-15533, Records of Coos County, Oregon; in Microfilm Reel No. 68-7-30301, Records of Coos County, Oregon; and in Microfilm Reel No. 68-7-30308, Records of Coos County, Oregon.

Excepting therefrom the following described parcels:

Tract 1:

Being the SW 1/4 of the NE 1/4, and the SE 1/4 of the NW 1/4 of Section 29, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon.

Tract 2:

Being the SE 1/4 of the SE 1/4 of Section 31, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon; also being that portion of Government Lot 1, and the SE 1/4 of the NE 1/4 of Section 6, Township 26 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, lying North of the centerline of McLain-Libby County Road.

Tract 3:

Being the Westerly 910.00 feet of Government Lot 5, Section 6, Township 26 South, Range 13 West of the Willamette Meridian, Coos County, Oregon lying North of the centerline of McLain-Libby County Road. -----

END OF DESCRIPTION

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RECORDING # 94110704

I, Mary Ann Wilson,
Coos County Clerk, certify
the within instrument
was filed for record at



11:24 AM ON 11/22/1994
M. WILSON

By _____ Deputy

pages //

Fee \$ 63.00

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Attachment B

Application Map

Application for a Permit to Use Surface Water – Coquille Indian Tribe

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Attachment C
Permit R-13908 and Final Order Approving T-12581
Application for a Permit to Use Surface Water – Coquille Indian Tribe

STATE OF OREGON

COUNTY OF COOS

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

COQUILLE INDIAN TRIBE
PO BOX 783
NORTH BEND, OR 97459

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

APPLICATION FILE NUMBER: R-85412

SOURCE OF WATER: FOURTH CREEK, A TRIBUTARY OF COOS BAY

STORAGE FACILITY: FOURTH CREEK RESERVOIR

PURPOSE OR USE OF THE STORED WATER: MULTIPLE PURPOSE

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MAXIMUM VOLUME: 27.0 ACRE FEET EACH YEAR

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PERIOD OF USE: YEAR ROUND

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DATE OF PRIORITY: JANUARY 8, 2003

The maximum height of the dam shall not exceed 22.0 FEET.

DAM LOCATION: NE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 36, T25S, R14W, W.M.; 903 FEET SOUTH & 187 FEET WEST FROM THE NE CORNER OF SECTION 36

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

NW $\frac{1}{4}$ NW $\frac{1}{4}$

SW $\frac{1}{4}$ NW $\frac{1}{4}$

SECTION 31

TOWNSHIP 25 SOUTH, RANGE 13 WEST, W.M.

NE $\frac{1}{4}$ NE $\frac{1}{4}$

SECTION 36

TOWNSHIP 25 SOUTH, RANGE 14 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, shall keep a

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complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

- 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.

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.

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.

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. The permittee is encouraged to contact Rich Kilbane at ODFW's Central Point office, at 541-826-8776.

All construction shall be performed under the supervision of a registered professional engineer licensed in Oregon.

No embankment fill shall be placed until preparation of the foundation has been completed and examined in entirety by the supervising engineer or by the Water Resources dam Safety Engineer, or both.

The constructed works shall conform to the approved plans and specifications on file with the Water Resources Dam Safety program. The engineer of record shall notify the Water Resources Dam Safety program before making any significant change to the approved design prior to or during construction.

No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications. If final construction deviates from the approved design a set

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reproducible as-constructed drawings, including a revised reservoir capacity graph or table, must accompany the engineer's letter of completion.

Routine maintenance or repair of the dam, its spillway and all appurtenant structures shall be performed to include, but not limited to, the removal of woody vegetation or debris, prompt restoration of areas of erosion or to repair defective equipment necessary for continued safe operation.

Except for routine repair and maintenance, design plans and specifications must be prepared by an Oregon licensed professional engineer and approved by the Water Resources Dam Safety program prior to any enlargement, modification, or alteration of the dam, its spillway or any appurtenant structure.

STANDARD CONDITIONS

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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.

The reservoir shall be filled and 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 March 11, 2004


 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.

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Application R-85412 Water Resources Department
 Basin 17 Volume 1 ISTHMUS INLET & MISC
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PERMIT R-13908
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**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-12581, Coos County) CHANGE IN CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

COQUILLE INDIAN TRIBE
ATTN: BRENDA MEADE
PO BOX 783
NORTH BEND, OR 97459

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Findings of Fact

1. On January 31, 2017, COQUILLE INDIAN TRIBE filed an application to change the character of use under Certificates 11180 and 11185. The Department assigned the application number T-12581.
2. Notice of the application for transfer was published on February 7, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On July 19, 2017, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12581 to the applicant and emailed a copy to the agent. The draft Preliminary Determination cover letter set forth a deadline of August 19, 2017, for the applicant to respond.
4. On July 24, 2017, the agent for the applicant responded by email requesting changes to conditions in the Draft Preliminary Determination.
5. On August 3, 2017, the Department mailed a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-12581 to the applicant and emailed a copy to the agent. The revised draft Preliminary Determination cover letter set forth a deadline of September 3, 2017, for the applicant to respond.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

6. On August 8, 2017, the agent for the applicant responded by email and accepted the revised draft Preliminary Determination.
7. On October 2, 2017, the Department issued a Preliminary Determination proposing to approve Transfer T-12581 and mailed a copy to the applicant. Additionally notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on October 10, 2017, and in The World newspaper on October 12 and 19, 2017. No protests were filed in response to the notice.

8. The first right to be transferred is as follows:

Certificate: 11180 in the name of COOS BAY PULP CORP. (perfected under Permit R-614)
Use: STORAGE FOR MANUFACTURING AND STEAM BOILER SUPPLY
Priority Date: FEBRUARY 25, 1929
Quantity: 21.0 ACRE-FEET
Source: FOURTH CREEK, tributary of COOS BAY

Authorized Place of use:

STORAGE FOR MANUFACTURING AND STEAM BOILER SUPPLY			
Twp	Rng	Mer	Sec
25 S	13 W	WM	30
25 S	14 W	WM	36

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9. The second right to be transferred is as follows:

Certificate: 11185 in the name of COOS BAY PULP CORP. (perfected under Permit R-619)
Use: STORAGE FOR MANUFACTURING AND STEAM BOILER SUPPLY
Priority Date: FEBRUARY 25, 1929
Quantity: 75.0 ACRE-FEET
Source: TARHEEL CREEK, tributary of COOS BAY

Authorized Place of Use:

STORAGE FOR MANUFACTURING AND STEAM BOILER SUPPLY			
Twp	Rng	Mer	Sec
25 S	14 W	WM	36

10. Transfer Application T-12581 proposes to change the character of use of both rights to multipurpose storage.

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

11. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

12. The proposed changes would not result in enlargement of the rights.
13. The proposed changes would not result in injury to other water rights.

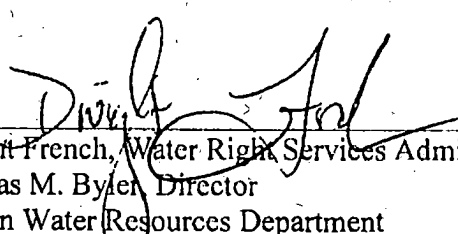
Conclusions of Law

The change in character of use proposed in Transfer Application T-12581 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now therefore it is ordered

1. The change in character of use proposed in Transfer Application T-12581 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 11180 and 11185 and any related decree.
3. Water right Certificates 11180 and 11185 are cancelled.
4. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2019**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
5. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 21 day of November 2017.


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

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Mailing date: NOV 28 2017



Water Solutions, Inc.

January 8, 2018

Dwight French
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Water Use Permit Application for Use of Stored Water – Coquille Indian Tribe

Dear Mr. French:

The Coquille Indian Tribe (the Tribe) is a federally recognized Indian Tribe with a reservation land base in Coos County, Oregon. The Tribe has federally reserved water rights to sufficient water to fulfill the purpose of its reservation lands, which have not been adjudicated. The Tribe also holds state water rights on some of these lands.

The Tribe is applying for a permit to use a maximum of 48 acre-feet of stored water from Fourth Creek Reservoir for irrigation of 12.6 acres, cranberry use on 10.1 acres, and wetland enhancement on 5.6 acres. The Tribe is the holder of the water right previously evidenced by Certificate 11180 and recently modified by Transfer T-12581. This right authorizes storage of up to 21 acre-feet in Fourth Creek Reservoir. The Tribe also holds Permit R-13908, which authorizes storage of up to 27 acre-feet of water in Fourth Creek Reservoir. These water rights authorize storage of a total of 48 acre-feet in Fourth Creek Reservoir, which is owned and operated by the Tribe and located on property held by the United States of America in trust for the Tribe.

Enclosed is the required fee of \$1,773.60, which was calculated as follows:

\$ 520 – Base Fee
\$ 733.60– \$35 per AF x 20 AF (\$700) plus \$1.20 each additional AF x 28 AF (\$33.60)
\$ 520 – Permit Recording Fee

Total =\$ 1,773.60

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Please contact me if you have any questions. My number is 541-257-9004.

Sincerely,



Kimberly Grigsby
Supervising Water Resources Consultant

Cc: Todd Tripp, Coquille Indian Tribe - *electronic copy*
Suzy Driver, Dorsay & Easton, LLP - *electronic copy*

Enclosures: Water Use Permit Application;
Check for application fee in the amount of . \$ 1,773.60

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Oregon Water Resources Department
Permit to Appropriate Only Stored Water - Expedited Secondary

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Today's Date: Thursday, January 11, 2018

Base Application Fee.		\$520.00
Acre feet of Stored Water to be diverted.	48	\$733.60
Permit Recording Fee. ***		\$520.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$1,773.60

OWRD Fee Schedule

Fee Calculator Version: B20170117