

Application for a Permit to Store Water in a Reservoir

Alternate Review (ORS 537.409)



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

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

Use a separate form for each reservoir

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME Bally Bandon L.L.C. Attn: Michael L. Keiser			PHONE (HM)
PHONE (WK) 541-347-5959	CELL		FAX
ADDRESS 2450 N. Lakeview			
CITY Chicago	STATE IL	ZIP 60614	E-MAIL * dcrowe@bandondunesgolf.com

Organization

NAME Bally Bandon L.L.C. Attn: Michael L. Keiser			PHONE 541-347-5959	FAX
ADDRESS 2450 N. Lakeview			CELL	
CITY Chicago	STATE IL	ZIP 60614	E-MAIL * dcrowe@bandondunesgolf.com	

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

AGENT / BUSINESS NAME Warren Felton / Bandon Dunes Golf Resort			PHONE 541-347-5751	FAX 541-347-5754
ADDRESS 57744 Round Lake Drive				CELL 541-297-1079
CITY Bandon	STATE OR	ZIP 97411	E-MAIL * wfelton@bandondunesgolf.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.)

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By my signature below I confirm that I understand:

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

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



	Michael L. Keiser, Member	10/23/20
Applicant Signature	Print Name and Title if applicable	Date
Applicant Signature	Print Name and Title if applicable	Date

SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

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Reservoir name:	Lower Pond				
Source*: Groundwater				Tributary:	n/a
County:	Coos				
Quantity: 9.2	Acre-Feet [length x width x depth / 43,560]				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	27S	14W	20	SE-NW	100
Maximum Height of Dam:	feet. If excavated write "zero feet." zero feet				

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

SECTION 3: WATER USE

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

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

SECTION 4: PROPERTY OWNERSHIP

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

- Yes (please check appropriate box below then skip to section 5)
 - There are no encumbrances
 - This land is encumbered by easements, right of way, roads of way, roads or other encumbrances
- No (Please check the appropriate box below)
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or easement permitting access.
 - Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

SECTION 5: ENVIRONMENTAL IMPACT

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

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

Existing: Is this an existing reservoir? YES NO

If YES, how long has it been in place? 18 years.

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

If YES, how much? miles.

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

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

SECTION 6: WITHIN A DISTRICT

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

Irrigation District Name: n/a		Address:	
City:	State:	Zip:	

SECTION 7: DESCRIPTION

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

The Lower Pond was constructed by lining a borrow pit that had been excavated during early golf course construction in the early 2000's. The pond is lined with heavy-duty polyethylene. However, no design or as-built drawings for Lower Pond are available. Water inflow to the pond is by gravity flow from Lake Tony, the primary storage pond, located approximately 600 feet to the east. Water is pumped to the golf course and support facilities from a pump gallery located adjacent to Lower Pond. Because Lower Pond functions only as an interim storage pond, the POD is identified as the outlet from Lake Tony. The water level in Lower Pond will be kept filled, even during the irrigation off-season, to allow for non-irrigation commercial uses and to prevent wildlife from getting trapped in an emptied pond.

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

N/A

Watermaster Alternate Reservoir Application Review Sheet

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

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

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

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

Watermaster Name: _____

Watermaster Signature: _____ Date: _____

NOTE: This completed form must be returned to the applicant

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ODFW Alternate Reservoir Application Review Sheet

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This portion to be completed by the Applicant					
Applicant Bandon Dunes L.L.C (Attn.: Michael L. Keiser)		Phone No. 541-357-5959		Email. dcrowe@bandondunesgolf.com	
Address 2450 N. Lakeview		City Chicago	State IL	Zip 60614	
Reservoir Name: Lower Pond		Source: Groundwater (5 wells on property)		Volume (AF): 9.2	
Township (N or S)	Range (E or W)	Section	Quarter/ Quarter	Basin Name:	<input type="checkbox"/> in-channel <input checked="" type="checkbox"/> off-channel
27S	14W	20	SE/NW	South Coast	

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District Staff	
1) Is the proposed project and AO ¹ off channel? (If yes then proceed to #4; if no then proceed to #2)	<input type="checkbox"/> YES <input type="checkbox"/> NO
2) Is the proposed project or AO located where NMF ² are or were <u>historically</u> present? (If yes then proceed to #3; if no then proceed to #4)	<input type="checkbox"/> YES <input type="checkbox"/> NO
3) If NMF are or were <u>historically</u> present:	
a. Is there an ODFW – approved fish passage plan?	<input type="checkbox"/> YES <input type="checkbox"/> NO
b. Is there an ODFW-approved fish-passage waiver or exemption?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be “Yes” to move forward with the application. If responses to 3(a) and 3(b) are “No”, then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.	
4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream: <i>Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> Any diversion or appropriation of water for storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources. <i>(For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)</i> If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.	
<input type="checkbox"/> This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.	
If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?	
<input type="checkbox"/> YES (Select from Menu of Conditions on next page) <input type="checkbox"/> NO (explain)	

ODFW Signature: _____ Printed Name: _____

ODFW Title: _____ Date: _____

NOTE: This completed form must be returned to the applicant

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

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

Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

fishpass: As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

fishself: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

fishapprove: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishdiv33: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

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 and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishmay: Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

- b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a The period of use has been limited to through .
- b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

futile call: The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

riparian: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

wq: The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

fence: The stream and its adjacent riparian area shall be fenced to exclude livestock.

blv: Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

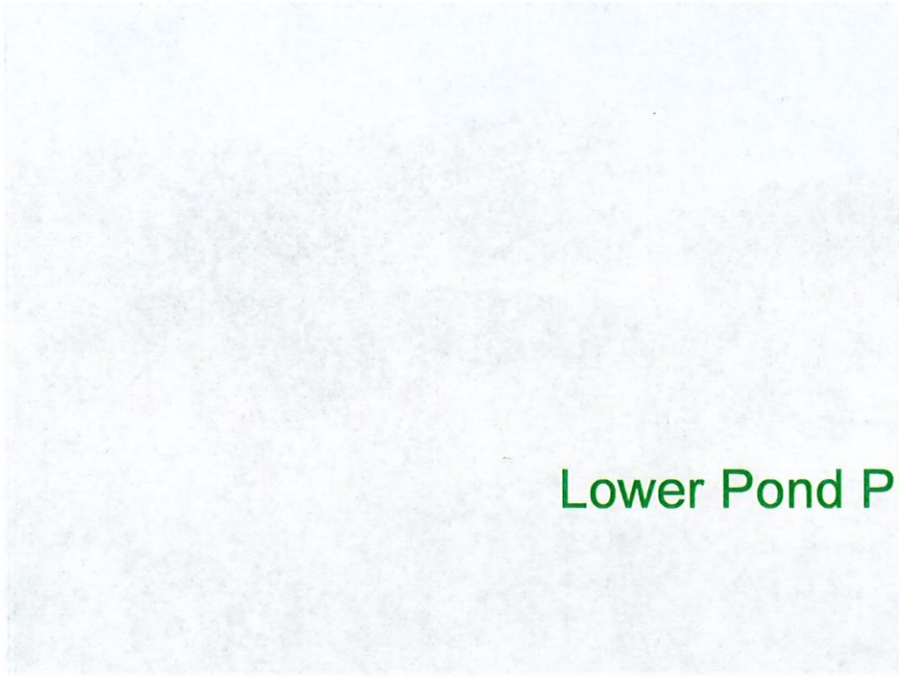
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Lower Pond Photographs

Lower Pond - View to the South

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Lower Pond – View to the South

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ATTORNEY RECORDING
RETURN TO KEY TITLE
314-234298 10

Chicago Illinois 60601
Attorney Record

and for purposes to be done by

Chicago Illinois 60601
Attorney Record

Legal Description

OUTLINES

This is a legal description of a parcel of land in the County of Cook and State of Illinois. The parcel is bounded by the following: North by the Chicago River, East by the Chicago River, South by the Chicago River, and West by the Chicago River. The parcel is located in the City of Chicago, Illinois. The parcel is bounded by the following: North by the Chicago River, East by the Chicago River, South by the Chicago River, and West by the Chicago River.

The area of the parcel is approximately 100,000 square feet. The parcel is bounded by the following: North by the Chicago River, East by the Chicago River, South by the Chicago River, and West by the Chicago River. The parcel is located in the City of Chicago, Illinois. The parcel is bounded by the following: North by the Chicago River, East by the Chicago River, South by the Chicago River, and West by the Chicago River.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF ANY FEDERAL, STATE, AND LOCAL LAWS, ORDINANCES, REGULATIONS, OR AGREEMENTS. THE PERSON ACQUIRING INTEREST IN THE PROPERTY SHALL AGREE WITH THE ALPHABETIC CITY OF CHICAGO PLANNING DEPARTMENT TO VERIFY APPLICABLE LAWS AND TO DETERMINE THE LIMITS OF LAWSY AGENT TRAINING OR BODILY PRACTICES AS DEFINED BY LAW.

After Recording Return to:

D'Ancona & Pflaum LLC
111 East Wacker Drive
Suite 2800
Chicago, Illinois 60601
Attn: Allan J. Reich, Esq.

**AFTER RECORDING
RETURN TO KEY TITLE**
24-68459A T.O.

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and Tax Statements to be Sent to:

Bally Bandon, L.L.C.
2450 N. Lakeview
Chicago, Illinois 60614
Attn: Michael L. Keiser

QUITCLAIM DEED

Philip M. Freidmann and Michael L. Keiser, hereinafter called grantors, for the consideration hereinafter stated, does hereby remise, release and forever quitclaim unto Bally Bandon, L.L.C., an Oregon limited liability company, hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of the grantors' right, title and interest in and to the following described real property, with the tenements, hereditaments and appurtenances, situated in the County of Coos and State of Oregon, to wit:

See attached Exhibit A incorporated herein by this reference.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$1.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE THE LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

661963.v1: 021165/002

COOS COUNTY, OREGON TOTAL \$46.00
TERRI L. TURI, CMC, COUNTY CLERK

05/07/2003 #2003-6279
02:29:00PM 1 OF 5

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EXHIBIT "A"

ALL OF THE FOLLOWING DESCRIBED PROPERTY LYING NORTHERLY OF WHISKEY RUN ROAD:

1: The W 1/2 of the NE 1/4 of the NE 1/4 of the NW 1/4 of Section 20, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon. Excepting therefrom the West 30 feet and the North 30 feet of said premises for the purpose of a roadway. Excepting therefrom mineral and mineral oil rights reserved in instrument recorded October 30, 1945 in Book 158, Page 333, Deed Records of Coos County, Oregon.

EXCEPTING THEREFROM TIMBER AS DESCRIBED IN TIMBER DEED RECORDED MAY 16, 1996 IN MICROFILM REEL NUMBER 96-05-0738, RECORDS OF COOS COUNTY, OREGON.

2: Government Lot 2, Section 20, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

EXCEPTING THEREFROM TIMBER AS DESCRIBED IN TIMBER DEED RECORDED MAY 16, 1996 IN MICROFILM REEL NUMBER 96-05-0738, RECORDS OF COOS COUNTY, OREGON.

3: The S 1/2 of the NW 1/4 of the NE 1/4 of the NW 1/4 of Section 20, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon. Excepting therefrom mineral and mineral oils rights reserved in instrument recorded October 30, 1945 in Book 158, Page 333, Deed Records of Coos County, Oregon. Together with a non-exclusive easement for the purpose of ingress and egress to the Seven Devils Road as set forth in instrument recorded April 17, 1969 in Microfilm Reel Number 69-4-37847, Records of Coos County, Oregon.

EXCEPTING THEREFROM TIMBER AS DESCRIBED IN TIMBER DEED RECORDED MAY 16, 1996 IN MICROFILM REEL NUMBER 96-05-0738, RECORDS OF COOS COUNTY, OREGON.

4: The E 1/2 of the NW 1/4 and the NW 1/4 of the NE 1/4 of Section 20, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon. Excepting therefrom mineral and mineral oil rights as reserved in instrument recorded October 30, 1945 in Book 158, Page 333, Deed Records of Coos County, Oregon.

EXCEPTING the S 1/2 of the NW 1/4 of the NE 1/4 of the NW 1/4 of Section 20, and the W 1/2 of the NE 1/4 of the NE 1/4 of the NW 1/4 of Section 20, and the W 1/2 of the NW 1/4 of the NW 1/4 of the NE 1/4 of Section 20.

ALSO EXCEPTING for the purpose of a roadway a non-exclusive easement 60 feet wide, beginning at the East-West centerline of the NE 1/4 of the NW 1/4 of Section, and continuing along the North-South centerline of said NE 1/4 of Section 20 to the common line between Section 20 and Section 17, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

EXCEPTING THEREFROM TIMBER AS DESCRIBED IN TIMBER DEED RECORDED MAY 16, 1996 IN MICROFILM REEL NUMBER 96-05-0738, RECORDS OF COOS COUNTY, OREGON.

5: The W 1/2 of the NE 1/4 of the SE 1/4 lying North of Whiskey Run Road and the E 1/2 of the NW 1/4 of the SE 1/4 of Section 20, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon. Except any portion conveyed to Coos County for road purposes.

EXCEPTING THEREFROM TIMBER AS DESCRIBED IN TIMBER DEED RECORDED MAY 16, 1996 IN MICROFILM REEL NUMBER 96-05-0738, RECORDS OF COOS COUNTY, OREGON.

6: That portion of the W 1/2 of the NW 1/4 of the SE 1/4 of Section 20, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, lying North of the present Whiskey Run Road.

EXCEPTING THEREFROM TIMBER AS DESCRIBED IN TIMBER DEED RECORDED MAY 16, 1996 IN MICROFILM REEL NUMBER 96-05-0738, RECORDS OF COOS COUNTY, OREGON.

7: The George Seith Donation Land Claim No. 37, embraced in portions of Sections 19, 20, 29 and 30, in Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

EXCEPTING THEREFROM TIMBER AS DESCRIBED IN TIMBER DEED RECORDED MAY 16, 1996 IN MICROFILM REEL NUMBER 96-05-0738, RECORDS OF COOS COUNTY, OREGON.

8: Government Lot 3 of Section 20 and that portion of Government Lot 1, Section 19, lying North of the North line of the SW 1/4 of the NW 1/4 of Section 20, extended Westerly, all in Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

EXCEPTING THEREFROM TIMBER AS DESCRIBED IN TIMBER DEED RECORDED MAY 16, 1996 IN MICROFILM REEL NUMBER 96-05-0738, RECORDS OF COOS COUNTY, OREGON.

9: The SW 1/4 of the NW 1/4 of Section 20 and that portion of Government Lot 1 of Section 19 lying South of the North line of the SW 1/4 of the NW 1/4 of Section 20, extended Westerly, all in Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

EXCEPTING THEREFROM TIMBER AS DESCRIBED IN TIMBER DEED RECORDED MAY 16, 1996 IN MICROFILM REEL NUMBER 96-05-0738, RECORDS OF COOS COUNTY, OREGON.

10: The W 1/2 of the NW 1/4 of the NW 1/4 of the NE 1/4 of Section 20, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

EXCEPTING THEREFROM TIMBER AS DESCRIBED IN TIMBER DEED RECORDED MAY 16, 1996 IN MICROFILM REEL NUMBER 96-05-0738, RECORDS OF COOS COUNTY, OREGON.

11: The SW 1/4 of the NE 1/4 of Section 20, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

EXCEPTING THEREFROM TIMBER AS DESCRIBED IN TIMBER DEED RECORDED MAY 16, 1996 IN MICROFILM REEL NUMBER 96-05-0738, RECORDS OF COOS COUNTY, OREGON.

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Unofficial Copy

COOS COUNTY, OREGON TOTAL \$46.00
TERRI L. TURI, CMC, COUNTY CLERK

05/07/2003 #2003-6279
02:29:00PM 5 OF 5

After recording return to: Key-Bandon
PHILIP M. FRIEDMANN AND
MICHAEL L. KEISER
3636 N. BROADWAY
CHICAGO, IL 60613

TITLE ORDER NO: 24-68459
KEY ESCROW NO: 25-2477/cl



RETURN TO KEY TITLE & ESCROW

Until a change is requested tax statements shall be sent to the following address:
SAME AS ABOVE

WARRANTY DEED -- STATUTORY FORM
(INDIVIDUAL OR CORPORATION)

JAMES MAST and MIKE MAST, Grantor,

conveys and warrants to:

PHILIP M. FRIEDMANN AND MICHAEL L. KEISER, each as to an undivided 50% interest, Grantee,

the following described real property free of encumbrances except as specifically set forth herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

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THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$2,550,000.00 (Which is paid from and to an accommodator as part of an IRC 1031 exchange). However, if the actual consideration consists of or includes other property or other value given or promised, such other property or value was part of the/the whole of the (indicate which) consideration. If the grantor is a corporation, this has been signed by authority of the Board of Directors.

Dated this 4th day of December, 1998.

GRANTOR(S):
JAMES MAST
MIKE MAST

STATE OF OREGON, County of Coos) ss.

This instrument was acknowledged before me on December 4, 1998, by JAMES MAST and MIKE MAST

Notary Public for Oregon

My commission expires:



12/08/1998 02:38 REC FEE: \$38.00
COOS COUNTY, OR, DOROTHY TAYLOR - COUNTY CLERK
PAGE #: 0001 OF 0002
INST#: 1998 60458 **

EXHIBIT "A"

ALL OF THE FOLLOWING DESCRIBED PROPERTY LYING NORTHERLY OF WHISKEY RUN ROAD:

1: The W 1/2 of the NE 1/4 of the NE 1/4 of the NW 1/4 of Section 20, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon. Excepting therefrom the West 30 feet and the North 30 feet of said premises for the purpose of a roadway. Excepting therefrom mineral and mineral oil rights reserved in instrument recorded October 30, 1945 in Book 158, Page 333, Deed Records of Coos County, Oregon.

2: Government Lot, 2, Section 20, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

3: The S 1/2 of the NW 1/4 of the NE 1/4 of the NW 1/4 of Section 20, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon. Excepting therefrom mineral and mineral oils rights reserved in instrument recorded October 30, 1945 in Book 158, Page 333, Deed Records of Coos County, Oregon. Together with a non-exclusive easement for the purpose of ingress and egress to the Seven Devils Road as set forth in instrument recorded April 17, 1969 in Microfilm Reel Number 69-4-37847, Records of Coos County, Oregon.

4: The E 1/2 of the NW 1/4 and the NW 1/4 of the NE 1/4 of Section 20, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon. Excepting therefrom mineral and mineral oil rights as reserved in instrument recorded October 30, 1945 in Book 158, Page 333, Deed Records of Coos County, Oregon.

EXCEPTING the S 1/2 of the NW 1/4 of the NE 1/4 of the NW 1/4 of Section 20, and the W 1/2 of the NE 1/4 of the NE 1/4 of the NW 1/4 of Section 20, and the W 1/2 of the NW 1/4 of the NW 1/4 of the NE 1/4 of Section 20.

ALSO EXCEPTING for the purpose of a roadway a non-exclusive easement 60 feet wide, beginning at the East-West centerline of the NE 1/4 of the NW 1/4 of Section, and continuing along the North-South centerline of said NE 1/4 of Section 20 to the common line between Section 20 and Section 17, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

5: The W 1/2 of the NE 1/4 of the SE 1/4 lying North of Whiskey Run Road and the E 1/2 of the NW 1/4 of the SE 1/4 of Section 20, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon. Except any portion conveyed to Coos County for road purposes.

6: That portion of the W 1/2 of the NW 1/4 of the SE 1/4 of Section 20, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, lying North of the present Whiskey Run Road.

7: The George Seith Donation Land Claim No. 37, embraced in portions of Sections 19, 20, 29 and 30, in Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

8: Government Lot 3 of Section 20 and that portion of Government Lot 1, Section 19, lying North of the North line of the SW 1/4 of the NW 1/4 of Section 20, extended Westerly, all in Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

9: The SW 1/4 of the NW 1/4 of Section 20 and that portion of Government Lot 1 of Section 19 lying South of the North line of the SW 1/4 of the NW 1/4 of Section 20, extended Westerly, all in Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

10: The W 1/2 of the NW 1/4 of the NW 1/4 of the NE 1/4 of Section 20, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

11: The SW 1/4 of the NE 1/4 of Section 20, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

PAGE #: 0002 OF 0002
INST#: 1998 60458

12/08/1998 02:38 REC FEE: \$38.00
COOS COUNTY, OR, DOROTHY TAYLOR - COUNTY CLERK

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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.oregon.gov/OWRD

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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 groundwater 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.

Land Use Information Form



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

Applicant

NAME Bally Bandon L.L.C. (Attn: Michael L. Keiser)			PHONE (HM)		
PHONE (WK) 541-347-5959		CELL		FAX	
ADDRESS 2450 North Lakeview					
CITY Chicago		STATE IL	ZIP 60614	E-MAIL *DCROWE@BANDONDUNESGOLF.COM	

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:
						<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
27S	14W	19	NE-NE	100	F	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Golf Course-related turf irrigation and commercial uses POD – "Lake Tony"
			SE-NE	100		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
27S	14W	20	NE-NW	100	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used		
			NE-SW	400	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used		
			NE-SW	100	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used		
			NW-NW	100	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used		
			NW-NE	1000	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used		
			NW-NE	1100'	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used		
			NW-SW	100	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used		
			NW-SW	400	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used		
			SE-NW	100	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used		
			SW-NW	100	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used		
SW-SW	400	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used					
SW-NE	1200	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used					

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

Coos County

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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 Groundwater Registration Modification
- Limited Water Use License
- Allocation of Conserved Water
- Exchange of Water

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Source of water: Reservoir/Pond (Lake Tony) Groundwater Surface Water (name) _____

Estimated quantity of water needed (Annually): 343.25 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 _____

Briefly describe:

Groundwater will be pumped from wells on the property and stored in a man-made pond (referred to locally as "Lake Tony." The pond was created by lining a former borrow pit with no dam construction and has a storage capacity of approximately 12 million gallons. Water will be diverted from Lake Tony for irrigation of the Sheep Ranch Golf Course (95 acres) and support facilities (driving range, turf nursery, leach field, and agronomy operations – totaling 42.3 acres) and miscellaneous commercial uses (e.g. equipment wash-down).

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.

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____.

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.

Coos County Planning does not regulate water.

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NAME: Crystal Orr	TITLE: Planner I
SIGNATURE: <i>Crystal Orr</i>	PHONE: 541-396-7770 DATE: 9/22/2020

GOVERNMENT ENTITY

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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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

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Applicant Name: Bally Bandon LLC; ATTN Michael L. Keiser

Address: 2450 N Lakeview, Chicago, IL 60614

Phone/Email: 541-347-5959; dcrowe@bandondunesgolf.com

Reservoir Name: Lower Pond

Volume (AF): 9.2 AF

Source: Lake Tony/Groundwater

Basin Name: Whiskey Run Creek

Twp Rng Sec QQ: 27S 14W 20 SENW

in-channel

off-channel

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

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

1) Is the proposed project and AO¹ off channel?..... YES* NO
(if yes then proceed to #4; if no then proceed to #2)

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

2) Is the proposed project or AO located where NMF² are or were historically present?..... YES NO
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

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

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

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

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

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

Any diversion or appropriation of water for storage during the period type here through type here poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point

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

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

of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

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

Game fish (Coastal Cutthroat Trout) are present in Whiskey Run Creek. Instream flows to fulfill C72875 in Whiskey Run Creek for aquatic life are not being met wholly during the period of impact. The proposed reservoir water source is Lake Tony and it is ODFW's understanding Lake Tony will be filled utilizing an existing permitted groundwater source (G-15437) and a proposed additional groundwater source with an associated application currently in review. ODFW will review the associated groundwater application when it is available for detrimental impacts to sensitive, threatened, or endangered fish species under OAR 690-033 if OWRD determines the use has the potential for substantial interference with surface water. Conditions and/or mitigation will be applied to the groundwater use, if applicable. Run-off should be excluded from capture in the reservoir. If Lake Tony/groundwater is not the reservoir fill source, contact ODFW for a revised review.

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

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

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

Approval of this alternate reservoir is contingent on approval, with any conditions and mitigation, of the associated groundwater application if it is used to fill the reservoir in conjunction with the existing permitted groundwater source.

ODFW Signature: _____

Print Name: Jason Brandt

ODFW Title: SW Hydro Coordinator

Date: 12/15/20

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

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

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MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020

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

Agricultural Water Quality Management Area Rules: The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.

- b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a** The period of use has been limited to through.
- b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- Bypass Flows:** Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:
- 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
 - 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.

Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.

The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.

Construction Activities: For construction activities (clearing, grading, excavation, staging, and stockpiling) that will disturb one or more acres and may discharge to state waters, the permittee is required to obtain from DEQ a 1200-C NPDES Stormwater Construction Permit prior to project construction.

fence: The stream and its adjacent riparian area shall be fenced to exclude livestock.

fishpass: As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

fishself: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

fishapprove: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishdiv33: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

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.

Applicant Name: Bally Bandon LLC

ODFW Review

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife

(ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

- fishmay:** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.
- futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- In-Water or Riparian Construction:** For in-water or riparian construction, permittee may be required to obtain additional permits from the Oregon Department of State Lands, the U.S. Army Corps of Engineers, and the DEQ Section 401 certification program prior to construction. The applicant must contact these agencies to confirm requirements.
- In-Water Work:** Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.
- Live Flow:** Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.
- Off-Channel Stored Water Releases:** The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.
- On-Channel Reservoir:** The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.
- riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- Water Quality:** All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.
- wq:** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- wetland:** The permittee must submit an offsite determination request to the Oregon Department of State Lands (DSL) to determine the need for a wetland delineation prior to disturbance or development of the point of diversion and/or diversion of water.
- blv:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

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Watermaster Alternate Reservoir Application Review Sheet

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

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

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

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

Watermaster Name: Susan Douthit

Watermaster Signature: Susan Douthit Date: 12/28/2020

NOTE: This completed form must be returned to the applicant

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LeeAnn Remy

From: DOUTHIT Susan M * WRD <Susan.M.Douthit@oregon.gov>
Sent: Monday, January 4, 2021 1:48 PM
To: Blegen, Ron
Subject: RE: Bandon Dunes Golf Resort - Sheep Ranch Reservoir Applications

EXTERNAL EMAIL

Hello-
Thanks for the conversation this afternoon about these incoming alternate reservoir applications. As I mentioned, the Watermaster review I prepared (and necessary for application acceptance) is based on current water availability modelling for the Whisky Run sub-basin (https://apps.wrd.state.or.us/apps/wars/wars_display_wa_tables/display_wa_table.aspx?ws_id=72964&exlevel=50&scenario_id=1) The current modelling may not include additional data/measurements or other applications recently filed. It seems prudent, as the application is processed in Salem, a discussion about these elements continues.

Also, I'd like to arrange to have an assistant watermaster visit the site and get a measurement; can you provide me with a contact person to arrange a visit in the next 3-4 weeks? Much appreciated.
~Susan
541-580-4961

From: Blegen, Ron <Ron_Blegen@golder.com>
Sent: Thursday, December 31, 2020 9:12 AM
To: DOUTHIT Susan M * WRD <Susan.M.Douthit@oregon.gov>
Subject: RE: Bandon Dunes Golf Resort - Sheep Ranch Reservoir Applications

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NOTE: This email chain appears to contain email from outside Golder

Hi Susan,

Sorry for the late reply. I'll set up a call for 2:00 on Monday if that still works for you. It will be set up on Teams, but will include a call-in number if you'd prefer to just phone in.

As far as other background information, please take a look at the original water right permit for the property (G-15437, attached) and associated documents. Most of the water that will be stored in the reservoirs will be pumped from wells presented as POA's in this permit. G-15437 was issued in 2003 and included a requirement to assess the impacts of groundwater pumping on flow in Whiskey Run Creek. We did collect and submit 5 years of flow data, and those reports should be in the OWRD files. Eventually OWRD agreed that our data showed that the water availability model underreports flow in the creek and that the groundwater pumping on the property had no impact on stream flow. Our client was released from the permit requirement to monitor flow, but the quality of the data was insufficient to enable a change in the water availability tables (see attached compliance letter).

After a hiatus in data collection, we resumed streamflow data collection, this time under a subcontract with the Coos Watershed Association who re-established the station and collected data for approximately 5 years. That program was wrapped up about a year ago. Anyway, we can talk about this next week. If you need more time to assess this information, or want to dig into the files a bit more, let me know and we can move the call to a later date.

Thanks and Happy New Year!

Ron Blegen, R.G., L.Hg.
Associate / Senior Consultant



Golder Associates Inc.
426 N. 44th Street, Suite 375, Phoenix, Arizona, USA 85008 ◀ We Have Moved
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From: DOUTHIT Susan M * WRD <Susan.M.Douthit@oregon.gov>
Sent: Tuesday, December 29, 2020 6:26 AM
To: Blegen, Ron <Ron.Blegen@golder.com>
Subject: RE: Bandon Dunes Golf Resort - Sheep Ranch Reservoir Applications

EXTERNAL EMAIL

Good morning Mr. Blegen,
I have time on:

- 4th - Monday - 12-3
- 5th - Tuesday - before noon
- 11th - Monday - before 10

Lmk if any of these work.

My cell number is below.

Also, if you can give me some general information about your questions or concerns I can do a little research prior to our conversation and perhaps offer better options/etc.

Happy New Year!

~S
Watermaster, OWRD
Serving Coos and Douglas Counties
541-440-4255 (Roseburg office)
541-580-4961 (cell)

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DISCLAIMER

Water right and well log records provided by the Watermaster's office are based on information available in our files and from Oregon Water Resources Department (OWRD) databases. While we make every effort to insure our information is complete and factual, this office cannot accept any responsibility for errors, omissions, or accuracy of the data. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this information. Official records are available from the OWRD Salem office. For additional assistance, you may contact the OWRD Salem office at 503-986-0900 or on the internet at <https://www.oregon.gov/owrd/pages/index.aspx>

From: Blegen, Ron <Ron.Blegen@golder.com>
Sent: Monday, December 28, 2020 6:47 PM
To: DOUTHIT Susan M * WRD <Susan.M.Douthit@oregon.gov>
Subject: FW: Bandon Dunes Golf Resort - Sheep Ranch Reservoir Applications

NOTE: This email chain appears to contain email from outside Golder

Hi Susan,

I was wondering if you might be available sometime early next week to discuss the reservoir application that you just reviewed for Bandon Dunes (attached). We've been working on and off on the water rights for the Bandon Dunes courses for several years and there is some history on the Sheep Ranch course that I'd like to discuss with you before the applications are finalized and submitted.

I'm out this week, but back on Monday. If there are some specific time slots when we can talk please let me know and I'll send a meeting invitation.

Thanks. Hope you're having a nice holiday.

Ron Blegen, R.G., L.Hg.
Associate / Senior Consultant



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From: LeeAnn Remy <lremy@bandondunesgolf.com>
Sent: Monday, December 28, 2020 9:33 AM
To: Blegen, Ron <Ron.Blegen@golder.com>
Subject: FW: Bandon Dunes Golf Resort - Sheep Ranch Reservoir Applications

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EXTERNAL EMAIL

Good Morning Ron,

I just received this from the local Watermaster. I believe I am ready to submit now but wanted you to read these prior to me submitting to the State.

Thank you,
LeeAnn

LeeAnn Remy

Director of Community Relations

Executive Assistant to the General Manager

Bandon Dunes Golf Resort

57744 Round Lake Road

Bandon, Oregon 97411

(o) 541.347.5870 or 541.347.5733 | (m) 541.551.1496

BandonDunesGolf.com

[Facebook](#) | [Twitter](#) | [Instagram](#)

Site of the 2020 U.S. Amateur Championship

From: DOOUTHIT Susan M * WRD <Susan.M.Douthit@oregon.gov>

Sent: Monday, December 28, 2020 8:29 AM

To: LeeAnn Remy <lremy@bandondunesgolf.com>

Subject: RE: Bandon Dunes Golf Resort - Sheep Ranch Reservoir Applications

Hello!

Attached are two Watermaster reviews for the two alternate reservoir applications you passed my way. Also attached are the required reports from the Water Availability Reporting System (WARS).

Taking a quick look at the reports, you will note that if these applications are approved, water is likely only available during October, November and January.

When you submit your applications to Salem, please include both the Watermaster review and the water availability statements.

Hope all is well with you and yours!

~S

From: LeeAnn Remy <lremy@bandondunesgolf.com>

Sent: Friday, December 18, 2020 11:35 AM

To: DOOUTHIT Susan M * WRD <Susan.M.Douthit@oregon.gov>

Subject: Bandon Dunes Golf Resort - Sheep Ranch Reservoir Applications

Good Morning Susan,

It was so nice to speak with you on the phone. I have attached the applications and reports we discussed.

Please let me know if you need anything additional.

Hope you have a great day,

LeeAnn

LeeAnn Remy

Director of Community Relations

Executive Assistant to the General Manager

Bandon Dunes Golf Resort

57744 Round Lake Road

Bandon, Oregon 97411

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WATER AVAILABILITY TABLE

WHISKY RUN > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 72964
 Exceedance Level: 50
 Time: 8:04 AM
 Date: 12/28/2020

Basin: SOUTH COAST

Watershed

Nest ID Number Stream Name JAN FEB MAR APR
 MAY JUN JUL AUG SEP OCT NOV DEC STOR

1 72964 WHISKY RUN > PACIFIC OCEAN - AT MOUTH YES NO NO NO
 NO NO NO NO NO YES YES NO YES

LIMITING WATERSHEDS

WHISKY RUN > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 72964
 Exceedance Level: 50
 Time: 8:04 AM
 Date: 12/28/2020

Basin: SOUTH COAST

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Limiting
 Water Net Water
 Month Watershed Stream Name
 Available? Available

Monthly values are in cfs.

Storage is the annual amount at 50% exceedance
 in ac-ft.

JAN 72964 WHISKY RUN > PACIFIC OCEAN - AT MOUTH
 YES 0.0
 FEB 72964 WHISKY RUN > PACIFIC OCEAN - AT MOUTH

MAR	72964	NO	0.0	WHISKY RUN > PACIFIC OCEAN - AT MOUTH
APR	72964	NO	0.0	WHISKY RUN > PACIFIC OCEAN - AT MOUTH
MAY	72964	NO	0.0	WHISKY RUN > PACIFIC OCEAN - AT MOUTH
JUN	72964	NO	-0.3	WHISKY RUN > PACIFIC OCEAN - AT MOUTH
JUL	72964	NO	-0.8	WHISKY RUN > PACIFIC OCEAN - AT MOUTH
AUG	72964	NO	-1.2	WHISKY RUN > PACIFIC OCEAN - AT MOUTH
SEP	72964	NO	-1.0	WHISKY RUN > PACIFIC OCEAN - AT MOUTH
OCT	72964	NO	-0.4	WHISKY RUN > PACIFIC OCEAN - AT MOUTH
NOV	72964	YES	0.0	WHISKY RUN > PACIFIC OCEAN - AT MOUTH
DEC	72964	YES	0.1	WHISKY RUN > PACIFIC OCEAN - AT MOUTH
ANN	72964	NO	0.0	WHISKY RUN > PACIFIC OCEAN - AT MOUTH
		YES	11	

DETAILED REPORT ON THE WATER AVAILABILITY

CALCULATION

WHISKY RUN > PACIFIC OCEAN - AT MOUTH

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Watershed ID #: 72964

Basin: SOUTH COAST

Exceedance Level: 50

OWRD

Time: 8:04 AM

Date: 12/28/2020

Month	Natural	Consumptive	Expected	Reserved
Instream	Stream	Net	Stream	Stream
Requirements	Flow	Use and	Flow	Flow
		Storage		
		Water		
		Available		

Monthly values are in cfs.

Storage is the annual amount at 50% exceedance

in ac-ft.

JAN		5.83	0.00	0.00	5.83	0.00
	5.80		0.03			
FEB		6.42	0.00	0.00	6.42	0.00
	6.42		0.00			
MAR		4.63	0.00	0.00	4.63	0.00
	4.63		0.00			
APR		2.87	-0.04	0.04	2.83	0.00
	2.87		-0.04			
MAY		1.28	-0.27	0.27	1.01	0.00
	1.28		-0.27			
JUN		0.80	-0.76	0.81	-0.01	0.00
	0.75		-0.76			
JUL		0.43	-1.20	1.27	-0.84	0.00
	0.36		-1.20			
AUG		0.23	-0.98	1.03	-0.80	0.00
	0.18		-0.98			
SEP		0.17	-0.39	0.43	-0.26	0.00
	0.13		-0.39			
OCT		0.19	0.01	0.04	0.15	0.00
	0.14		0.01			
NOV		1.22	0.14	0.00	1.22	0.00
	1.08		0.14			
DEC		4.62	0.00	0.00	4.62	0.00
	4.62		0.00			
ANN		1,720		237	1,600	0
	1,690		11			

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGE

WHISKY RUN > PACIFIC OCEAN - AT MOUTH

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Watershed ID #: 72964
 Basin: SOUTH COAST
 Time: 8:04 AM
 Date: 12/28/2020

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic
Agriculture	Other	Total				

Monthly values are in cfs.

JAN	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00				
FEB	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00				
MAR	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00				
APR	0.00	0.00	0.04	0.00	0.00	0.00	0.00
	0.00	0.00	0.04				
MAY	0.00	0.00	0.27	0.00	0.00	0.00	0.00
	0.00	0.00	0.27				
JUN	0.00	0.00	0.81	0.00	0.00	0.00	0.00
	0.00	0.00	0.81				
JUL	0.00	0.00	1.27	0.00	0.00	0.00	0.00
	0.00	0.00	1.27				
AUG	0.00	0.00	1.03	0.00	0.00	0.00	0.00
	0.00	0.00	1.03				
SEP	0.00	0.00	0.43	0.00	0.00	0.00	0.00
	0.00	0.00	0.43				
OCT	0.00	0.00	0.04	0.00	0.00	0.00	0.00
	0.00	0.00	0.04				
NOV	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00				
DEC	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00				

DETAILED REPORT OF RESERVATIONS FOR STORAGE AND

CONSUMPTIVE USE

WHISKY RUN > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 72964
 Basin: SOUTH COAST
 Time: 8:04 AM
 Date: 12/28/2020

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Application

Number	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG
SEP	OCT	NOV	DEC					

Monthly values are in cfs.

.....
.....
No Reservations were found for this Water

Availability Basin

DETAILED REPORT OF INSTREAM REQUIREMENTS

WHISKY RUN > PACIFIC OCEAN - AT MOUTH

Watershed ID #: 72964
Basin: SOUTH COAST
Time: 8:04 AM
Date: 12/28/2020

Application

Number	Status	JAN	FEB	MAR	APR	MAY	JUN	JUL
AUG	SEP	OCT	NOV	DEC				

Monthly values are in

cfs.

.....
.....
IS72964A CERTIFICATE 5.8 6.4 4.6 2.9 1.3 0.8 0.4
0.2 0.1 0.1 1.08 4.6
.....

.....
.....
MAXIMUM 5.8 6.4 4.6 2.9 1.3 0.8 0.4
0.2 0.1 0.1 1.1 4.6

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Superseded

SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoir name:	Lower Pond				
Source*: Lake Tony	Tributary:			n/a	
County:	Coos				
Quantity: 9.2	Acre-Feet [length x width x depth / 43,560]				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	27S	14W	20	SE-NW	100
Maximum Height of Dam:	feet. If excavated write "zero feet." zero feet				

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

SECTION 3: WATER USE

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

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

SECTION 4: PROPERTY OWNERSHIP

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

- Yes (please check appropriate box below then skip to section 5)
 - There are no encumbrances
 - This land is encumbered by easements, right of way, roads of way, roads or other encumbrances
- No (Please check the appropriate box below)
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or easement permitting access.
 - Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

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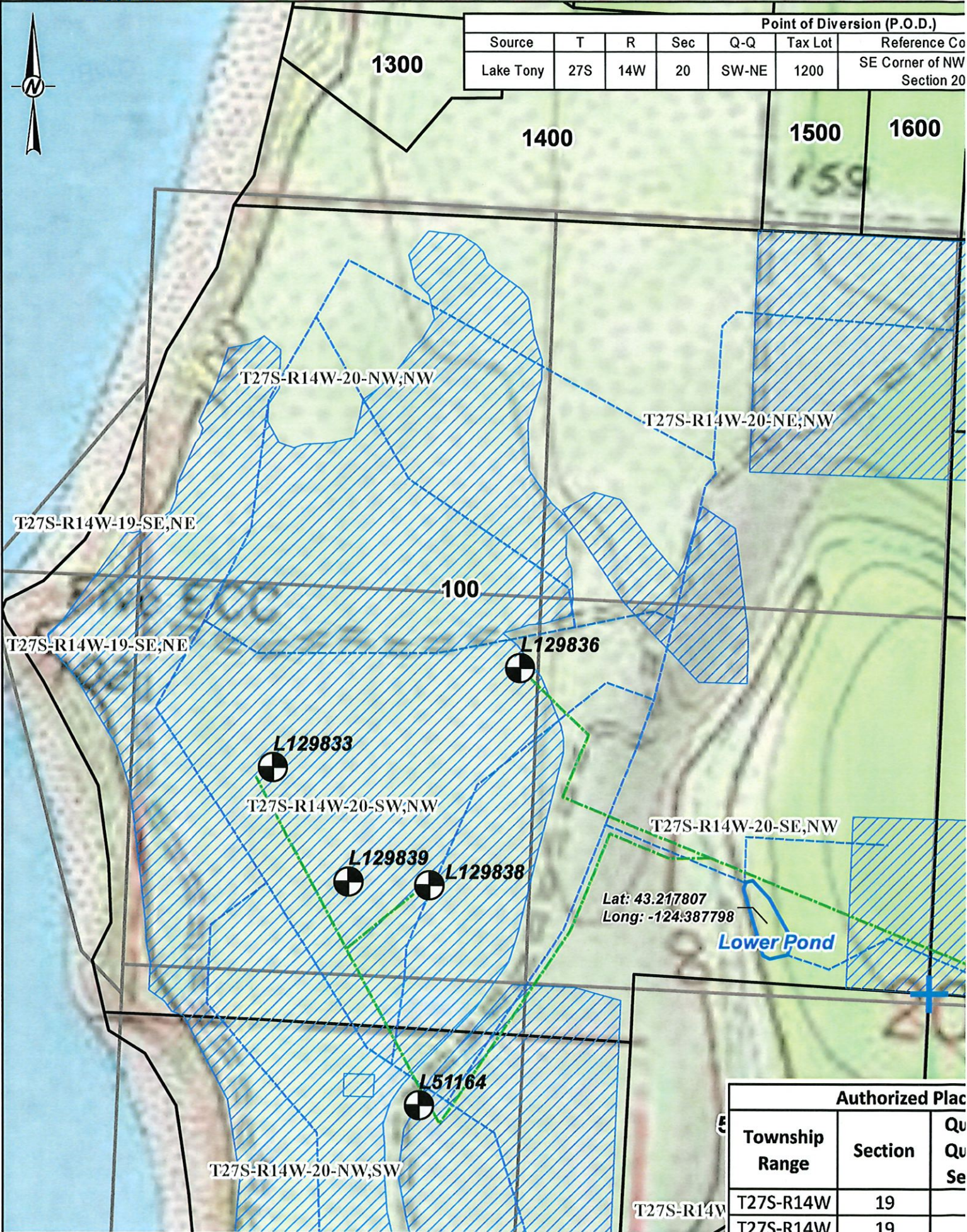
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Point of Diversion (P.O.D.)						
Source	T	R	Sec	Q-Q	Tax Lot	Reference Co
Lake Tony	27S	14W	20	SW-NE	1200	SE Corner of NW Section 20



Lat: 43.217807
Long: -124.387798

Authorized Place		
Township Range	Section	Qu Qu Se
T27S-R14W	19	
T27S-R14W	19	



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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Bally Bandon LLC
2450 N. Lakeview Chicago, IL 60614

Transaction Type: WR Application

Fees Received: \$ 1280.00

Cash Check: Check No. 149211

Name(s) on Check: Bandon Dunes

Address on Check: 57744 Round Lake Dr.
Bandon, OR 97411

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: C. Middleton
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.