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Application for a Permit to Use **Surface Water** JAN 08 2021

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

**SECTION 1: APPLICANT INFORMATION AND SIGNATURE**

**Applicant**

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

**Organization**

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

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

|  |             |                       |   |
|--|-------------|-----------------------|---|
| AGENT / BUSINESS NAME<br>Bandon Dunes Warren Felton / Bandon Dunes Golf Resort |             | PHONE<br>541-347-5751 | FAX<br>541-347-5754                     |
| ADDRESS<br>57744 Round Lake Drive  |             | CELL<br>541-297-1079  |   |
| CITY<br>Bandon   | STATE<br>OR | ZIP<br>97411          | E-MAIL *<br>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 proposed and final order documents will also be mailed.)

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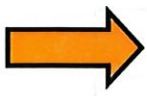
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**By my signature below I confirm that I understand:**

- 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 use water until the Water Resources Department issues a permit.
- 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 receive 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 receive water to which they are entitled.

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



|                     |                                    |          |
|---------------------|------------------------------------|----------|
|                     | Michael L. Keiser, Manager         | 10/23/20 |
| Applicant Signature | Print Name and Title if applicable | Date     |
| _____               | _____                              | _____    |
| Applicant Signature | Print Name and Title if applicable | Date     |



**SECTION 2: PROPERTY OWNERSHIP**

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

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

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

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

| Township | Range | Section | ¼ ¼   | Tax Lot # | Plan Designation (e.g., Rural Residential/RR-5) | Water to be:                                 |  |  | Proposed Land Use:                                      |
|----------|-------|---------|-------|-----------|---|--|--|--|---|
| 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 |
|          |       |         | SE-NE | 100       |   | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used |   |
| 27S      | 14W   | 20      | NE-NW | 100       | F   | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | POD – "Lake Tony"                                       |
|          |       |         | 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 |   |

**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), and the locations of the point of diversion (POD):

|                                      |   |
|--------------------------------------|---|
| Source 1: Lake Tony                  | Tributary to: n/a (artificial lined storage pond) |
| TRSQQ of POD: T27S R14W Sec 20 NW-SW |   |
| Source 2: Lower Pond                 | Tributary to: n/a (artificial lined storage pond) |
| TRSQQ of POD: T27S R14W Sec 20 SE-NW |   |



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 G-15437
- New groundwater right application (submitted with this application)

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**B. Applications to Use Stored Water**

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

- Yes.     No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)

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If *all* sources listed in Section 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: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION**

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

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

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:  
[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqq\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/)

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

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

Is the POD located in an area where the Upper Columbia Rules apply?

- Yes     No



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

**If yes,**

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

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

Is the POD located in an area where the Lower Columbia rules apply?

Yes  No

**If yes, you are notified** that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

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

**If yes, provide the following information** (the information must be provided with the application to be considered complete).

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

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

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

Is the POD located in an area where the Statewide rules apply?

Yes  No

**If yes,** the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department



standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

**SECTION 5: WATER USE**

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   |
|------------|------------|----------------------|--|
| Lake Tony  | Irrigation | March 1 – October 31 | 253.3 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af |
| Lake Tony  | Commercial | Year Round           | 40 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af    |
| Lower Pond | Irrigation | March 1 – October 31 | 90 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af    |
| Lower Pond | Commercial | Year Round           | 20 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af    |



Please indicate the number of primary and supplemental acres to be irrigated.  $137.3 \text{ ac} \times 2.5 \frac{\text{ac-ft}}{\text{ac}} = 343.3 \text{ ac-ft}$  Irrigation  
 Primary: **137.3** Acres                      Supplemental: \_\_\_\_\_ Acres  
 If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):  
 \_\_\_\_\_  
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 383.3 (irrigation + in-season commercial uses) + 20 (out-of-season commercial use)

- 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: \_\_\_\_\_

**SECTION 6: 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): Vertical Turbine, 75 hp (3)
- Other means (describe):

Water is gravity fed from Lake Tony to a smaller storage pond ("Lower Pond") from which water is pumped and distributed to the irrigated areas via a pumping station and underground piping.

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

Water stored at Lake Tony is gravity fed to Lower Pond via a buried pipeline that is valved on the Lake Tony end. From Lower Pond, water feeds into a pump gallery which pumps water via underground PVC piping to the irrigated portions of the golf course and support facilities.



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of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve "no loss of essential habitat of threatened and endangered (T&E) fish species," or "no net loss of essential habitat of sensitive (S) fish species." If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

**SECTION 5: WATER USE**

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   |
|-----------|------------|----------------------|--|
| Lake Tony | Irrigation | March 1 – October 31 | 343.3 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af |
| Lake Tony | Commercial | Year Round           | 60 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af    |
|           |            |                      | <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af                  |
|           |            |                      | <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af                  |

Please indicate the number of primary and supplemental acres to be irrigated.  
 Primary: **137.3** Acres      Supplemental: \_\_\_\_\_ Acres  
 If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):  
 \_\_\_\_\_  
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: **383.3 (irrigation + commercial uses) + 20 (out-of-season commercial use)**

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- 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 6: WATER MANAGEMENT**

**A. Diversion and Conveyance**

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

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- Pump (give horsepower and type): Vertical Turbine, 75 hp (3)
- Other means (describe):

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Water is gravity fed from Lake Tony to a smaller storage pond ("Lower Pond") from which water is pumped and distributed to the irrigated areas via a pumping station and underground piping.

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

Water stored at Lake Tony is gravity fed to Lower Pond via a buried pipeline that is valved on the Lake Tony end. From Lower Pond, water feeds into a pump gallery which pumps water via underground PVC piping to the irrigated portions of the golf course and support facilities.



**B. Application Method**

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

Underground sprinkler system, including PVC piping and high-pressure pop-up sprinklers.

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**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.

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The amount of water requested is in line with existing groundwater right permit (No. G-15437) issued for this property and for the adjoining properties making up the Bandon Dunes Golf Resort. The amount of water used will be limited to one-eightieth of one cubic foot per second, and 2.5 acre-feet per irrigated acre during the irrigation season. Groundwater will be appropriated from up to 5 wells and diverted to Lake Tony for temporary storage. Lake Tony is a storage pond created by lining an excavated borrow bit. The liner will minimize water losses due to infiltration. Water from Lake Tony feeds into Lower Pond and from there to a pump gallery that pumps the water via underground PVC piping to sprinklers located in the irrigated areas. The use of underground systems and irrigating primarily during the cooler nighttime hours helps to prevent evaporative losses. The application of water will be monitored carefully and adjusted to ensure water does not pond or runoff of the designated irrigation areas.

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The water appropriated from each well is monitored with an in-line flowmeter mounted at the wellhead. Water level in Lake Tony and Lower Pond will be maintained at a constant level to protect the liners and for wildlife protection.

**SECTION 7: 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 per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.  
Describe planned actions:

Lake Tony is an artificial pond not connected to any other surface water body. No fish or wildlife will be maintained in the pond and therefore no diversion screens will be required. The pond will be kept topped up to prevent wildlife from slipping on the liner material and becoming trapped.

- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
**Note:** If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.

Describe planned actions and additional permits required for project implementation:

No excavation or clearing of stream banks occurred when the original borrow pit was created.



- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe planned actions and additional permits required for project implementation:

Lake Tony is an artificial pond and not connected to any other surface water body. No fish or wildlife will be maintained in the pond and therefore no special restrictions on operating equipment on the pond are required.

- Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe planned actions:

No chemicals will be used, blended, stored, or disposed of within the immediate drainage area of the pond.

- List other federal and state permits or contracts to be obtained, if a water right permit is granted.  
n/a

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**SECTION 8: PROJECT SCHEDULE**

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- a) Date construction will begin: March 2019
- b) Date construction will be completed: March 2020
- c) Date beneficial water use will begin: 2020

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**SECTION 9: WITHIN A DISTRICT**

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

|                                 |         |     |
|---------------------------------|---------|-----|
| Irrigation District Name<br>n/a | Address |     |
| City                            | State   | Zip |

**SECTION 10: REMARKS**

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

This application was prepared and submitted with additional applications for the following:

- Groundwater Right G-15437 Amendment Application - Ammends G-15437, [Defines appropriation of groundwater from 4 current wells to supply water to Lake Tony and provide water for irrigation for 95 acres. Changes the acreage designated as the P.O.U.
- New groundwater permit to appropriate groundwater for commercial uses and irrigation of golf course support facilities [2 wells (1 well for potable supply and 1 well to supply water to Lake Tony and designated for irrigation (42.3 acres) and other commercial uses
- Storage permits to address the storage of pumped groundwater in Lake Tony and Lower Pond

Groundwater will be appropriated from wells on the property (locations are defined in the amendment application and new groundwater permit application) and pumped to "Lake Tony" for storage. The water will be diverted by gravity flow to an adjoining small, lined pond (Lower Pond) and then pumped to the golf course (defined in the G-15437 Permit Amendment Application) and supporting facilities (defined in the new groundwater permit application) for beneficial use (irrigation/commercial). The amount of water requested under this permit is the same as what is permitted under G-15437 and requested in the new groundwater permit.



# 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

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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

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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

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Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
503-986-0900  
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### Applicant

|  |          |            |                                    |
|--|----------|------------|------------------------------------|
| NAME Bally Bandon L.L.C. (Attn: Michael L. Keiser) |          | PHONE (HM) | OWRD                               |
| 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:                                      |
|----------|-------|--|--|--|---|--|--|--|---|
| 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 |
|          |       |  | 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 |   |  |  |  |   |
|          |       |  |  |  |   |  |  |  | POD - "Lake Tony"                                       |

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

Coos County

### 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

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<br>(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<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><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 use

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

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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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# Minimum Requirements Checklist

Include this checklist with the application

With the original application and signature to the Water Resources Department, 10000 West 10th Avenue, Denver, CO 80202. A copy of the completed application will be returned to you. If you have any questions, please call the Water Rights & Permitting Services Group at (303) 733-1000.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Location of Work
- SECTION 4: General Information/Background For Specific Public Utility Department
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Resource Information
- SECTION 8: Project Schedule
- SECTION 9: Water Demand
- SECTION 10: Remarks

## Minimum Requirements Checklist

- Map that includes the following items:
  - Formatted quality and drawn to scale
  - Form map scale not less than 4" = 1 mile (example: 1" = 400 ft. or 1:160,000)
  - North arrow and symbol
  - Township, Range, Section, Quarter/center, Twp lines
  - Reference corner or mark
  - Location of each of water use reference for each public utility water use distribution
  - North arrow and north-south
  - Indicate the name of each of water use reference for each public utility water use distribution
  - Indicate the name of water use reference for each public utility water use distribution
  - Location of each water distribution system (if well located, on the west of east)
- Form - Attach and/or 2.1.200.20 See the Department's For Schedule at [www.watercolor.com](#) or call (303) 733-1000.
- Provide the legal description of (1) the property from which the water is to be diverted; (2) any property owned by the proposed third party; and (3) any property on which the water is to be used as depicted on the map.
- Provide the total gallons per minute with approval and signature of local planning department (water department) or signed receipt.

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## Minimum Requirements Checklist

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

### Include this checklist with the application

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

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

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

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#### Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- 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.
- Fees - Amount enclosed: \$ 2,200.80 See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- Map that includes the following items:
  - Permanent quality and drawn in ink
  - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
  - North Directional Symbol
  - Township, Range, Section, Quarter/Quarter, Tax Lots
  - Reference corner on map
  - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
  - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
  - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
  - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)



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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.

and Tax Statements to be Sent to:

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

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### 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:

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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.



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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.



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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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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

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WARRANTY DEED -- STATUTORY FORM  
(INDIVIDUAL or CORPORATION)

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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

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):  
*[Signature]*  
JAMES MAST  
*[Signature]*  
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

*[Signature]*  
Notary Public for Oregon

My commission expires: \_\_\_\_\_



PAGE #: 0001 OF 0002  
INST#: 1998 60458 \*\*

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



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 20, 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.

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

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# Land Use Information Form

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

SECTION 1: GENERAL INFORMATION

1.1. The NW 1/4 of the SW 1/4 of Section 24, Township 23 North, Range 12 East, of the Willamette Meridian, Clatsop County, Oregon, is the subject of this Land Use Information Form.

1.2. The owner of the above described land is [Name], [Address], [City, State, Zip].

1.3. The land is currently zoned [Zoning Code] and is used for [Current Use].

1.4. The land is subject to the following easements and encumbrances: [List Easements]

1.5. The land is not subject to any other restrictions or covenants.

SECTION 2: LAND USE INFORMATION

2.1. The land is currently zoned [Zoning Code] and is used for [Current Use].

2.2. The land is eligible for [List Eligible Land Uses].

2.3. The land is not eligible for [List Ineligible Land Uses].

2.4. The land is subject to the following restrictions: [List Restrictions]

2.5. The land is not subject to any other restrictions or covenants.

SECTION 3: CONCLUSION

3.1. The information contained in this Land Use Information Form is based on the records of the Clatsop County Assessor's Office and the Clatsop County Planning Department.

3.2. The information contained in this Land Use Information Form is not a guarantee of accuracy and is subject to change without notice.

3.3. The information contained in this Land Use Information Form is for informational purposes only and should not be used for any other purpose.



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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. **OWRD**

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

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

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

| Township | Range | Section | ¼ ¼   | Tax Lot # | Plan Designation (e.g., Rural Residential/RR-5) | Water to be:                                 |  |  | Proposed Land Use:                                      |
|----------|-------|---------|-------|-----------|---|--|--|--|---|
| 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 |
|          |       |         | SE-NE | 100       |   | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used |   |
| 27S      | 14W   | 20      | NE-NW | 100       | F   | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | POD – "Lake Tony"                                       |
|          |       |         | 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 |   |

**SECTION 3: SOURCE OF WATER**

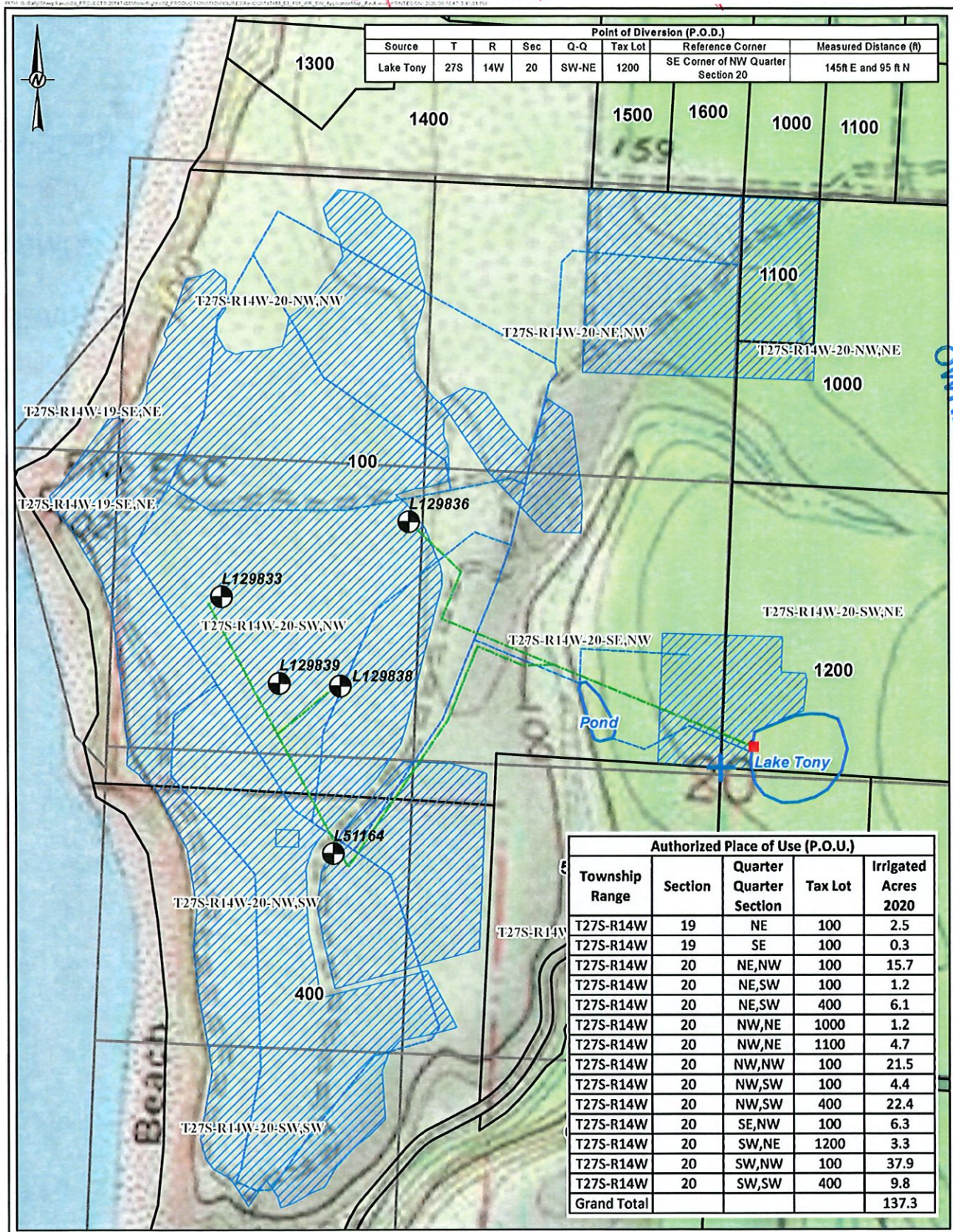
**A. Proposed Source of Water**

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), and the locations of the point of diversion (POD):

|                                      |   |
|--------------------------------------|---|
| Source 1: Lake Tony                  | Tributary to: n/a (artificial lined storage pond) |
| TRSQQ of POD: T27S R14W Sec 20 NW-SW |   |
| Source 2:                            | Tributary to:                                     |
| TRSQQ of POD:                        |   |



Superseded



| Point of Diversion (P.O.D.) |     |     |     |       |         |                                    |                        |
|-----------------------------|-----|-----|-----|-------|---------|------------------------------------|------------------------|
| Source                      | T   | R   | Sec | Q-Q   | Tax Lot | Reference Corner                   | Measured Distance (ft) |
| Lake Tony                   | 27S | 14W | 20  | SW-NE | 1200    | SE Corner of NW Quarter Section 20 | 145ft E and 95 ft N    |

| Authorized Place of Use (P.O.U.) |         |                 |         |                      |
|----------------------------------|---------|-----------------|---------|----------------------|
| Township Range                   | Section | Quarter Quarter | Tax Lot | Irrigated Acres 2020 |
| T27S-R14W                        | 19      | NE              | 100     | 2.5                  |
| T27S-R14W                        | 19      | SE              | 100     | 0.3                  |
| T27S-R14W                        | 20      | NE,NW           | 100     | 15.7                 |
| T27S-R14W                        | 20      | NE,SW           | 100     | 1.2                  |
| T27S-R14W                        | 20      | NE,SW           | 400     | 6.1                  |
| T27S-R14W                        | 20      | NW,NE           | 1000    | 1.2                  |
| T27S-R14W                        | 20      | NW,NE           | 1100    | 4.7                  |
| T27S-R14W                        | 20      | NW,NW           | 100     | 21.5                 |
| T27S-R14W                        | 20      | NW,SW           | 100     | 4.4                  |
| T27S-R14W                        | 20      | NW,SW           | 400     | 22.4                 |
| T27S-R14W                        | 20      | SE,NW           | 100     | 6.3                  |
| T27S-R14W                        | 20      | SW,NE           | 1200    | 3.3                  |
| T27S-R14W                        | 20      | SW,NW           | 100     | 37.9                 |
| T27S-R14W                        | 20      | SW,SW           | 400     | 9.8                  |
| <b>Grand Total</b>               |         |                 |         | <b>137.3</b>         |

- LEGEND**
- POINT OF DIVERSION (P.O.D.)
  - ⊕ IRRIGATION WELLS
  - SUPPLY PIPELINE (TO LAKE TONY)
  - COURSE DISTRIBUTION PIPELINE (FROM LAKE TONY)
  - ▨ PROPOSED P.O.U.
  - ▭ PARCEL AND TAX LOT
  - QUARTER QUARTER SECTION
  - ⊕ REFERENCE CORNER



REFERENCES(S)  
 1. BLM, 2020.  
 2. COOS COUNTY, 2020.  
 3. COORDINATE SYSTEM: NAD 1983 STATEPLANE OREGON SOUTH FIPS 3602 FEET

CLIENT  
BANDON DUNES LIMITED PARTNERSHIP

PROJECT  
BDLP/SHEEP RANCH WATER RIGHTS/OR

TITLE  
SURFACE WATER RIGHT APPLICATION MAP

CONSULTANT  
GOLDER

|          |            |
|----------|------------|
| YYYYMMDD | 2020-09-16 |
| DESIGNED | -          |
| PREPARED | HJ         |
| REVIEWED | RB         |
| APPROVED | DB         |

PROJECT NO. 20147488      PHASE 001      REV. A      FIGURE 1

RECEIVED  
 NOV 04 2020  
 OWRD  
 RECEIVED  
 JAN 08 2021  
 OWRD





RECEIVED  
JAN 08 2021  
OWRD

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Bally Bandon L.L.C

2450 N. Lakeview Chicago, IL 60614

Transaction Type: Water Right Application

Fees Received: \$ 2200.80

Cash  Check: Check No. 147334

Name(s) on Check: Bandon Dones

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.



**Oregon**  
Kate Brown, Governor

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

November 18, 2020

**RECEIVED**

**JAN 08 2021**

**OWRD**

Bally Bandon LLC  
c/o Michael L. Keiser  
2450 N Lakeview  
Chicago, IL 60614

Dear Applicant:

The Department is unable to accept an application to use surface water from Lake Tony if no water right exists for the storage of water. The Department has no record of an existing water right nor a pending application to store water. A reservoir application must be submitted at the same time as this surface water application. Alternatively, you may also file a just the reservoir application, and if it's approved by the Department, you can take advantage of the Department's expedited process to use stored water exclusively through a two-step process. This process has a shorter processing timeline; however, to be eligible, the reservoir must be approved (permitted) before filing the subsequent surface water application.

Should you have any questions, please contact Water Right Customer Service at 503-986-0801 or [cory.m.middleton@oregon.gov](mailto:cory.m.middleton@oregon.gov)

Sincerely,

Cory Middleton  
Water Rights Customer Service

Cc: OWRD Fiscal (Check #147334 ),  
Bandon Dunes Golf Resort c/o Warren Felton

Enclosures:

*This review is based only on the completeness of your application(s). Any determination of water availability, compliance with basin plan rules, or any other water related issues has not been made. Fees may change.*