

RA

Assigned
 Name Gibson Ridge Vineyards
PO BOX 3989
 Address Napa, CA 94558

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Unnamed Stream / Spring 1,2,3,4

Trib. of Gibson Gulch RS Spring Branch Brush College CR

Use IR County POIK

Quantity of water (CFS) _____ No. of Acres 7.7 23.3

Name of ditch _____

App # 543569 Per # 532583 Cert # 39173 PR Date 1967

App # 27159 Per # 22419 Cert # 27051 PR Date 1952

App # _____ Per # _____ Cert # _____ PR Date _____

App # _____ Per # _____ Cert # _____ PR Date _____

App # _____ Per # _____ Cert # _____ PR Date _____

FEES PAID		
Date	Amount	Receipt #
<u>8-6-07</u>	<u>725.00</u>	<u>89061</u>
<u>8/12/15</u>	<u>85.00</u>	<u>116969</u>

FEES REFUNDED		
Date	Amount	Receipt#

Change in APOD fee revised
 Date Filed 8-6-2007 4/21/08
 Initial notice date 8/14/07 4/29/08
 DPD issued date _____
 PD issued date _____
 PD notice date _____
 Date of FO 8-31-09 Vol 78 Page 795
 C-Date _____
 COBU due date _____
 COBU Received date _____
 Certificate issued 85782 AR
85783 AR

Assignments: 8-12-15 Roserock East LLC PO Box 700 Dundee, OR 97115

Irrigation District N/A

Agent Joe Richards 3937 NE 13th Avenue Portland OR 97212 503 841-5012

503 841-5013 fax

CWRE Joseph Richards #49587

CC's list Public Notice 8-14-07 4/29/08

Contractor: John Borden

- Oversized map - Location



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

Request for Assignment

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

I, Gibson Ridge Vineyard, LLC ATTN: Dana Sexton Vivier
 (Name of Applicant / Permit / Transfer Holder / License Holder/GR Certificate of Registration)

c/o GI Partners, 2180 Sand Hill Road #210 Menlo Park CA 94025 650-233-3600
 (Mailing Address) (City) (State) (Zip) (Phone #)

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

Application # _____; Permit # _____; Transfer # T-10440

-OR-

License # _____; GR Statement # _____; GR Certificate of Registration # _____

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

Roserock East, LLC
 (Name of New Owner)

c/o Domaine Drouhin Oregon, PO Box 700 Dundee, OR 97115 503-864-2700
 (Mailing Address) (City) (State) (Zip) (Phone #)

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

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

Witness my hand this 23 day of July, 2015.

Applicant/Permit Holder Dana Sexton Vivier for Gibson Ridge Vineyard, LLC

Applicant/Permit Holder _____

ASSIGN REC 8/13/2015

DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.
 Fee receipt # 116764
 For Director by Jerry Sauter, Program Analyst in Water Rights Division

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

RECEIVED BY OWRD

AUG 12 2015

SALEM, OR



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

August 13, 2015

GSI Water Solutions Inc.
Attn: Theodore Ressler
55 SW Yamhill Street, Suite 300
Portland, Oregon 97204

Reference: Application T-10440

The assignment from Gibson Ridge Vineyard, LLC to Roserock East, LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show Roserock East, LLC as the transfer holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 116964 covering the recording fee is also enclosed.

A transfer is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the transfer to be familiar with the conditions and timelines contained in the transfer.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 116964

cc: Watermaster 16
Roserock East, LLC
Data Center, OWRD (cover letter & request)
Hydrographics
File



Water Solutions, Inc.

August 10, 2015

Mr. Jerry Sauter
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Subject: Request for Assignment
Applications R-86762, S-86764, S-86761, S-86759
Permits R-15091 and R-15093
Transfer T-10440

Dear Mr. Sauter:

Please find enclosed with this letter a Request for Assignment for each the water rights listed below along with a check in the amount of \$595 for payment of the \$85 recording fee for each assignment.

Application	Permit	Assignor	Assignee
R-86762	--	Popcorn Hill Vineyard, LLC	Roserock West 2, LLC
S-86764	--	Popcorn Hill Vineyard, LLC	Roserock West 1, LLC (tax lot 200) Roserock West 2, LLC (tax lot 301)
S-86761	--	Eagle Crest Vineyard, LLC	Roserock Middle, LLC
S-86759		Gibson Ridge Vineyard, LLC	Roserock East, LLC
R-86763	R-15091	Meriwether Farms, LLC	Roserock West 2, LLC
R-86760	R-15093	Eagle Crest Vineyard, LLC	Roserock Middle, LLC
T-10440		Gibson Ridge Vineyard, LLC	Roserock East, LLC

Please do not hesitate to contact me with questions about this request or the materials enclosed.

Respectfully submitted,

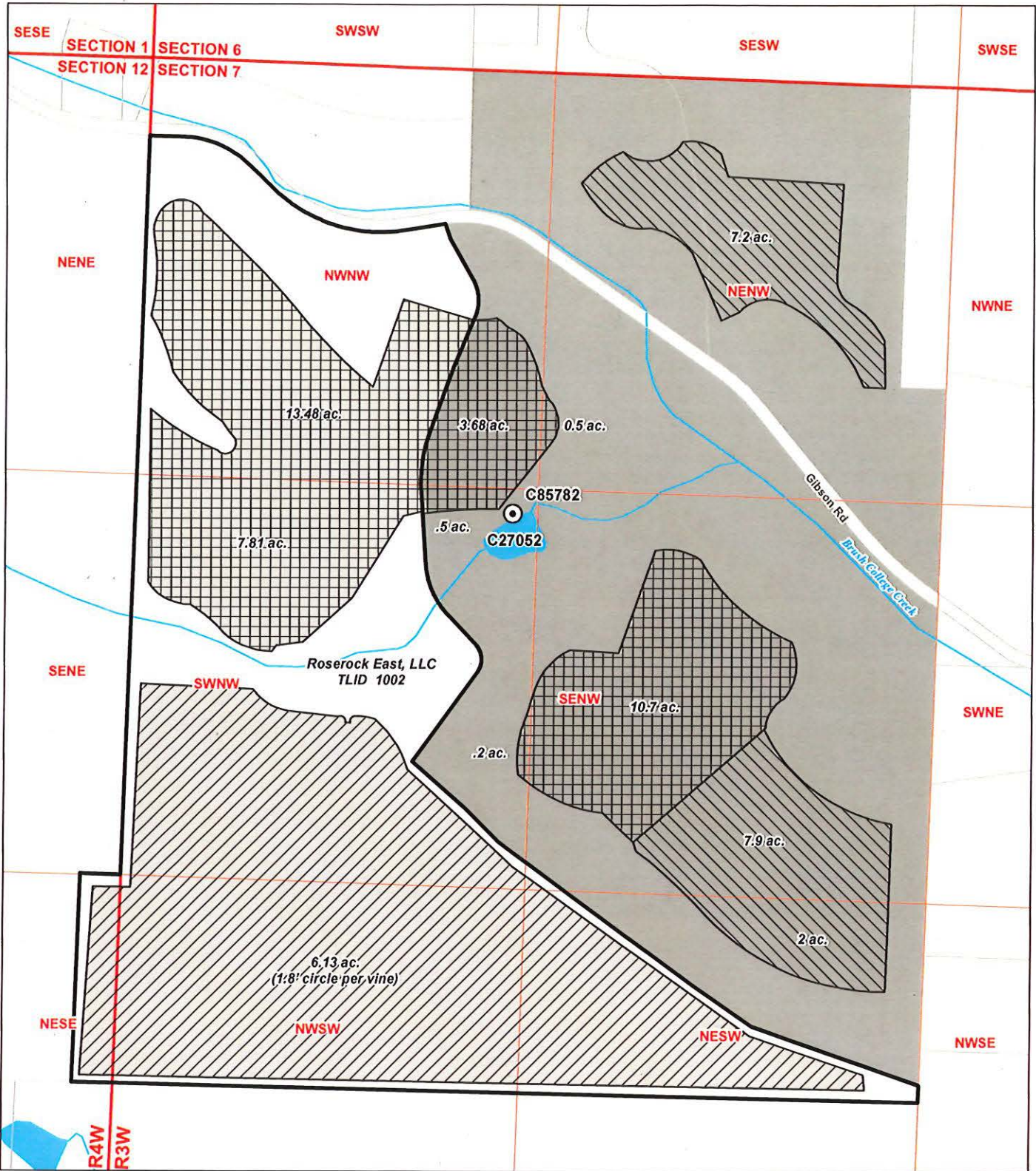
Theodore Ressler, RG, CWRE
GSI Water Solutions, Inc.

Cc: David Millman – Domain Drouhin Oregon
MaryAnn Coon – Domain Drouhin Oregon
Leigh Bartholomew – Results Partners, LLC

RECEIVED BY OWRD

AUG 12 2015

SALEM, OR



- LEGEND**
- Point of Diversion (POD)
 - Place of Use**
 - C85782, Primary Irrigation
 - C85782, Supplemental Irrigation
 - C85783, Primary Irrigation
 - T10440, Transfer - To Lands (Primary and Supplemental Irrigation)

- All Other Features**
- Roserock East, LLC (tax lot 1002)
 - Portion of Water Right NOT Owned by Roserock East, LLC
 - Tax Lot
 - Watercourse
 - Waterbody

MAP NOTES:
 Date: July 30, 2015
 Data Sources: BLM, OWRD, Polk Co.

Ownership Update and Assignment
 Roserock East
 Certificates 85782 and 85783
 Transfer T-10440
 Township 7 South, Ranges 3 & 4 West (W.M.)

RECEIVED BY OWRD
 AUG 12 2015
 SALEM, OR



T- 10440

Mike McCord

From: Mike McCord
Sent: Monday, April 15, 2013 8:12 AM
To: 'ericurstadt@stuntzner.com'
Subject: RE: Emailing: Gibson Soil Moisture Monitoring PlanBinderI.pdf

Good morning Eric, I too thought we had finalized this in writing. It appears not to be the case. This is how I remember our meeting and is consistent with what we discussed in the field. This monitoring plan is approved as written/drawn.

Mike McCord
District 16 Watermaster
503 986-0889

From: ericurstadt [<mailto:ericurstadt@stuntzner.com>]
Sent: Friday, April 12, 2013 2:30 PM
To: Mike McCord
Subject: FW: Emailing: Gibson Soil Moisture Monitoring PlanBinderI.pdf

Mike,
I don't have on record anything via writing or email that you have approved this plan. We are getting g close to doing the COBU, so we do need something for the file. According to the transfer it was to have ben approved prior to water use, which it was verbally, but I suspect WRD will want something in writing confirming that to complete the COBU.

I thought I had this in writing, but cannot find it at this time. Can you email back that it's good?

Eric Urstadt, PE, PLS



Forest Grove, Oregon
Office: 503-357-5717
Cell: 503-312-3931

From: Eric Urstadt [<mailto:ericurstadt@stuntzner.com>]
Sent: Monday, June 04, 2012 12:06 PM
To: Ken Kupperman
Subject: Fw: Emailing: Gibson Soil Moisture Monitoring PlanBinderI.pdf

Here is the plan again.

Eric

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

From: Eric Urstadt
To: Tom Adams
Cc: Ken Kupperman ; Mike Cybulski ; Mike McCord
Sent: Tuesday, May 08, 2012 4:45 PM
Subject: Emailing: Gibson Soil Moisture Monitoring PlanBinderI.pdf

Atlas group,

Attached is the final Gibson soil monitoring plan as approved by Mike McCord in the field today.

Eric Urstadt, PE, PLS

Stuntzner Engineering & Forestry, LLC

2137 19th Ave., Forest Grove, OR 97116

503-357-5717 (office)

503-357-5698 (fax)

503-312-3931 (cell)

The message is ready to be sent with the following file or link attachments:

Gibson Soil Moisture Monitoring PlanBinderI.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.



TELEPHONE (503) 357-5717
FAX (503) 357-5698
2137 19th Avenue
Forest Grove, OR 97116

COOS BAY - FOREST GROVE - DALLAS - BROOKINGS

May 8, 2012

Mike McCord, Watermaster
Oregon Water Resources Department
725 Summer St. NE Ste. A
Salem, OR 07301

Subject: T-10440 Soil Moisture Monitoring Plan

Mr. McCord,

The purpose of this letter is to set out and confirm with you the specific provisions of the "approved monitoring plan" agreed to in past communications with the former property manager pursuant to Final Order T-10994 (attached on page 11). Per discussions with you and the former manager the "approved monitoring plan" included the expressed requirement of Final Order T-10994 along with a hand drawn figure showing the required configuration of the monitoring probes within the monitoring sites. In order to facilitate the new property manager's ability to implement the Soil Moisture Monitoring Plan we have reviewed the applicable documents, discussed the previously approved monitoring plan with you and the previous manager, visited the site to find suitable monitoring sites, and prepared this Soil Moisture Monitoring Plan to document the requirements. Accordingly, the Soil Moisture Monitoring Plan requirements are as follows:

1. Monitoring Instrument: The measurements shall be made with a high frequency dielectric probe (or better instrument if approved by you in writing).
2. Measurement locations for each site: Per figure "A" received from you (page 3) and discussion at the site, eight (8) probing locations will be established for each measurement site; whereas control sites will have only one probe location. For measurement sites, four probes will be located in line with the vine rows and four will be located perpendicular to vine rows. Four (4) will be at a radius of 10.8 inches and four (4) will be at a radius of 15 inches. For the control sites, one probe will be put in line with the trellis .
3. Measurement depths for each measurement location: Also per the figure provided by you, readings will be taken at 6 depths per probe hole, being at 6 and 12 inches below the ground surface as discussed in the site meeting.
4. Location and number of monitoring sites: Per the Final Order - "The location number of the soil moisture monitoring sites shall be selected so as to effectively monitor the behavior of the wetted areas located within different slope and soil types" in the Place of Use (POU). The soils types per the County Soil Maps and related data (source Natural Resource Conservation Service) is shown on pages 5 to 10. From that data one can see that there are three significant soil types, one Jory and two Nekia. Further review of their hydrological grouping shows that all three are in the same hydrological group, each having similar infiltration rates. Therefore; as far as behavior from watering, all three types are similar. On page 4 is the USGS quad map that shows the general slopes and aspect of the POU. There are two major slopes, one being the south facing slope in

the southwest corner and the remainder of the POU being a gentle easterly slope. For these reasons, two monitoring sites, each with one control site are required: control sites will not receive irrigation, one site on the gentle easterly slope, and one site on the south facing slope in the southwest portion of the POU. The monitoring locations were confirmed by you in the field and are shown on the attached aerial photo on page 5. Both sites are near the south property line. One is at row 200 and one at row 100. Both will have a control site south of the trellis row near the trellis anchor and both will have a monitoring site with eight probes at the tenth plant north of the control point.

5. Frequency of measurements: The frequency and timing of measurements is proposed to be as follows:
 - a. Measurements will be taken during the irrigation season typically between mid July and mid-September.
 - b. Because of the fine-grain soils and low permeability rates, the timing of the measurements shall be between 24 and 72 hours after the end of a watering.
 - c. Measurements will be taken after waterings, at a maximum of 1 set of measurements per week.
 - d. For clarity, each set of measurements will cover 2 depths/probe location, 8 probe locations per normal monitoring site, with 2 normal monitoring sites (including one control site per monitoring site), which totals $[(2 \times 8) + (2 \times 1)]$ 18 measurements per set.
6. Duration of monitoring: After five years of monitoring (or less if approved by the State) the water user can request reconsideration of these monitoring requirements.

Sincerely,
Stuntzner Engineering & Forestry, LLC

Eric Urstadt, PE, PLS

Y:\2012\3122012Atlas VM - Calpers\Gibson\Soil Moisture Monitoring\Gibson Soil Moisture Monitoring Plan1.doc

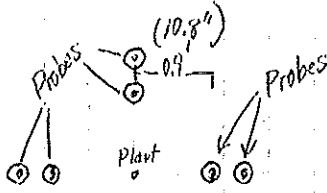
T-10440

Estimation for monitoring
1 square = 4.5 foot

Plant centers 3.25' apart in row

Rows 5.25' apart

Wetted diameter = 1.8' (0.9' radius)

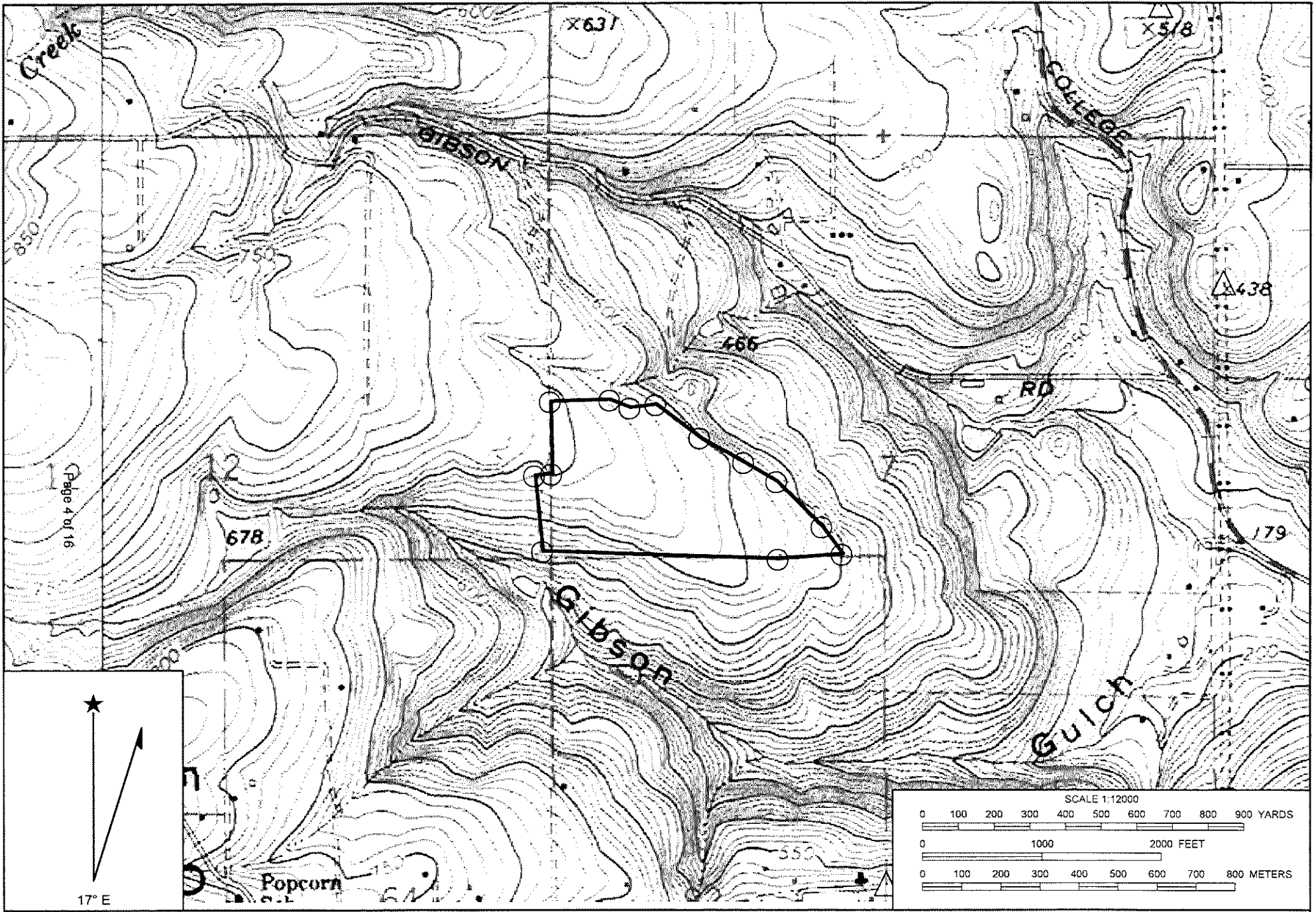


↑
Row 1

↑
Row 2

↑
Row 3

Depths below ground surface to monitor (consistent with other transfers T-8340, T-8358 & T-9786)
= 6", 12", 18", 24", 30", 36"



Name: SALEM WEST
 Date: 4/12/2012
 Scale: 1 inch equals 1000 feet

Location: 044° 58' 40.63" N 123° 06' 28.41" W
 Caption: Gibson transfer POU

Soil Map—Polk County, Oregon
(Gibson Transfer POU)

123° 6' 47"

123° 6' 6"

44° 58' 48"

44° 58' 48"

Page 5 of 16



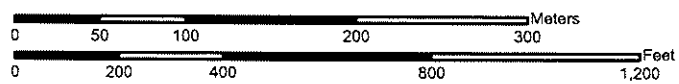
44° 58' 28"

44° 58' 28"

123° 6' 47"



Map Scale: 1:4,330 If printed on A size (8.5" x 11") sheet.



123° 6' 6"

Soil Map—Polk County, Oregon
(Gibson Transfer POU)

MAP LEGEND

Area of Interest (AOI)		Very Stony Spot
Area of Interest (AOI)		Wet Spot
Soils		Other
	Special Line Features	
Special Point Features		Gully
		Short Steep Slope
		Other
	Political Features	
		Cities
		PLSS Township and Range
		PLSS Section
	Water Features	
		Streams and Canals
	Transportation	
		Rails
		Interstate Highways
		US Routes
		Major Roads
		Local Roads

MAP INFORMATION

Map Scale: 1:4,330 if printed on A size (8.5" x 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 10N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Polk County, Oregon
Survey Area Data: Version 9, Jul 15, 2010

Date(s) aerial images were photographed: 7/18/2005

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Polk County, Oregon (OR053)			
Map Unit Symbol	Map Unit Name	Acres In AOI	Percent of AOI
36C	Jory silty clay loam, 2 to 12 percent slopes	21.1	43.6%
52C	Nekia silty clay loam, 2 to 12 percent slopes	19.5	40.3%
52D	Nekia silty clay loam, 12 to 20 percent slopes	7.6	15.7%
61D	Ritner gravelly silty clay loam, 12 to 30 percent slopes	0.2	0.4%
Totals for Area of Interest		48.3	100.0%

placed in one of four groups on the basis of the intake of water after the soils have been wetted and have received precipitation from long-duration storms.

The four hydrologic soil groups are:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist chiefly of deep, well drained to excessively drained sands or gravels. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils that have a layer that impedes the downward movement of water or soils that have moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clay soils that have a high shrink-swell potential, soils that have a permanent high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

Flooding is the temporary covering of soil with water from overflowing streams, with runoff from adjacent slopes, and by tides. Water standing for short periods after rains or after snow melts is not considered flooding, nor is water in swamps and marshes. Flooding is rated in general terms that describe the frequency and duration of flooding and the time of year when flooding is most likely. The ratings are based on evidence in the soil profile of the effects of flooding, namely thin strata of gravel, sand, silt, or, in places, clay deposited by floodwater; irregular decrease in organic-matter content with increasing depth; and absence of distinctive soil horizons that form in soils of the area that are not subject to flooding. The ratings are also based on local information about floodwater levels in the area and the extent of flooding and on information that relates the position of each soil on the landscape to historic floods.

The generalized description of flood hazards is of value in land-use planning and provides a valid basis for land-use restrictions. The soil data are less specific, however, than those provided by detailed engineering surveys that delineate flood-prone areas at specific flood frequency levels.

High water table is the highest level of a saturated zone more than 6 inches thick for a continuous period of more than 2 weeks during most years. The depth to a seasonal high water table applies to undrained soils. Estimates are based mainly on the relationship between grayish colors or mottles in the soil and the depth to free water observed in many borings made during the course

of the soil survey. Indicated in table 15 are the seasonal high water table; the kind of water table, that is, perched, artesian, or apparent; and the year that the water table commonly is in the saturated zones above a depth of 5 or 6 feet and below.

Information about the seasonal high water table is in assessing the need for specially designed drainage systems. The need for specific kinds of drainage systems, the need for footing drains to insure dry basements, information is also needed to decide whether the construction of basements is feasible and to how septic tank absorption fields and other underground installations will function. Also, a seasonal high water table affects ease of excavation.

Depth to bedrock is shown for all soils that are underlain by bedrock at a depth of 5 to 6 feet or more. For many soils, the limited depth to bedrock is a defining characteristic of the soil series. The depths shown are based on measurements made in many soil borings and other observations during the mapping of the soil series. The kind of bedrock and its hardness as related to excavation is also shown. Rippable bedrock can be excavated with a single-tooth ripping attachment on a tractor, but hard bedrock generally requires blasting.

Potential frost action refers to the likelihood of damage to pavements and other structures from soil heaving and low soil strength after thawing. Frost action results from the movement of soil moisture during the freezing temperature zone in the soil, which causes ice lenses to form. Soil texture, temperature, moisture content, porosity, permeability, and content of organic matter are the most important soil properties that affect frost action. It is assumed that the soil is not protected by insulating vegetation or snow and is not excessively drained. Silty and clayey soils that have a high water table in winter are most susceptible to frost action. Well drained very gravelly or sandy soils are the least susceptible.

Risk of corrosion pertains to potential damage from chemical action that dissolves or weakens steel or concrete. The rate of corrosion of steel is related to soil moisture, particle-size distribution, total acidity, and electrical conductivity of the soil (23). The rate of corrosion of concrete is based on the sulfate content, texture, and acidity of the soil. Protective measures for steel or more resistant materials help to avoid or minimize damage resulting from corrosion. Uncoated steel intersecting soil horizons is more susceptible to corrosion. Installation of a drainage system that is entirely within one soil horizon.

Soil name and map symbol	Hydrologic group	Flooding		High water table			Bedrock		Potential frost action	Risk of corrosion	
		Frequency	Months	Depth	Kind	Months	Depth	Hardness		Uncoated steel	Concrete
34D, 34E, 34F----- Honeygrove	C	None-----	---	>6.0	---	---	>60	---	---	High-----	Moderate.
35C, 35D, 35E, 36C, 36D, 36E, 37D, 37E----- Jory	C	None-----	---	>6.0	---	---	>60	---	---	High-----	High.
38E, 38F----- Kilchis	C	None-----	---	>6.0	---	---	12-20	Hard	---	High-----	High.
39F*: Kilchis-----	C	None-----	---	>6.0	---	---	12-20	Hard	---	High-----	High.
Klickitat-----	B	None-----	---	>6.0	---	---	40-50	Rippable	---	High-----	High.
40D, 40E, 40F----- Kilowan	C	None-----	---	>6.0	---	---	20-40	Rippable	---	High-----	High.
41D, 41E, 41F----- Klickitat	B	None-----	---	>6.0	---	---	40-50	Rippable	---	High-----	High.
42B----- Knappa	B	None-----	---	>6.0	---	---	>60	---	---	High-----	High.
43D, 43F----- Luckiamute	D	None-----	---	>6.0	---	---	14-20	Rippable	---	High-----	High.
44D, 44E, 44F----- Lurnick	C	None-----	---	>6.0	---	---	20-40	Rippable	Moderate	High-----	High.
45----- Malabon	C	None-----	---	>6.0	---	---	>60	---	---	High-----	Moderate.
46----- Malabon	C	Occasional	Dec-Mar	>6.0	---	---	>60	---	---	High-----	Moderate.
47D, 47E----- Marty	B	None-----	---	>6.0	---	---	>60	---	---	High-----	High.
48A, 48B----- McAlpin	C	None-----	---	2.0-3.0	Apparent	Nov-Mar	>60	---	---	High-----	Moderate.
49----- McBee	B	Frequent	Nov-May	2.0-3.0	Apparent	Nov-Apr	>60	---	---	High-----	Moderate.
50D, 50E, 50F----- McDuff	C	None-----	---	>6.0	---	---	20-40	Rippable	---	High-----	High.
51D----- Mulkey	C	None-----	---	>6.0	---	---	20-40	Hard	---	High-----	High.

See footnote at end of table.

TABLE 15.--SOIL AND WATER FEATURES--Continued

Soil name and map symbol	Hydrologic group	Flooding		High water table			Bedrock		Potential frost action	Risk of corrosion	
		Frequency	Months	Depth	Kind	Months	Depth	Hardness		Uncoated steel	Concrete
				Fe			In				
52C, 52D, 52E, 52F Nekia	C	None	---	>6.0	---	---	20-40	Hard	---	High	High.
53, 54 Newberg	B	Common	Dec-Mar	>6.0	---	---	>60	---	---	Low	Moderate.
55D, 55E, 55F Peavine	C	None	---	>6.0	---	---	20-40	Rippable	---	High	High.
56C, 57E Philomath	D	None	---	>6.0	---	---	12-20	Rippable	Low	High	Moderate.
58 Pilchuck	A	Frequent	Nov-Apr	2.0-4.0	Apparent	Nov-Apr	>60	---	Low	Moderate	Moderate.
59* Pits											
60C, 60D, 60E, 60F Rickreall	D	None	---	>6.0	---	---	12-20	Rippable	---	High	Moderate.
61C, 61D, 61E Ritner	C	None	---	>6.0	---	---	20-40	Hard	---	High	Moderate.
62* Riverwash											
63* Rock outcrop											
64B, 64C Salkum	C	None	---	>6.0	---	---	40-60	Rippable	Low	High	High.
65B, 65C, 65D Santiam	C	None	---	2.0-3.0	Perched	Dec-Mar	>60	---	---	High	Moderate.
66D, 66E Slickrock	B	None	---	>6.0	---	---	>60	---	---	High	High.
67C, 67D, 67E Steiner	C	None	---	>6.0	---	---	20-40	Rippable	---	High	Moderate.
68C, 68D, 68E Suver	D	None	---	1.0-2.0	Perched	Dec-Apr	40-60	Rippable	---	High	Moderate.
69D, 69F Trask	C	None	---	>6.0	---	---	20-40	Rippable	---	High	High.
70D, 70E, 70F Valsetz	C	None	---	>6.0	---	---	20-40	Hard	Moderate	High	High.

See footnote at end of table.

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-10440, Polk County) CHANGE IN PLACE OF USE

Authority

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

Applicants

Gibson Ridge Vineyards
Attn: Jeff Ottoboni, VP
P.O. Box 3989
Napa, CA 94558

Meriweather Farms, LLC
Member – Gibson Ridge Vineyards
P.O. Box 3989
Napa, CA 94558

Premier Pacific Vineyards, L.P.
Manager – Gibson Ridge Vineyards
P.O. Box 3989
Napa, CA 94558

Premier Pacific Vineyards, Inc.
General Partner – Gibson Ridge Vineyards
P.O. Box 3989
Napa, CA 94558

Findings of Fact

Background

1. On August 6, 2007, Jeff Ottoboni, filed an application to add an additional point of diversion under Certificates 27051 and 39173 on behalf of Gibson Ridge Vineyard, LLC, by Meriweather Farms, LLC, its member, Premier Pacific Vineyards L.P., its manager and Premier Pacific Vineyards, Inc., its general partner. The Department assigned the application number T-10440.
2. On April 28, 2008, Gibson Ridge Vineyards revised their transfer application to instead propose a change in place of use under Certificates 27051 and 39173. The application number remained T-10440.

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

3. On March 31, 2009, Gibson Ridge Vineyards submitted further application modifications and revised maps to amend the proposed place of use.

4. The portion of the first right to be transferred is as follows:

Certificate: 27051 in the name of FRED L. MEYER (perfected under Permit S-22419)

Use: IRRIGATION of 6.13 ACRES

Priority Date: MAY 6, 1952

Rate: 0.03 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH of one cfs for each acre irrigated, not to exceed 2.5 acre-feet per acre during the irrigation season of each year

Source: UNNAMED STREAM AND RESERVOIR, tributary to SPRING BRANCH, tributary to WILLAMETTE RIVER

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	3 W	WM	7	NW NW	5.64
7 S	3 W	WM	7	SW NW	0.49
TOTAL:					6.13

5. Certificate 27051 does not describe the location of the point of diversion from the unnamed stream and reservoir, however information is available from Certificate 27052 for the reservoir constructed under Application R-28532, indicating that the reservoir dam is located as described below. According to landowner Don Meyer, the unnamed stream is locally known as Gibson Creek. USGS topographic maps show that creek and the springs as tributary to Brush College Creek.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
7 S	3 W	WM	7	SE NW

6. Transfer Application T-10440 proposes to use water from Springs #1, #3 and #4 on the lands proposed for transfer. The Department, however, interprets Certificate 27051 to authorize water for domestic use only from the springs, with water for irrigation use to come from the unnamed stream and reservoir. The lands proposed for transfer, therefore, may only divert water from the unnamed stream and reservoir.

7. Transfer Application T-10440 proposes to change the place of use of this portion of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	3 W	WM	7	SW NW	2.03
7 S	3 W	WM	7	SE NW	0.01
7 S	3 W	WM	7	NE SW	1.18
7 S	3 W	WM	7	NW SW	2.68
7 S	4 W	WM	12	NE SE	0.23
TOTAL:					6.13

8. The portion of the second right to be transferred is as follows:

Certificate: 39173 in the name of FRED L. MEYER (perfected under Permit S-32583)

Use: SUPPLEMENTAL IRRIGATION of 6.13 ACRES

Priority Date: MAY 9, 1967

Rate: 0.014 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year

Source: UNNAMED STREAM, tributary to GIBSON CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
7 S	3 W	WM	7	NE NW	1230 FEET SOUTH AND 2060 FEET EAST FROM THE NW CORNER OF SECTION 7

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	3 W	WM	7	NW NW	5.64
7 S	3 W	WM	7	SW NW	0.49
TOTAL:					6.13

9. Application T-10440 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	3 W	WM	7	SW NW	2.03
7 S	3 W	WM	7	SE NW	0.01
7 S	3 W	WM	7	NE SW	1.18
7 S	3 W	WM	7	NW SW	2.68
7 S	4 W	WM	12	NE SE	0.23
TOTAL:					6.13

10. Transfer Application T-10440 proposes to convert 6.13 acres of irrigated field to drip irrigated circles 1.8 feet in diameter centered on 103,368 vines within a total field area of approximately 40 acres within the above listed quarter-quarter sections. The vines are 3.25 feet apart within rows. The vine rows are 5.25 feet apart between the centers of the circles.
11. Notice of the original application for transfer was published on August 14, 2009, and again on April 29, 2008 following revisions to the application, pursuant to OAR 690-380-4000. No comments were filed in response to the notices.
12. Notice of the amended application for transfer was published on April 29, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
13. On May 11, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10440 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of June 12, 2009, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer. The points of diversion are on an adjacent

property owned by Donald and Shirley K. Meyer, and both properties are subject to provisions of several water right agreements recorded in the county deed records.

14. On July 22, 2009, the Department issued a Preliminary Determination proposing to approve Transfer Application T- 10440 and mailed a copy to the applicants. Notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on July 28, 2009, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice, however Don Meyer, owner of lands to which the remaining portion of the rights are appurtenant, supplied additional information related to the names of the stream sources and tributaries, and that information is reflected in this order.
15. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.

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

16. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
17. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Application T-10440.
18. Irrigation of a surface area greater in acreage than the original 6.13 acres would constitute enlargement of the rights. However, the proposed change would not result in enlargement of the rights, provided the irrigated area is limited to the designated circles. On July 14, 2009, the applicant agreed to condition the rights, as described below, to avoid enlargement.
19. The change, as conditioned, would not result in enlargement of the rights.
20. The proposed change would not result in injury to other water rights.

Conclusions of Law

The change in place of use proposed in Transfer Application T-10440 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-10440 is approved.

2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 27051 and 39173 and any related decree.
3. Water right certificates 27051 and 39173 are cancelled. New certificates will be issued describing the portions of the rights not affected by this transfer.
4. The former place of use of the transferred rights shall no longer receive water under the rights.
5. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. The water user shall submit a soil moisture monitoring plan to the Department. The plan shall include the use of high frequency dielectric probe data (or better soil moisture monitoring technology) at select monitoring sites to provide assurance to the Watermaster that water is not moving beyond the boundary of the water right. The water user shall receive approval of the plan before water use may begin.
7. The location and number of soil moisture monitoring sites shall be selected so as to effectively monitor the behavior of the wetted areas located within different slope and/or soil types in the proposed place of use.
8. For comparison purposes, a control soil measurement site shall also be selected that receives only natural moisture from the atmosphere, and does not receive direct irrigation water nor irrigation water runoff.
9. At each soil moisture monitoring site, the soil moisture measurements shall be made along straight lines with the following description:
 - a. Two lines on opposite sides of the vine with each line perpendicular to the vine row. Measurements shall be made along each line at 10.8 and 15 inch increments away from the base of the vine.
 - b. One line extending outward from the endmost vine parallel with the vine row. Measurements shall be made along the line at 10.8 and 15 inch increments away from the base of the vine.
 - c. One line extending inward towards the vine row from the endmost vine parallel with the vine row. Measurements shall be made along the line at 10.8 and 15 inch increments away from the base of the vine.

10. Each soil moisture measurement shall be made at depths of 6, 12, 18, 24, 30, and 36 inches below land surface.
11. Soil moisture monitoring and flow data shall be made available to the Watermaster promptly upon request. The water user shall submit an annual report of water use and soil moisture monitoring data to the Watermaster. The monitoring data shall be reported in a reasonable summary format.
12. If water use by the drip irrigation system delivers water to non-irrigated areas outside the designated circles, the Watermaster may regulate the water use until soil moisture and flow data demonstrate that the non-irrigated areas are not receiving irrigation water.
13. After implementation of the soil moisture monitoring plan for a five year period, the water user may request a review of the monitoring results by the Department and reconsideration of the monitoring and reporting requirement. If the Department does not receive such a request, the monitoring plan shall remain in effect.
14. Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
15. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2014**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
16. When satisfactory proof of the completed change is received, new certificates confirming the portions of the rights transferred will be issued.

Dated at Salem, Oregon this 31ST day of August 2009.


Phillip C. Ward, Director *PCW*

Mailing date: SEP 02 2009

Please Return by 9-8-07

RECEIVED

SEP 06 2007

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon Department of Fish and Wildlife
Water Right and Diversion Transfer Comment Form
(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: 10440

A. Please check box if you believe there is a potential for injury to an instream water right.

The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on

_____, tributary to _____ . Because,
(Stream)

(Please attach any available supporting information.)

Note: This will prompt WRD to further evaluate and make a determination whether the transfer will injure an instream water right. *(WRD is the agency that makes the determination of injury to a water right, while ODFW's role is to raise concerns and to evaluate proposed mitigation and net benefit to the resource if WRD requests concurrence with injury to an instream water right.)*

B. Please check one of the following four boxes related to requiring a fish screen and/or by-pass device pursuant to ORS 540.525 or 540.532:

1. The new Point of Diversion (POD) requires a fish screening and/or by-pass device and is currently equipped with an appropriate fish screening and/or by-pass device.

Note: This option will yield the following:

Finding of Fact: *The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is currently equipped with an appropriate fish screening and/or by-pass device.*

Condition: *The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.*

2. The new Point of Diversion (POD) requires a fish screening and/or by-pass device prior to water being diverted. The diversion may be eligible for cost share assistance under ODFW's cost share program.

Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is

*Please return all 4 pages to: Transfers Section, Water Resources Department,
725 Summer St. NE, Suite A, Salem, OR 97301-1271*

The electronic version of this form is available at: <http://www1.wrd.state.or.us/msword/ODFWScreen.doc>.

T10440

selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Condition: Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

3. The new Point of Diversion (POD) requires a fish screening and/or by-pass device. However, the diversion may be used for up to two years pending a determination of whether cost share assistance under ODFW's cost share program is available.

If Option 3 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. Except in extraordinary circumstances, Option 3 should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. If extraordinary circumstances are present, please explain:

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost share funds become available to assist in the construction of a fish screening and/or by-pass device. If cost share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost share funding.

Condition: Within two years after the date of this order, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user may withdraw water at the new point of diversion without screening or by-pass devices until two years after the date of this order. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

RECEIVED

SEP 06 2007

WATER RESOURCES DEPT.
SALEM, OREGON


T 10440

- 4. The new Point of Diversion (POD) does not currently require a fish screen and/or by-pass device, however, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.

Condition: Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.



Signature

Karen M Heus

Printed Name

Fish Biologist

Title

(541) 757 4186 x 251

Phone

RECEIVED
SEP 06 2007
WATER RESOURCES DEPT.
SALEM, OREGON

Oregon Department of Fish and Wildlife
Additional Fish Screening and Passage Information for the Applicant
(To be completed by ODFW for WRD to provide to the applicant.)

Transfer # 10440

The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.

- Fish screening and/or fish by-pass devices are required as a condition of this transfer. The fish screen and/or by-pass device must meet ODFW's design, construction, operational and maintenance standards. Fish screening prevents fish from entering the diversion, while a by-pass device safely transports fish back to the body of water from which the fish were diverted.

Pursuant to ORS 498.306, cost share funds may be available to assist in the installation of fish screening and by-pass devices at diversions.

The applicant should contact the ODFW staff below to obtain additional information on the design, construction, operational, and maintenance standards for the required fish screening and/or by-pass device and to obtain information about ODFW's cost sharing program for screening and by-pass devices. **Prior to installation, the water user must obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria.**

ODFW staff name: _____

Address: _____

City/State/Zip: _____

Phone: () _____

- This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: _____

Address: _____

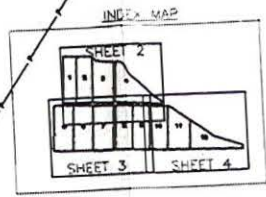
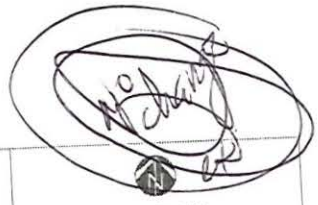
City/State/Zip: _____

Phone: () _____

RECEIVED
SEP 06 2007
WATER RESOURCES DEPT.
SALEM, OREGON

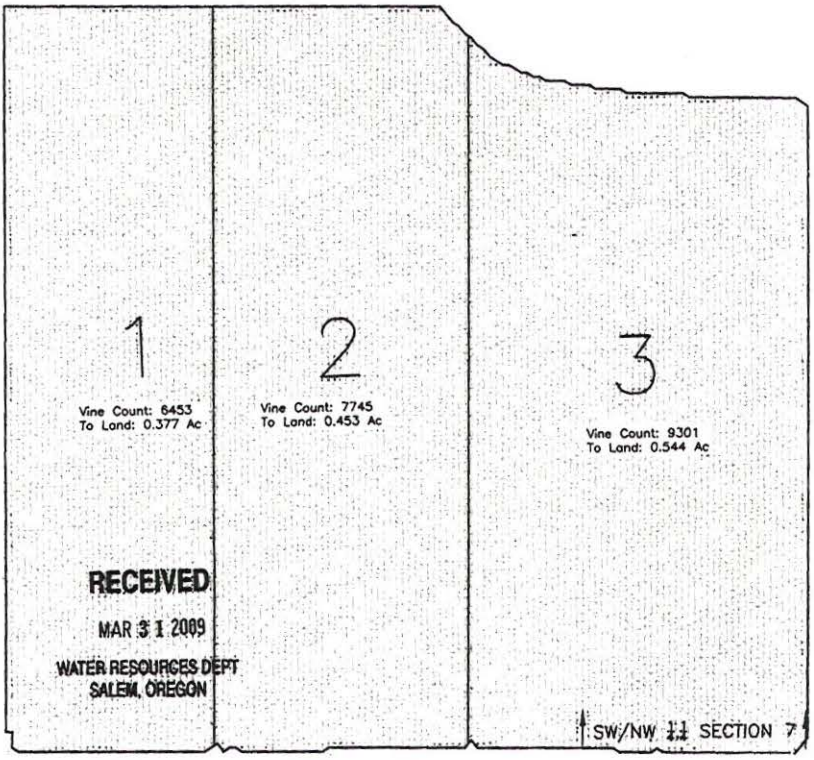
Relocated
No other changes

2ND NEW



- NOTES:
1. Point of Diversion (POD) coordinates are identified from the NW corner Section 7 / NE corner Section 12 to the POD.
 2. This map is for the purpose of identifying the location of the water right and is not intended to provide legal dimensions or locations of property lines.
 3. Reservoir locations represent water surface areas and do not include the reservoir embankments.
 4. See Sheet 1 for vineyard vine and row spacing detail. Rows are consistently spaced at 5.25 and the spacing is 3.25. Wetted area per vine is 2.58 sqft.

SE/NE 1/4 SECTION 12



1
Vine Count: 6453
To Land: 0.377 Ac

2
Vine Count: 7745
To Land: 0.453 Ac

3
Vine Count: 9301
To Land: 0.544 Ac

4
Vine Count: 10638
To Land: 0.633 Ac

RECEIVED
MAR 31 2009
WATER RESOURCES DEPT
SALEM, OREGON

SW/NW 1/4 SECTION 7

NW/SW 1/4 SECTION 7

SHEET 2 OF 4



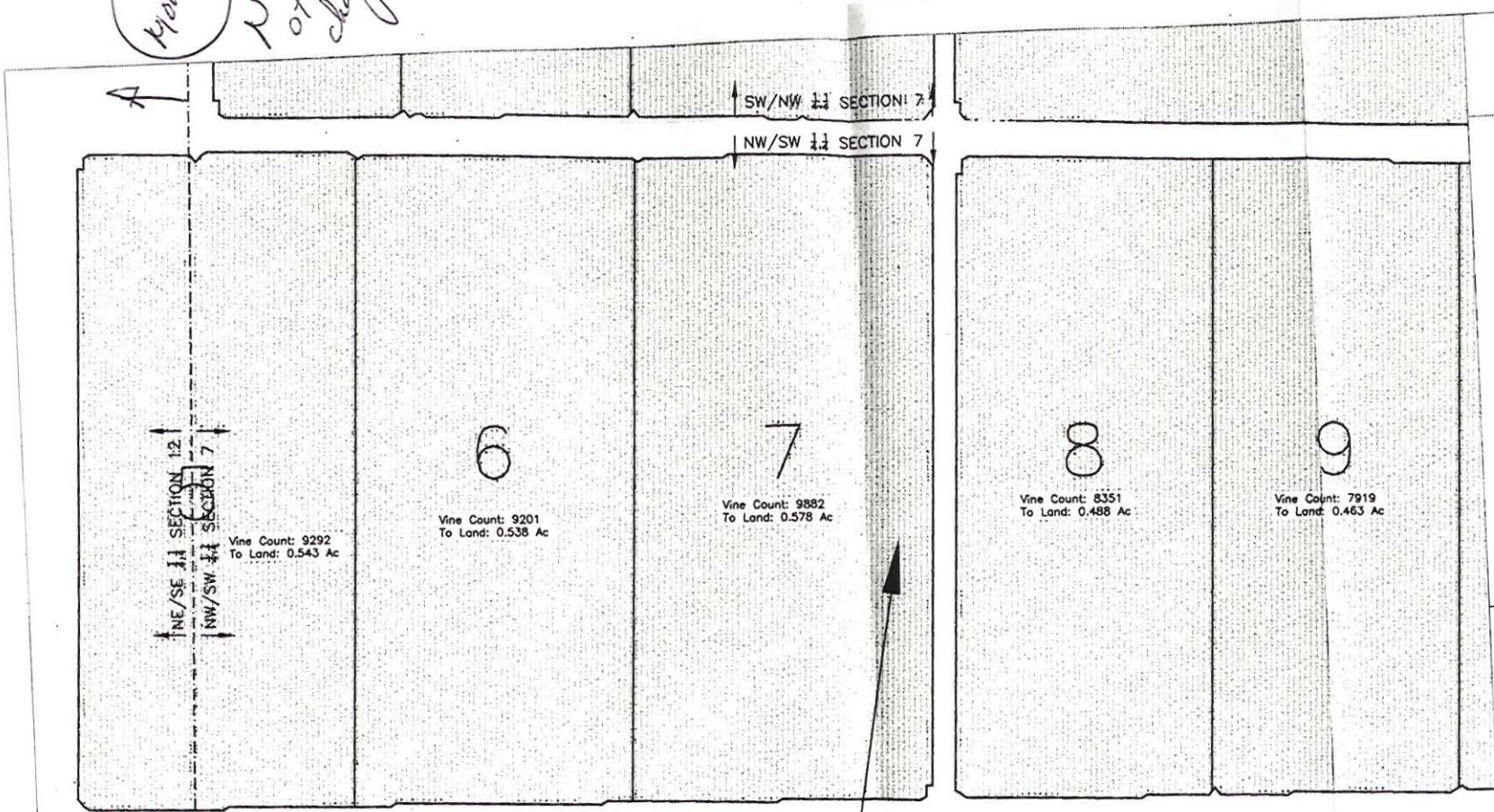
EXPIRATION DATE: 12/13/10

RECEIVED
APR 17 2009
WATER RESOURCES DEPT
SALEM, OREGON

PERMANENT WATER RIGHT TRANSFER APPLICATION MAP
IN THE NAME OF:
GIBSON RIDGE VINEYARD, LLC
APRIL 2008
T.7S, R.3W, W.M. SECTION 7
AND T.7S, R.4W, W.M. SECTION 12

Moved
No other changes

2nd
New



NOTES:

1. Point of Intersection (POI) coordinates are identified from the NW corner Section 7 / NE corner Section 12 to this POI.
2. This map is for the purpose of identifying the location of the water right only and is not intended to provide legal claims or locations of property lines.
3. Reserve locations represent water surface areas and do not include the reservoir embankments.
4. See Sheet 1 for vineyard vine and row spacing details. Rows are consistently spaced at 5.25' and vine spacing is 3.25'. Walked area per vine is 2.59 sq ft.

SHEET 3 OF 4

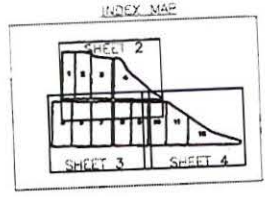


EXPIRATION DATE: 12/13/10

PERMANENT WATER
RIGHT TRANSFER
APPLICATION MAP
IN THE NAME OF:
GIBSON RIDGE VINEYARD, LLC
APRIL 2008
T.7S, R.3W, W.M. SECTION 7
AND T.7S, R.4W, W.M.
SECTION 12

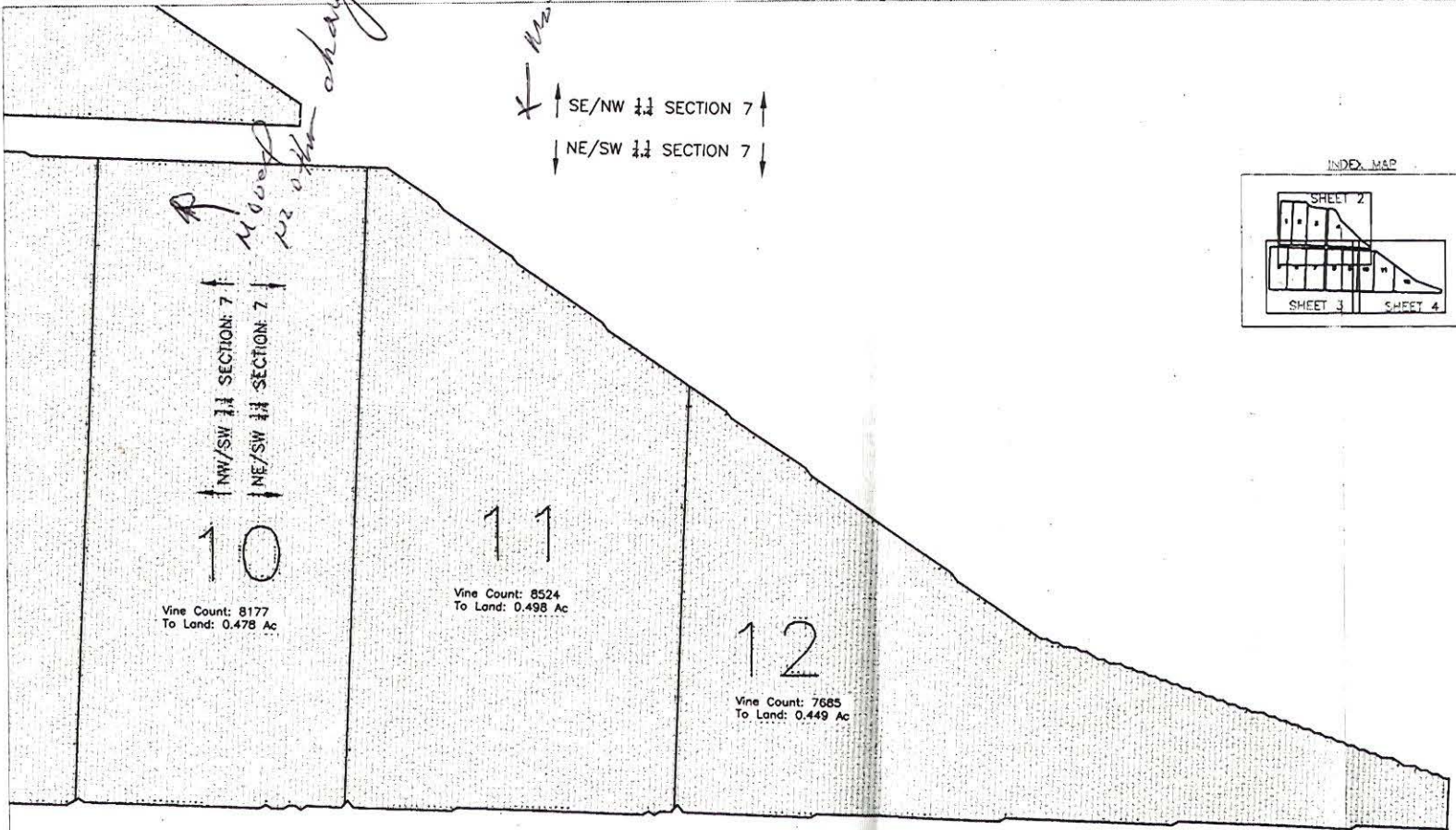
Gibson Ridge

RECEIVED
MAR 31 2009
WATER RESOURCES DEPT
SALEM, OREGON



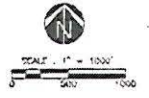
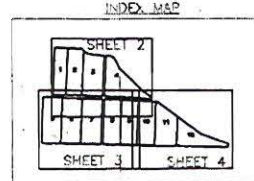
RECEIVED
APR 17 2009
WATER RESOURCES DEPT
SALEM, OREGON

2nd new



RECEIVED
 MAR 31 2009
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 APR 17 2009
 WATER RESOURCES DEPT
 SALEM, OREGON



- NOTES:
1. Point of Division (POD) coordinates are identified from the NW corner Section 7 / NE corner Section 12 to the POD.
 2. This map is for the purpose of identifying the location of the water right only and is not intended to provide legal dimensions or locations of property lines.
 3. Reservoir locations represent water surface areas and do not include the reservoir embankments.
 4. See Sheet 1 for vineyard vine and row spacing detail. Rows are consistently spaced at 5.25' and vine spacing is 3.25'. Wetted area per vine is 2.58 sq.ft.

SHEET 4 OF 4



**PERMANENT WATER
 RIGHT TRANSFER
 APPLICATION MAP**

IN THE NAME OF:
 GIBSON RIDGE VINEYARD, LLC
 APRIL 2008
 T.7S, R.3W, W.M. SECTION 7
 AND T.7S, R.4W, W.M.
 SECTION 12

RA



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10440

Review Due Date: 9/8/07

Applicant Name: Wilson Ridge Vineyards

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): M Mccord

Date of Review: Sep. 14, 2007

1. Do you have information suggesting that the water rights may be subject to forfeiture?
 Yes No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred: _____
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____
4. Are there upstream water rights that would be affected by the proposed change?
 Yes No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
 Yes No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? Yes No N/A If "Yes", explain: _____
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? Yes No If "Yes", explain: _____
9. Are there other issues not identified through the above questions? Yes No If "Yes", explain: _____
10. What alternatives may be available for addressing any issues identified above: _____

11. Have headgate notices been issued for the source that serves the right? Yes No
12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	<input type="checkbox"/> Present and should be maintained.	<input checked="" type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.
Headgates	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10440

Review Due Date: _____

Applicant Name: Gibson Ridge Vineyard

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Mlm

Date of Review: Jul. 25, 2008

1. Do you have information suggesting that the water rights may be subject to forfeiture?
 Yes No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred:

3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

4. Are there upstream water rights that would be affected by the proposed change?
 Yes No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
 Yes No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? Yes No N/A If "Yes", explain: _____
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? Yes No If "Yes", explain: _____
9. Are there other issues not identified through the above questions? Yes No If "Yes", explain: _____
10. What alternatives may be available for addressing any issues identified above: _____

11. Have headgate notices been issued for the source that serves the right? Yes No

12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	<input type="checkbox"/> Present and should be maintained.	<input checked="" type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.
Headgates	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.

STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That FRED L. MEYER

of Route 1, Box 802, Salem, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of unnamed stream & res. const. under Appl. No. R-28532, Per. No. R-1526 and unnamed springs & tributary of Spring branch, trib. of Willamette River for the purpose of irrigation of 43.0 acres and domestic use 4 houses and 5 transient labor cabins, under Permit No. 22419 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 6, 1952,

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.23 cubic foot per second; being 0.19 cubic foot per second for irrigation from unnamed stream & res. and 0.01 cubic foot per second from Spring #1; 0.01 cubic foot per second from Spring #2; 0.01 cubic foot per second from Spring #3 and 0.01 cubic foot per second from Spring #4 for irrigation or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the #1 - SW $\frac{1}{4}$ NW $\frac{1}{4}$; #2 - SE $\frac{1}{4}$ NW $\frac{1}{4}$; #3 & #4 - NE $\frac{1}{4}$ NW $\frac{1}{4}$; Section 7, Township 7 South, Range 3 West, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

domestic & 0.5 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
22.8 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
9.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
domestic & 10.7 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 7
Township 7 South, Range 3 West, W.M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. MAY 27 1960

LEWIS A. STANLEY
State Engineer

STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That FRED L. MEYER

of Route 1, Box 802, Salem, State of Oregon 97304, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of an unnamed stream

a tributary of Gibson Creek for the purpose of irrigation of 17.1 acres and supplemental irrigation of 43.0 acres

under Permit No. 32583 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 9, 1967

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.14 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, T. 7 S., R. 3 W., W. M., 1230 feet South and 2060 feet East from NW Corner, Section 7.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

<u>Primary</u>	<u>Supplemental</u>	
7.2 acres	0.5 acre	NE $\frac{1}{4}$ NW $\frac{1}{4}$
	22.8 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$
	9.0 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$
7.9 acres	10.7 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$
2.0 acres		NE $\frac{1}{4}$ SW $\frac{1}{4}$
	Section 7	
	T. 7 S., R. 3 W., W. M.	

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. May 10, 1973

CHRIS L. WHEELER

State Engineer

Water Right Information Query Results

Contact Information	Documents View all scanned documents	↓
----------------------------	---	---

<p>▼ Current contact information</p> <p>OWNER: FRED L MEYER RT 1 BOX 802 SALEM, OR 97309</p>	<p>▶ Application: S 27159</p> <p>▶ Permit: S 22419 document</p> <p>▶ Certificate: 27051 document , paper map</p> <p>▶ Order(s)</p> <p>▶ Transfer(s)</p> <p>▶ View right with Web Mapping</p>
--	---

Water Right Information	
Status: Non-Cancelled County: Polk File Folder Location: Salem Watermaster District: 16	

Point(s) of Diversion	↓
------------------------------	---

▼ **POD 1 - UNNAMED STREAM/RS > SPRING BRANCH** of Gibson Creek

▼ **Description**

- ▶ T-R-S-QQ: 7.00S-3.00W-7-SW NW
- ▶ Location Description:

▼ **POD Rate**

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
0.19	0.19		

▼ **IRRIGATION (Primary)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
5/6/1952	0.19	0.19			1/80	2.50000	1/1	12/31	

▼ **POD 2 - SPRING 1 > GIBSON GULCH** *Spring Creek of Gibson Creek Above Pond Supply - Domestic + Pond*

▼ **Description**

- ▶ T-R-S-QQ: 7.00S-3.00W-7-SW NW
- ▶ Location Description:

▼ **POD Rate**

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
0.01	0.01		

▼ **DOMESTIC (Primary)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
5/6/1952	0.01	0.01					1/1	12/31	

▼ **POD 3 - SPRING 2 > GIBSON GULCH** *Spring Creek of Gibson C. Supplied Cabins in area*

▼ **Description**

- ▶ T-R-S-QQ: 7.00S-3.00W-7-SE NW
- ▶ Location Description:

▼ **POD Rate**

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
0.01	0.01		

▼ **DOMESTIC (Primary)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
5/6/1952	0.01	0.01					1/1	12/31	

▼ **POD 4 - SPRING 3 > BRUSH COLLEGE CREEK** *Spring Creek of Gibson C. Supply for various Residences Domestic E 1610' S 60' from NWC Sec 7*

▼ **Description**

- ▶ T-R-S-QQ: 7.00S-3.00W-7-NE NW
- ▶ Location Description:

▼ **POD Rate**

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
0.01	0.01		

▼ **DOMESTIC (Primary)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
5/6/1952	0.01	0.01					1/1	12/31	

▼ **POD 5 - SPRING 4 > GIBSON GULCH** *on Gibson Creek - keep Gibson Creek flowing yr round 40 years ago supplied house E 1610' S 60' from NWC 7*

▼ **Description**

- ▶ T-R-S-QQ: 7.00S-3.00W-7-NE NW
- ▶ Location Description:

▼ POD Rate										
	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)						
	0.01	0.01								
▼ DOMESTIC (Primary)										
	Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
	5/6/1952	0.01	0.01					1/1	12/31	
Place(s) of Use Add TRS grouping										
▶ Use - DOMESTIC (Primary); Priority Date: 5/6/1952										
▶ Use - IRRIGATION (Primary) - 23.3 acres; Priority Date: 5/6/1952										
Water Right Genealogy										
- Cert:27051 OR *										

[View Water Rights In same Family](#)

[Help understanding and working with the Water Rights Information System](#)

[Report Errors with Water Right Data](#)

[Return to WRIS Query](#)

USGS
Quad map
T7S, R3W

4982000m.N.

4981

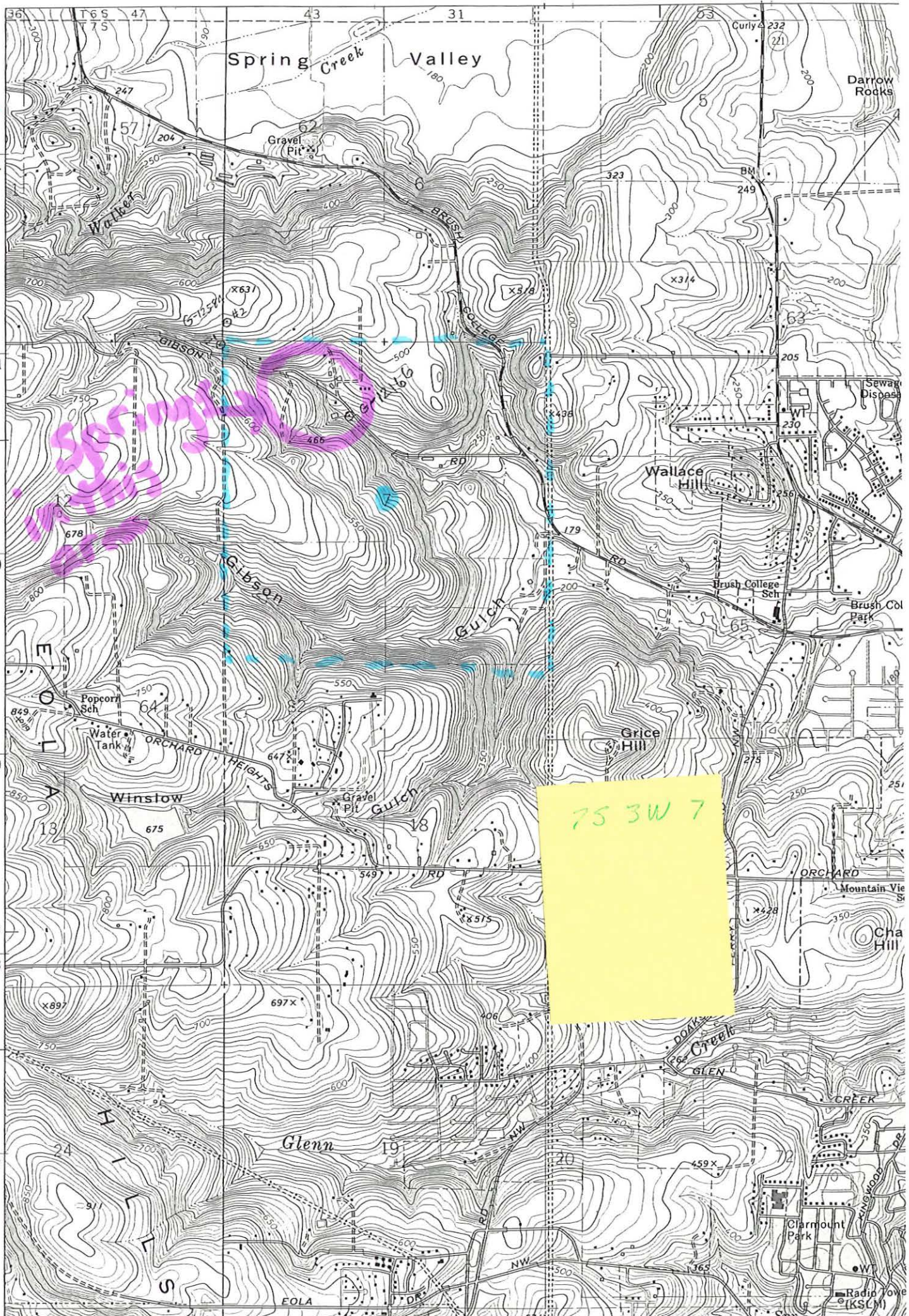
4980

4979

57'30"

4978

4977



75 3W 7

8/18/09

Don Meyer - (503) 930-7031 ^{It runs into (unnamed) Spring Creek to Gibbon Creek}
Spring 1 - doesn't run into Gibbon Creek Gulch

Water agreement error - Spring 3 is ~~50'~~ ^{60'} 5' +
1670' east from NW corner
of Section #1 NENW
tributary to Spring Cr. → Gibbon Cr.
← supplies 7 houses

Spring 4 - on Gibbon Creek

Gibbon Gulch + Winslow Gulch are SW of
this area

Look for Gibbon/Glen Creek watershed map

* Ask about spacing between rows vs.
between plants within rows - may
be 3.25' within + 5.25' between rows

Water Right Transfer Checklist

Transfer T-10440

Transfer Specialist: Reimbursement Authority

Transfer Type: Regular

Applicant Name/Address: Gibson Ridge Vineyards, PO Box 3989, Napa, CA 94558

Agent Name/Address: Joe Richards, 3937 NE 13th Avenue, Portland, OR 97212

CWRE Name/Number: Joe Richards #49587, address above

Rec Landowner Name/Address: NONE

Irr. District Name/Address: NONE

Affected Gov'ts Name/Address: NONE

Commentors: Name/Address: NONE

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	S 43569	S 32583	39173	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	85782
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	S 27159	S 22419	27051	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	85783
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions

Rec'd: <u>08/06/07</u>	Proposed Action(s): POU POD HST APOD USE OTHER: APOD	
Fees Pd: <u>725.00</u>	WM District: <u>16</u>	ODFW District: <u>Karen Hans</u>
Initial Notice: <u>08/14/2007</u>	WM Review sent: <u>08/10/07</u>	ODFW Review sent: <u>08/10/07</u>
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <u>NONE</u>

Processing Dates & Actions

Deficiency Contacts: _____

Newspaper Pub Affid Due: _____

not required

DPD Mailed: 5/10/09

Affid of Pub Rec'd: _____

ODFW contact sheet sent with DPD, or N/A

Last Day Published: _____

PD Mailed: _____

Affidavit Reminder Sent: _____

PD Weekly Notice: 7/28/09

Reminder Deadline: _____

Preliminary Determination

Electronic Files uploaded

Preliminary Determination

PD Cover letter

Fee Refund Due

PD Notice

Remaining Rights

File Assigned/ ModPod updated

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: <u>Dorothy</u>	Reviewer: _____
Date: _____	Date: <u>7-21-09</u>	Date: _____
Coordinator: _____	Coordinator: <u>DSP</u>	Coordinator: _____
Date: _____	Date: <u>8/31/09</u>	Date: _____

Comments/Special Issues: Reimbursement Authority
Moving irrigation from field to drip irrigated circles for vineyard. Conditioned for monitoring similarly to other similar vineyard transfers.

Special Order Volume: Vol 28 Pages 795

Final Order Signature Date: 8-31-09

Notice of FO email'd to processors dorothy

Application

- The type of change is clearly indicated.
- The application is appropriately signed.
- Appropriate fees were paid. If overpayment, Refund Request to be sent with FO
- Land use form matches affected tax lots and is signed by proper official. *(from ALL affected Govt's)*
- Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- All required attachments received.

Water right subject to transfer

- Certificated right or Proof accepted "to the satisfaction..."
- The right been exercised according to terms & conditions of certificate.
- Delivery system has the capacity to fully divert the rate/duty of the right.
- No information in record that suggests forfeiture.
- No conflicts identified on the plat cards and plat card reports printed.
- Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- The map has an original CWRE signature.
- The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- Metes and bounds for the POD's/POA's are properly described on the map.
- The POD/POA dimensions & ¼ ¼ on map match the transfer application and certificate descriptions.
- Map acres match the tabulation on the certificate.
- Have final proof maps/deed maps for the rights. Application map matches certificate FPS.
- Have necessary aerial photos.

Determining the "From" and "To" Lands *(make working copy of application and certificates to mark on)*

- Only the authorized POD's/POA's and POU's to be transferred are listed.
- Application & certificate tabulations match. *(Mark on appl. and cert. copies and note corrections needed)*
- Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼.

Ownership

- The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- Have current tax lot map. *(If transfer application is several years old, contact assessor's office)*
- The applicant is the owner of the "from" lands.
- All owners on the deed/ROLI have signed the application.
- If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- Agent has authorization to make decisions.

Evaluation *(materials needed for peer reviewer in bold)*

- application complete** **map** **FPS** evidence of use land-use form
- deed/ROLI certificate fees paid well logs plat card
- audit dpd

- Reviews/comments/conditions received? Watermaster ODFW GW
- Headgate When in the judgment Prior to diverting Existing and maintain
 - Measuring Devices When in the judgment Prior to diverting Existing and maintain
 - Fish Screen Devices

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury –



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

September 1, 2009

GIBSON RIDGE VINEYARDS
ATTN: JEFF OTTOBONI
PO BOX 3989
NAPA CA 94558

REFERENCE: Transfer Application T-10440

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact me by telephone at (503) 986-0883 or by e-mail at Sarah.A.Henderson@wrp.state.or.us.

Sincerely,

Sarah Henderson
Executive Support
Field Services Division

cc: Watermaster Dist. #16
Joe Richards, Agent

Enclosure



**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-10440, Polk County) CHANGE IN PLACE OF USE

Authority

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

Applicants

Gibson Ridge Vineyards
Attn: Jeff Ottoboni, VP
P.O. Box 3989
Napa, CA 94558

Meriweather Farms, LLC
Member – Gibson Ridge Vineyards
P.O. Box 3989
Napa, CA 94558

Premier Pacific Vineyards, L.P.
Manager – Gibson Ridge Vineyards
P.O. Box 3989
Napa, CA 94558

Premier Pacific Vineyards, Inc.
General Partner – Gibson Ridge Vineyards
P.O. Box 3989
Napa, CA 94558

Findings of Fact

Background

1. On August 6, 2007, Jeff Ottoboni, filed an application to add an additional point of diversion under Certificates 27051 and 39173 on behalf of Gibson Ridge Vineyard, LLC, by Meriweather Farms, LLC, its member, Premier Pacific Vineyards L.P., its manager and Premier Pacific Vineyards, Inc., its general partner. The Department assigned the application number T-10440.
2. On April 28, 2008, Gibson Ridge Vineyards revised their transfer application to instead propose a change in place of use under Certificates 27051 and 39173. The application number remained T-10440.

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

3. On March 31, 2009, Gibson Ridge Vineyards submitted further application modifications and revised maps to amend the proposed place of use.

4. The portion of the first right to be transferred is as follows:

Certificate: 27051 in the name of FRED L. MEYER (perfected under Permit S-22419)

Use: IRRIGATION of 6.13 ACRES

Priority Date: MAY 6, 1952

Rate: 0.03 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH of one cfs for each acre irrigated, not to exceed 2.5 acre-feet per acre during the irrigation season of each year

Source: UNNAMED STREAM AND RESERVOIR, tributary to SPRING BRANCH, tributary to WILLAMETTE RIVER

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	3 W	WM	7	NW NW	5.64
7 S	3 W	WM	7	SW NW	0.49
TOTAL:					6.13

5. Certificate 27051 does not describe the location of the point of diversion from the unnamed stream and reservoir, however information is available from Certificate 27052 for the reservoir constructed under Application R-28532, indicating that the reservoir dam is located as described below. According to landowner Don Meyer, the unnamed stream is locally known as Gibson Creek. USGS topographic maps show that creek and the springs as tributary to Brush College Creek.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
7 S	3 W	WM	7	SE NW

6. Transfer Application T-10440 proposes to use water from Springs #1, #3 and #4 on the lands proposed for transfer. The Department, however, interprets Certificate 27051 to authorize water for domestic use only from the springs, with water for irrigation use to come from the unnamed stream and reservoir. The lands proposed for transfer, therefore, may only divert water from the unnamed stream and reservoir.

7. Transfer Application T-10440 proposes to change the place of use of this portion of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	3 W	WM	7	SW NW	2.03
7 S	3 W	WM	7	SE NW	0.01
7 S	3 W	WM	7	NE SW	1.18
7 S	3 W	WM	7	NW SW	2.68
7 S	4 W	WM	12	NE SE	0.23
TOTAL:					6.13

8. The portion of the second right to be transferred is as follows:

Certificate: 39173 in the name of FRED L. MEYER (perfected under Permit S-32583)

Use: SUPPLEMENTAL IRRIGATION of 6.13 ACRES

Priority Date: MAY 9, 1967

Rate: 0.014 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year

Source: UNNAMED STREAM, tributary to GIBSON CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
7 S	3 W	WM	7	NE NW	1230 FEET SOUTH AND 2060 FEET EAST FROM THE NW CORNER OF SECTION 7

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	3 W	WM	7	NW NW	5.64
7 S	3 W	WM	7	SW NW	0.49
TOTAL:					6.13

9. Application T-10440 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	3 W	WM	7	SW NW	2.03
7 S	3 W	WM	7	SE NW	0.01
7 S	3 W	WM	7	NE SW	1.18
7 S	3 W	WM	7	NW SW	2.68
7 S	4 W	WM	12	NE SE	0.23
TOTAL:					6.13

10. Transfer Application T-10440 proposes to convert 6.13 acres of irrigated field to drip irrigated circles 1.8 feet in diameter centered on 103,368 vines within a total field area of approximately 40 acres within the above listed quarter-quarter sections. The vines are 3.25 feet apart within rows. The vine rows are 5.25 feet apart between the centers of the circles.

11. Notice of the original application for transfer was published on August 14, 2009, and again on April 29, 2008 following revisions to the application, pursuant to OAR 690-380-4000. No comments were filed in response to the notices.

12. Notice of the amended application for transfer was published on April 29, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

13. On May 11, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10440 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of June 12, 2009, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer. The points of diversion are on an adjacent

property owned by Donald and Shirley K. Meyer, and both properties are subject to provisions of several water right agreements recorded in the county deed records.

14. On July 22, 2009, the Department issued a Preliminary Determination proposing to approve Transfer Application T- 10440 and mailed a copy to the applicants. Notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on July 28, 2009, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice, however Don Meyer, owner of lands to which the remaining portion of the rights are appurtenant, supplied additional information related to the names of the stream sources and tributaries, and that information is reflected in this order.
15. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.

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

16. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
17. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Application T-10440.
18. Irrigation of a surface area greater in acreage than the original 6.13 acres would constitute enlargement of the rights. However, the proposed change would not result in enlargement of the rights, provided the irrigated area is limited to the designated circles. On July 14, 2009, the applicant agreed to condition the rights, as described below, to avoid enlargement.
19. The change, as conditioned, would not result in enlargement of the rights.
20. The proposed change would not result in injury to other water rights.

Conclusions of Law

The change in place of use proposed in Transfer Application T-10440 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

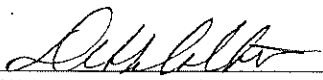
Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-10440 is approved.

2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 27051 and 39173 and any related decree.
3. Water right certificates 27051 and 39173 are cancelled. New certificates will be issued describing the portions of the rights not affected by this transfer.
4. The former place of use of the transferred rights shall no longer receive water under the rights.
5. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. The water user shall submit a soil moisture monitoring plan to the Department. The plan shall include the use of high frequency dielectric probe data (or better soil moisture monitoring technology) at select monitoring sites to provide assurance to the Watermaster that water is not moving beyond the boundary of the water right. The water user shall receive approval of the plan before water use may begin.
7. The location and number of soil moisture monitoring sites shall be selected so as to effectively monitor the behavior of the wetted areas located within different slope and/or soil types in the proposed place of use.
8. For comparison purposes, a control soil measurement site shall also be selected that receives only natural moisture from the atmosphere, and does not receive direct irrigation water nor irrigation water runoff.
9. At each soil moisture monitoring site, the soil moisture measurements shall be made along straight lines with the following description:
 - a. Two lines on opposite sides of the vine with each line perpendicular to the vine row. Measurements shall be made along each line at 10.8 and 15 inch increments away from the base of the vine.
 - b. One line extending outward from the endmost vine parallel with the vine row. Measurements shall be made along the line at 10.8 and 15 inch increments away from the base of the vine.
 - c. One line extending inward towards the vine row from the endmost vine parallel with the vine row. Measurements shall be made along the line at 10.8 and 15 inch increments away from the base of the vine.

10. Each soil moisture measurement shall be made at depths of 6, 12, 18, 24, 30, and 36 inches below land surface.
11. Soil moisture monitoring and flow data shall be made available to the Watermaster promptly upon request. The water user shall submit an annual report of water use and soil moisture monitoring data to the Watermaster. The monitoring data shall be reported in a reasonable summary format.
12. If water use by the drip irrigation system delivers water to non-irrigated areas outside the designated circles, the Watermaster may regulate the water use until soil moisture and flow data demonstrate that the non-irrigated areas are not receiving irrigation water.
13. After implementation of the soil moisture monitoring plan for a five year period, the water user may request a review of the monitoring results by the Department and reconsideration of the monitoring and reporting requirement. If the Department does not receive such a request, the monitoring plan shall remain in effect.
14. Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
15. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2014**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
16. When satisfactory proof of the completed change is received, new certificates confirming the portions of the rights transferred will be issued.

Dated at Salem, Oregon this 31ST day of August 2009.


Phillip C. Ward, Director *fn*

Mailing date: SEP 02 2009

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FRED L MEYER
RT 1 BOX 802
SALEM OR 97304

confirms the right to use the waters of an UNNAMED STREAM, a tributary of GIBSON CREEK for IRRIGATION of 17.10 ACRES and SUPPLEMENTAL IRRIGATION 36.87 ACRES.

This right was perfected under Permit S-32583. The date of priority is MAY 9, 1967. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.126 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	3 W	WM	7	NE NW	1230 FEET SOUTH AND 2060 FEET EAST FROM THE NW CORNER OF SECTION 7

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	3 W	WM	7	NE NW	7.20
7 S	3 W	WM	7	SE NW	7.90
7 S	3 W	WM	7	NE SW	2.00

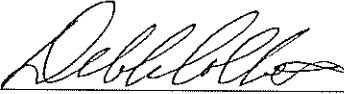
SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	3 W	WM	7	NE NW	0.50
7 S	3 W	WM	7	NW NW	17.16
7 S	3 W	WM	7	SW NW	8.51
7 S	3 W	WM	7	SE NW	10.70

This certificate describes that portion of the water right confirmed by Certificate 39173, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered AUG 31 2009, approving Transfer Application T-10440.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed AUG 31 2009 .



Phillip C. Ward, Director *tz*

STATE OF OREGON
 COUNTY OF POLK
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FRED L MEYER
 RT 1 BOX 802
 SALEM OR 97309

confirms the right to use the waters of SPRINGS and an UNNAMED STREAM and a RESERVOIR, constructed under Application R-28532, Permit R-1526, tributary to BRUSH COLLEGE CREEK, for DOMESTIC and IRRIGATION of 36.87 ACRES.

This right was perfected under Permit S-22419. The date of priority is MAY 6, 1952. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.20 CUBIC FOOT PER SECOND (CFS), being 0.01 cfs from Spring #1, 0.01 cfs from Spring #2, 0.01 cfs from Spring #3 and 0.01 cfs from Spring #4 for domestic; and 0.16 cfs for irrigation from the unnamed stream and reservoir, or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Name
7 S	3 W	WM	7	NE NW	SPRING #3
7 S	3 W	WM	7	NE NW	SPRING #4
7 S	3 W	WM	7	SW NW	SPRING #1
7 S	3 W	WM	7	SW NW	RESERVOIR AND UNNAMED STREAM
7 S	3 W	WM	7	SE NW	SPRING #2

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	3 W	WM	7	NE NW	0.50
7 S	3 W	WM	7	NW NW	17.16
7 S	3 W	WM	7	SW NW	8.51
7 S	3 W	WM	7	SE NW	10.70

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

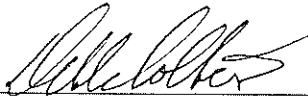
DOMESTIC				
Twp	Rng	Mer	Sec	Q-Q
7 S	3 W	WM	7	NE NW
7 S	3 W	WM	7	SE NW

This certificate describes that portion of the water right confirmed by Certificate 27051, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered AUG 31 2009, approving Transfer Application T-10440, and corrects the description of the tributary stream.

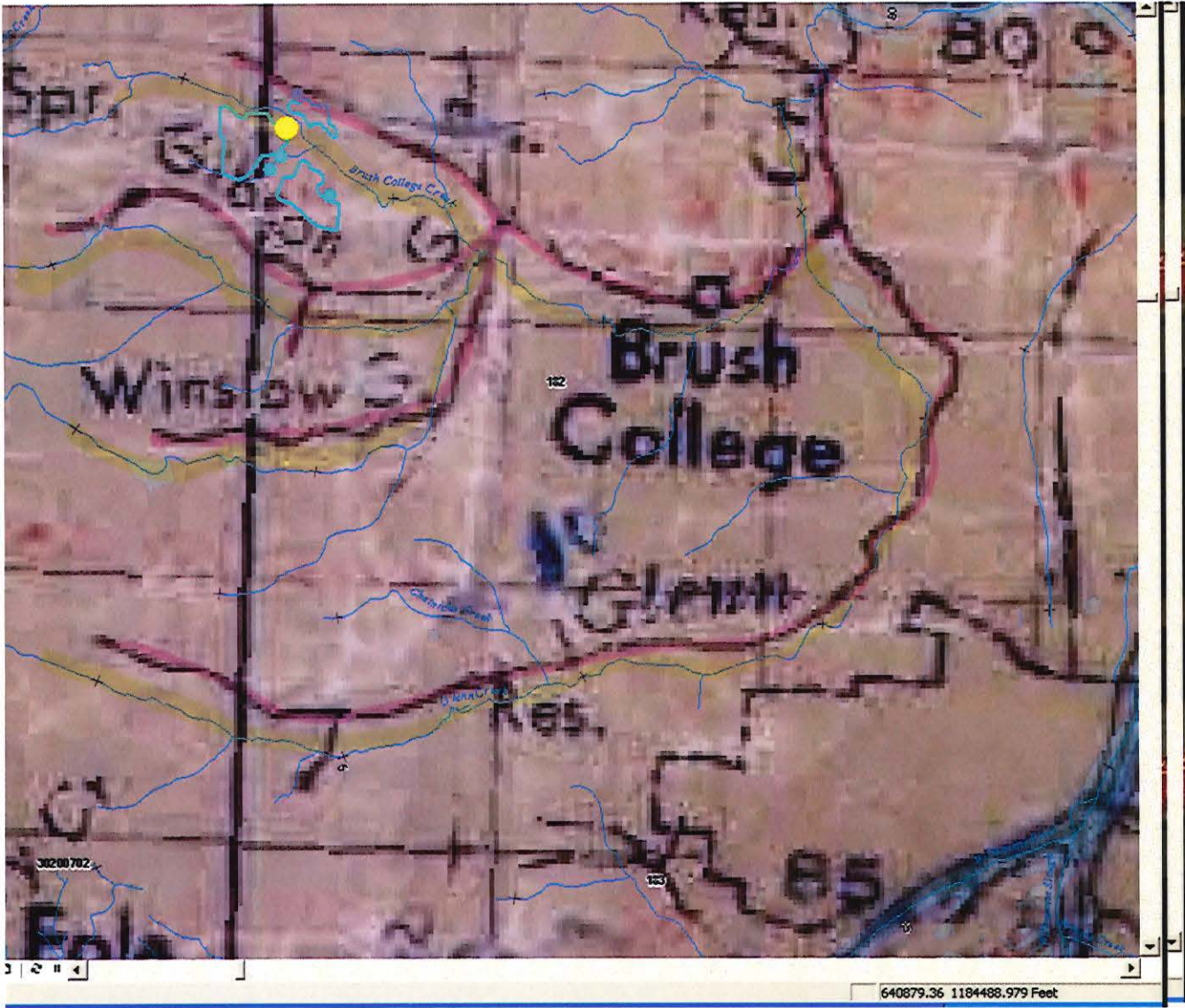
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

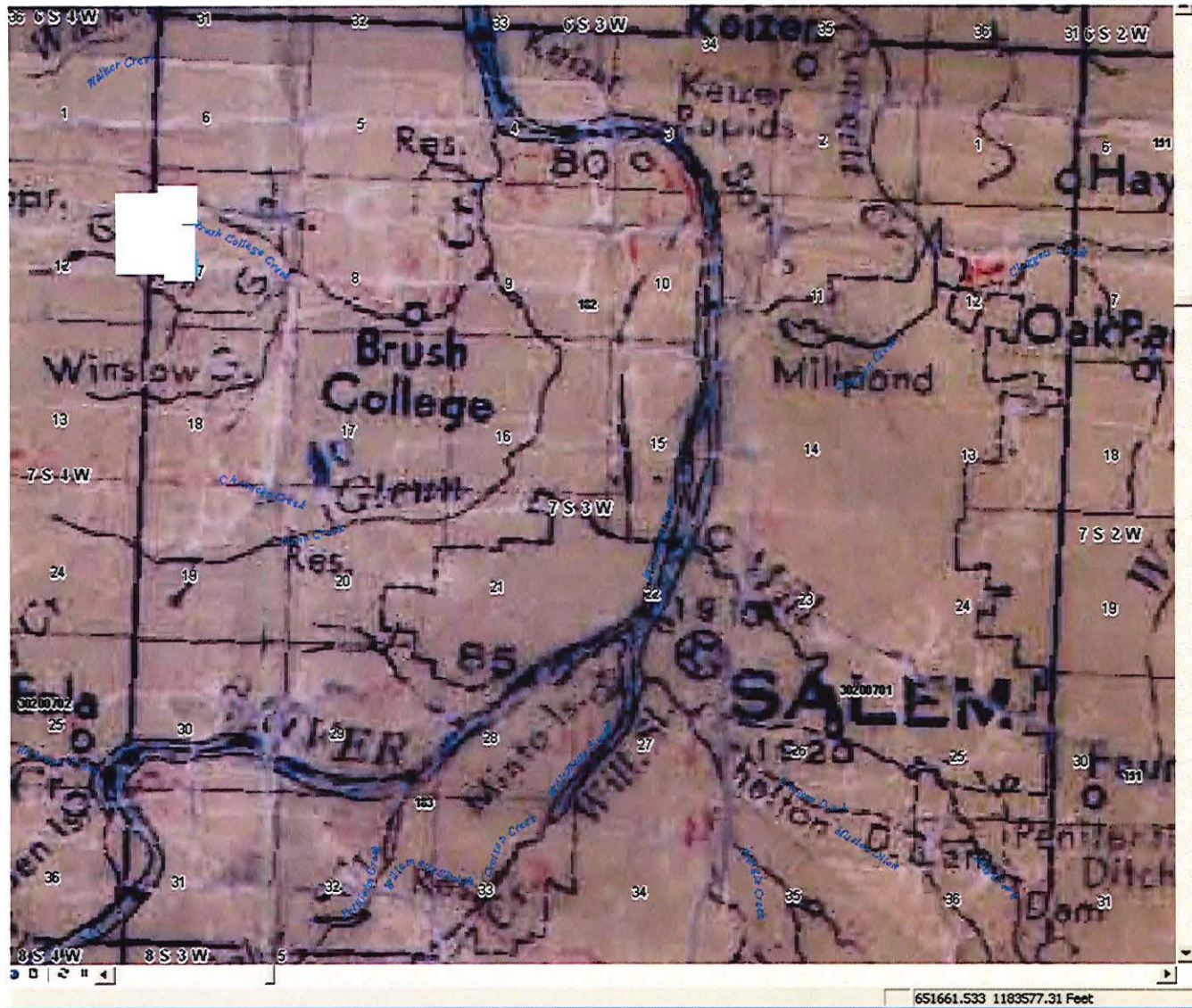
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

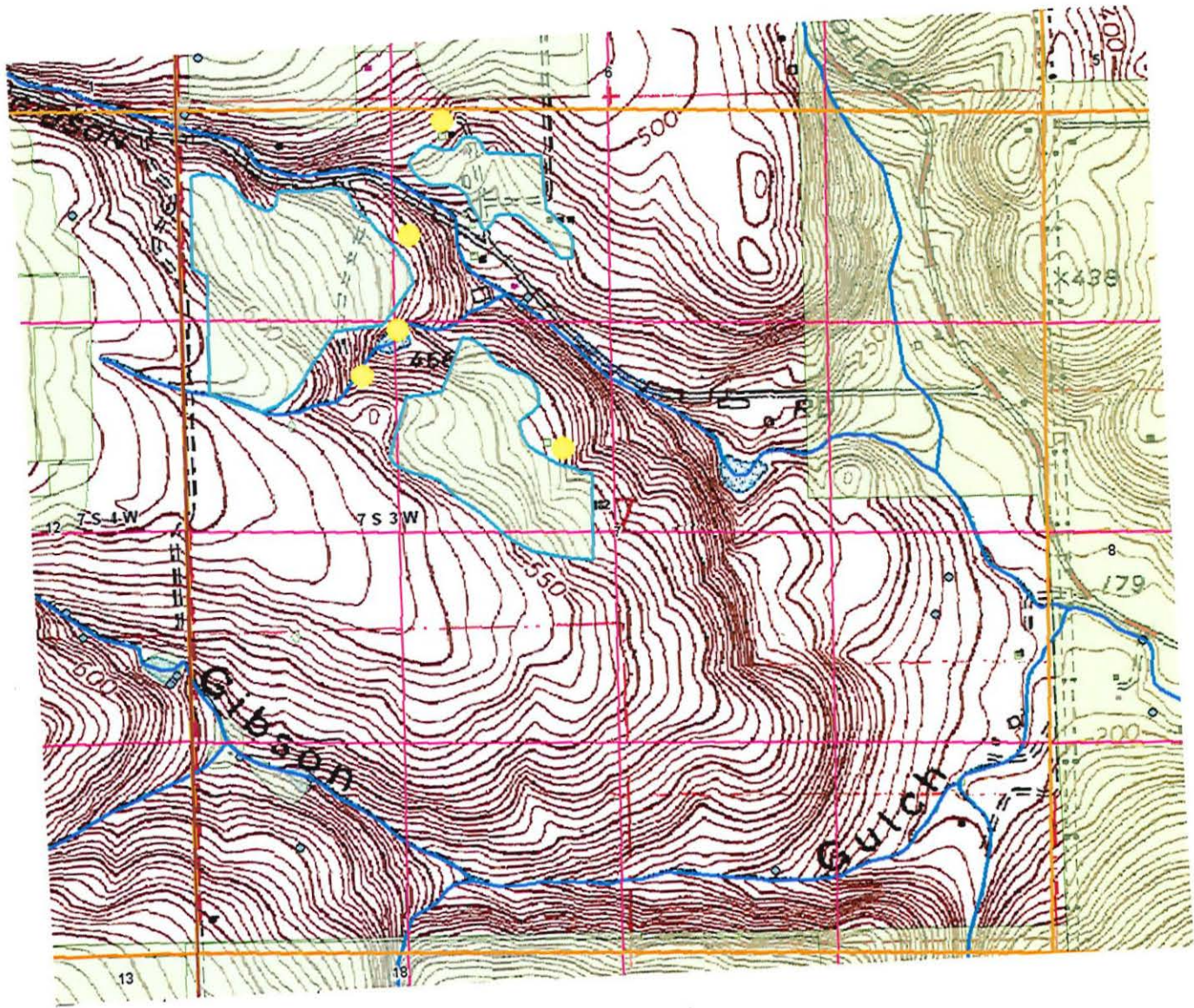
WITNESS the signature of the Water Resources Director, affixed AUG 31 2009.



Phillip C. Ward, Director *fw*







Water Right Information Query Results

Contact Information	Documents <small>View all scanned documents</small>
▼ Current contact information OWNER: ▶ FRED L MEYER RT 1 BOX 802 SALEM, OR 97309	▶ Application: S 27159 ▶ Permit: S 22419 document ▶ Certificate: 27051 document , paper map ▶ Order(s) ▶ Transfer(s) ▶ View right with Web Mapping
Water Right Information	
Status: Non-Cancelled County: Polk File Folder Location: Salem Watermaster District: 16	

Point(s) of Diversion

▼ **POD 1 - UNNAMED STREAM/RS > SPRING BRANCH** of Gibson Creek

▼ **Description**
 ▶ T-R-S-QQ: 7.00S-3.00W-7-SW NW
 ▶ Location Description:

▼ **POD Rate**

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
0.19	0.19		

▼ **IRRIGATION (Primary)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
5/6/1952	0.19	0.19			1/80	2.50000	1/1	12/31	

▼ **POD 2 - SPRING 1 > GIBSON GULCH** *Spring Creek of Gibson Creek Above Pond supply - domestic + Pond*

▼ **Description**
 ▶ T-R-S-QQ: 7.00S-3.00W-7-SW NW
 ▶ Location Description:

▼ **POD Rate**

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
0.01	0.01		

▼ **DOMESTIC (Primary)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
5/6/1952	0.01	0.01					1/1	12/31	

▼ **POD 3 - SPRING 2 > GIBSON GULCH** *Spring Creek of Gibson Creek Supplied Cabin's in area*

▼ **Description**
 ▶ T-R-S-QQ: 7.00S-3.00W-7-SE NW
 ▶ Location Description:

▼ **POD Rate**

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
0.01	0.01		

▼ **DOMESTIC (Primary)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
5/6/1952	0.01	0.01					1/1	12/31	

▼ **POD 4 - SPRING 3 > BRUSH COLLEGE CREEK** *Spring Creek of Gibson C. Supply for Various Residents Domestic E 1610' S 60' from NWC Sec 7*

▼ **Description**
 ▶ T-R-S-QQ: 7.00S-3.00W-7-NE NW
 ▶ Location Description:

▼ **POD Rate**

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
0.01	0.01		

▼ **DOMESTIC (Primary)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
5/6/1952	0.01	0.01					1/1	12/31	

▼ **POD 5 - SPRING 4 > GIBSON GULCH** *on Gibson Creek Keep Gibson Creek flowing yr round 40 years ago Supplied house E 1610' S 60' from nwc 7*

▼ **Description**
 ▶ T-R-S-QQ: 7.00S-3.00W-7-NE NW
 ▶ Location Description:

▼ POD Rate										
	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)						
	0.01	0.01								
▼ DOMESTIC (Primary)										
	Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
	5/6/1952	0.01	0.01					1/1	12/31	
Place(s) of Use <small>Add TRS grouping</small>										
▶ Use - DOMESTIC (Primary); Priority Date: 5/6/1952										
▶ Use - IRRIGATION (Primary) - 23.3 acres; Priority Date: 5/6/1952										
Water Right Genealogy										
- Cert:27051 OR *										

[View Water Rights in same Family](#)

[Help understanding and working with the Water Rights Information System](#)

[Report Errors with Water Right Data](#)

[Return to WRIS Query](#)

USGS
Quad map
T7S, R3W

4982000m.N.

4981

4980

4979

57'30"

4978

4977



Gibson Cr?

75 3W 7

John Borden

From: John Borden [jeborden@comcast.net]
Sent: Thursday, July 09, 2009 11:48 AM
To: 'Dorothy Pedersen'
Subject: T-10440, Gibson Ridge LLC

Dorothy, I obtained the attached documents pertaining to the "Water Sharing Agreement" from POLK County.

Documentation is in the mail to you. After reviewing the documents and the application ("whew"), I conclude that the subject "Water Sharing Agreement" is irrelevant, thus can be ignored. My rationale is as follows:

1. Gibson Ridge owned, and still owns, PARCEL 2 (confirmed by contact to Polk County Assessor on July 9, 2009).
2. The Transfer Applicant (Gibson Ridge LLC) claims to also own PARCEL 1 (caveat: Polk County Assessor says owner is still the Meyer Trust)
3. The "Water Sharing Agreement" pertains to Parcels 1 and 2, and runs forever with the land regardless of subsequent ownership or subdivision, etc.
4. Since Gibson Ridge LLC appears to own, or at least control, both Parcels 1 and 2, then there are no consequences associated with the proposed transfer.

NOTE: Documents 2005-7504, 7505, 7506, and 7507 are superseded by 205-12564, 12565, 12566, and 12567.

Regarding the above caveat: If Gibson Ridge is in error in stating ownership of Parcel 2, then they should be asked to confirm or clarify their assertion of ownership. If they do not own or control Parcel 1, then they need to explain how the Water Sharing Agreement applies or does not apply since it appears to involve the "FROM" lands.

But there must have been a miscommunication attached printout from Polk Co. website 7/15/09

RECEIVED

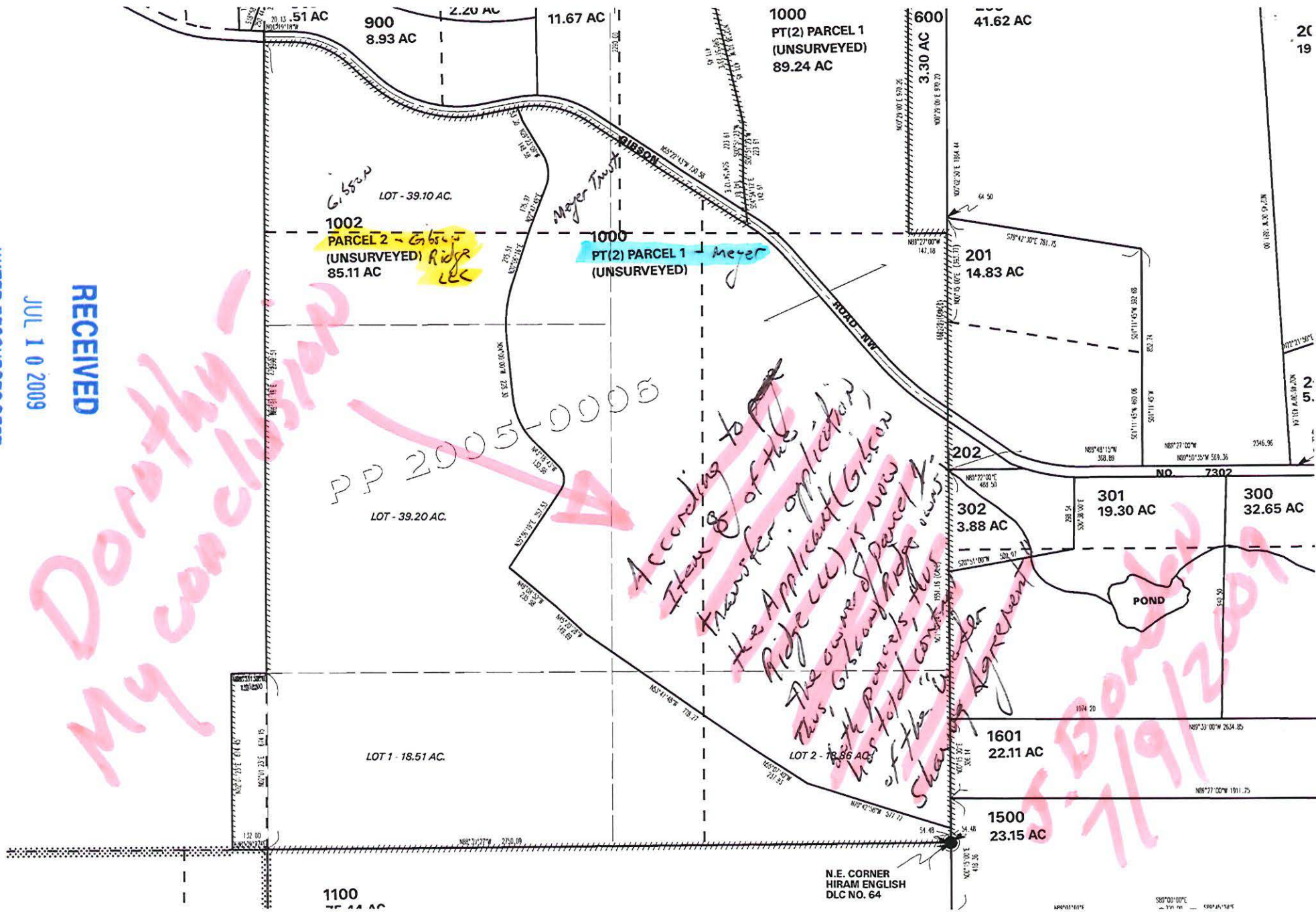
JUL 10 2009

**WATER RESOURCES DEPT
SALEM, OREGON**

WATER RESOURCES DEPT
SALEM, OREGON

JUL 1 0 2009

RECEIVED



Dorothy - My conciliator

PP 200510003

A

According to Item 8 of the transfer application, the Applicant (Gibson Ridge LLC) is now the owner of Parcel 1. This, Gibson Ridge owns with Parcel 2, thus has total control of the "Shady Agreement"

5/19/2009

3307'00" 00" E
3307'00" 00" E
3307'00" 00" E

Map Tax Lot - Click to See Assessment Report	73 700 1002
Account Number	567937
Image	Map Image
Map	7.3.7
TaxLot	1002
Owner	GIBSON RIDGE, LLC
Agent	
Mailing Add	PO BOX 3989
City	NAPA
St	CA
Zip	94558
Primary Situs	
Property Class	450
Num Residences	0
Num Buildings	0
Acre	85.11
AV Total	43777
RMV Total	804930

Specs & Options
Places
Print

For official information, contact the appropriate Polk County Department.

Map navigation controls: Home, Refresh, Print, Full Screen, Help, Search, Pan, Zoom In, Zoom Out, Info, Layer, Scale, Print, Full Screen, Help

Map navigation controls: Previous, 1, Next of 1

Map Tax Lot - Click to See Assessment Report	Account Number	Image	Map	TaxLot	Owner	At
73 700 1002	567937	Map Image	7.3.7	1002	GIBSON RIDGE, LLC	

Startcard Number: 1007505

Received: 7/15/2009 Fee Received: 7/15/2009

License Nbr |1438 Phone Nbr |503-868-7878

Driller Name |DAVID PAYSINGER

Driller Company |BLUE WATER DRILLING CO INC

Owner Information

Company |

First Name |JOHN Last Name |BALWIT

Street1 |1684 BONNIE JEAN PLACE

Street2 |

City |MCMINNVILLE State |OR Zip |97128

Home Phone | Work Phone |

Type of Work

Fee Required New Conversion Deepening No Fee Required Alteration Abandonment

Original Startcard# | Original Well Tag# |

Construction

Proposed Commencement Date |7/15/2009 Existing/Proposed Depth(ft) |200 Diameter (inches) |6

Use

Domestic Community Industrial Irrigation Thermal Injection Livestock Other: Monitoring Piezometer Dewatering

Proposed Well Location



Street address of well |NYA, EAGLE POINT RD, MCMINNVILLE

County |Yamhill Township |4.00 |S Range |5.00 |W Section |33

QQ/Q |NE |SW Latitude | Longitude |

Taxlot |300

Special Interest Info

Account Num:	Spec Int Type:	Spec Int Num:
	P	2
	P	3

Improvement Info

Stat Class:	121	Code Area:	3217
Stat Class Type:	RESIDENCE	Stat Class Desc:	One story
Year Built:	1945	Effective Year:	1945
Total Sq Ft:	560	Living Rooms:	1
Dining Rooms:	0	Kitchens:	1
Family Rooms:	0	Bed Rooms:	2
Full Baths:	1	Fireplaces or Woodstoves:	0
Half Baths:	0	Utility Rooms:	0
Other Rooms:	0	First Floor Sq Ft:	560

Improvement Image: [Click to view image](#)

Stat Class:	132	Code Area:	3217
Stat Class Type:	RESIDENCE	Stat Class Desc:	One story with basement
Year Built:	1937	Effective Year:	1950
Total Sq Ft:	1160	Living Rooms:	1
Dining Rooms:	0	Kitchens:	1
Family Rooms:	0	Bed Rooms:	2
Full Baths:	1	Fireplaces or Woodstoves:	1
Half Baths:	0	Utility Rooms:	1
Other Rooms:	2	Heating Type:	FORCED AIR HEATING
First Floor Sq Ft:	1160	Garage 1 Sq Ft:	280
Basement Unfin:	677		

Improvement Image: [Click to view image](#)

Stat Class:	300	Code Area:	3217
Stat Class Type:	FARM BLDG	Stat Class Desc:	Farm Bldg
Effective Year:	1956	Total Sq Ft:	1920

Stat Class:	300	Code Area:	3217
Stat Class Type:	FARM BLDG	Stat Class Desc:	Farm Bldg
Effective Year:	1956	Total Sq Ft:	6600

Improvement Image: [Click to view image](#)

Stat Class:	300	Code Area:	3217
Stat Class Type:	FARM BLDG	Stat Class Desc:	Farm Bldg
Effective Year:	1993	Total Sq Ft:	864

Improvement Image: [Click to view image](#)

Stat Class:	300	Code Area:	3217
Stat Class Type:	FARM BLDG	Stat Class Desc:	Farm Bldg
Effective Year:	1998	Total Sq Ft:	8000

Improvement Image: [Click to view image](#)

Stat Class:	452	Code Area:	3217
Stat Class Type:	MANF STRCT	Stat Class Desc:	MS Double wide
Year Built:	1987	Effective Year:	1987
Total Sq Ft:	1188	Half Baths:	0

First Floor Sq Ft: **1188**Improvement Image: [Click to view image](#)

Stat Class:	463	Code Area:	3217
Stat Class Type:	MANF STRCT	Stat Class Desc:	MS Triple wide
Year Built:	1994	Effective Year:	1994
Total Sq Ft:	2174	Half Baths:	0

First Floor Sq Ft: **2174**Improvement Image: [Click to view image](#)**MS Accounts:**

MSID:	██████	Subtype:	Personal
Code Area:	3217	Account Status:	A
Tax Status:	Active	Stat Class:	452
X Number:	194315	Year Built:	1987
Brand:	GUERDON	Owner:	MEYER NURSERY/ORCHARDS INC

MS Image: [Click to view image](#)

MSID:	██████	Subtype:	Personal
Code Area:	3217	Account Status:	A
Tax Status:	Active	Stat Class:	463
X Number:	222062	Year Built:	1994
Brand:	GUERDON	Owner:	MEYER NURSERY/ORCHARDS INC
Num Bedrooms:	0	Num Bathrooms:	0

MS Image: [Click to view image](#)

Tax Info

Account ID:	Tax Year:	Original Tax Due:
██████████	2008	\$2647.19

**City, County, Fire, School
Districts & Land Size Info**

Account Number:	Taxcode:	Acres:	District:
267092	3217	89.24	POLK COUNTY
267092	3217	89.24	SPRING VALLEY RFPD
267092	3217	89.24	SALEM SD 32J

Disclaimer: The information presented on this report was generated to support county business. The county makes every effort to keep this information current and accurate. However, the county is not responsible for errors, misuse, omissions, or misinterpretations. Please contact the Polk County Assessor's Office for clarification and explanations. Report generated on: 7/15/2009 using data produced on: 1/16/2009.

POLK COUNTY WEBMAPS
Real Property Map Summary for the
Current Tax Year

Account Info

Map Taxlot:	73 700 1002	Property Class:	<u>450</u>
Account Number:	██████████	RMV Property Class:	<u>400</u>
Acres:	85.11	MA:	02
Sq Ft:	3707392	SA:	23
Primary Situs:		NH:	000
		Value Unit:	42294-1

Parcel 2, POB

Owner Info

Owner: **GIBSON RIDGE, LLC**
 In Care Of: **ATTN: DEOCAMPO ROBERT**
 Mailing Address: **PO BOX 3989 NAPA, CA 94558**

Value Summary Info (AV: Assessed Value, RMV: Real Market Value)

Taxcode:	AV Land:	AV Impr.:	AV Total:	RMV Land:	RMV Impr.:	RMV Total:
3217	43777	0	43777	804930	0	804930
			=====			=====
Grand Total			43777			804930

Property Info

Number Houses: **0** Number Buildings: **0**

Sales Info

Book/Year:	2005	Document Type:	WARRANTY DEED
Page:	7503	Date:	5/11/2005
Source ID:		Price:	\$696000

Note: The above sales information may include additional tax lots.

Legal Info

Subdivision:		Lot:		Block:	
PARTITION PLAT 2005-0006		PARCEL 2			

Note: For a complete legal description refer to documents of record.

Tax Info

Account ID:	Tax Year:	Original Tax Due:
██████	2008	\$447.56

**City, County, Fire, School
Districts & Land Size Info**

Account Number:	Taxcode:	Acres:	District:
██████	3217	85.11	SPRING VALLEY RFPD
██████	3217	85.11	POLK COUNTY
██████	3217	85.11	SALEM SD 32J

Disclaimer: The information presented on this report was generated to support county business. The county makes every effort to keep this information current and accurate. However, the county is not responsible for errors, misuse, omissions, or misinterpretations. Please contact the Polk County Assessor's Office for clarification and explanations. Report generated on: 7/15/2009 using data produced on: 1/16/2009.

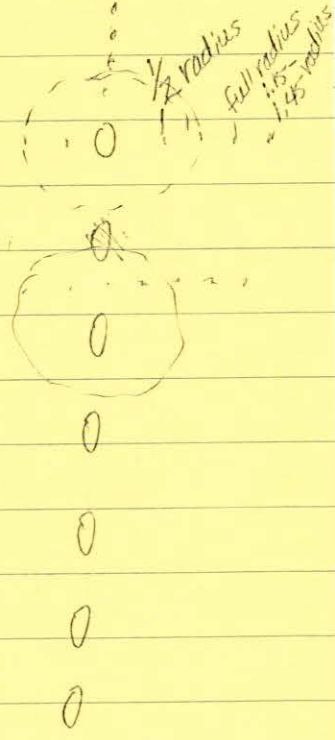
Example monitoring scheme from another transfer

	Diameter	Space + Row		Probes
8340	3.44'	3.33'	6.67'	16/26.33/30 18" + 18"
8358	5.2'	5.0'	7.5'	16/26.33/36 16/26.33/30
9786	4.48'	5.0'	7.5'	16/26.33/36
10440	1.8'	3.25'	5.25'	16/26.33/30

Suggested for T-10440 - 5.5" not needed
 10.8" = radius

13" = 1.2 radius

55" + 7.5"



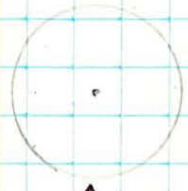
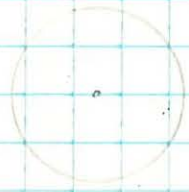
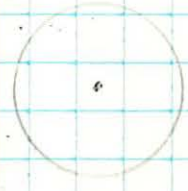
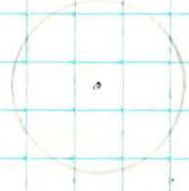
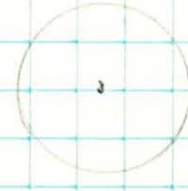
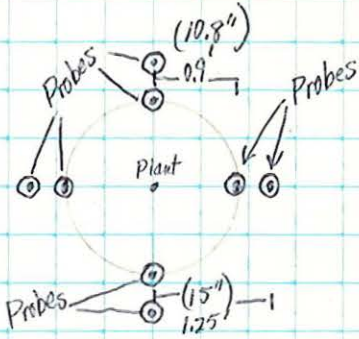
be at less than circle radius
 at wetted circle radius
 obe beyond target radius, to
 indicate excedence of authorized
 limit

probes at depths
 up to 3 feet



T-10440 Estimation for monitoring
 1 square = 0.5 foot

Plant centers 3.25' apart in row
 Rows 5.25' apart
 Wetted diameter = 1.8' (0.9' radius)



Send contact info +
 Diagram
 # of sites per soil + slope
 (1 + control for each)
 to Matt McKamey - Done 7/29
 Cornucopia Vineyards
 6635 NE Dunway Rd.
 Dayton, OR 97114
 503 864-9108

T-8358 Brands + suppliers
 Tualatin Vineyards, Inc. Stetler
 10850 NW Seavey Road
 Forest Grove, OR 97116
 (503) 357-5005

T-9786
 Willamette Valley Vineyards, Inc.
 8800 Enchanted Way
 Turner, OR 97392
 (503) 588-9463

DONE

↑
Row 1

↑
Row 3

Depths below ground

= 6", 12", 18", 24", 30" + 36"

5 (T-8340, T-8358 + T-9786)

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Location
3	S	4	W	W.M.	13	SW SW			Stream – 540 feet North , 1000 feet East from the SW Corner of Section 13 Reservoir – 420 feet North and 860 feet from the SW Corner of Section 13

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Acres
3	S	4	W	W.M.	13	SW SW			8.00
3	S	4	W	W.M.	24	NW NW	1		5.00

3. Application T-8340 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Acres
3	S	4	W	W.M.	13	NW SW	5		7.34
3	S	4	W	W.M.	13	SW SW			5.66

4. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
5. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
7. Application T-8340 is proposing to change the place of use of 13.0 acres to rows of slightly overlapping circles 3.44 feet in diameter within a total field area of 31.0 acres. The circles are centered on vines 3.33 feet apart. The vine rows are 6.67 feet apart between the centers of the circles.
8. Application T-8340 proposes to irrigate the 3.44 foot diameter circles using a drip irrigation system.
9. The proposed change, as conditioned, would not result in enlargement of the right.
10. The proposed change, as conditioned, would not result in injury to other water rights.

11. The applicant has pointed out a scrivener's error in Water Right Certificate 47133. The survey coordinates for the stream diversion, as described by the certificate, is in error. The certificate describes the stream diversion point as being 540 feet North and 1000 feet East of the SW Corner of Section 13. The final proof map is labeled with the same coordinates as the certificate. However, the coordinates are, as measured to scale on the final proof map, 660 feet North and 1000 feet East of the SW Corner of Section 13.

Conclusions of Law

The proposed change in place of use in application T-8340 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in application T-8340 is approved.
2. Water right certificate 41733 is cancelled.
3. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 41733.
4. The proposed change shall be completed on or before October 1, 2006.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
6. Prior to water use at the proposed place of use, the water user shall install and maintain a totalizing flow meter or other suitable device for measuring and recording the quantity of water diverted. The water user shall maintain the meter or measuring device in good working order. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. The water user shall submit a soil moisture monitoring plan. The plan shall include the use of high frequency dielectric probe data (or better soil moisture monitoring technology) at select monitoring sites to provide assurance to the watermaster that water is not moving beyond the boundary of the proposed place of use. The water user shall receive approval of the plan before water use may begin.
8. The location and number of soil moisture monitoring sites shall be selected so as to effectively monitor the behavior of the wetted areas located within different slope and/or soil types in the proposed place of use.

9. At each soil moisture monitoring site, the soil moisture measurements shall be made along straight lines with the following description:
 - a). Two lines on opposite sides of the vine with each line perpendicular to the vine row. Measurements shall be made along each line at 10, 20.6, and 30 inch increments away from the base of the vine.
 - b). One line extending outward from the endmost vine parallel with the vine row. Measurements shall be made along the line at 10, 20.6, and 30 inch increments away from the base of the vine.
 - c). One line perpendicular to the vine row, at the intersection of two adjacent circles. One measurement shall be made at intersection of the measurement line. Measurements shall also be made, on opposing sides of the vine row, at 10 and 18 inch increments away from the center measurement point.
10. A control soil measurement site shall be selected that receives only natural moisture from the atmosphere, and does not receive direct irrigation water nor irrigation water runoff.
11. Each soil moisture measurement shall be made at depths of 6, 12, 18, 24, 30, and 36 inches below land surface.
12. Soil moisture monitoring and flow data shall be made available to the Watermaster promptly upon request. The water user shall submit an annual report of water use and soil moisture monitoring data to the Watermaster. The monitoring data shall be reported in a reasonable summary format.
13. If water use by the drip irrigation system delivers water to non-irrigated areas outside the designated circles, the Watermaster may regulate the water use until soil moisture and flow data demonstrate that the non-irrigated areas are not receiving irrigation water.
14. After implementation of the soil moisture monitoring plan for a five year period, the water user may request a review the monitoring plan results by the Department. If the Department does not receive such a request, the monitoring plan shall remain in effect.
15. The former place of use shall no longer be irrigated as part of this water right.

16. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this ____ day of _____, 2005.

Phillip C. Ward
Director

Mailing Date: _____

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
1	N	4	W	W.M	3	NE	SW			13.3
1	N	4	W	W.M.	3	NW	SW			26.5

Certificate: 21970 in the name of Richard Spangler

Use: Supplemental Irrigation

Priority Date: July 20, 1951

Quantity: 3.0 acre feet

Rate/Duty: Not to exceed 2.5 acre-feet per acre in any irrigation season and shall be further limited to a total of not to exceed 3.0 acre feet in any one irrigation season.

Acres: 39.8 acres

Source: Reservoir constructed under Permit R-1232, a tributary of West Dairy Creek.

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Location
1	N	4	W	W.M.	3	SE	NW			

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
1	N	4	W	W.M	3	NE	SW			13.3
1	N	4	W	W.M.	3	NW	SW			26.5

3. Application T-8359 proposes to change the place of use of the rights to:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
1	N	4	W	W.M.	4	NE	NE	1		20.8
1	N	4	W	W.M.	4	NW	NE	2		19.0

4. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
5. Water has been used within the last five years according to the terms and conditions of the rights and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
7. Application T-8359 is proposing to change the place of use of 39.8 acres to rows of circles 5.20 feet in diameter within a total field area of 70.4 acres. The circles are centered on vines 5.0 feet apart. The vine rows are 7.5 feet apart between the centers of the circles.
8. Application T-8359 proposes to irrigate the 5.20 feet diameter circles using a drip irrigation system.
9. The proposed change, as conditioned, would not result in enlargement of the right.
10. The proposed change, as conditioned, would not result in injury to other water rights.

Conclusions of Law

The proposed change in place of use in application T-8359 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in application T-8359 is approved.
2. Water right certificates 22015 and 21970 are cancelled. New certificates will be issued describing those portions of the rights not involved in this transfer.
3. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 22015 and 21970.
4. The proposed change shall be completed on or before October 1, 2006.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
6. Prior to water use at the proposed place of use, the water user shall install and maintain a totalizing flow meter or other suitable device for measuring and recording the quantity of water diverted. The water user shall maintain the meter or measuring device in good working order. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. The water user shall submit to the Department a soil moisture monitoring plan. The plan shall include the use of high frequency dielectric probe data (or better soil moisture monitoring technology) at select monitoring sites to provide assurance to the watermaster that water is not moving beyond the boundary of the water right. The water user shall receive approval of the plan before water use may begin.

8. The location and number of soil moisture monitoring sites shall be selected so as to effectively monitor the behavior of the wetted areas located within different slope and/or soil types in the proposed place of use.
9. At each soil moisture monitoring site, the soil moisture measurements shall be made along straight lines with the following description:
 - a). Two lines on opposite sides of the vine with each line perpendicular to the vine row. Measurements shall be made along each line at 16, 26.33, and 36 inch increments away from the base of the vine.
 - b). One line extending outward from the endmost vine parallel with the vine row. Measurements shall be made along the line at 16, 26.33, and 36 inch increments away from the base of the vine.
 - c). One line extending inward towards the vine row from the endmost vine parallel with the vine row. Measurements shall be made along the line at 16, 26.33, and 30 inch increments away from the base of the vine.
10. A control soil measurement site shall be selected that receives only natural moisture from the atmosphere, and does not receive direct irrigation water nor irrigation water runoff.
11. Each soil moisture measurement shall be made at depths of 6, 12, 18, 24, 30, and 36 inches below land surface.
12. Soil moisture monitoring and flow data shall be made available to the Watermaster promptly upon request. The water user shall submit an annual report of water use and soil moisture monitoring data to the Watermaster. The monitoring data shall be reported in a reasonable summary format.
13. If water use by the drip irrigation system delivers water to non-irrigated areas outside the designated circles, the Watermaster may regulate the water use until soil moisture and flow data demonstrate that the non-irrigated areas are not receiving irrigation water.
14. After implementation of the soil moisture monitoring plan for a five year period, the water user may request a review the monitoring plan results by the Department. If the Department does not receive such a request, the monitoring plan shall remain in effect.
15. The former place of use shall no longer be irrigated as part of this water right.

16. When satisfactory proof of the completed change is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this ____ day of _____, 2004.

Phillip C. Ward
Director

Mailing date: _____

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application) FINAL ORDER
T-9786, Washington County) APPROVING A CHANGE
) IN PLACE OF USE

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

Applicant

Willamette Valley Vineyards, Inc
8800 Enchanted Way
Turner, OR 97392

Findings of Fact

1. On September 17, 2004, Willamette Valley Vineyards, Inc filed a transfer application to change the place of use under Certificates 21970, 21971 and 22015. The Department assigned the application number T-9786.
2. The right under Certificate 21971 is for storage of the waters of an unnamed stream, tributary to West Dairy Creek, in a reservoir for irrigation use. The right to store water in the reservoir is not proposed to be changed, so Certificate 21971 is not being considered as being included in T-9786. Certificates 21970 and 22015 have been superseded by Certificates 81073 and 81072 respectively, as a result of approval of T-8359.
3. On August 15, 2005 the applicant requested that the proposed dates for completion of the change and submittal of the Claim of Beneficial Use listed in the Preliminary Determination be extended, to allow more time to complete installation of the new vineyard planting and the monitoring system. The revised dates for completion and proof of the changes are as stated in this order.
4. The portion of the first right to be transferred is as follows:
Certificate: 81072 in the name of RICHARD SPANGLER
Use: Irrigation of 14.06 acres
Priority Date: July 13, 1950

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

Quantity: 0.10 cfs
Rate/Duty: 1/80 cfs per acre, not to exceed 2-1/2 acre-feet per acre per year
Source: An unnamed stream tributary to West Dairy Creek
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Lot	Survey Coordinates
1	N	4	W	W.M.	3	SE NW	4	100 feet N & 1950 feet E FROM W ¼ CORNER OF SECTION 3

Authorized Place of Use:

Township	Range	Meridian	Sec	¼ ¼	Lot	Acres
1	N	4	W	W.M.	3	NW NW 4 4.15
1	N	4	W	W.M.	3	SW NW 4 9.91

5. The portion of the second right to be transferred is as follows:

Certificate: 81073 in the name of RICHARD SPANGLER
Use: Supplemental irrigation of 14.06 acres
Priority Date: July 20, 1951
Quantity: 1.03 ac-ft
Rate/Duty: Not to exceed 2-1/2 acre-feet per acre per year and shall be further limited to a total of not to exceed 1.03 acre feet in any one irrigation season.
Source: A tributary to West Dairy Creek

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Lot	Survey Coordinates
1	N	4	W	W.M.	3	SE NW	4	100 feet N & 1950 feet E FROM W ¼ CORNER OF SECTION 3

Authorized Place of Use:

Township	Range	Meridian	Sec	¼ ¼	Lot	Acres
1	N	4	W	W.M.	3	NW NW 4 4.15
1	N	4	W	W.M.	3	SW NW 4 9.91

6. Application T-9786 proposes to change the place of use of the rights to:

Township	Range	Meridian	Sec	¼ ¼	Lot	Acres
1	N	4	W	W.M.	3	NW NW 4 0.82
1	N	4	W	W.M.	4	SW NE ___ 4.38
1	N	4	W	W.M.	4	SE NE ___ 8.86

7. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.

8. Water has been used within the last five years according to the terms and conditions of the rights and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

9. A reservoir, pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
10. Application T-9786 is proposing to convert 24.32 acres of sprinkler irrigated land to rows of circles 4.48 feet in diameter within a total field area of 57.65 acres. The circles are centered on vines 5.0 feet apart. The vine rows are 7.5 feet apart between the centers of the circles. The 14.06 acre portion being transferred from existing fields consists of the area within field boundaries that will be outside of the remaining irrigated circles. This transferred acreage will be applied to new fields in a configuration of rows of 4.48' diameter plant circles.
11. Application T-9786 proposes to irrigate the 4.48 foot diameter circles using a drip irrigation system.
12. The proposed change would not result in enlargement of the right, provided irrigated area is limited to the designated circles.
13. The proposed change would not result in injury to other water rights.

Conclusions of Law

The change in place of use proposed in application T-9786 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in application T-9786 is approved.
2. Water right certificates 81072 and 81073 are cancelled. New certificates will be issued describing those portions of the rights not involved in this transfer.
3. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 81072 and 81073 and any related decree.
4. The proposed change shall be completed on or before October 1, 2012.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2013.
6. The former place of use of the transferred water shall no longer be irrigated as part of this water right.
7. Prior to diverting water, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the

Department prior to beginning construction and shall be installed under the general supervision of the Department.

8. The water user shall submit a soil moisture monitoring plan to the Department. The plan shall include the use of high frequency dielectric probe data (or better soil moisture monitoring technology) at select monitoring sites to provide assurance to the Watermaster that water is not moving beyond the boundary of the water right. The water user shall receive approval of the plan before water use may begin.
9. The location and number of soil moisture monitoring sites shall be selected so as to effectively monitor the behavior of the wetted areas located within different slope and/or soil types in the proposed place of use.
10. At each soil moisture monitoring site, the soil moisture measurements shall be made along straight lines with the following description:
 - a. Two lines on opposite sides of the vine with each line perpendicular to the vine row. Measurements shall be made along each line at 16, 26.88, and 36 inch increments away from the base of the vine.
 - b. One line extending outward from the endmost vine parallel with the vine row. Measurements shall be made along the line at 16, 26.88, and 36 inch increments away from the base of the vine.
 - c. One line extending inward towards the vine row from the endmost vine parallel with the vine row. Measurements shall be made along the line at 16, 26.88, and 30 inch increments away from the base of the vine.
11. A control soil measurement site shall be selected that receives only natural moisture from the atmosphere, and does not receive direct irrigation water nor irrigation water runoff.
12. Each soil moisture measurement shall be made at depths of 6, 12, 18, 24, 30, and 36 inches below land surface.
13. Soil moisture monitoring and flow data shall be made available to the Watermaster promptly upon request. The water user shall submit an annual report of water use and soil moisture monitoring data to the Watermaster. The monitoring data shall be reported in a reasonable summary format.
14. If water use by the drip irrigation system delivers water to non-irrigated areas outside the designated circles, the Watermaster may regulate the water use until soil moisture and flow data demonstrate that the non-irrigated areas are not receiving irrigation water.
15. After implementation of the soil moisture monitoring plan for a five year period, the water user may request a review of the monitoring results by the Department and reconsideration of the monitoring and reporting requirement. If the Department does not receive such a request, the monitoring plan shall remain in effect.

16. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this _____ day of _____, 2005.

Phillip C. Ward, Director

Mailing date: _____

Dorothy Pedersen

From: John Borden [jeborden@comcast.net]
Sent: Thursday, April 16, 2009 11:57 AM
To: Dorothy Pedersen
Subject: RE: T-10440 revised materials

Dorothy, in reviewing the Watermaster comments, there is need for a change/amendment: "A measuring device 'Should be required prior to diverting water.'"

John Borden

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

From: Dorothy Pedersen [mailto:pedersdi@wrdd.state.or.us]
Sent: Wednesday, April 15, 2009 4:57 PM
To: John Borden
Subject: RE: T-10440 revised materials

Hi John,

It is good to finally get to DPD stage on T-10440. Don't worry about updating the templates. I do that quite regularly with older projects sent in by Department staff, so it is easy for me to know just where the updates are needed. I've attached the watermaster review. I must have forgotten to send it to you with all the time lapse. Let me know if you see anything in it that requires editing of the DPD document. YES - SEE NOTE ON TOP OF THIS MESSAGE.

Hopefully I'll get to review and send this one out by the end of the week, or at least the beginning of next week. I'll let you know if I have any questions.

Thanks,
Dorothy

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

From: John Borden [mailto:jeborden@comcast.net]
Sent: Wednesday, April 15, 2009 3:18 PM
To: Dorothy Pedersen
Subject: RE: T-10440 revised materials

Dorothy, attached please find my "final" products for your review. Whew! This one was a bit of a challenge.

I have kept a copy of the checksheet to complet when the ROLI and notice information comes in to you, then is sent to me.

One thing I could not find - a review by the Watermaster. I have noted a place for that on the DPD.

Finally, given the age of this project, I only used the templates provided way back then. If I need to submit additional products (or modify the submitted products to current templates), let me know.

Thanks,

John Borden

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

From: Dorothy Pedersen [mailto:pedersdi@wrdd.state.or.us]
Sent: Tuesday, April 07, 2009 1:09 PM
To: John Borden
Subject: T-10440 revised materials

Hi John,

We received the attached response to my request for more explanation about the differences in the T-10440 transfer maps and the water right maps. Please check them over and see whether the maps and application revisions resolve the problems. If so, send the DPD, cover letter and contact list and get this project rolling again.

Thanks,
Dorothy

Dorothy I. Pedersen
Transfer Program Advisor
(503) 986-0890
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

"FROM" Lands

1/3

Water Rights Platcard Report

Meridian: Willamette Township: 7 South Range: 3 West Section: 7 Records per Page: 100 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown
Select Cert:1141 OR * Additional Info: H M BUELL App: S3347 Permit: S1822 Cert: 1141		12/15/1913	DOMESTIC																									*
Select Cert:27051 OR * Additional Info: FRED L MEYER App: S27159 Permit: S22419 Cert: 27051	T10440	5/6/1952	DOMESTIC								*				*													
Select Cert:85241 OR * Additional Info: KIRK BARTRUFF App: S84243 Permit: S53696 Cert: 85241		8/24/1999	DOMESTIC																	*								
Select Permit:G 11976 EX Additional Info: LUCILE WHITMAN App: G12584 Permit: G11976		6/21/1991	IRRIGATION EX											2.4														
Select Permit:G 15048 CN Additional Info: LUCILE WHITMAN App: G12584 Permit: G15048		6/21/1991	IRRIGATION CN											2.4														
Select Permit:S 36966 CN Additional Info: CARL R & MARY STAATS App: S49296 Permit: S36966		5/31/1972	IRRIGATION CN																4.21									
Select Permit:S 48092 CN Additional Info: DOUGLAS A STOLLER App: S67508 Permit: S48092		10/11/1983	IRRIGATION CN																4.2									
Select Cert:27051 OR * Additional Info: FRED L MEYER App: S27159 Permit: S22419 Cert: 27051	T10440	5/6/1952	IRRIGATION										0.5	22.8	9	10.7												
Select Cert:39173 OR * Additional Info: FRED L MEYER App: S43569 Permit: S32583 Cert: 39173	T10440	5/9/1967	IRRIGATION										7.2		7.9	2												
Select Permit:G 15750 * Additional Info: LUCILE WHITMAN App: G12584 Permit: G15750		6/21/1991	IRRIGATION											2.4														

NCR

NCR

NCR

Subject Right
Subject Right

NCR

P = Primary - not subject to Xfer

1 2 3

Acreege Legend: 12.25 Regular acreage 12.25 Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

RECEIVED

APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

2/3

Water Rights Platcard Report

Meridian: Willamette Township: 7 South Range: 3 West Section: 7 Records per Page: 100 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40) Q(160)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE
Select App:S 86759 * Additional Info: MERIWETHER FARMS LLC. App: S86759		2/9/2007	IRRIGATION										1.64	13.97		8.23	22.28						
Select App:S 86761 * Additional Info: EAGLE CREST VINEYARD LLC. App: S86761		2/9/2007	IRRIGATION										1.64	13.97		8.23	22.28						
Select App:S 86764 * Additional Info: MERIWETHER FARMS LLC. App: S86764		2/9/2007	IRRIGATION										1.64	13.97		8.23	22.28						
Select App:R 86758 * Additional Info: GIBSON RIDGE VINEYARDS App: R86758		2/9/2007	MULTIPLE PURPOSE												*								
Select App:G 11976 WD Additional Info: CITY OF SALEM App: G11976		10/20/1989	MUNICIPAL USES	WD																			
Select Inchoate: T 5476 CF (REG) * Additional Info: CITY OF SALEM; BOISE CASCADE CORP. Decree: NORTH SANTIAM RIVER		12/31/1856	MUNICIPAL USES					(*)			(*)												
Select Inchoate: T 10039 CF (REG) * Additional Info: HOWARD BISKIE App: G1006 Permit: G898		6/16/1958	MUNICIPAL USES					(*)			(*)												
Select Inchoate: T 10038 CF (REG) * Additional Info: HOWARD BISKIE App: G871 Permit: G770		2/21/1958	MUNICIPAL USES					(*)			(*)												
Select Inchoate: T 10040 CF (REG) * Additional Info: HOWARD BISKIE App: G116 Permit: G9		9/8/1955	MUNICIPAL USES					(*)			(*)												
Select Inchoate: T 10041 CF (REG) * Additional Info: HOWARD BISKIE App: G135 Permit: G39		9/23/1955	MUNICIPAL USES					(*)			(*)												

1 2 3

Acreege Legend: 12.25 Regular acreege 12:25 Acreege is on a canceled right (12.25) Acreege is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreege has been suspended * Acreege is not specified

RECEIVED
APR 17 2009
WATER RESOURCES DEPT
SALEM, OREGON

*"TO" Lands
- Sect 7*

1/3

Water Rights Platcard Report

Meridian: Willamette Township: 7 South Range: 3 West Section: 7 Records per Page: 100 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	Q(40):	Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkwn	QQ
Select Cert:1141 OR * Additional Info: H M BUELL App: 53347 Permit: S1822 Cert: 1141		12/15/1913	DOMESTIC																						*	
Select Cert:27051 OR * Additional Info: FRED L MEYER App: 527159 Permit: S22419 Cert: 27051	T10440	5/6/1952	DOMESTIC									*				*										
Select Cert:85241 OR * Additional Info: KIRK BARTRUFF App: S84243 Permit: S53696 Cert: 85241		8/24/1999	DOMESTIC																		*					
Select Permit:G 11976 EX Additional Info: LUCILE WHITMAN App: G12584 Permit: G11976		6/21/1991	IRRIGATION EX										2.4													
Select Permit:G 15048 CN Additional Info: LUCILE WHITMAN App: G12584 Permit: G15048		6/21/1991	IRRIGATION CN										2.4													
Select Permit:S 36966 CN Additional Info: CARL R & MARY STAATS App: S49296 Permit: S36966		5/31/1972	IRRIGATION CN																	4.21						
Select Permit:S 48092 CN Additional Info: DOUGLAS A STOLLER App: S67508 Permit: S48092		10/11/1983	IRRIGATION CN																		4.2					
Select Cert:27051 OR * Additional Info: FRED L MEYER App: S27159 Permit: S22419 Cert: 27051	T10440	5/6/1952	IRRIGATION						0.5	22.8	9	10.7														
Select Cert:39173 OR * Additional Info: FRED L MEYER App: S43569 Permit: S32583 Cert: 39173	T10440	5/9/1967	IRRIGATION						7.2				7.9	2												
Select Permit:G 15750 * Additional Info: LUCILE WHITMAN App: G12584 Permit: G15750		6/21/1991	IRRIGATION										2.4													

PCR

*Subject Right
R10
Subject Right*

Some Ac subject to Xfer

*No Ac subject to Xfer
P = Primary*

*9
2
P P*

1 2 3

Acreage Legend: 12.25 Regular acreage ±2.25 Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

RECEIVED

APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

2/3

Water Rights Platcard Report

Meridian: Willamette Township: 7 South Range: 3 West Section: 7 Records per Page: 100 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40) Q(160)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	
Select App:S 86759 * Additional Info: MERIWETHER FARMS LLC. App: S86759		2/9/2007	IRRIGATION										1.64	13.97	8.23	22.28								
Select App:S 86761 * Additional Info: EAGLE CREST VINEYARD LLC. App: S86761		2/9/2007	IRRIGATION										1.64	13.97	8.23	22.28								
Select App:S 86764 * Additional Info: MERIWETHER FARMS LLC. App: S86764		2/9/2007	IRRIGATION										1.64	13.97	8.23	22.28								
Select App:R 86758 * Additional Info: GIBSON RIDGE VINEYARDS App: R86758		2/9/2007	MULTIPLE PURPOSE																					
Select App:G 11976 WD Additional Info: CITY OF SALEM App: G11976		10/20/1989	MUNICIPAL USES	WD																				
Select Inchoate: T 5476 CF (REG) * Additional Info: CITY OF SALEM; BOISE CASCADE CORP. Decree: NORTH SANTIAM RIVER		12/31/1856	MUNICIPAL USES					(*)			(*)													
Select Inchoate: T 10039 CF (REG) * Additional Info: HOWARD BISKIE App: G1006 Permit: G898		6/16/1958	MUNICIPAL USES					(*)			(*)													
Select Inchoate: T 10038 CF (REG) * Additional Info: HOWARD BISKIE App: G871 Permit: G770		2/21/1958	MUNICIPAL USES					(*)			(*)													
Select Inchoate: T 10040 CF (REG) * Additional Info: HOWARD BISKIE App: G116 Permit: G9		9/8/1955	MUNICIPAL USES					(*)			(*)													
Select Inchoate: T 10041 CF (REG) * Additional Info: HOWARD BISKIE App: G135 Permit: G39		9/23/1955	MUNICIPAL USES					(*)			(*)													

1 2 3

Acreege Legend: 12.25 Regular acreage 12.25 Acreege is on a canceled right (12.25) Acreege is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreege has been suspended * Acreege is not specified

RECEIVED
APR 17 2009
 WATER RESOURCES DEPT
 SALEM, OREGON

"TO" Lands
Sec 12

~~1/4~~
1/4

Water Rights Platcard Report

Meridian: Willamette Township: 7 South Range: 4 West Section: 12 Records per Page: 100 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40) Q(160)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE
Select Cert:34715 OR *		2/28/1962	DOMESTIC			64																*
Additional Info: FRANK MOORE App: S37437 Permit: S27875 Cert: 34715																						
Select Permit:S 36448 CN		11/30/1971	FISH CULTURE	CN																		*
Additional Info: J CHRISTOPHER JONES App: S48568 Permit: S36448																						
Select Permit:G 11976 EX		6/21/1991	IRRIGATION	EX			0.2															
Additional Info: LUCILE WHITMAN App: G12584 Permit: G11976																						
Select Permit:G 15048 CN		6/21/1991	IRRIGATION	CN			0.2															
Additional Info: LUCILE WHITMAN App: G12584 Permit: G15048																						
Select Permit:S 36966 CN		5/31/1972	IRRIGATION	CN															16.44			3
Additional Info: CARL R & MARY STAATS App: S49296 Permit: S36966																						
Select Cert:24080 OR *		6/2/1950	IRRIGATION				4.7	0.5	12.8													
Additional Info: FRED GIBSON App: S24793 Permit: S21911 Cert: 24080																						
Select Cert:29900 OR CN		4/14/1955	IRRIGATION	CN				1.8	3.4	5.6												
Additional Info: REX, VL, FRED GIBSON App: S29901 Permit: S23681 Cert: 29900																						
Select Cert:29900 OR CN		4/14/1955	IRRIGATION	CN		3									8							
Additional Info: REX, VL, FRED GIBSON App: S29901 Permit: S23681 Cert: 29900																						
Select Cert:40470 OR *		8/21/1970	IRRIGATION				10.4	15.1	6.7	6.2												
Additional Info: REX, VL & DUANE GIBSON App: S47455 Permit: S35403 Cert: 40470																						
Select Cert:40633 CF *		4/14/1955	IRRIGATION				0.1	1.9	5.9	10.9												
Additional Info: REX, V.L. GIBSON App: S29901 Permit: S23681 Cert: 40633																						
Select Cert:41749 OR *			IRRIGATION				7.8			20												
Additional Info: JESSE HAINES App: S47149 Permit: S35429 Cert: 41749																						
Select Cert:41749 OR *			IRRIGATION																9.7			
Additional Info: JESSE HAINES App: S47149 Permit: S35429 Cert: 41749																						
Select Permit:G 15461 *		7/24/2002	IRRIGATION									35	10									
Additional Info: MICHAEL LAMPERT App: G15803 Permit: G15461																						
Select Permit:G 15750 *		6/21/1991	IRRIGATION				0.2															
Additional Info: LUCILE WHITMAN App: G12584 Permit: G15750																						
Select App:S 86759 *		2/9/2007	IRRIGATION				0.24			1.11									3.04			
Additional Info: MERIWETHER FARMS LLC. App: S86759																						

NCR

NCR

NCR

See Attached Final Proof Survey Map

RECEIVED
APR 17 2009

2/4

Select	App:S 86761 * Additional Info: EAGLE CREST VINEYARD LLC. App: S86761	2/9/2007	IRRIGATION		0.24		1.11											3.04	
Select	App:P 77085 * Additional Info: ERVIN SIMMONS App: P77085	1/3/1995	LIVESTOCK																
Select	Permit:R 14070 * Additional Info: MICHAEL LAMPERT App: R85244 Permit: R14070	7/24/2002	MULTIPLE PURPOSE					*											
Select	App:R 86760 * Additional Info: CHRIS MILLICH App: R86760	2/9/2007	MULTIPLE PURPOSE															*	
Select	App:R 86762 * Additional Info: MERIWETHER FARMS LLC. App: R86762	2/9/2007	MULTIPLE PURPOSE							*								*	
Select	App:R 86763 * Additional Info: MERIWETHER FARMS LLC. App: R86763	2/9/2007	MULTIPLE PURPOSE							*									
Select	App:S 86759 * Additional Info: MERIWETHER FARMS LLC. App: S86759	2/9/2007	POND MAINTENANCE					*											
Select	App:S 86761 * Additional Info: EAGLE CREST VINEYARD LLC. App: S86761	2/9/2007	POND MAINTENANCE															*	
Select	App:S 86764 * Additional Info: MERIWETHER FARMS LLC. App: S86764	2/9/2007	POND MAINTENANCE							*								*	
Select	Cert:24079 OR * Additional Info: FRED GIBSON App: R24792 Permit: R1453 Cert: 24079	6/2/1950	STORAGE	2														*	
Select	Cert:24079 OR * Additional Info: FRED GIBSON App: R24792 Permit: R1453 Cert: 24079	6/2/1950	STORAGE	3						*									
Select	Cert:24079 OR * Additional Info: FRED GIBSON App: R24792 Permit: R1453 Cert: 24079	6/2/1950	STORAGE	64														*	
Select	Cert:29899 OR * Additional Info: REX/V L/FRED GIBSON App: R29900 Permit: R1763 Cert: 29899	4/14/1955	STORAGE	2														*	
Select	Cert:29899 OR * Additional Info: REX/V L/FRED GIBSON App: R29900 Permit: R1763 Cert: 29899	4/14/1955	STORAGE	3						*									
Select	Cert:29899 OR * Additional Info: REX/V L/FRED GIBSON App: R29900 Permit: R1763 Cert: 29899	4/14/1955	STORAGE	64														*	
Select	Cert:41748 OR * Additional Info: JESSE HAINES App: R47148 Permit: R5695 Cert: 41748	7/2/1970	STORAGE	1														*	
Select	Cert:29900 OR CN Additional Info: REX, VL, FRED GIBSON App: S29901 Permit: S23681 Cert: 29900	4/14/1955	SUPPLEMENTAL CN IRRIGATION (Suppl'mtl)					12.8											
Select	Cert:40633 CF * Additional Info: REX, V.L. GIBSON App: S29901	4/14/1955	SUPPLEMENTAL IRRIGATION (Suppl'mtl)					12.8											

RECEIVED
APR 17 2009
WATER RESOURCES DEPT
SALEM, OREGON

3.04

~~1/3~~

3/4 ~~2/2~~

Permit: S23681 Cert: 40633																		
Select App:S 86759 *	2/9/2007	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	27.32	26.08	38.65	40.45			2.17		11.3				13.23	8.67		
Additional Info: MERIWETHER FARMS LLC. App: S86759																		
Select App:S 86761 *	2/9/2007	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	27.32	26.08	38.65	40.45			2.17		11.3				13.23	8.67		
Additional Info: EAGLE CREST VINEYARD LLC. App: S86761																		
Select App:S 86764 *	2/9/2007	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	27.32	26.08	38.65	40.45			2.17		11.3				13.23	8.67		
Additional Info: MERIWETHER FARMS LLC. App: S86764																		
Select Cert:84793 OR *	2/18/1992	WILDLIFE													*			
Additional Info: DOUGLAS STOLLER App: R72216 Permit: R11520 Cert: 84793																		

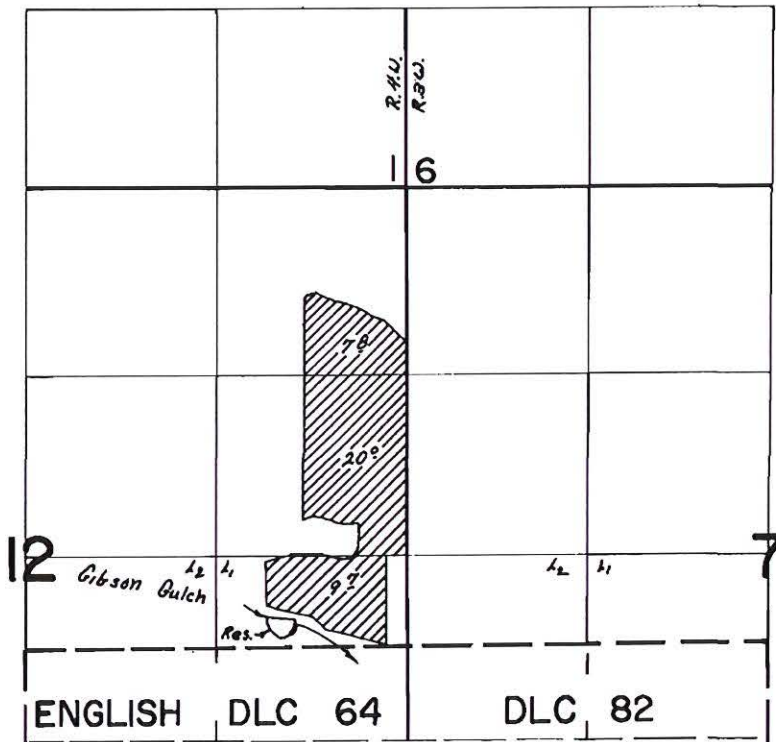
Acreage Legend: 12.25 Regular acreage ±2.25 Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

RECEIVED
 APR 17 2009
 WATER RESOURCES DEPT
 SALEM, OREGON

C-41749

4/4

T.7S. R.38&4W. W.M.



Dem Loc. 500'S 1800' W From E 1/4 Cor. Sec. 12

FINAL PROOF SURVEY UNDER

RECEIVED

APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

Application No. ^{R-47148} 47149 Permit No. ^{R-5695} 35429
IN NAME OF

JESSE HAINES

Surveyed April 6, 1973, by R.G. Mucken

T-10440
Gibson Ridge
Vineyards

Application

- The type of change is clearly indicated. ← *POU only*
- The application is appropriately signed. ← *Probably*
- Appropriate fees were paid. If overpayment, Refund Request to be sent with FO
- Land use form matches affected tax lots and is signed by proper official. (from ALL affected Govt's) - *Is new LU form needed because previous no longer used.*
- Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- All required attachments received.

Water right subject to transfer

- Certificated right or Proof accepted "to the satisfaction...."
- The right been exercised according to terms & conditions of certificate.
- Delivery system has the capacity to fully divert the rate/duty of the right.
- No information in record that suggests forfeiture.
- No conflicts identified on the plat cards and plat card reports printed.
- Affidavits prepared for rights that need to be canceled or diminished.

RECEIVED

APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

Application Map

- The map has an original CWRE signature.
- The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- Metes and bounds for the POD's/POA's are properly described on the map.
- The POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions.
- Map acres match the tabulation on the certificate.
- Have final proof maps/deed maps for the rights. Application map matches certificate FPS. (*After 2nd amendment*)
- Have necessary aerial photos.

Determining the "From" and "To" Lands (make working copy of application and certificates to mark on)

- Only the authorized POD's/POA's and POU's to be transferred are listed.
- Application & certificate tabulations match. (*Mark on appl. and cert. copies and note corrections needed*)
- Marked on certificate the acreage being transferred, cancelled and remaining by 1/4 1/4.

Ownership ← *Do "ownership" before sending final copy*

- The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- Have current tax lot map. (*If transfer application is several years old, contact assessor's office*)
- The applicant is the owner of the "from" lands.
- All owners on the deed/ROLI have signed the application.
- If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- Agent has authorization to make decisions.

ROLI info to be reviewed by contractor upon available (4 items)

Evaluation (materials needed for peer reviewer in bold)

- application complete
- map
- FPS
- evidence of use
- land-use form
- deed/ROLI
- certificate
- fees paid
- well logs
- plat card
- audit
- dpd

- Reviews/comments/conditions received? Watermaster *not found*
- ODFW
- GW
- Headgate When in the judgment Prior to diverting Existing and maintain
- Measuring Devices When in the judgment Prior to diverting Existing and maintain

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury -

Directly - do we need a watermaster Review?



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

Application for Water Right
Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF TRANSFER APPLICATION

JGR

Please check one
[X] Permanent Transfer
[] Instream Transfer
[] Temporary Transfer
[] Permanent
[] Time-Limited
[] Drought Transfer
[] Other
total number of years:
(begin year:)
(end year:)

RECEIVED
APR 28 2008
WATER RESOURCES DEPT.
SALEM, OREGON

2. APPLICANT INFORMATION

Name: See Attached Signature Block
Address: See attached signature block.
City State Zip
Phone: Home Work Other
Fax: E-Mail address:

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: Joe Richards
Address: 3937 NE 13th Avenue
City State Zip: Portland OR 97212
Phone: (503) 841-5012
Fax: (503) 841-5013
E-Mail address: joe@richardengineering.com

- If an agent is listed above, please check one of the following:
[X] Please send all correspondence to Agent. Send copies of correspondence to Applicant; or
[] Please send all correspondence to Applicant. Send copies of correspondence to Agent.

RECEIVED
APR 17 2009
WATER RESOURCES DEPT
SALEM, OREGON

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: (*Attach additional pages as necessary.*)

	Application / Decree	Permit / Previous Transfer	Certificate
1.	32583		39173
2.	22419		27051
3.			
4.			
5.			
6.			

RECEIVED

APR 28 2008

WATER RESOURCES DEPT.
SALEM, OREGON

- Check **all** proposed change(s) included in this transfer application:

- Place of Use
 Point of Diversion
 Additional Point of Diversion
 Character of Use
 Point of Appropriation
 Additional Point of Appropriation
 Instream Transfer
 Surface Water source to Ground Water source

- Reason(s) for change(s): 31.8 acres of the POU covered by certificates 39173 and 27051 have been sold to the applicant. The additional POD will be located in proposed reservoir (R-86759) on the applicant's property.

5. WATER DELIVERY SYSTEM

(JAR)

- Describe the **current** water delivery system **or** the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

The water delivery system consists of a 10-hp pump at the Gibson Creek POD that conveys to reservoir 27052 on the Meyer property. A 30-hp pump from the reservoir through 4-inch PVC mainline to 30 overhead sprinklers with 5/16-inch nozzles.

- System capacity: 0.4 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

All sources for the certificates are distributed through reservoir 27052. System capacity was approximated by interviewing the Meyer Family. Head between the pond and the cherry orchard is +/- 200 feet and the nozzles delivered 6 gallons per minute for a 180 gpm capacity per set-up.

RECEIVED

APR 17 2009

WATER RESOURCES DEPT.
SALEM, OREGON

6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:

- ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
- ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
- ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
- ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? Yes No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? Yes No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? Yes No

If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:

N/A

- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

N/A

RECEIVED

APR 21 2008

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

8. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred? Yes No

If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners:

Names of Current Landowner(s): _____
First Last

Address: _____

_____ City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?
 Yes No N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

If "No", provide the following information:

Names of Receiving Landowner(s): _____
First Last

Address: _____

_____ City State Zip

- Check **one** of the following:
 - The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
 - The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.
 - N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

RECEIVED
APR 21 2008
WATER RESOURCES DEPT
SALEM OREGON

RECEIVED
APR 17 2009
WATER RESOURCES DEPT
SALEM, OREGON

9. ATTACHMENTS

*Check each of the following attachments included with this application.
The application will be returned if all required attachments are not included.*

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

- A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

Supplemental Form B –

Evidence of Use Affidavit(s)

- At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- The Evidence of Use Affidavit **must** be accompanied by supporting documentation.

Map

- Water Right Transfer*
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- Temporary Transfer or Historical POD Change*
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

- The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

Land Use Information Form:

- Enclosed; *or*
- Not Required if **all** of the following are met:
- ① In EFU zone or irrigation district,
 - ② Change in place of use only,
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
 - ④ Irrigation only.

Fees:

- Amount enclosed: \$ Paid Previously.
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

- Complete this form to describe the desired nature and attributes for the proposed instream water right.

Temporary Transfers, also include:

Recorded Deed:

- The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

- If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

RECEIVED

APR 21 2008

WATER RESOURCES DEPT
SALEM OREGON

RECEIVED

APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

10. SIGNATURES

▪ Check one of the following, as appropriate, and sign the application in the signature box below:

In accordance with OAR 690-380-3000(13)(a), I (we) understand that **prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:**

(a) **A report of ownership and lien information** that has been prepared by a title company *within the last three months;*

(b) **A copy of written notification** of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*

(c) If the landowner identified in the report of ownership and lien information is not the applicant, a **notarized statement consenting to the transfer** (*attached*) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. (*NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.*)

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

See attached signature block.

applicant signature

name (print)

date

applicant signature

name (print)

date

RECEIVED

APR 2 1 2008

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: 27051

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input checked="" type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

RECEIVED

APR 21 2008

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	<u>39173</u>	<u>32503</u>
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Fred L. Meyer
- County: Polk
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): May 9, 1967

If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- Source(s) of Water to be Affected by Transfer: Gibson Creek

Tributary to: Willamette River

If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

RECEIVED
APR 17 2009

For applications proposing a Change in Place of Use or Character of Use:

WATER RESOURCES DEPT
SALEM, OREGON

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?
 Yes No N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? 27051

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

RECEIVED

APR 21 2008

▪ Certificate Number or other identifying number: 27051

The following information must be provided only for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
No change in Existing POD								

- Does the water right being transferred involve a ground water source(s)?
 - Yes
 - No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is clearly labeled and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
N/A									

RECEIVED
APR 21 2008
WATER RESOURCES DEPT
SALEM OREGON

RECEIVED

APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

▪ Certificate Number or other identifying number: 27051

The following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

2 NP NEW

Location of Existing Authorized Place of Use to be Affected:
(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Gibson Creek	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring No. 1 and Reservoir	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring No. 3	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring No. 4	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
RECEIVED						RECEIVED	
APR 17 2009						MAR 31 2009	
WATER RESOURCES DEPT SALEM, OREGON						WATER RESOURCES DEPT SALEM, OREGON	

5.64 }
0.49 } FIRM 6.13

JAR

▪ Certificate Number or other identifying number: 27051

The following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

15 New

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Gibson Creek	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring NO. 1 and Reservoir	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring NO. 3	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring NO. 4	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244

~~JGR~~

RECEIVED

APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 28 2008

WATER RESOURCES DEPT.
SALEM, OREGON

▪ Certificate Number or other identifying number: _____

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation) N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
N/A							

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? Yes No N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
N/A										
			RECEIVED							
			APR 21 2008							
			WATER RESOURCES DEPT SALEM OREGON						RECEIVED APR 17 2009 WATER RESOURCES DEPT SALEM, OREGON	

▪ Certificate Number or other identifying number: 39173

2/2/2009

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) N/A - Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Gibson Creek	7S	3W	W	7	SW/NW	1002	1.565 2.03
				7	NW/SW	1002	2.975 2.68
				7	NE/SW	1002	1.010 1.18
			(JGR)	7	SE/NW	1002	0.096 0.01
		4W		12	NE/SE	1002	0.395 0.23
Spring No. 1	7S	3W	W	7	SW/NW	1002	1.565 (JGR)
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395
Spring No. 3	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395
Spring No. 4	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
			(JGR)	12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395

OK

(JGR)

RECEIVED

MAR 31 2009

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

- 6 -
APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

Description of Proposed Change(s) to a Water Right

Supplemental Form A

▪ Certificate Number or other identifying number: 39173

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) N/A - Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	1/4 1/4 Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Gibson Creek	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395
Spring No. 1	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395
Spring No. 3	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395
Spring No. 4	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395

Remarks:

JGR

RECEIVED

APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 28 2008

WATER RESOURCES DEPT.
SALEM, OREGON

Signature Block

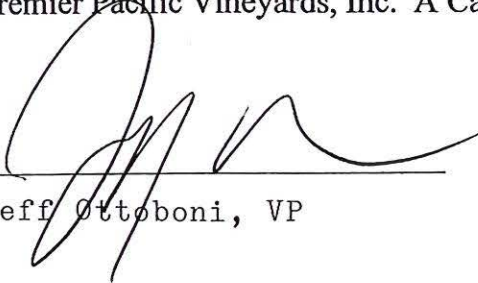
Gibson Ridge Vineyard, L.L.C.

By: Meriweather Farms, LLC, its Member, a California limited liability company

By: Premier Pacific Vineyards, L.P. A Delaware limited partnership, its Manager

By: Premier Pacific Vineyards, Inc. A California corporation, its general partner

By:



Jeff Ottoboni, VP

4/16/08

Date

RECEIVED

APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 21 2008

WATER RESOURCES DEPT
SALEM OREGON

Water Right Transfer Supplemental Form B
AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon)
) ss
County of Polk)

I, Donald L. Meyer, in my capacity as Land Owner,
mailing address 3795 Gibson Road, Salem Oregon, 97304
telephone number (503) 364-3076, being first duly sworn depose and say:

1. I attest that:

- Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; **or**
- The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; **or**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

2. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation
- Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	1/4 1/4 Section		Gov't Lot or DLC	Acres (if applicable)
7	S	3	W	W	12	NE	NE		1.29
						SE	NE		0.67
					7	NW	NW		15.56
						SW	NW		14.28
								TOTAL:	31.8 ACRES

RECEIVED

APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 21 2008

WATER RESOURCES DEPT
SALEM, OREGON
(continues on reverse side)

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):
The water rights were used for irrigation of cherry a orchard and goose berry crop.

5. The water delivery system used to apply water as authorized by the right is described below:
Water was delivered from Gibson Creek to our pond with a 10 HP pump. Water was then delivered from the pond to the POU with a 30 HP pump through a 4-inch PVC mainline to the irrigation sprinkler system. The sprinkler system consisted of approximately 30 5/16 inch nozzles per set-up.

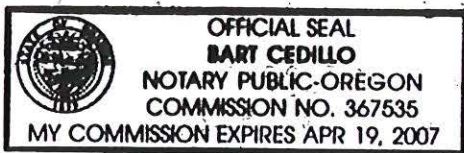
6. One or more of the following documentation supporting the above statements is attached:

- Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- Dedicated power usage records or receipts,
- Instream lease number _____,
- Other: _____

Donald S. Meyer
Signature of Affiant

4-9-07
Date

Signed and sworn to (or affirmed) before me this 9th day of April, 2007.



Bart Cedillo
Notary Public for Oregon

My Commission Expires: 4-19-2007

RECEIVED

APR 21 2008

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.



3795 Gibson Rd. NW
Salem, OR 97304
(503) 364-3076
Fax: (503) 364-3407

November 8, 2004

Don Meyer
President
Meyer Nursery & Orchards, Inc.

This is a summary from our records of the crop sales for the 85.45-acre Gibson Road parcel on which a farm dwelling is proposed.

Income for Fiscal year July 2003-June 2004

<u>Breakdown of Receipts</u>	<u>This Acreage</u>	<u>Total Receipts</u>
Cherries (MPT and South Orchards)	\$27,000	\$65,100
Gooseberries (MPT)	\$42,679	\$42,679
Nursery Stock (MFE, MCG)	\$152,000	\$1,040,462
Total 2003-2004	<u>\$221,679</u>	<u>\$1,148,241</u>

Income for Fiscal year July 2002-June 2003

<u>Breakdown of Receipts</u>	<u>This Acreage</u>	<u>Total Receipts</u>
Cherries (MPT and South Orchards)	\$12,000	\$24,391
Gooseberries (MPT)	\$36,117	\$36,117
Nursery Stock (MFE, MCG)	\$124,000	\$1,092,553
Total 2002-2003	<u>\$172,117</u>	<u>\$1,153,061</u>

Julianne Meyer
Office Manager

RECEIVED
APR 21 2008
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 17 2009
WATER RESOURCES DEPT
SALEM, OREGON



Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 257.180. The Water Resources Department will use this and other information to evaluate the water use application. **DO NOT** fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: Chris Millich

Address: P.O. Box 3990

City: Maple State: CA Zip: 94558 Day Phone: (707) 254-2235

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach maps sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot ID	Plan Designation (e.g. Rural Residential(RR-5))	Water to be: (check all that apply)		
1002	Farm/Forest Overlay Zone	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. Polk County

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Irrigation

Briefly describe: Drip Irrigation to establish and support an 83 acre vineyard on tax lot 1002. (Gibson Ridge)

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water Proposed reservoir
(source)

E. Quantity

Indicate the estimated quantity of water the use will require:

1 CFS GPM Acre-Feet

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
(503) 986-0900

RECEIVED

APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 21 2008

WATER RESOURCES DEPT
SALEM, OREGON

For Local Government Use Only

The following sections must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): PCZC 136. Go to section B "Approval" below
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval	
		<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

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Actions plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Gene Clemons Date: 12-11-06
 Title: Act. Com. Devel. Director Phone: 503-623-9237
 Signature: [Handwritten Signature]

C. Additional Comments

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

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will preserve the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

Receipt for Request for Land Use Information

Name of water right applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: _____

Staff contact: _____ Phone: _____

Signature: _____ Date: _____

RECEIVED

APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 21 2008

WATER RESOURCES DEPT
SALEM, OREGON

▪ Certificate Number or other identifying number: 27051

2 p. new

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) N/A - Instream Water Right Transfer
 (NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)		
Gibson Creek	7S	3W	W	7	SW/NW	1002	1.565		
				7	NW/SW	1002	2.975		
				7	NE/SW	1002	1.010		
				12	SE/NE	1002	0.096		
				12	NE/SE	1002	0.395		
Spring No. 1 and Reservoir	7S	3W	W	7	SW/NW	1002	1.565	2.03	
				7	NW/SW	1002	2.975	2.68	
				7	NE/SW	1002	1.010	1.18	
			JGR	7	SE/NW	1002	0.096	0.01	
				12	NE/SE	1002	0.395	0.23	
Spring No. 3	7S	3W	W	7	SW/NW	1002	1.565	2.03	
				7	NW/SW	1002	2.975	2.68	
				7	NE/SW	1002	1.010	1.18	
			JGR	7	SE/NW	1002	0.096	0.01	
				12	NE/SE	1002	0.395	0.23	
Spring No. 4	7S	3W	W	7	SW/NW	1002	1.565	2.03	
				7	NW/SW	1002	2.975	2.68	
				7	NE/SW	1002	1.010	1.18	
				7	SE/NW	1002	0.096	0.01	
				12	NE/SE	1002	0.395	0.23	
				JGR	7	SE/NW	1002	0.096	0.01
					12	NE/SE	1002	0.395	0.23

RECEIVED
 Remarks: MAR 31 2009

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 APR 17 2009
 WATER RESOURCES DEPT
 SALEM, OREGON

▪ Certificate Number or other identifying number: 27051

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) N/A - Instream Water Right Transfer
(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

15, NW

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Gibson Creek	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395
Spring No. 1 and Reservoir	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395
Spring No. 3	7S	3W	W	7	SW/NW	1002	1.565
					NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395
Spring No. 4	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395

JGR

6.041

6.041

Remarks:

RECEIVED

RECEIVED

APR 17 2009

APR 28 2008

WATER RESOURCES DEPT SALEM, OREGON

WATER RESOURCES DEPT SALEM, OREGON

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

Certificate Number or other identifying number: 39173

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old <i>and</i> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input checked="" type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

RECEIVED

APR 21 2008

WATER RESOURCES DEPT
SALEM OREGON

RECEIVED

APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

<input type="checkbox"/> Certificated Right	_____	_____
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____	_____
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____	_____
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____	_____
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Fred L. Meyer
- County: Polk
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): May 6, 1952

If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- Source(s) of Water to be Affected by Transfer: Gibson Creek, reservoir 27052, Spring NOS 1, 2, and 3.
- Tributary to: Willamette River

If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?
 Yes No N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? 39173

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be omitted, except as provided in OAR 690-380-2240(5).

RECEIVED

APR 21 2008

WATER RESOURCES DEPT
SALEM OREGON

RECEIVED

APR 17 2009

WATER RESOURCES DEPT
SALEM OREGON

▪ Certificate Number or other identifying number: 39173

The following information must be provided only for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

see right and/or prior Appl

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
NO change in Existing POD								

- Does the water right being transferred involve a ground water source(s)?
 - Yes
 - No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is clearly labeled and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is not available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
N/A									

RECEIVED
APR 21 2009
WATER RESOURCES DEPT
SALEM OREGON

RECEIVED
APR 17 2009
WATER RESOURCES DEPT
SALEM, OREGON

▪ Certificate Number or other identifying number: 39173

The following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

ZMD NEW

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Gibson Creek	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring No. 1	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring No. 3	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring No. 4	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244

OK
JGR

JGR

RECEIVED

RECEIVED

APR 17 2009

MAR 31 2009

WATER RESOURCES DEPT SALEM, OREGON

▪ Certificate Number or other identifying number: 39173

The following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

1st New

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Gibson Creek	7S	3W	W	7	NW/NW	1002	4.785
					SW/NW	1002	0.204
					NE/NE	1002	0.813
					SE/NE	1002	0.244
Spring NO. 1	7S	3W	W	7	NW/NW	1002	4.785
					SW/NW	1002	0.204
					NE/NE	1002	0.813
					SE/NE	1002	0.244
Spring NO. 3	7S	3W	W	7	NW/NW	1002	4.785
					SW/NW	1002	0.204
					NE/NE	1002	0.813
					SE/NE	1002	0.244
Spring NO. 4	7S	3W	W	7	NW/NW	1002	4.785
					SW/NW	1002	0.204
					NE/NE	1002	0.813
					SE/NE	1002	0.244

(JGR)

RECEIVED

APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 28 2008

WATER RESOURCES DEPT
SALEM, OREGON

▪ Certificate Number or other identifying number: 39173

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation) N/A – Instream Water Right Transfer

(NOTE: Complete this table *only* if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
N/A							

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? Yes No N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
N/A										

RECEIVED
 APR 21 2008
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 APR 17 2009
 WATER RESOURCES DEPT
 SALEM, OREGON

John Borden

From: Dorothy Pedersen [pedersdi@wrđ.state.or.us]
Sent: Monday, November 03, 2008 5:48 PM
To: John Borden
Subject: FW: Gibson Ridge Transfer Application

Hi John,

This is the information submitted by the CWRE for T-10440 in response to the comments about there not being a water right to transfer from Section 12.

I looked into how the original water right surveys were done, since if a redescription of the place of use is needed, the CWRE for T-10440 will need to base that explanation on a comparison of the original surveys and the findings from his survey. At this point I'm not convinced that the water right description of record is wrong, and that any of the water right is in Section 12.

The notes from the 1959 survey by C.O. Bartels do not reference a tie to a field monument. They are sketched on a 1955 aerial photo, that assumed that the edge of the field was along the section line between Sections 7 and 12. I have attached a scan of the marked aerial photo.

In 1972 the Department did a plane table survey for the diversion point for Application S-43569/Permit S-32583/Certificate 39173. The tie was to a dam reference monument 1440' S and 1240' E from the NW corner of Section 7, and also to former property corners located "970.2' S and 2227.6' E and 192.6' N from the NW corner of Section 7."

The official maps of record show the place of use for the rights as being totally to the east of a line between Sections 7 and 12, and the original aerial photo that was used for drafting the Final Proof maps for the rights shows the place of use to the east of a road or fenceline of some type.

Since you have experience as a CWRE, could you draft a letter in response to him, explaining that in order for WRD to consider re-describing the right as being partly in Section 12, he needs to submit a stronger argument to support that, based on some found monument or other reason to tie the section line in a different relationship with the POU than in the Final Proof map? What do you think of suggesting that he also look into the legal description of the property that the water right is appurtenant to (not necessarily including the entire report of ownership and lien information at this point), but just to see whether the legal description extends into Section 12?

I'll be in before 9:30 and back about noon, then gone about 2:00, but back about 3:30 tomorrow if you want to talk about this.

Thanks,
Dorothy

From: Joseph Richards [mailto:wholewater@comcast.net]
Sent: Monday, October 27, 2008 3:40 PM
To: Dorothy Pedersen
Subject: RE: Gibson Ridge Transfer Application

RECEIVED

APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

Good Afternoon Dorothy,

I apologize for how long it has taken me to respond to questions related to T-10440. I have been trying to determine a reasonable basis for where the POU is on the subject property. Since most of the consultant's questions relate to the discrepancy between the transfer map and the final proof survey map (i.e., transfer of rights from section 12 when the final proof map does not show any POU there) I have attached a screen shot showing both the POU from the final proof map and a revised POU based on aerial coverage. I apologize for the quality of the image. My approach was as follows:

1. scan the final proof map,
2. Draw the POU outlines on the scanned images and create a block,

11/11/2008

3. Insert the block into my transfer map using a scale factor of 1360 based on the size of a 1/4 1/4 in the final proof map versus the size in the transfer map,
4. rotated the block to match the section orientation,
5. moved the 3 POU areas to match the aerial images.

Please forward this information onto the contractor and let me know if this is a reasonable basis for establishing the actual location of the POU on the subject property. If it is I will revise the submitted information to reflect the remaining questions presented.

Thank you,

Joe

Richards Engineering, L.L.C.

Joseph G. Richards, MBA, PE, CWRE
President

3937 NE 13th Avenue
Portland, OR 97212
Phone: (503) 841-5012
Fax: (503) 841-5013
Cell: (971) 563-1448
www.richardsengineering.com
joe@richardsengineering.com



Please consider the environment before printing

Please do not read, copy, or disseminate this communication unless you are the intended addressee. If you have received this communication in error, please notify me immediately. Files in electronic media format of text, data, graphics, or other types, provided by Richards Engineering LLC, are provided only for convenience. Any conclusions or information obtained or derived from such electronic files will be at user's sole risk. If there is a discrepancy between the information provided by Richards Engineering LLC contained in electronic files and printed copies, the printed copies shall govern.

From: Dorothy Pedersen [mailto:pedersdi@wrds.state.or.us]
Sent: Wednesday, August 13, 2008 2:18 PM
To: Joseph Richards
Subject: RE: Gibson Ridge Transfer Application

Hi Joe,

I apologize for the delay in responding to your questions.

The Reimbursement Authority contractor reviewing the T-10440 revisions reports the following:

Application

- Rights are proposed for transfer from Section 12, T7S, R3W, but neither of the certificates involved in the transfer includes Section 12 in the place of use.
- Perhaps you intended Section 12, of Range 4W? But even so, the Department's WRIS system does not show water rights in those locations.
- Place of use acreage in water rights is usually expressed to no more than 2 decimal points.
- Please explain what lands (by quart quarter) that are included in Certificates 27061 and 39173 are to have the right moved from them.

RECEIVED
APR 17 2009
WATER RESOURCES DEPT
SALEM, OREGON

- Part of the place of use for Certificates 27051 and 39173 is shown in Section 12, NENE and SENE, but the official Final Proof maps for the rights show all the place of use in Section 7. If the place where the water right has always been is described differently by current survey techniques than by the 1959 and 1972 surveys, please explain the reasons for the differences. Otherwise, the transfer map should match the Final Proof maps.
- Clearly quantify the "transferred" versus "remaining" acreage in each quarter quarter.
- Please explain the numbers listed for each quarter quarter (1.29, 0.67, etc.) in the Place of Use table in the lower left corner of the map.
- The number of acres in the "from" land and "to" land should match in the table in lower left corner (6.046 and 6.041 are not equal).
- It would be helpful to have the quarter quarters on the map labeled.

Another question

It appears that the spring sources under Certificate 27051 are only for domestic use. Please explain whether the domestic portion of Certificate 27051 has been used within the last five years.

1. If yes, is the domestic use to be transferred, or to be included in the remaining right certificate that will be issued? If it is to be transferred, then there will need to be a character of use change also, which requires an additional \$400 for the second type of change.
2. If the domestic use has not been used, does the applicant own the properties with the houses, and is he willing to submit a voluntary partial cancellation for that part of the right?

Timelines

Please indicate if you will be able to submit answers to these questions by September 15th, or suggest another realistic due date.

We should be able to issue the Draft Preliminary Determination (DPD) within a couple of weeks after receiving the above answers.

Then you will have up to 30 days to review the DPD, submit ownership and lien report prepared by a title company for the "from" land, and send us any comments.

Within a couple of weeks after receiving your ownership documentation and comments, we expect to be able to issue the signed Preliminary Determination and post notice of the determination on the Department's public notice, thereby starting a 30-day protest period.

Following the close of the protest period, if no protests have been received, a Final Order will be issued.

Thank you,
Dorothy

From: Joseph Richards [mailto:wholewater@comcast.net]
Sent: Sunday, August 10, 2008 6:55 AM
To: Dorothy Pedersen
Cc: 'Tom Adams'
Subject: Gibson Ridge Transfer Application

RECEIVED

APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

Good Morning Dorothy,

I hope your summer is going well. I am curious about the process for the following application revision. Please provide a summary so I may understand permit timing and perfection schedules.

Gibson Ridge Vineyard Transfer Application

Revised existing (T-10440) transfer application.

Modification involved deleting additional POD and submitting POU transfer using wetted area approach.

Reimbursement authority is being utilized.

Thank you,

Joe

Richards Engineering, L.L.C.

11/11/2008

Joseph G. Richards, MBA, PE, CWRE
President

3937 NE 13th Avenue
Portland, OR 97212
Phone: (503) 841-5012
Fax: (503) 841-5013
Cell: (971) 563-1448
www.richardsengineering.com
joe@richardsengineering.com



Please consider the environment before printing

PLEASE DO NOT read, copy, or disseminate this communication unless you are the intended addressee. If you have received this communication in error, please notify me immediately. Thank you.

No virus found in this outgoing message.

Checked by AVG.

Version: 7.5.524 / Virus Database: 270.6.0/1601 - Release Date: 8/8/2008 9:02 AM

No virus found in this incoming message.

Checked by AVG.

Version: 7.5.524 / Virus Database: 270.6.2/1609 - Release Date: 8/13/2008 6:43 AM

No virus found in this outgoing message.

Checked by AVG.

Version: 7.5.549 / Virus Database: 270.8.4/1749 - Release Date: 10/27/2008 7:57 AM

No virus found in this incoming message.

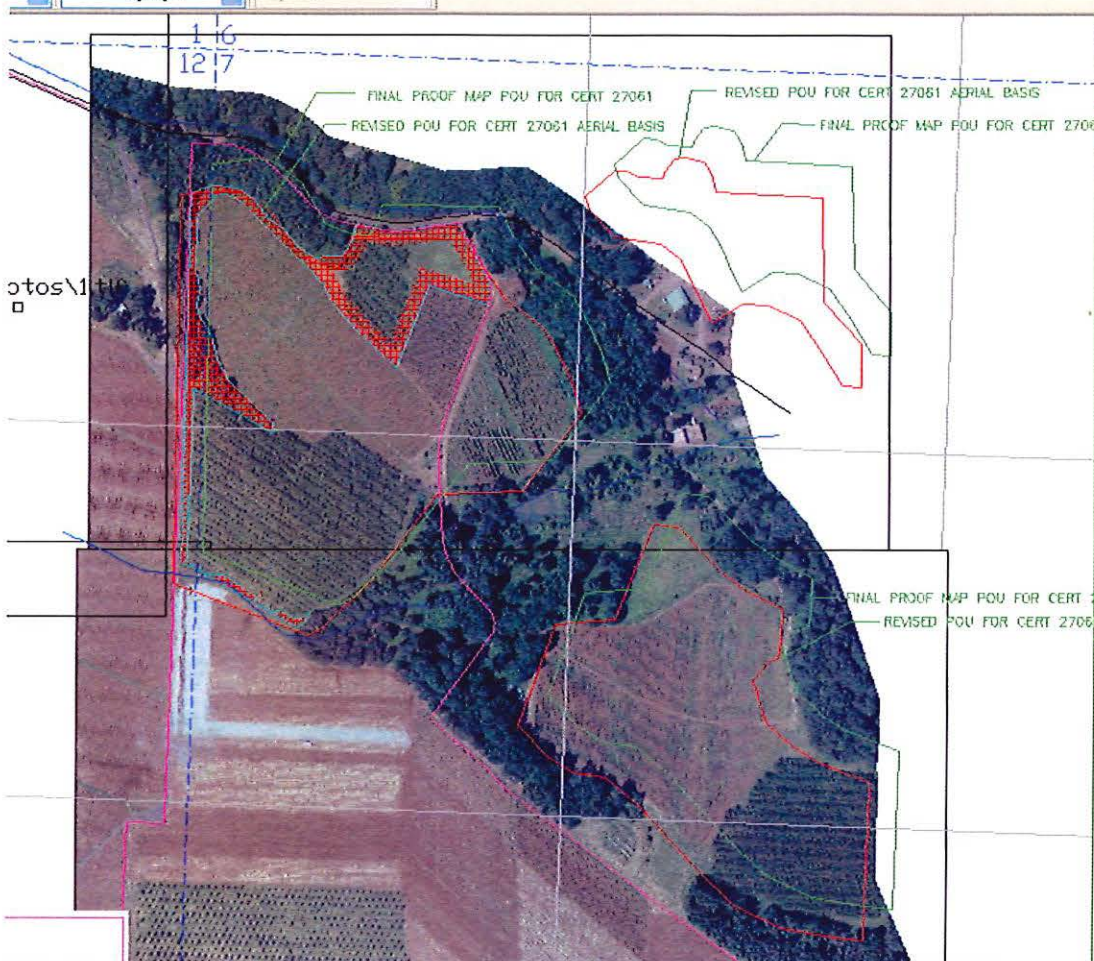
Checked by AVG - <http://www.avg.com>

Version: 8.0.175 / Virus Database: 270.9.0/1779 - Release Date: 11/10/2008 7:53 AM

RECEIVED

APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON



Vineyard 1 / Gibson Vineyard sh 1 / Gibson Vineyard sh 2 / Gibson Vineyard sh 3 / Gibson Vineyard sh 4

NOTES:
 1. Point of Diversion (POD) coordinates are identified from the NW corner Section 7 / NE corner Section 12 to the POD.
 2. This map is for the purpose of identifying the location of the water right only and is not intended to provide legal dimensions or locations of property lines.
 3. Reservoir locations represent water surface areas and do not include the reservoir embankments.

SHEET 1 OF 4

RECEIVED
 APR 17 2009
 WATER RESOURCES DEPT
 SALEM, OREGON

John Borden

From: Dorothy Pedersen [pedersdi@wrd.state.or.us]
Sent: Tuesday, September 16, 2008 10:34 AM
To: John Borden
Subject: FW: Gibson Ridge Transfer Application

Hi John,

As you see below, we are expecting to receive more information from the T-10440 applicant about October 10th. I'll forward it to you when received.

I believe we are at the stage of being ready to issue the DPD once we have satisfactory resolution of the identified issues. Let me know if you find anything else that we need.

Have a good day,
Dorothy

From: Joseph Richards [mailto:wholewater@comcast.net]
Sent: Tuesday, September 16, 2008 12:25 AM
To: Dorothy Pedersen
Subject: RE: Gibson Ridge Transfer Application

Dorothy;

I apologize for the delay in my response to these comments. I anticipate getting comments to you by the 10th of October.

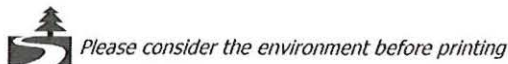
Sincerely;

Joe

Richards Engineering, L.L.C.

Joseph G. Richards, MBA, PE, CWRE
President

3937 NE 13th Avenue
Portland, OR 97212
Phone: (503) 841-5012
Fax: (503) 841-5013
Cell: (971) 563-1448
www.richardsengineering.com
joe@richardsengineering.com



Please do not read, copy, or disseminate this communication unless you are the intended addressee. If you have received this communication in error, please notify me immediately. Files in electronic media format of text, data, graphics, or other types, provided by Richards Engineering LLC, are provided only for convenience. Any conclusions or information obtained or derived from such electronic files will be at user's sole risk. If there is a discrepancy between the information provided by Richards Engineering LLC contained in electronic files and printed copies, the printed copies shall govern.

RECEIVED
APR 17 2009
WATER RESOURCES DEPT
SALEM, OREGON

From: Dorothy Pedersen [mailto:pedersdi@wrd.state.or.us]
Sent: Wednesday, August 13, 2008 2:18 PM

9/16/2008

To: Joseph Richards
Subject: RE: Gibson Ridge Transfer Application

Hi Joe,

I apologize for the delay in responding to your questions.

The Reimbursement Authority contractor reviewing the T-10440 revisions reports the following:

Application

- Rights are proposed for transfer from Section 12, T7S, R3W, but neither of the certificates involved in the transfer includes Section 12 in the place of use.
- Perhaps you intended Section 12, of Range 4W? But even so, the Department's WRIS system does not show water rights in those locations.
- Place of use acreage in water rights is usually expressed to no more than 2 decimal points.
- Please explain what lands (by quart quarter) that are included in Certificates 27061 and 39173 are to have the right moved from them.

Map 1 of 4

- Part of the place of use for Certificates 27051 and 39173 is shown in Section 12, NENE and SENE, but the official Final Proof maps for the rights show all the place of use in Section 7. If the place where the water right has always been is described differently by current survey techniques than by the 1959 and 1972 surveys, please explain the reasons for the differences. Otherwise, the transfer map should match the Final Proof maps.
- Clearly quantify the "transferred" versus "remaining" acreage in each quarter quarter.
- Please explain the numbers listed for each quarter quarter (1.29, 0.67, etc.) in the Place of Use table in the lower left corner of the map.
- The number of acres in the "from" land and "to" land should match in the table in lower left corner (6.046 and 6.041 are not equal).
- It would be helpful to have the quarter quarters on the map labeled.

Another question

It appears that the spring sources under Certificate 27051 are only for domestic use. Please explain whether the domestic portion of Certificate 27051 has been used within the last five years.

1. If yes, is the domestic use to be transferred, or to be included in the remaining right certificate that will be issued? If it is to be transferred, then there will need to be a character of use change also, which requires an additional \$400 for the second type of change.
2. If the domestic use has not been used, does the applicant own the properties with the houses, and is he willing to submit a voluntary partial cancellation for that part of the right?

Timelines

Please indicate if you will be able to submit answers to these questions by September 15th, or suggest another realistic due date.

We should be able to issue the Draft Preliminary Determination (DPD) within a couple of weeks after receiving the above answers.

Then you will have up to 30 days to review the DPD, submit ownership and lien report prepared by a title company for the "from" land, and send us any comments.

Within a couple of weeks after receiving your ownership documentation and comments, we expect to be able to issue the signed Preliminary Determination and post notice of the determination on the Department's public notice, thereby starting a 30-day protest period.

Following the close of the protest period, if no protests have been received, a Final Order will be issued.

Thank you,
 Dorothy

9/16/2008

RECEIVED
 APR 17 2009
 WATER RESOURCES DEPT
 SALEM, OREGON

From: Joseph Richards [mailto:wholewater@comcast.net]
Sent: Sunday, August 10, 2008 6:55 AM
To: Dorothy Pedersen
Cc: 'Tom Adams'
Subject: Gibson Ridge Transfer Application

Good Morning Dorothy,

I hope your summer is going well. I am curious about the process for the following application revision. Please provide a summary so I may understand permit timing and perfection schedules.

Gibson Ridge Vineyard Transfer Application
Revised existing (T-10440) transfer application.
Modification involved deleting additional POD and submitting POU transfer using wetted area approach.
Reimbursement authority is being utilized.

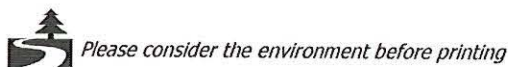
Thank you,

Joe

Richards Engineering, L.L.C.

Joseph G. Richards, MBA, PE, CWRE
President

3937 NE 13th Avenue
Portland, OR 97212
Phone: (503) 841-5012
Fax: (503) 841-5013
Cell: (971) 563-1448
www.richardsengineering.com
joe@richardsengineering.com



PLEASE DO NOT read, copy, or disseminate this communication unless you are the intended addressee. If you have received this communication in error, please notify me immediately. Thank you.

No virus found in this outgoing message.
Checked by AVG.
Version: 7.5.524 / Virus Database: 270.6.0/1601 - Release Date: 8/8/2008 9:02 AM

No virus found in this incoming message.
Checked by AVG.
Version: 7.5.524 / Virus Database: 270.6.2/1609 - Release Date: 8/13/2008 6:43 AM

No virus found in this outgoing message.
Checked by AVG.
Version: 7.5.524 / Virus Database: 270.6.21/1672 - Release Date: 9/15/2008 9:21 AM

9/16/2008

RECEIVED
APR 17 2009
WATER RESOURCES DEPT
SALEM, OREGON

John Borden

From: Dorothy Pedersen [pedersdi@wrд.state.or.us]
Sent: Wednesday, May 14, 2008 6:33 PM
To: John Borden
Subject: RE: T-10440, Gibson Ridge Vineyards

John,

It appears that either a correction of the transfer "from" lands on the map and application, or a re-description of the water right POU is needed. In that case, they will need to explain how it is that the water right is where it has always been, but the transfer survey describes it differently than the earlier water right surveys (tied to different corners, different survey techniques, measurement error, etc.)

Why don't you put together a deficiency letter to make them aware of the discrepancy and what they need to give us so that we can generate the DPD?

Thanks,
Dorothy

From: John Borden [mailto:jeborden@comcast.net]
Sent: Wednesday, May 14, 2008 2:25 PM
To: Dorothy Pedersen
Subject: T-10440, Gibson Ridge Vineyards

Dorothy, for some reason, I am having great difficulty preparing the required materials for this application.

I have attached two documents for your consideration to possibly help get me back on track.

Perhaps it would make sense to send me to current forms stating my work requirements, checklist, etc.

Thanks for your consideration,

John Borden

RECEIVED
APR 17 2009
WATER RESOURCES DEPT
SALEM, OREGON

John Borden

From: Dorothy Pedersen [pedersdi@wrд.state.or.us]
Sent: Monday, February 11, 2008 10:01 AM
To: joe@richardsengineering.com
Cc: Salem Opeifa; John Borden
Subject: Status of transfer application T-10440

Hi Joe,

I was looking through my water right transfers that have requested expedited review through Reimbursement Authority, and noticed that transfer application T-10440 for Gibson Ridge Vinyards has a note on the file indicating that you will be submitting a revised application.

Please respond within the next week or so to let us know whether you still plan to submit a revised application, and an estimated date by which we can expect to receive it.

Thank you,
Dorothy

Dorothy I. Pedersen
Transfer Program Advisor
(503) 986-0890
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

RECEIVED

APR 17 2009

**WATER RESOURCES DEPT
SALEM, OREGON**



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

July 22, 2009

GIBSON RIDGE VINEYARDS
PO BOX 3989
NAPA, CA 94558

pd Noticed
7-28-09
FO due 8/28

SUBJECT: Transfer Application T-10440

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10440. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Sincerely,

Dorothy I. Pedersen
Field Services Division

cc: District 16 Watermaster
Joe Richards, Agent and CWRE
Donald L. Meyer, Trustee of Meyer Donald & Meyer Shirley K. Family Trust

encs



**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application) PRELIMINARY DETERMINATION
T-10440, Polk County) PROPOSING APPROVAL OF A
) CHANGE IN PLACE OF USE

Authority

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

Applicants

Gibson Ridge Vineyards
Attn: Jeff Ottoboni, VP
P.O. Box 3989
Napa, CA 94558

Meriweather Farms, LLC
Member – Gibson Ridge Vineyards
P.O. Box 3989
Napa, CA 94558

Premier Pacific Vineyards, L.P.
Manager – Gibson Ridge Vineyards
P.O. Box 3989
Napa, CA 94558

Premier Pacific Vineyards, Inc.
General Partner – Gibson Ridge Vineyards
P.O. Box 3989
Napa, CA 94558

Findings of Fact

Background

1. On August 6, 2007, Jeff Ottoboni, filed an application to add an additional point of diversion under Certificates 27051 and 39173 on behalf of Gibson Ridge Vineyard, LLC, by Meriweather Farms, LLC, its member, Premier Pacific Vineyards L.P., its manager and Premier Pacific Vineyards, Inc., its general partner. The Department assigned the application number T-10440.
2. On April 28, 2008, Gibson Ridge Vineyards replaced their August 6, 2007, application to instead propose a change in place of use under Certificates 27051 and 39173. The application remained number T-10440.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

3. On March 31, 2009, Gibson Ridge Vineyards submitted application modifications and revised maps to amend the proposed place of use. The application remained number T-10440.

4. The portion of the first right to be transferred is as follows:

Certificate: 27051 in the name of FRED L. MEYER (perfected under Permit S-22419)

Use: IRRIGATION of 6.13 ACRES

Priority Date: MAY 6, 1952

Rate: 0.03 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH of one cfs for each acre irrigated, not to exceed 2.5 acre-feet per acre during the irrigation season of each year

Source: UNNAMED STREAM AND RESERVOIR, tributary to SPRING BRANCH, tributary to WILLAMETTE RIVER

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	3 W	WM	7	NW NW	5.64
7 S	3 W	WM	7	SW NW	0.49
TOTAL:					6.13

5. Certificate 27051 does not describe the location of the point of diversion from the unnamed stream and reservoir, however information is available from Certificate 27052 for the reservoir constructed under Application R-28532, indicating that the reservoir dam is located as described below. Certificate 27052 indicates that the unnamed stream may be locally known as "Wallace" Creek.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
7 S	3 W	WM	7	SE NW

6. Transfer Application T-10440 proposes to use water from Springs #1, #3 and #4 on the lands proposed for transfer. The Department, however, interprets Certificate 27051 to authorize water for domestic use only from the springs, with water for irrigation use to come from the unnamed stream and reservoir. The lands proposed for transfer, therefore, may only divert water from the unnamed stream and reservoir.

7. Transfer Application T-10440 proposes to change the place of use of this portion of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	3 W	WM	7	SW NW	2.03
7 S	3 W	WM	7	SE NW	0.01
7 S	3 W	WM	7	NE SW	1.18
7 S	3 W	WM	7	NW SW	2.68
7 S	4 W	WM	12	NE SE	0.23
TOTAL:					6.13

8. The portion of the second right to be transferred is as follows:

Certificate: 39173 in the name of FRED L. MEYER (perfected under Permit S-32583)

Use: SUPPLEMENTAL IRRIGATION of 6.13 ACRES

Priority Date: MAY 9, 1967

Rate: 0.014 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year

Source: UNNAMED STREAM, tributary to GIBSON CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
7 S	3 W	WM	7	NE NW	1230 FEET SOUTH AND 2060 FEET EAST FROM THE NW CORNER OF SECTION 7

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	3 W	WM	7	NW NW	5.64
7 S	3 W	WM	7	SW NW	0.49
TOTAL:					6.13

9. Application T-10440 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	3 W	WM	7	SW NW	2.03
7 S	3 W	WM	7	SE NW	0.01
7 S	3 W	WM	7	NE SW	1.18
7 S	3 W	WM	7	NW SW	2.68
7 S	4 W	WM	12	NE SE	0.23
TOTAL:					6.13

10. Transfer Application T-10440 proposes to convert 6.13 acres of irrigated field to drip irrigated circles 1.8 feet in diameter centered on 103,368 vines within a total field area of approximately 40 acres within the above listed quarter-quarter sections. The vines are 3.25 feet apart within rows. The vine rows are 5.25 feet apart between the centers of the circles.
11. Notice of the original application for transfer was published on August 14, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
12. Notice of the amended application for transfer was published on April 29, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
13. On May 11, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10440 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of June 12, 2009, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer. The points of diversion are on an adjacent

property owned by Donald and Shirley K. Meyer, and both properties are subject to provisions of several water right agreements recorded in the county deed records.

14. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.

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

15. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
16. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Application T-10440.
17. Irrigation of a surface area greater in acreage than the original 6.13 acres would constitute enlargement of the rights. However, the proposed change would not result in enlargement of the rights, provided the irrigated area is limited to the designated circles. On July 14, 2009, the applicant agreed to condition the rights (as described under the "Determination and Proposed Action" section below) to avoid enlargement.
18. The change, as conditioned, would not result in enlargement of the rights.
19. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The change in place of use proposed in Transfer Application T-10440 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-10440 is approved, the final order will include the following:

1. *The change in place of use proposed in Transfer Application T-10440 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 27051 and 39173 and any related decree.*
3. *Water right certificates 27051 and 39173 are cancelled. New certificates will be issued describing the portions of the rights not affected by this transfer.*
4. *The former place of use of the transferred rights shall no longer receive water under the rights.*

5. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
6. *The water user shall submit a soil moisture monitoring plan to the Department. The plan shall include the use of high frequency dielectric probe data (or better soil moisture monitoring technology) at select monitoring sites to provide assurance to the Watermaster that water is not moving beyond the boundary of the water right. The water user shall receive approval of the plan before water use may begin.*
7. *The location and number of soil moisture monitoring sites shall be selected so as to effectively monitor the behavior of the wetted areas located within different slope and/or soil types in the proposed place of use.*
8. *For comparison purposes, a control soil measurement site shall also be selected that receives only natural moisture from the atmosphere, and does not receive direct irrigation water nor irrigation water runoff.*
9. *At each soil moisture monitoring site, the soil moisture measurements shall be made along straight lines with the following description:*
 - a. *Two lines on opposite sides of the vine with each line perpendicular to the vine row. Measurements shall be made along each line at 10.8 and 15 inch increments away from the base of the vine.*
 - b. *One line extending outward from the endmost vine parallel with the vine row. Measurements shall be made along the line at 10.8 and 15 inch increments away from the base of the vine.*
 - c. *One line extending inward towards the vine row from the endmost vine parallel with the vine row. Measurements shall be made along the line at 10.8 and 15 inch increments away from the base of the vine.*
10. *Each soil moisture measurement shall be made at depths of 6, 12, 18, 24, 30, and 36 inches below land surface.*
11. *Soil moisture monitoring and flow data shall be made available to the Watermaster promptly upon request. The water user shall submit an annual report of water use and soil moisture monitoring data to the Watermaster. The monitoring data shall be reported in a reasonable summary format.*

12. *If water use by the drip irrigation system delivers water to non-irrigated areas outside the designated circles, the Watermaster may regulate the water use until soil moisture and flow data demonstrate that the non-irrigated areas are not receiving irrigation water.*
13. *After implementation of the soil moisture monitoring plan for a five year period, the water user may request a review of the monitoring results by the Department and reconsideration of the monitoring and reporting requirement. If the Department does not receive such a request, the monitoring plan shall remain in effect.*
14. *Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
15. *The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2014**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
16. *When satisfactory proof of the completed change is received, new certificates confirming the portions of the rights transferred will be issued.*

Dated at Salem, Oregon this 22nd day of July 2009.


Phillip C. Ward, Director 

This Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503986-0890 or Dorothy.I.Pedersen@wrdd.state.or.us.

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

**Notice of Preliminary Determination for
Water Right Transfer T-10440**

T-10440 filed by Gibson Ridge Vineyards, PO Box 3989, Napa, CA, 94558, proposes a change in place of use under Certificates 27051 and 39173. Certificate 27051 allows the use of 0.03 cfs (priority date May 6, 1952) from an unnamed stream and reservoir in Sec. 7, T7S, R3W, W.M. (Willamette River Basin) for irrigation in Sec. 7. Certificate 39173 allows the use of 0.014 cfs (priority date May 9, 1967) from an unnamed stream in Sec. 7, T7S, R3W, W.M. (Willamette River Basin) for supplemental irrigation in Sec. 7. The applicant proposes to change the place of use under both certificates to Sec. 7, T7S, R3W, W.M. and Sec. 12, T7S, R4W, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is **[DATE OF LAST PUBLICATION]**. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Please Return by 9-8-07

RECEIVED

SEP 06 2007

Oregon Department of Fish and Wildlife
Water Right and Diversion Transfer Comment Form
(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

WATER RESOURCES DEPT.
SALEM, OREGON

Reference Transfer #: 10440

A. Please check box if you believe there is a potential for injury to an instream water right.

- The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on

_____, tributary to _____, Because,
(Stream)

(Please attach any available supporting information.)

Note: This will prompt WRD to further evaluate and make a determination whether the transfer will injure an instream water right. (WRD is the agency that makes the determination of injury to a water right, while ODFW's role is to raise concerns and to evaluate proposed mitigation and net benefit to the resource if WRD requests concurrence with injury to an instream water right.)

B. Please check one of the following four boxes related to requiring a fish screen and/or by-pass device pursuant to ORS 540.525 or 540.532:

1. The new Point of Diversion (POD) requires a fish screening and/or by-pass device and is currently equipped with an appropriate fish screening and/or by-pass device.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is currently equipped with an appropriate fish screening and/or by-pass device.

Condition: The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.

2. The new Point of Diversion (POD) requires a fish screening and/or by-pass device prior to water being diverted. The diversion may be eligible for cost share assistance under ODFW's cost share program.

Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is

*Please return all 4 pages to: Transfers Section, Water Resources Department,
725 Summer St. NE, Suite A, Salem, OR 97301-1271*

The electronic version of this form is available at: <http://www1.wrd.state.or.us/msword/ODFWScreen.doc>.

RECEIVED

APR 17 2009

WATER RESOURCES DEPT.
SALEM, OREGON

T10440

selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Condition: Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

3. The new Point of Diversion (POD) requires a fish screening and/or by-pass device. However, the diversion may be used for up to two years pending a determination of whether cost share assistance under ODFW's cost share program is available.

If Option 3 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. Except in extraordinary circumstances, Option 3 should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. If extraordinary circumstances are present, please explain:

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost share funds become available to assist in the construction of a fish screening and/or by-pass device. If cost share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost share funding.

Condition: Within two years after the date of this order, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user may withdraw water at the new point of diversion without screening or by-pass devices until two years after the date of this order. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

RECEIVED

SEP 06 2007

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

Page 2

APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

T 10440

- 4. The new Point of Diversion (POD) does not currently require a fish screen and/or by-pass device, however, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.

Condition: Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.



Signature

Karen M. Hans

Printed Name

Fish Biologist

Title

(541) 757 4186 x 251

Phone

RECEIVED

SEP 06 2007

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

APR 17 2009

Page 3

WATER RESOURCES DEPT
SALEM, OREGON

Oregon Department of Fish and Wildlife
Additional Fish Screening and Passage Information for the Applicant
(To be completed by ODFW for WRD to provide to the applicant.)

Transfer # 10440

The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.

- Fish screening and/or fish by-pass devices are required as a condition of this transfer. The fish screen and/or by-pass device must meet ODFW's design, construction, operational and maintenance standards. Fish screening prevents fish from entering the diversion, while a by-pass device safely transports fish back to the body of water from which the fish were diverted.

Pursuant to ORS 498.306, cost share funds may be available to assist in the installation of fish screening and by-pass devices at diversions.

The applicant should contact the ODFW staff below to obtain additional information on the design, construction, operational, and maintenance standards for the required fish screening and/or by-pass device and to obtain information about ODFW's cost sharing program for screening and by-pass devices. **Prior to installation, the water user must obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria.**

ODFW staff name: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____

- This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____

RECEIVED

APR 17 2009

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

SEP 06 2007

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON
 COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That FRED L. MEYER

of Route 1, Box 802, Salem, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of unnamed stream locally known as Wallace Creek, tributary of Gibson Creek (Willamette River), appropriated under Application No. 27159, Permit No. 22419,

for the purposes of irrigation,

under Reservoir Permit No. R-1526 of the State Engineer, and that said right to store said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from June 17, 1953,

that the amount of water entitled to be stored each year under such right, for the purposes aforesaid, shall not exceed 2.0 acre feet.

The reservoir is located in SW $\frac{1}{4}$ NW $\frac{1}{4}$ & SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, Township 7 South, Range 3 West, W.M.

WITNESS the signature of the State Engineer, affixed

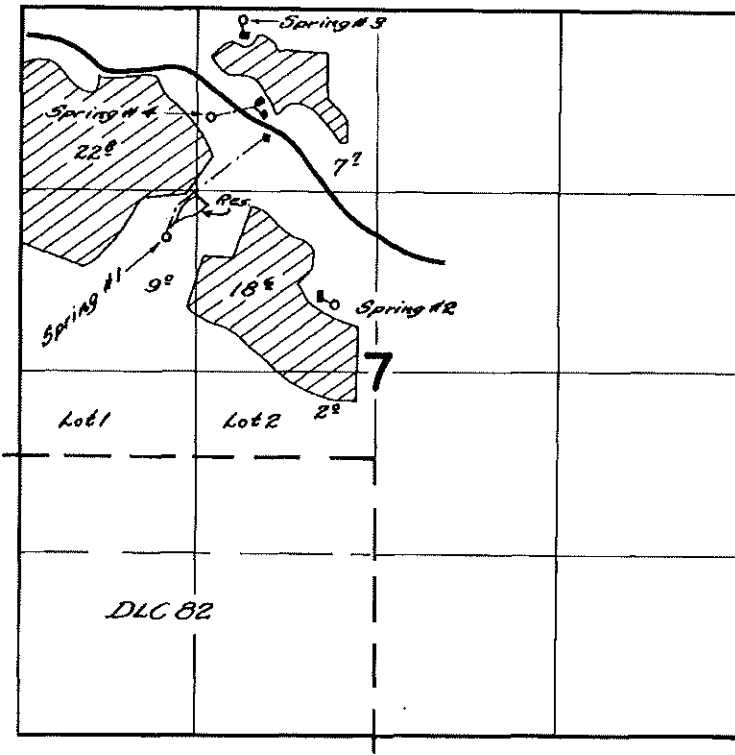
this date. MAY 27 1960

LEWIS A. STANLEY
 State Engineer

Recorded in State Record of Water Right Certificates, Volume 19, page 27052

Cert 27052

T.7S. R.3W.W.M.



FINAL PROOF SURVEY
UNDER

Application No. *P-28532* *22159* Permit No. *P-1526* *22419*
IN NAME OF

FRED L. MEYER

Surveyed *March 19* 19*59*, by *C.D. Bartels*

Dorothy Pedersen

From: Tom Adams [TAdams@ppvco.com]
Sent: Wednesday, July 15, 2009 1:28 PM
To: Dorothy Pedersen; Andrea Wendel
Cc: Matt McKamey

Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Dorothy, I have discussed the monitoring requirements with Matt McKamey and we have determined that the soil moisture monitoring requirements are feasible. Thanks for double checking on that. We are also fine with the Department sending a copy of the Preliminary Determination to the Meyers and we will follow up with them if they have any questions.

Thanks for your assistance in this matter.

Tom Adams
Premier Pacific Vineyards
(707) 224-6565

From: Dorothy Pedersen [mailto:pedersdi@wrdd.state.or.us]
Sent: Wednesday, July 15, 2009 12:34 PM
To: Andrea Wendel
Cc: Tom Adams; Matt McKamey
Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Andrea,

I just want to confirm a couple of things before the Department issues the signed Preliminary Determination and sends you the notice to publish:

1) I've not made connections directly with Tom Adams in relation to the monitoring conditions, so please confirm that his concerns have been resolved.

2) The contractor reviewed the ownership report from the title company and noticed that there is an agreement with the owners of Parcel 1 (tax lot 1000, owned by Donald and Shirley Meyer) regarding the water water rights. We think it would be good practice to notify the Meyers (landowners of the property that the PODs are on) of the proposed changes to the right, even though the place of use changes all occur on Parcel 2 land. Would you like us to send a copy of the Preliminary Determination to them, or would you rather send them notice of the transfer, with a copy to the Department?

Thank you,
Dorothy

From: Andrea Wendel [mailto:awendel@ppvco.com]
Sent: Tuesday, July 14, 2009 11:06 AM
To: Dorothy Pedersen
Cc: Tom Adams; Matt McKamey
Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Hi Dorothy,

After a review of the Draft Preliminary Determination and research of the implementation of the soil moisture monitoring, we find the Draft Preliminary Determination for T-10440 (Gibson Ridge) to be satisfactory. It looks feasible and we are reassured that other vineyards have implemented similar monitoring systems.

7/15/2009

Will we need to publish a public notice in the newspaper for this transfer application?

Thank you for assisting us through this process.

Andrea Wendel
Business Analyst • Premier Pacific Vineyards
(707) 224-6565 • www.ppvco.com

From: Dorothy Pedersen [mailto:pedersdi@wrdd.state.or.us]
Sent: Tuesday, June 30, 2009 11:26 AM
To: Andrea Wendel
Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Andrea,

Thank you for your response. We'll be glad to consider your proposal for soil monitoring for T-10440 (Gibson Ridge).

Dorothy

From: Andrea Wendel [mailto:awendel@ppvco.com]
Sent: Thursday, June 25, 2009 1:22 PM
To: Dorothy Pedersen
Cc: Tom Adams; Matt McKamey
Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Hi Dorothy,

The draft preliminary determination for Middle Zena is satisfactory.

For the Gibson Ridge draft preliminary determination, we need to review the soil moisture monitoring requirements and will likely be providing comments for the Department to consider.

Thank you,

Andrea Wendel
Business Analyst • Premier Pacific Vineyards
(707) 224-6565 • www.ppvco.com

From: Dorothy Pedersen [mailto:pedersdi@wrdd.state.or.us]
Sent: Wednesday, June 24, 2009 3:42 PM
To: Andrea Wendel
Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Hi Andrea,

Could you send us a short statement indicating that the T-10440 applicant has reviewed the draft preliminary determination and either finds it satisfactory or has comments for the Department to consider? An email will be fine.

Thanks,
Dorothy

From: Andrea Wendel [mailto:awendel@ppvco.com]

7/15/2009

Sent: Wednesday, June 24, 2009 12:17 PM
To: Dorothy Pedersen
Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Thanks, Dorothy. I'll wait to hear from you after the Preliminary Determination is signed.

Andrea Wendel
Business Analyst • Premier Pacific Vineyards
(707) 224-6565 • www.ppvco.com

From: Dorothy Pedersen [mailto:pedersdi@wrđ.state.or.us]
Sent: Wednesday, June 24, 2009 11:56 AM
To: Andrea Wendel
Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Andrea,

Thanks for the ownership report. A new version of the transfer administrative rules OAR 690-380 went into effect at the end of last week. Its effect on these projects is that you are no longer responsible for sending notification to lienholders. Therefore, if you have not done so yet, you can cross that off your "to do" list.

We will send you the text for the newspaper notice once the ownership report has been reviewed and the Preliminary Determination is signed.

Dorothy

From: Andrea Wendel [mailto:awendel@ppvco.com]
Sent: Tuesday, June 23, 2009 12:15 PM
To: Dorothy Pedersen
Cc: Tom Adams
Subject: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Hi Dorothy,

I have attached the limited lot book report from the title company for the water rights transfer application for Gibson Ridge, LLC (Application # T-10440).

Before the end of the week, I will forward you a copy of the letter we are sending to lienholders.

As for our Middle Zena water rights transfer (Application # T-10737), I have found a local paper in which we can publish the notice of the change of use transfer – if I remember correctly, I should wait for you to send me the text of the notice.

Please let me know if I am missing any steps for either of these transfer applications.

Andrea Wendel
Business Analyst
Premier Pacific Vineyards
(707) 224-6565
www.ppvco.com

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Wednesday, July 15, 2009 12:34 PM
To: 'Andrea Wendel'
Cc: Tom Adams; Matt McKamey
Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers
Andrea,

I just want to confirm a couple of things before the Department issues the signed Preliminary Determination and sends you the notice to publish:

1) I've not made connections directly with Tom Adams in relation to the monitoring conditions, so please confirm that his concerns have been resolved.

2) The contractor reviewed the ownership report from the title company and noticed that there is an agreement with the owners of Parcel 1 (tax lot 1000, owned by Donald and Shirley Meyer) regarding the water rights. We think it would be good practice to notify the Meyers (landowners of the property that the PODs are on) of the proposed changes to the right, even though the place of use changes all occur on Parcel 2 land. Would you like us to send a copy of the Preliminary Determination to them, or would you rather send them notice of the transfer, with a copy to the Department?

Thank you,
Dorothy

From: Andrea Wendel [mailto:awendel@ppvco.com]
Sent: Tuesday, July 14, 2009 11:06 AM
To: Dorothy Pedersen
Cc: Tom Adams; Matt McKamey
Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Hi Dorothy,

After a review of the Draft Preliminary Determination and research of the implementation of the soil moisture monitoring, we find the Draft Preliminary Determination for T-10440 (Gibson Ridge) to be satisfactory. It looks feasible and we are reassured that other vineyards have implemented similar monitoring systems.

Will we need to publish a public notice in the newspaper for this transfer application?

Thank you for assisting us through this process.

Andrea Wendel
Business Analyst • Premier Pacific Vineyards
(707) 224-6565 • www.ppvco.com

From: Dorothy Pedersen [mailto:pedersdi@wrdd.state.or.us]
Sent: Tuesday, June 30, 2009 11:26 AM
To: Andrea Wendel
Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Andrea,

Thank you for your response. We'll be glad to consider your proposal for soil monitoring for T-10440 (Gibson Ridge).

7/15/2009

Dorothy

From: Andrea Wendel [mailto:awendel@ppvco.com]
Sent: Thursday, June 25, 2009 1:22 PM
To: Dorothy Pedersen
Cc: Tom Adams; Matt McKamey
Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Hi Dorothy,

The draft preliminary determination for Middle Zena is satisfactory.

For the Gibson Ridge draft preliminary determination, we need to review the soil moisture monitoring requirements and will likely be providing comments for the Department to consider.

Thank you,

Andrea Wendel
Business Analyst • Premier Pacific Vineyards
(707) 224-6565 • www.ppvco.com

From: Dorothy Pedersen [mailto:pedersdi@wrd.state.or.us]
Sent: Wednesday, June 24, 2009 3:42 PM
To: Andrea Wendel
Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Hi Andrea,

Could you send us a short statement indicating that the T-10440 applicant has reviewed the draft preliminary determination and either finds it satisfactory or has comments for the Department to consider? An email will be fine.

Thanks,
Dorothy

From: Andrea Wendel [mailto:awendel@ppvco.com]
Sent: Wednesday, June 24, 2009 12:17 PM
To: Dorothy Pedersen
Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Thanks, Dorothy. I'll wait to hear from you after the Preliminary Determination is signed.

Andrea Wendel
Business Analyst • Premier Pacific Vineyards
(707) 224-6565 • www.ppvco.com

From: Dorothy Pedersen [mailto:pedersdi@wrd.state.or.us]
Sent: Wednesday, June 24, 2009 11:56 AM
To: Andrea Wendel
Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Andrea,

7/15/2009

Thanks for the ownership report. A new version of the transfer administrative rules OAR 690-380 went into effect at the end of last week. Its effect on these projects is that you are no longer responsible for sending notification to lienholders. Therefore, if you have not done so yet, you can cross that off your "to do" list.

We will send you the text for the newspaper notice once the ownership report has been reviewed and the Preliminary Determination is signed.

Dorothy

From: Andrea Wendel [mailto:awendel@ppvco.com]
Sent: Tuesday, June 23, 2009 12:15 PM
To: Dorothy Pedersen
Cc: Tom Adams
Subject: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Hi Dorothy,

I have attached the limited lot book report from the title company for the water rights transfer application for Gibson Ridge, LLC (Application # T-10440).

Before the end of the week, I will forward you a copy of the letter we are sending to leinholders.

As for our Middle Zena water rights transfer (Application # T-10737), I have found a local paper in which we can publish the notice of the change of use transfer – if I remember correctly, I should wait for you to send me the text of the notice.

Please let me know if I am missing any steps for either of these transfer applications.

Andrea Wendel
Business Analyst
Premier Pacific Vineyards
(707) 224-6565
www.ppvco.com

7/15/2009

Dorothy Pedersen

From: Andrea Wendel [awendel@ppvco.com]
Sent: Tuesday, July 14, 2009 11:06 AM
To: Dorothy Pedersen
Cc: Tom Adams; Matt McKamey
Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Hi Dorothy,

After a review of the Draft Preliminary Determination and research of the implementation of the soil moisture monitoring, we find the Draft Preliminary Determination for T-10440 (Gibson Ridge) to be satisfactory. It looks feasible and we are reassured that other vineyards have implemented similar monitoring systems.

Will we need to publish a public notice in the newspaper for this transfer application?

Thank you for assisting us through this process.

Andrea Wendel
Business Analyst • Premier Pacific Vineyards
(707) 224-6565 • www.ppvco.com

From: Dorothy Pedersen [mailto:pedersdi@wrd.state.or.us]
Sent: Tuesday, June 30, 2009 11:26 AM
To: Andrea Wendel
Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Andrea,

Thank you for your response. We'll be glad to consider your proposal for soil monitoring for T-10440 (Gibson Ridge).

Dorothy

From: Andrea Wendel [mailto:awendel@ppvco.com]
Sent: Thursday, June 25, 2009 1:22 PM
To: Dorothy Pedersen
Cc: Tom Adams; Matt McKamey
Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Hi Dorothy,

The draft preliminary determination for Middle Zena is satisfactory.

For the Gibson Ridge draft preliminary determination, we need to review the soil moisture monitoring requirements and will likely be providing comments for the Department to consider.

Thank you,

Andrea Wendel
Business Analyst • Premier Pacific Vineyards
(707) 224-6565 • www.ppvco.com

From: Dorothy Pedersen [mailto:pedersdi@wrd.state.or.us]
Sent: Wednesday, June 24, 2009 3:42 PM
To: Andrea Wendel

7/14/2009

Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Hi Andrea,

Could you send us a short statement indicating that the T-10440 applicant has reviewed the draft preliminary determination and either finds it satisfactory or has comments for the Department to consider? An email will be fine.

Thanks,
Dorothy

From: Andrea Wendel [mailto:awendel@ppvco.com]
Sent: Wednesday, June 24, 2009 12:17 PM
To: Dorothy Pedersen
Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Thanks, Dorothy. I'll wait to hear from you after the Preliminary Determination is signed.

Andrea Wendel
Business Analyst • Premier Pacific Vineyards
(707) 224-6565 • www.ppvco.com

From: Dorothy Pedersen [mailto:pedersdi@wrd.state.or.us]
Sent: Wednesday, June 24, 2009 11:56 AM
To: Andrea Wendel
Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Andrea,

Thanks for the ownership report. A new version of the transfer administrative rules OAR 690-380 went into effect at the end of last week. Its effect on these projects is that you are no longer responsible for sending notification to lienholders. Therefore, if you have not done so yet, you can cross that off your "to do" list.

We will send you the text for the newspaper notice once the ownership report has been reviewed and the Preliminary Determination is signed.

Dorothy

From: Andrea Wendel [mailto:awendel@ppvco.com]
Sent: Tuesday, June 23, 2009 12:15 PM
To: Dorothy Pedersen
Cc: Tom Adams
Subject: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Hi Dorothy,

I have attached the limited lot book report from the title company for the water rights transfer application for Gibson Ridge, LLC (Application # T-10440).

Before the end of the week, I will forward you a copy of the letter we are sending to leinholders.

As for our Middle Zena water rights transfer (Application # T-10737), I have found a local paper in which we can publish the notice of the change of use transfer – if I remember correctly, I should wait for you to send me the text of the notice.

7/14/2009

Please let me know if I am missing any steps for either of these transfer applications.

Andrea Wendel
Business Analyst
Premier Pacific Vineyards
(707) 224-6565
www.ppvco.com

Dorothy Pedersen

From: Andrea Wendel [awendel@ppvco.com]
Sent: Thursday, June 25, 2009 1:22 PM
To: Dorothy Pedersen
Cc: Tom Adams; Matt McKamey
Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Hi Dorothy,

The draft preliminary determination for Middle Zena is satisfactory.

For the Gibson Ridge draft preliminary determination, we need to review the soil moisture monitoring requirements and will likely be providing comments for the Department to consider.

Thank you,

Andrea Wendel
Business Analyst • Premier Pacific Vineyards
(707) 224-6565 • www.ppvco.com

From: Dorothy Pedersen [mailto:pedersdi@wrd.state.or.us]
Sent: Wednesday, June 24, 2009 3:42 PM
To: Andrea Wendel
Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Hi Andrea,

Could you send us a short statement indicating that the T-10440 applicant has reviewed the draft preliminary determination and either finds it satisfactory or has comments for the Department to consider? An email will be fine.

Thanks,
Dorothy

From: Andrea Wendel [mailto:awendel@ppvco.com]
Sent: Wednesday, June 24, 2009 12:17 PM
To: Dorothy Pedersen
Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Thanks, Dorothy. I'll wait to hear from you after the Preliminary Determination is signed.

Andrea Wendel
Business Analyst • Premier Pacific Vineyards
(707) 224-6565 • www.ppvco.com

From: Dorothy Pedersen [mailto:pedersdi@wrd.state.or.us]
Sent: Wednesday, June 24, 2009 11:56 AM
To: Andrea Wendel
Subject: RE: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Andrea,

6/30/2009



Thanks for the ownership report. A new version of the transfer administrative rules OAR 690-380 went into effect at the end of last week. Its effect on these projects is that you are no longer responsible for sending notification to lienholders. Therefore, if you have not done so yet, you can cross that off your "to do" list.

We will send you the text for the newspaper notice once the ownership report has been reviewed and the Preliminary Determination is signed.

Dorothy

From: Andrea Wendel [mailto:awendel@ppvco.com]
Sent: Tuesday, June 23, 2009 12:15 PM
To: Dorothy Pedersen
Cc: Tom Adams
Subject: Gibson Ridge, LLC and Middle Zena, LLC Water Rights Transfers

Hi Dorothy,

I have attached the limited lot book report from the title company for the water rights transfer application for Gibson Ridge, LLC (Application # T-10440).

Before the end of the week, I will forward you a copy of the letter we are sending to leinholders.

As for our Middle Zena water rights transfer (Application # T-10737), I have found a local paper in which we can publish the notice of the change of use transfer – if I remember correctly, I should wait for you to send me the text of the notice.

Please let me know if I am missing any steps for either of these transfer applications.

Andrea Wendel
 Business Analyst
 Premier Pacific Vineyards
 (707) 224-6565
www.ppvco.com

Water Resources Department
 North Mall Office Building
 725 Summer Street NE, Suite A
 Salem, OR 97301-1266
 503-986-0900
 FAX 503-986-0904

Theodore R. Kulongoski, Governor

Oregon



6/30/2009



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

May 11, 2009

Joe Richards
3937 NE 13th Avenue
Portland, OR 97212

SUBJECT: Application T-10440

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10440. The draft Preliminary Determination reflects the Department's conclusion that, based on the information currently available, the transfer will be approved, as long as the applicant confirms agreement to condition the right to avoid enlargement through a monitoring plan such as detailed in this draft, or an alternate plan that is acceptable to the Department. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

At this time, you must submit a report of ownership and lien information prepared by a title company within the last three months, as required by OAR 690-380-4010(5). If there are additional lienholders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer.

Issuance of the Preliminary Determination will occur shortly after we receive both your response and the report of ownership and lien information. If we do not receive your response and the report by **June 12, 2009**, a Preliminary Determination may be issued denying the application as incomplete. You may provide your response in writing or via e-mail.

Please do not hesitate to contact me at 503-986-0890 or Dorothy.I.Pedersen@ wrd.state.or.us if you have questions.

Sincerely,

Dorothy I. Pedersen
Field Services Division

cc: Mike McCord, District 16 Watermaster
Gibson Ridge Vineyard, L.L.C., Meriweather Farms, LLC, Premier Pacific Vineyards, L.P. and
Premier Pacific Vineyards, Inc.

enc



**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application
T-10440, Polk County

)
)
)
)
)

D R A F T
PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A
CHANGE IN PLACE OF USE

Authority

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

Applicant

Gibson Ridge Vineyards
Attn: Jeff Ottoboni, VP
P.O. Box 3989
Napa, CA 94558

Meriweather Farms, LLC
Its Member, a California limited liability company
P.O. Box 3989
Napa, CA 94558

Premier Pacific Vineyards, L.P.
A Delaware limited partnership, its Manager
P.O. Box 3989
Napa, CA 94558

Premier Pacific Vineyards, Inc.
A California corporation, its general partner
P.O. Box 3989
Napa, CA 94558

Findings of Fact

Background

1. On August 6, 2007, Jeff Ottoboni, filed an application to add an additional point of diversion under Certificates 27051 and 39173 on behalf of Gibson Ridge Vineyard, LLC, by Meriweather Farms, LLC, its member, Premier Pacific Vineyards L.P., its manager and Premier Pacific Vineyards, Inc., its general partner. The Department assigned the application number T-10440.
2. On April 28, 2008, Gibson Ridge Vineyards replaced their August 6, 2007, application to instead propose a change in place of use under Certificates 27051 and 39173. The application remained number T-10440.
3. On March 31, 2009, Gibson Ridge Vineyards amended the proposed Place of Use. The application remained number T-10440.

4. The portion of the first right to be transferred is as follows:

Certificate: 27051 in the name of FRED L. MEYER (perfected under Permit S-22419)

Use: IRRIGATION of 6.13 ACRES

Priority Date: MAY 6, 1952

Rate: 0.03 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs for each acre irrigated, not to exceed 2.5 acre-feet per acre during the irrigation season of each year

Source: UNNAMED STREAM AND RESERVOIR, tributary to SPRING BRANCH, tributary to WILLAMETTE RIVER

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	3 W	WM	7	NW NW	5.64
7 S	3 W	WM	7	SW NW	0.49

5. Certificate 27051 does not describe the location of the point of diversion from the unnamed stream and reservoir, however information is available from Certificate 72052 for the reservoir constructed under Application R-28532, indicating that the reservoir dam is located as below. Certificate 72052 indicates that the unnamed stream may be locally known as "Wallace" Creek.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
7 S	3 W	WM	7	SE NW	RESERVOIR: 1465 FEET SOUTH AND 1310 FEET EAST FROM THE NW CORNER OF SECTION 7

6. Transfer application T-10440 proposes use of water from Springs #1, #3 and #4 on the lands proposed for transfer, however, the Department interprets Certificate 27051 to authorize water for domestic use only from the springs, with irrigation use to come from the unnamed stream and reservoir.

7. Application T-10440 proposes to change the place of use of this portion of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	3 W	WM	7	SW NW	2.03
7 S	3 W	WM	7	SE NW	0.01
7 S	3 W	WM	7	NE SW	1.18
7 S	3 W	WM	7	NW SW	2.68
7 S	3 W	WM	12	NE SE	0.23

8. The portion of the second right to be transferred is as follows:

Certificate: 39173 in the name of FRED L. MEYER (perfected under Permit S-32583)

Use: SUPPLEMENTAL IRRIGATION of 6.13 ACRES

Priority Date: MAY 9, 1967

Rate: 0.014 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year
Source: UNNAMED STREAM, tributary to GIBSON CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
7 S	3 W	WM	7	NE NW	1230 FEET SOUTH AND 2060 FEET EAST FROM THE NW CORNER OF SECTION 7

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	3 W	WM	7	NW NW	5.64
7 S	3 W	WM	7	SW NW	0.49

9. Application T-10440 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	3 W	WM	7	SW NW	2.03
7 S	3 W	WM	7	SE NW	0.01
7 S	3 W	WM	7	NE SW	1.18
7 S	3 W	WM	7	NW SW	2.68
7 S	3 W	WM	12	NE SE	0.23

10. Application T-10440 proposes to convert 6.13 acres of irrigated field to drip irrigated circles 1.8 feet in diameter centered on 103,368 vines within a total field area of approximately 40 acres within the above listed quarter quarter sections. The vines are 3.25 feet apart within rows. The vine rows are 5.25 feet apart between the centers of the circles.
11. Notice of the original application for transfer was published on August 14, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
12. Notice of the amended application for transfer was published on April 29, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
13. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.

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

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

15. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10440.
16. Irrigation of a surface area greater in acreage than the original 6.13 acres would constitute enlargement of the right. However, the proposed change would not result in enlargement of the right, provided the irrigated area is limited to the designated circles. On _____, the applicant proposed to condition the right as follows, to avoid enlargement.
17. The change, as conditioned, would not result in enlargement of the right.
18. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The change in place of use proposed in application T-10440 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10440 is approved, the final order will include the following:

1. *The changes in place of use proposed in application T-10440 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 27051 and 39173 and any related decree.*
3. *Water right certificates 27051 and 39173 are cancelled. New certificates will be issued describing the portions of the rights not affected by this transfer.*
4. *The former place of use of the transferred rights shall no longer receive water under the rights.*
5. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
6. *The water user shall submit a soil moisture monitoring plan to the Department. The plan shall include the use of high frequency dielectric probe data (or better soil moisture monitoring technology) at select monitoring sites to provide assurance to the Watermaster*

that water is not moving beyond the boundary of the water right. The water user shall receive approval of the plan before water use may begin.

- 7. The location and number of soil moisture monitoring sites shall be selected so as to effectively monitor the behavior of the wetted areas located within different slope and/or soil types in the proposed place of use.*
- 8. For comparison purposes, a control soil measurement site shall also be selected that receives only natural moisture from the atmosphere, and does not receive direct irrigation water nor irrigation water runoff.*
- 9. At each soil moisture monitoring site, the soil moisture measurements shall be made along straight lines with the following description:*
 - a. Two lines on opposite sides of the vine with each line perpendicular to the vine row. Measurements shall be made along each line at 10.8 and 15 inch increments away from the base of the vine.*
 - b. One line extending outward from the endmost vine parallel with the vine row. Measurements shall be made along the line at 10.8 and 15 inch increments away from the base of the vine.*
 - c. One line extending inward towards the vine row from the endmost vine parallel with the vine row. Measurements shall be made along the line at 10.8 and 15 inch increments away from the base of the vine.*
- 10. Each soil moisture measurement shall be made at depths of 6, 12, 18, 24, 30, and 36 inches below land surface.*
- 11. Soil moisture monitoring and flow data shall be made available to the Watermaster promptly upon request. The water user shall submit an annual report of water use and soil moisture monitoring data to the Watermaster. The monitoring data shall be reported in a reasonable summary format.*
- 12. If water use by the drip irrigation system delivers water to non-irrigated areas outside the designated circles, the Watermaster may regulate the water use until soil moisture and flow data demonstrate that the non-irrigated areas are not receiving irrigation water.*
- 13. After implementation of the soil moisture monitoring plan for a five year period, the water user may request a review of the monitoring results by the Department and reconsideration of the monitoring and reporting requirement. If the Department does not receive such a request, the monitoring plan shall remain in effect.*
- 14. Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW*

that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

15. *The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2014**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
16. *When satisfactory proof of the completed changes is received, new certificates confirming the portions of the rights transferred will be issued.*

Dated at Salem, Oregon this _____ day of _____ 2009.

D R A F T

Phillip C. Ward, Director

This draft Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@wrdd.state.or.us.



March 27, 2009

Dorothy L. Pedersen
Field Services Division
725 Summer Street NE, Suite A
Salem OR, 97031-1271

SUBJECT: Gibson Ridge Water Right Transfer Application for change in POU (Certificates 27051 and 39173) – Revision to existing application (T-10440)

Dear Ms. Pedersen,

Please find replacement pages for T-10440 attached for your review and use. I have made the requested change to the location of the POU relative to the boundary of sections 12 and 7 which was incorrectly located in the transfer map. I have also adjusted the to and from lands acreage accordingly.

Thank you for your assistance with this application. I am available to discuss this further at your convenience.

Sincerely,

Richards Engineering, LLC

Joseph G. Richards, MBA, PE, CWRE

Enclosure

RECEIVED

MAR 31 2009

**WATER RESOURCES DEPT
SALEM, OREGON**

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Tuesday, November 04, 2008 8:07 AM
To: 'Joseph Richards'
Subject: RE: Gibson Ridge Transfer Application T-10440

Hi Joe,

I've forwarded this information to the contractor for review and will send his comments to you soon. I expect we'll be recommending that you provide us with some additional evidence to support your conclusion that the property with the water right extends into Section 12. The interactive mapping layer on the WRD website has the section line between Sections 7 and 12 overlaid on the aerial photo farther west than in the example you sent. We'd need to know the basis for the difference between the location of the section line on your photo and our photo.

It appears that the original water right surveys were based on an aerial photo, plus POD location measurements from a reference monument on the dam and some former property boundary corners. You might look at the legal description of the property to see if it indicates that part of it is in Section 12, or gives measurements from any monuments or permanent physical features that could be checked out in the field.

Have a good day,
Dorothy

From: Joseph Richards [mailto:wholewater@comcast.net]
Sent: Monday, October 27, 2008 3:40 PM
To: Dorothy Pedersen
Subject: RE: Gibson Ridge Transfer Application

Good Afternoon Dorothy,

I apologize for how long it has taken me to respond to questions related to T-10440. I have been trying to determine a reasonable basis for where the POU is on the subject property. Since most of the consultant's questions relate to the discrepancy between the transfer map and the final proof survey map (i.e., transfer of rights from section 12 when the final proof map does not show any POU there) I have attached a screen shot showing both the POU from the final proof map and a revised POU based on aerial coverage. I apologize for the quality of the image. My approach was as follows:

1. scan the final proof map,
2. Draw the POU outlines on the scanned images and create a block,
3. Insert the block into my transfer map using a scale factor of 1360 based on the size of a 1/4 1/4 in the final proof map versus the size in the transfer map,
4. rotated the block to match the section orientation,
5. moved the 3 POU areas to match the aerial images.

Please forward this information onto the contractor and let me know if this is a reasonable basis for establishing the actual location of the POU on the subject property. If it is I will revise the submitted information to reflect the remaining questions presented.

Thank you,

Joe

2/13/2009

Richards Engineering, L.L.C.

Joseph G. Richards, MBA, PE, CWRE
President

3937 NE 13th Avenue
Portland, OR 97212
Phone: (503) 841-5012
Fax: (503) 841-5013
Cell: (971) 563-1448
www.richardsengineering.com
joe@richardsengineering.com



Please consider the environment before printing

Please do not read, copy, or disseminate this communication unless you are the intended addressee. If you have received this communication in error, please notify me immediately. Files in electronic media format of text, data, graphics, or other types, provided by Richards Engineering LLC, are provided only for convenience. Any conclusions or information obtained or derived from such electronic files will be at user's sole risk. If there is a discrepancy between the information provided by Richards Engineering LLC contained in electronic files and printed copies, the printed copies shall govern.

From: Dorothy Pedersen [mailto:pedersdi@wrds.state.or.us]
Sent: Wednesday, August 13, 2008 2:18 PM
To: Joseph Richards
Subject: RE: Gibson Ridge Transfer Application

Hi Joe,

I apologize for the delay in responding to your questions.

The Reimbursement Authority contractor reviewing the T-10440 revisions reports the following:

Application

- Rights are proposed for transfer from Section 12, T7S, R3W, but neither of the certificates involved in the transfer includes Section 12 in the place of use.
- Perhaps you intended Section 12, of Range 4W? But even so, the Department's WRIS system does not show water rights in those locations.
- Place of use acreage in water rights is usually expressed to no more than 2 decimal points.
- Please explain what lands (by quart quarter) that are included in Certificates 27061 and 39173 are to have the right moved from them.

Map 1 of 4

- Part of the place of use for Certificates 27051 and 39173 is shown in Section 12, NENE and SENE, but the official Final Proof maps for the rights show all the place of use in Section 7. If the place where the water right has always been is described differently by current survey techniques than by the 1959 and 1972 surveys, please explain the reasons for the differences. Otherwise, the transfer map should match the Final Proof maps.
- Clearly quantify the "transferred" versus "remaining" acreage in each quarter quarter.
- Please explain the numbers listed for each quarter quarter (1.29, 0.67, etc.) in the Place of Use table in the

lower left corner of the map.

- The number of acres in the "from" land and "to" land should match in the table in lower left corner (6.046 and 6.041 are not equal).
- It would be helpful to have the quarter quarters on the map labeled.

Another question

It appears that the spring sources under Certificate 27051 are only for domestic use. Please explain whether the domestic portion of Certificate 27051 has been used within the last five years.

1. If yes, is the domestic use to be transferred, or to be included in the remaining right certificate that will be issued? If it is to be transferred, then there will need to be a character of use change also, which requires an additional \$400 for the second type of change.
2. If the domestic use has not been used, does the applicant own the properties with the houses, and is he willing to submit a voluntary partial cancellation for that part of the right?

Timelines

Please indicate if you will be able to submit answers to these questions by September 15th, or suggest another realistic due date.

We should be able to issue the Draft Preliminary Determination (DPD) within a couple of weeks after receiving the above answers.

Then you will have up to 30 days to review the DPD, submit ownership and lien report prepared by a title company for the "from" land, and send us any comments.

Within a couple of weeks after receiving your ownership documentation and comments, we expect to be able to issue the signed Preliminary Determination and post notice of the determination on the Department's public notice, thereby starting a 30-day protest period.

Following the close of the protest period, if no protests have been received, a Final Order will be issued.

Thank you,
Dorothy

From: Joseph Richards [mailto:wholewater@comcast.net]
Sent: Sunday, August 10, 2008 6:55 AM
To: Dorothy Pedersen
Cc: 'Tom Adams'
Subject: Gibson Ridge Transfer Application

Good Morning Dorothy,

I hope your summer is going well. I am curious about the process for the following application revision. Please provide a summary so I may understand permit timing and perfection schedules.

Gibson Ridge Vineyard Transfer Application

Revised existing (T-10440) transfer application.

Modification involved deleting additional POD and submitting POU transfer using wetted area approach.

Reimbursement authority is being utilized.

Thank you,

Joe

Richards Engineering, L.L.C.

Joseph G. Richards, MBA, PE, CWRE
President

2/13/2009

3937 NE 13th Avenue
Portland, OR 97212
Phone: (503) 841-5012
Fax: (503) 841-5013
Cell: (971) 563-1448
www.richardsengineering.com
joe@richardsengineering.com



Please consider the environment before printing

PLEASE DO NOT read, copy, or disseminate this communication unless you are the intended addressee. If you have received this communication in error, please notify me immediately. Thank you.

No virus found in this outgoing message.

Checked by AVG.

Version: 7.5.524 / Virus Database: 270.6.0/1601 - Release Date: 8/8/2008 9:02 AM

No virus found in this incoming message.

Checked by AVG.

Version: 7.5.524 / Virus Database: 270.6.2/1609 - Release Date: 8/13/2008 6:43 AM

No virus found in this outgoing message.

Checked by AVG.

Version: 7.5.549 / Virus Database: 270.8.4/1749 - Release Date: 10/27/2008 7:57 AM

Dorothy Pedersen

From: Joseph Richards [wholewater@comcast.net]
Sent: Monday, October 27, 2008 3:40 PM
To: Dorothy Pedersen
Subject: RE: Gibson Ridge Transfer Application
Attachments: Scree Shot of Aerial Overlay.doc

Good Afternoon Dorothy,

I apologize for how long it has taken me to respond to questions related to T-10440. I have been trying to determine a reasonable basis for where the POU is on the subject property. Since most of the consultant's questions relate to the discrepancy between the transfer map and the final proof survey map (i.e.. transfer of rights from section 12 when the final proof map does not show any POU there) I have attached a screen shot showing both the POU from the final proof map and a revised POU based on aerial coverage. I apologize for the quality of the image. My approach was as follows:

1. scan the final proof map,
2. Draw the POU outlines on the scanned images and create a block,
3. Insert the block into my transfer map using a scale factor of 1360 based on the size of a 1/4 1/4 in the final proof map versus the size in the transfer map,
4. rotated the block to match the section orientation,
5. moved the 3 POU areas to match the aerial images.

Please forward this information onto the contractor and let me know if this is a reasonable basis for establishing the actual location of the POU on the subject property. If it is I will revise the submitted information to reflect the remaining questions presented.

Thank you,

Joe

Richards Engineering, L.L.C.

Joseph G. Richards, MBA, PE, CWRE
President

3937 NE 13th Avenue
Portland, OR 97212
Phone: (503) 841-5012
Fax: (503) 841-5013
Cell: (971) 563-1448

www.richardsengineering.com
joe@richardsengineering.com



Please consider the environment before printing

Please do not read, copy, or disseminate this communication unless you are the intended addressee. If you have received this communication in error, please notify me immediately. Files in electronic media format of text, data, graphics, or other types, provided by Richards Engineering LLC, are provided only for convenience. Any conclusions or information obtained or derived from such electronic files will be at user's sole risk. If there is a discrepancy between the information provided by Richards Engineering LLC contained in electronic files and printed copies, the printed copies shall govern.

11/3/2008

From: Dorothy Pedersen [mailto:pedersdi@wrд.state.or.us]
Sent: Wednesday, August 13, 2008 2:18 PM
To: Joseph Richards
Subject: RE: Gibson Ridge Transfer Application

Hi Joe,

I apologize for the delay in responding to your questions.

The Reimbursement Authority contractor reviewing the T-10440 revisions reports the following:

Application

- Rights are proposed for transfer from Section 12, T7S, R3W, but neither of the certificates involved in the transfer includes Section 12 in the place of use.
- Perhaps you intended Section 12, of Range 4W? But even so, the Department's WRIS system does not show water rights in those locations.
- Place of use acreage in water rights is usually expressed to no more than 2 decimal points.
- Please explain what lands (by quart quarter) that are included in Certificates 27061 and 39173 are to have the right moved from them.

Map 1 of 4

- Part of the place of use for Certificates 27051 and 39173 is shown in Section 12, NENE and SENE, but the official Final Proof maps for the rights show all the place of use in Section 7. If the place where the water right has always been is described differently by current survey techniques than by the 1959 and 1972 surveys, please explain the reasons for the differences. Otherwise, the transfer map should match the Final Proof maps.
- Clearly quantify the "transferred" versus "remaining" acreage in each quarter quarter.
- Please explain the numbers listed for each quarter quarter (1.29, 0.67, etc.) in the Place of Use table in the lower left corner of the map.
- The number of acres in the "from" land and "to" land should match in the table in lower left corner (6.046 and 6.041 are not equal).
- It would be helpful to have the quarter quarters on the map labeled.

Another question

It appears that the spring sources under Certificate 27051 are only for domestic use. Please explain whether the domestic portion of Certificate 27051 has been used within the last five years.

1. If yes, is the domestic use to be transferred, or to be included in the remaining right certificate that will be issued? If it is to be transferred, then there will need to be a character of use change also, which requires an additional \$400 for the second type of change.
2. If the domestic use has not been used, does the applicant own the properties with the houses, and is he willing to submit a voluntary partial cancellation for that part of the right?

Timelines

Please indicate if you will be able to submit answers to these questions by September 15th, or suggest another realistic due date.

We should be able to issue the Draft Preliminary Determination (DPD) within a couple of weeks after receiving the above answers.

11/3/2008

Then you will have up to 30 days to review the DPD, submit ownership and lien report prepared by a title company for the "from" land, and send us any comments.
Within a couple of weeks after receiving your ownership documentation and comments, we expect to be able to issue the signed Preliminary Determination and post notice of the determination on the Department's public notice, thereby starting a 30-day protest period.
Following the close of the protest period, if no protests have been received, a Final Order will be issued.

Thank you,
Dorothy

From: Joseph Richards [mailto:wholewater@comcast.net]
Sent: Sunday, August 10, 2008 6:55 AM
To: Dorothy Pedersen
Cc: 'Tom Adams'
Subject: Gibson Ridge Transfer Application

Good Morning Dorothy,

I hope your summer is going well. I am curious about the process for the following application revision. Please provide a summary so I may understand permit timing and perfection schedules.

Gibson Ridge Vineyard Transfer Application

Revised existing (T-10440) transfer application.
Modification involved deleting additional POD and submitting POU transfer using wetted area approach.
Reimbursement authority is being utilized.

Thank you,

Joe

Richards Engineering, L.L.C.

Joseph G. Richards, MBA, PE, CWRE
President

3937 NE 13th Avenue
Portland, OR 97212

Phone: (503) 841-5012

Fax: (503) 841-5013

Cell: (971) 563-1448

www.richardsengineering.com

joe@richardsengineering.com



Please consider the environment before printing

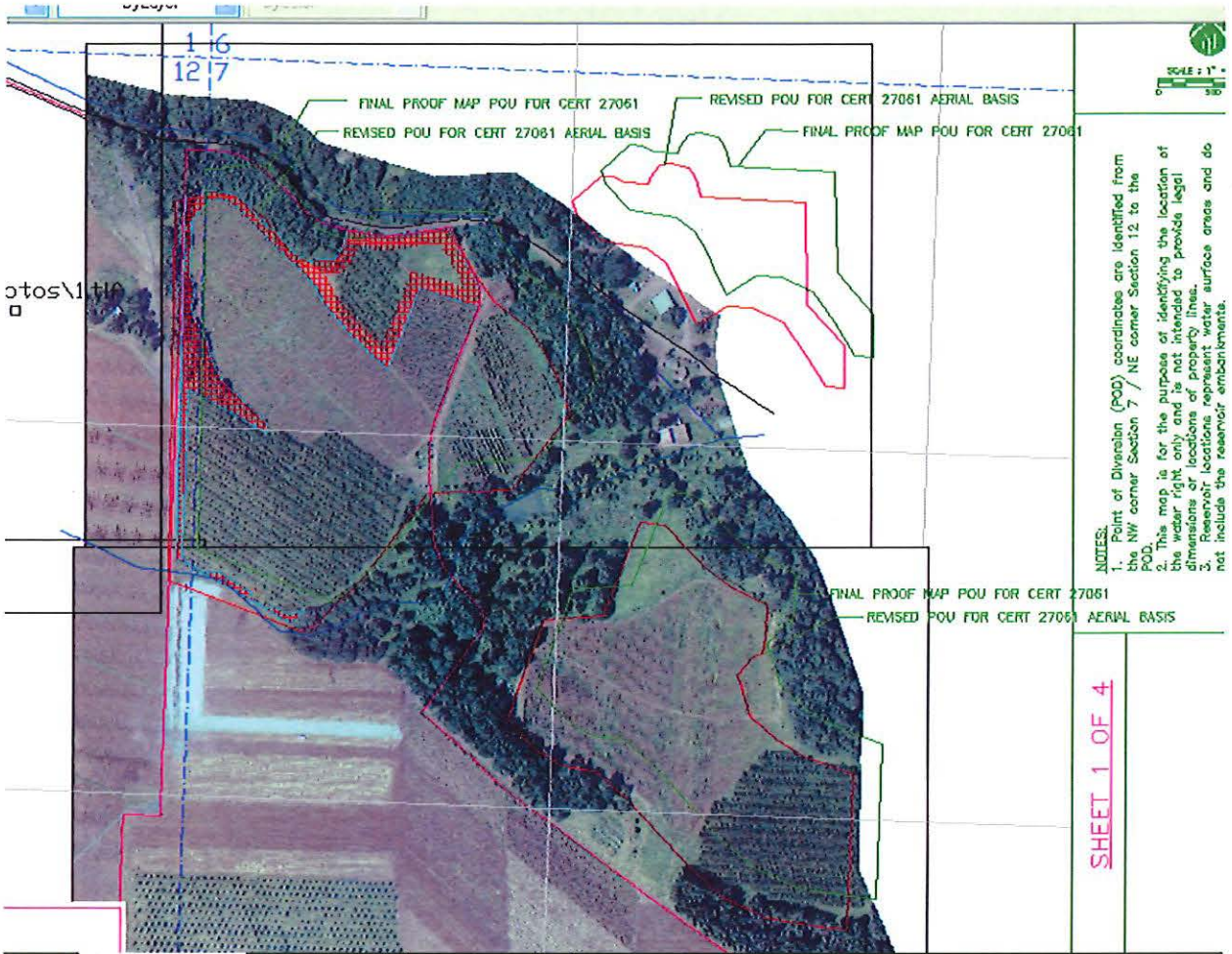
PLEASE DO NOT read, copy, or disseminate this communication unless you are the intended addressee. If you have received this communication in error, please notify me immediately. Thank you.

No virus found in this outgoing message.

Checked by AVG.

Version: 7.5.524 / Virus Database: 270.6.0/1601 - Release Date: 8/8/2008 9:02 AM

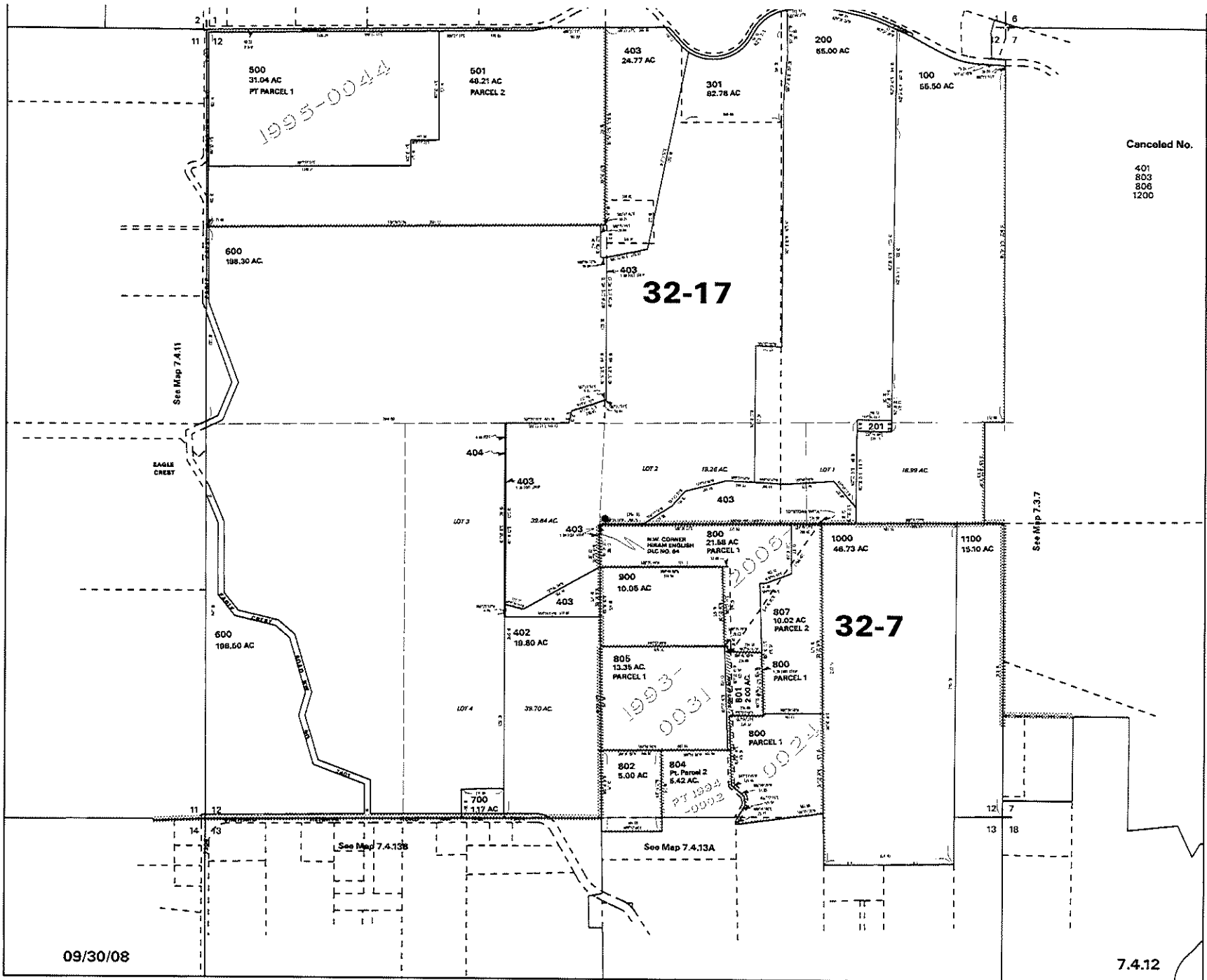
11/3/2008

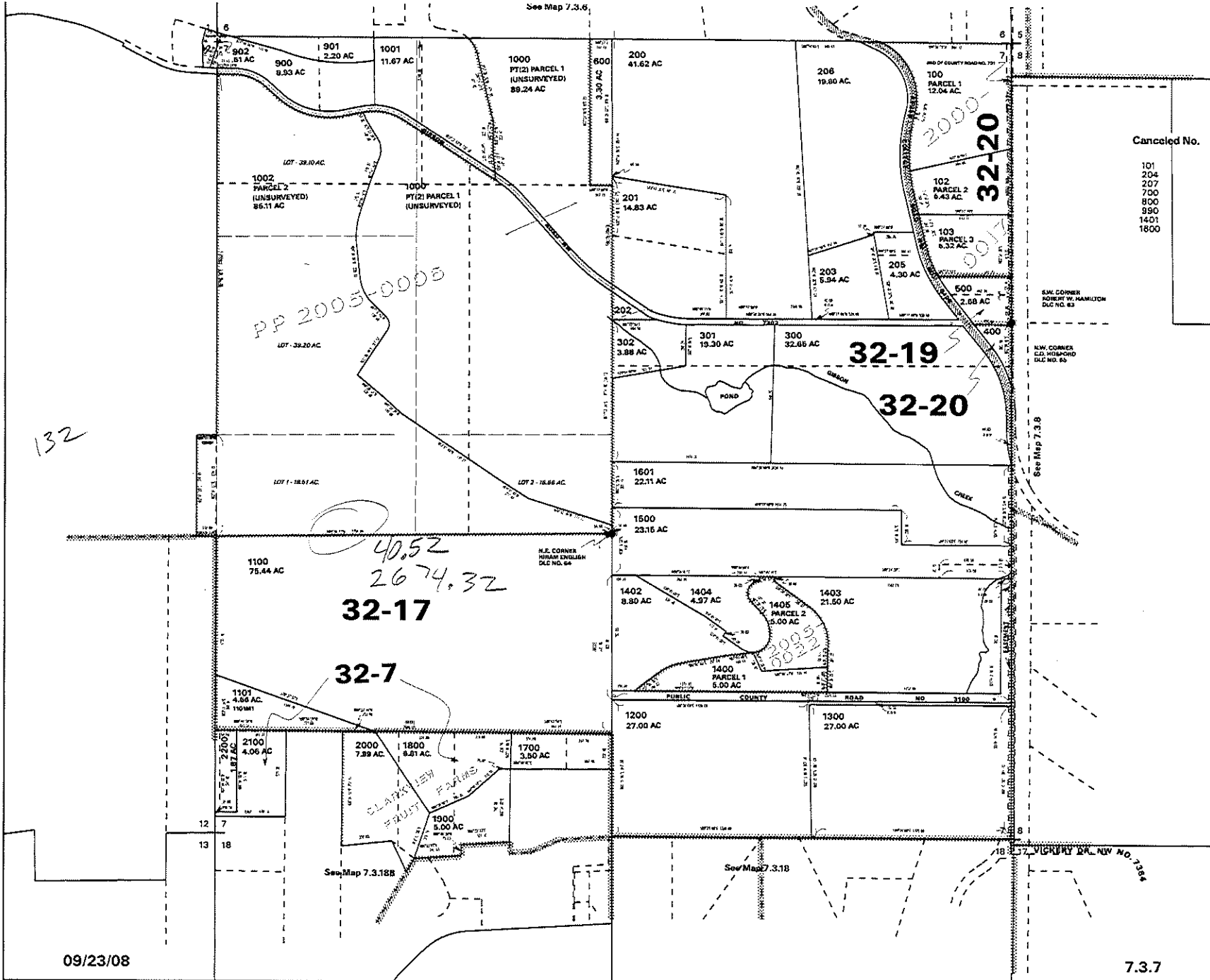


Vineyard 1 / Gibson Vineyard sh 1 / Gibson Vineyard sh 2 / Gibson Vineyard sh 3 / Gibson Vineyard sh 4 /

NOTES:
 1. Point of Diversion (POD) coordinates are identified from the NW corner Section 7 / NE corner Section 12 to the POD.
 2. This map is for the purpose of identifying the location of the water right only and is not intended to provide legal dimensions or locations of property lines.
 3. Reservoir locations represent water surface areas and do not include the reservoir embankments.

SHEET 1 OF 4





Canceled No.

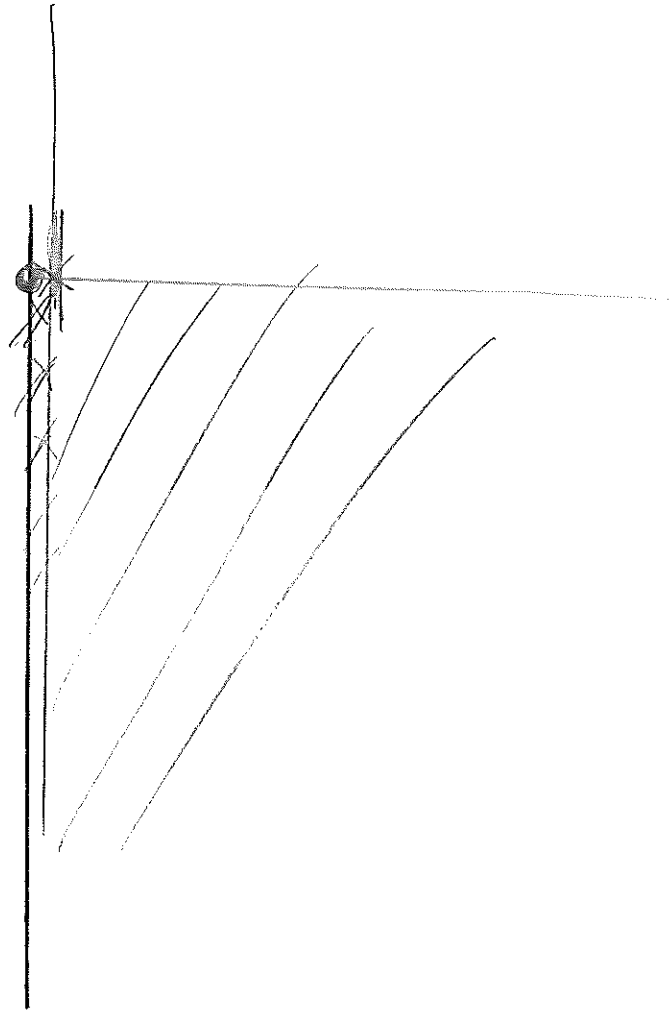
- 101
- 204
- 207
- 700
- 800
- 890
- 1401
- 1600

132

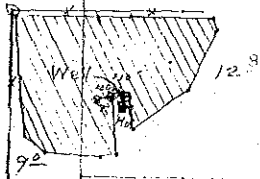
PP 2005-0005

40.52
2674.32

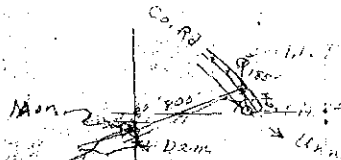
2000-0017
0017



N.W. Prop. Cor.



B. & B. Farms, Inc.
A-G 4808 F-G 4532
April 5, 1972



Fred L. Meyer
A-43569 P-32583
April 5, 1972

N.W. Cor. Sec. 5



Merton
A-43718
April 5, 1972

East C. E. Service, Xiba
A-46348 P-34625

April 6, 1971

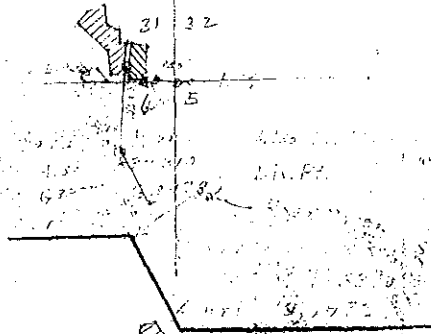
N.W. Prop. Cor.

Richard C. Stinnette
James B. Stinnette
A-46248 P-34583
April 6, 1972

State Hwy. 7
Milt. 29 27
Res. 110
K 33
J.P. Stone
(3 B.T.s.)

L. E. Bayers
A-46231 P-R 5505
A-46272 P-34568
April 6, 1972

S. 1/4 Cor. Sec. 31

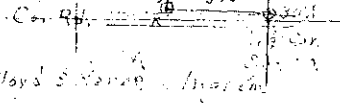


Section Line
Div. Pt.

140
2
Div. Pt.

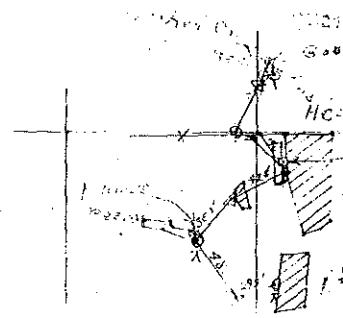
A-46272 P-34568
April 6, 1972

116 Gas Well



Floyd S. ...
A-46272 P-34568
April 6, 1972

Jim ...
A-46272 P-34568
April 6, 1972

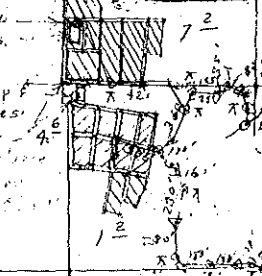


Mrs. Gertrude ...
A-46272 P-34568
April 6, 1972

W. ...
A-46272 P-34568
April 6, 1972

Gov. ...
Robert E. ...

Div. Pt. ...
A-46272 P-34568
April 6, 1972



Jarvis ...
A-46272 P-34568
April 6, 1972

Jesse ...
A-46272 P-34568
April 6, 1972

Dorothy Pedersen

From: Joseph Richards [wholewater@comcast.net]
Sent: Sunday, August 10, 2008 6:55 AM
To: Dorothy Pedersen
Cc: 'Tom Adams'
Subject: Gibson Ridge Transfer Application

Good Morning Dorothy,

I hope your summer is going well. I am curious about the process for the following application revision. Please provide a summary so I may understand permit timing and perfection schedules.

Gibson Ridge Vineyard Transfer Application

Revised existing (T-10440) transfer application.
Modification involved deleting additional POD and submitting POU transfer using wetted area approach.
Reimbursement authority is being utilized.

Thank you,

Joe

[Richards Engineering, L.L.C.](#)

Joseph G. Richards, MBA, PE, CWRE
President

3937 NE 13th Avenue
Portland, OR 97212
Phone: (503) 841-5012
Fax: (503) 841-5013
Cell: (971) 563-1448

www.richardsengineering.com
joe@richardsengineering.com



Please consider the environment before printing

PLEASE DO NOT read, copy, or disseminate this communication unless you are the intended addressee. If you have received this communication in error, please notify me immediately. Thank you.

No virus found in this outgoing message.
Checked by AVG.

Version: 7.5.524 / Virus Database: 270.6.0/1601 - Release Date: 8/8/2008 9:02 AM

8/13/2008

Potential Requests/Deficiencies

MAP: (per 690-380-3100)

- + Map scale stated to be 1" = 1000,' but this does not hold true on all maps submitted
- + The reservoir is not identified (Permit R-1526)
- + ¼ ¼ sections are sketched, but not identified (i.e. NE NE, etc.)
- + "From" lands are shown in Section 12 on the map, but as above, these are not indicated in either certificate. This needs to be explained or otherwise requested for clarification in the original certificates.

APPLICATION:

- + Land is proposed for xfer "FROM" Section 12 in both 27051 and 39173. There are no lands in either certificate for Section 12.

STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **NORMAN L. RICE**

of Rt. 1, Box 677, Salem, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Unnamed creek a tributary of Spring Valley Creek & Willamette River for the purpose of irrigation of 15.5 acres

under Permit No. 23026 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from June 28, 1954

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.15 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, T. 6 S., R. 4 W., W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ~~one-eightieth~~ of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

14.2 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
0.1 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$
1.2 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 26
T. 6 S., R. 4 W., W.M.

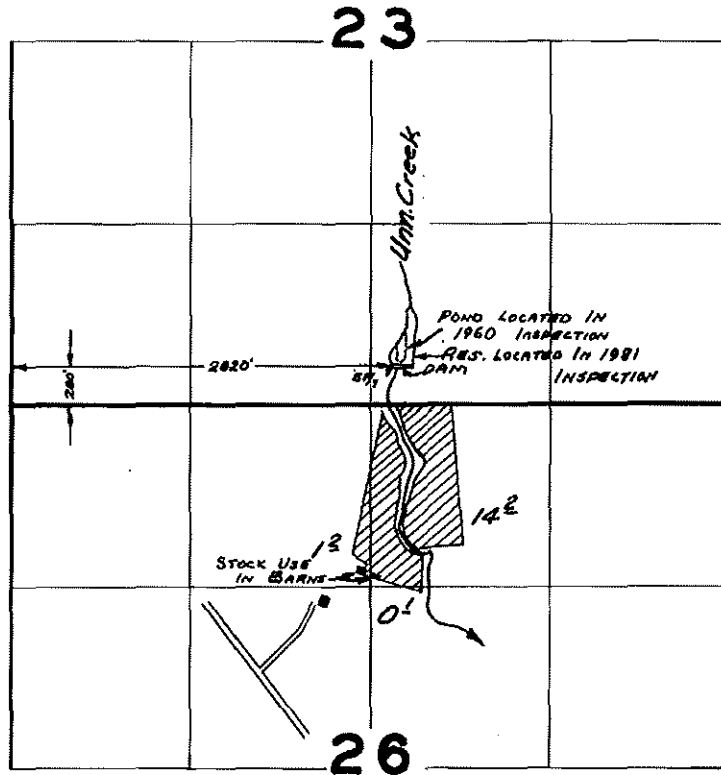
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. MARCH 22 1961

.....LEWIS A. STANLEY.....
State Engineer

T.6 S. R. 4W.W.M.



FINAL PROOF SURVEY
UNDER

R-59293
59294

R-8132
44869

Application No. 29292... Permit No. 23026...
IN NAME OF

.....*NORMAN L. RICE*.....

Surveyed *June 20, 1960* by *C. O. Baskin*.....
November 10, 1981 L. M. TOLL

STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

NORMAN L. RICE
5650 ZENA ROAD NW
SALEM, OREGON 97304

confirms the right to store the waters of AN UNNAMED STREAM, a tributary of SPRING VALLEY CREEK, IN RICE RESERVOIR, APPROPRIATED UNDER PERMIT 44869, for the purpose of SUPPLEMENTAL IRRIGATION AND STOCK.

The right to store these waters has been perfected under Reservoir Permit R-8132. The date of priority is SEPTEMBER 4, 1979. The amount of water entitled to be stored each year under such right is not more than 8.0 ACRE FEET.

The reservoir is located as follows:

SW 1/4 SE 1/4
SECTION 23
TOWNSHIP 6 SOUTH, RANGE 4 WEST, W.M.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described.

WITNESS the signature of the Water Resources Director, affixed this date NOVEMBER 17, 1988.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 58089

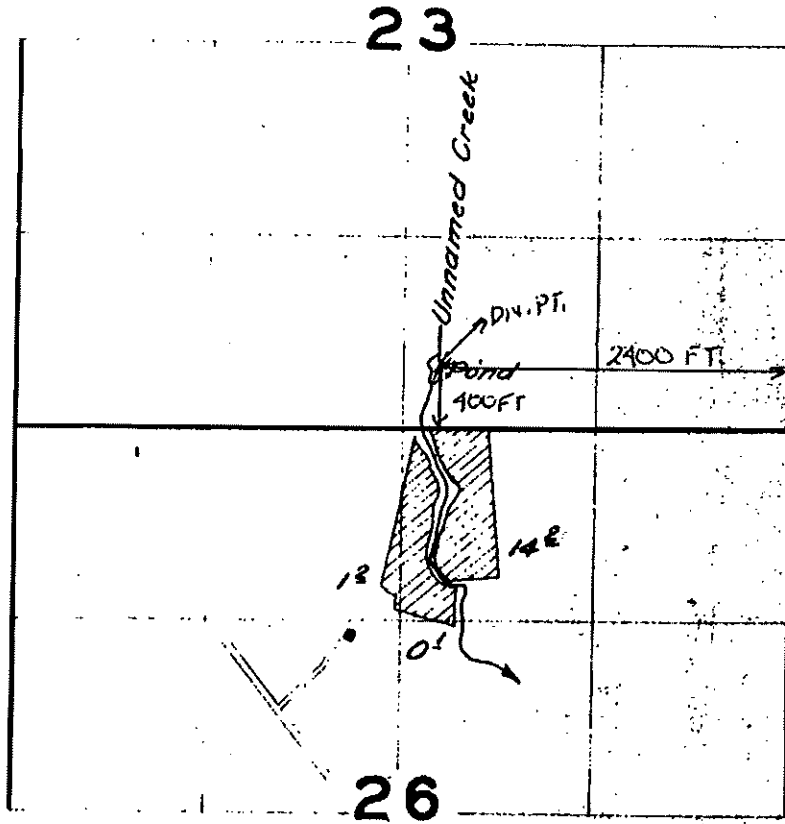
R-59293

RECEIVED

SEP 1 1970

WATER RESOURCES DEPT.
SALINA DIVISION

Application No. *R-59293 + 59294*
Permit No. *R 8132 44869*
T.6 S. R. 4W.W.M.



FINAL PROOF SURVEY
UNDER

~~Application No. 29292 Permit No. 23926~~
IN NAME OF

NORMAN L. RICE.....

Surveyed *June 20, 1960*, by *C. O. Baskette*.....

W. C. ...

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application) FINAL ORDER
T-9786, Washington County) APPROVING A CHANGE
) IN PLACE OF USE

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

Applicant

Willamette Valley Vineyards, Inc
8800 Enchanted Way
Turner, OR 97392

Findings of Fact

1. On September 17, 2004, Willamette Valley Vineyards, Inc filed a transfer application to change the place of use under Certificates 21970, 21971 and 22015. The Department assigned the application number T-9786.
2. The right under Certificate 21971 is for storage of the waters of an unnamed stream, tributary to West Dairy Creek, in a reservoir for irrigation use. The right to store water in the reservoir is not proposed to be changed, so Certificate 21971 is not being considered as being included in T-9786. Certificates 21970 and 22015 have been superseded by Certificates 81073 and 81072 respectively, as a result of approval of T-8359.
3. On August 15, 2005 the applicant requested that the proposed dates for completion of the change and submittal of the Claim of Beneficial Use listed in the Preliminary Determination be extended, to allow more time to complete installation of the new vineyard planting and the monitoring system. The revised dates for completion and proof of the changes are as stated in this order.
4. The portion of the first right to be transferred is as follows:
Certificate: 81072 in the name of RICHARD SPANGLER
Use: Irrigation of 14.06 acres
Priority Date: July 13, 1950

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

Quantity: 0.10 cfs
Rate/Duty: 1/80 cfs per acre, not to exceed 2-1/2 acre-feet per acre per year
Source: An unnamed stream tributary to West Dairy Creek
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Lot	Survey Coordinates
1	N	4	W	W.M.	3	SE NW	4	100 feet N & 1950 feet E FROM W ¼ CORNER OF SECTION 3

Authorized Place of Use:

Township	Range	Meridian	Sec	¼ ¼	Lot	Acres		
1	N	4	W	W.M.	3	NW NW	4	4.15
1	N	4	W	W.M.	3	SW NW	4	9.91

5. The portion of the second right to be transferred is as follows:

Certificate: 81073 in the name of RICHARD SPANGLER
Use: Supplemental irrigation of 14.06 acres
Priority Date: July 20, 1951
Quantity: 1.03 ac-ft
Rate/Duty: Not to exceed 2-1/2 acre-feet per acre per year and shall be further limited to a total of not to exceed 1.03 acre feet in any one irrigation season.
Source: A tributary to West Dairy Creek

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Lot	Survey Coordinates
1	N	4	W	W.M.	3	SE NW	4	100 feet N & 1950 feet E FROM W ¼ CORNER OF SECTION 3

Authorized Place of Use:

Township	Range	Meridian	Sec	¼ ¼	Lot	Acres		
1	N	4	W	W.M.	3	NW NW	4	4.15
1	N	4	W	W.M.	3	SW NW	4	9.91

6. Application T-9786 proposes to change the place of use of the rights to:

Township	Range	Meridian	Sec	¼ ¼	Lot	Acres		
1	N	4	W	W.M.	3	NW NW	4	0.82
1	N	4	W	W.M.	4	SW NE	___	4.38
1	N	4	W	W.M.	4	SE NE	___	8.86

7. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
8. Water has been used within the last five years according to the terms and conditions of the rights and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

9. A reservoir, pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
10. Application T-9786 is proposing to convert 24.32 acres of sprinkler irrigated land to rows of circles 4.48 feet in diameter within a total field area of 57.65 acres. The circles are centered on vines 5.0 feet apart. The vine rows are 7.5 feet apart between the centers of the circles. The 14.06 acre portion being transferred from existing fields consists of the area within field boundaries that will be outside of the remaining irrigated circles. This transferred acreage will be applied to new fields in a configuration of rows of 4.48' diameter plant circles.
11. Application T-9786 proposes to irrigate the 4.48 foot diameter circles using a drip irrigation system.
12. The proposed change would not result in enlargement of the right, provided irrigated area is limited to the designated circles.
13. The proposed change would not result in injury to other water rights.

Conclusions of Law

The change in place of use proposed in application T-9786 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

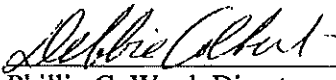
1. The change in place of use proposed in application T-9786 is approved.
2. Water right certificates 81072 and 81073 are cancelled. New certificates will be issued describing those portions of the rights not involved in this transfer.
3. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 81072 and 81073 and any related decree.
4. The proposed change shall be completed on or before October 1, 2012.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2013.
6. The former place of use of the transferred water shall no longer be irrigated as part of this water right.
7. Prior to diverting water, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the

Department prior to beginning construction and shall be installed under the general supervision of the Department.

8. The water user shall submit a soil moisture monitoring plan to the Department. The plan shall include the use of high frequency dielectric probe data (or better soil moisture monitoring technology) at select monitoring sites to provide assurance to the Watermaster that water is not moving beyond the boundary of the water right. The water user shall receive approval of the plan before water use may begin.
9. The location and number of soil moisture monitoring sites shall be selected so as to effectively monitor the behavior of the wetted areas located within different slope and/or soil types in the proposed place of use.
10. At each soil moisture monitoring site, the soil moisture measurements shall be made along straight lines with the following description:
 - a. Two lines on opposite sides of the vine with each line perpendicular to the vine row. Measurements shall be made along each line at 16, 26.88, and 36 inch increments away from the base of the vine.
 - b. One line extending outward from the endmost vine parallel with the vine row. Measurements shall be made along the line at 16, 26.88, and 36 inch increments away from the base of the vine.
 - c. One line extending inward towards the vine row from the endmost vine parallel with the vine row. Measurements shall be made along the line at 16, 26.88, and 30 inch increments away from the base of the vine.
11. A control soil measurement site shall be selected that receives only natural moisture from the atmosphere, and does not receive direct irrigation water nor irrigation water runoff.
12. Each soil moisture measurement shall be made at depths of 6, 12, 18, 24, 30, and 36 inches below land surface.
13. Soil moisture monitoring and flow data shall be made available to the Watermaster promptly upon request. The water user shall submit an annual report of water use and soil moisture monitoring data to the Watermaster. The monitoring data shall be reported in a reasonable summary format.
14. If water use by the drip irrigation system delivers water to non-irrigated areas outside the designated circles, the Watermaster may regulate the water use until soil moisture and flow data demonstrate that the non-irrigated areas are not receiving irrigation water.
15. After implementation of the soil moisture monitoring plan for a five year period, the water user may request a review of the monitoring results by the Department and reconsideration of the monitoring and reporting requirement. If the Department does not receive such a request, the monitoring plan shall remain in effect.

16. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

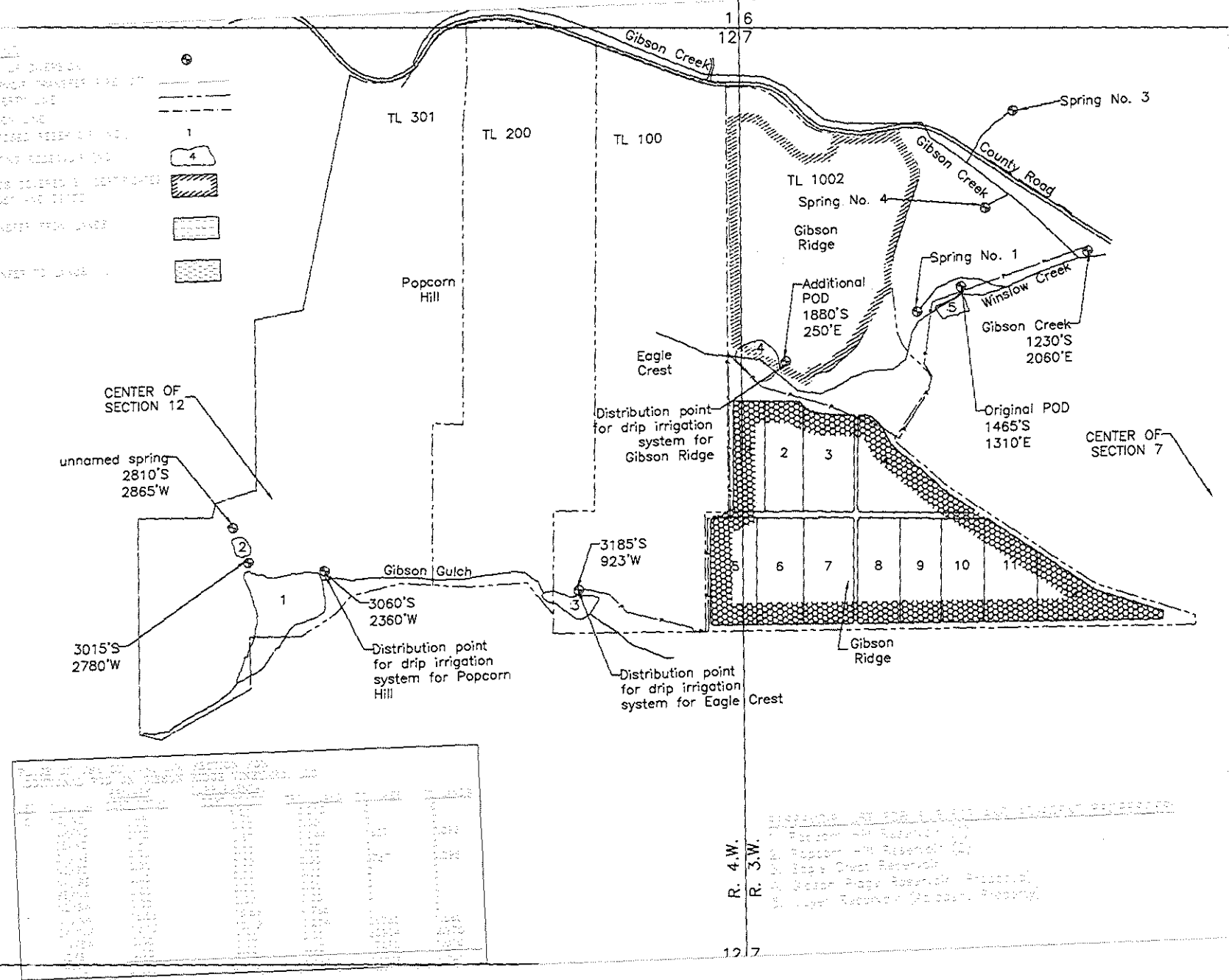
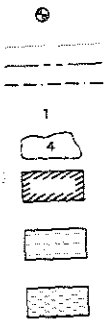
Dated at Salem, Oregon this 13th day of Septem, 2005.


FOR Phillip C. Ward, Director

Mailing date: SEP 14 2005

Received by email 2/19/08

- POINT OF DIVISION
- TRANSFER TRANSFER LINE
- PROPERTY LINE
- BOUNDARY LINE
- IMPROVED TIE-IN LINE
- EXISTING ROADWAY
- LAND COVERED & DISTURBED
- TRANSFER FROM LAND
- TRANSFER TO LAND



NOTE: Point of Division (POD) coordinates are provided here for the 1/4 section 7, 7/8 acre section 12 for the POD. This map is for the purpose of showing the location of the POD. It is not intended to provide any other information or to be used as a legal document. The engineer is not responsible for any errors or omissions in this map. It is the responsibility of the client to verify the accuracy of the information provided.

SHEET 1 OF 4

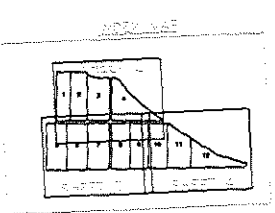
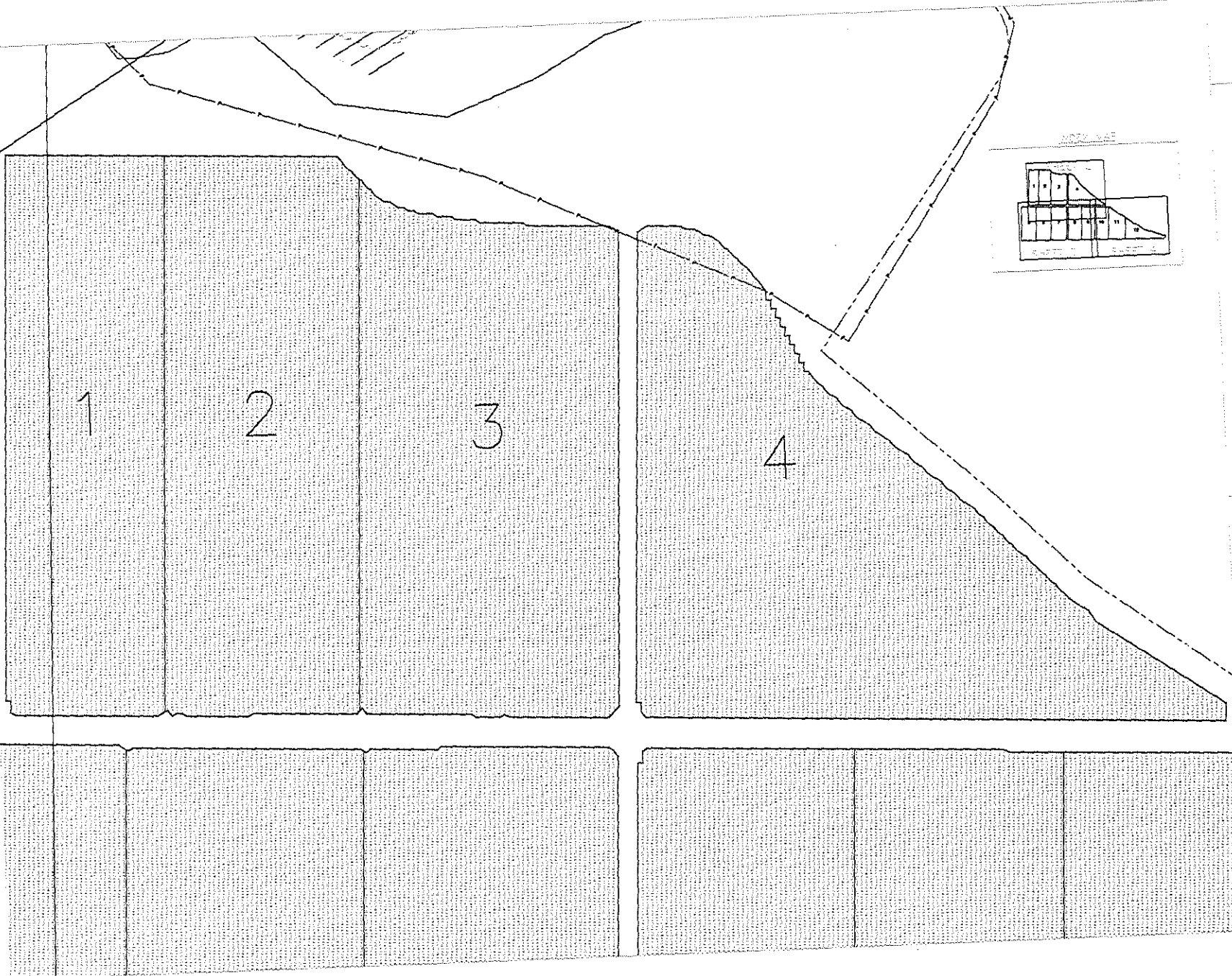
ENGINEER
STAMP

**PERMANENT WATER
RIGHT TRANSFER
APPLICATION MAP**
IN THE NAME OF:
GIBSON RIDGE VINEYARD, LLC
JULY 2007
T.7S, R.3W, W.M. SECTION 7
AND T.7S, R.4W, W.M.
SECTION 12

SECTION	ACRES	FRAC.	TOTAL ACRES
1	1.00	1/4	1.00
2	1.00	1/4	1.00
3	1.00	1/4	1.00
4	1.00	1/4	1.00
5	1.00	1/4	1.00
6	1.00	1/4	1.00
7	1.00	1/4	1.00
8	1.00	1/4	1.00
9	1.00	1/4	1.00
10	1.00	1/4	1.00
11	1.00	1/4	1.00
12	1.00	1/4	1.00
TOTAL	11.00	11/4	11.00

R. 4.W.
R. 3.W.

Received by email 7/19/06



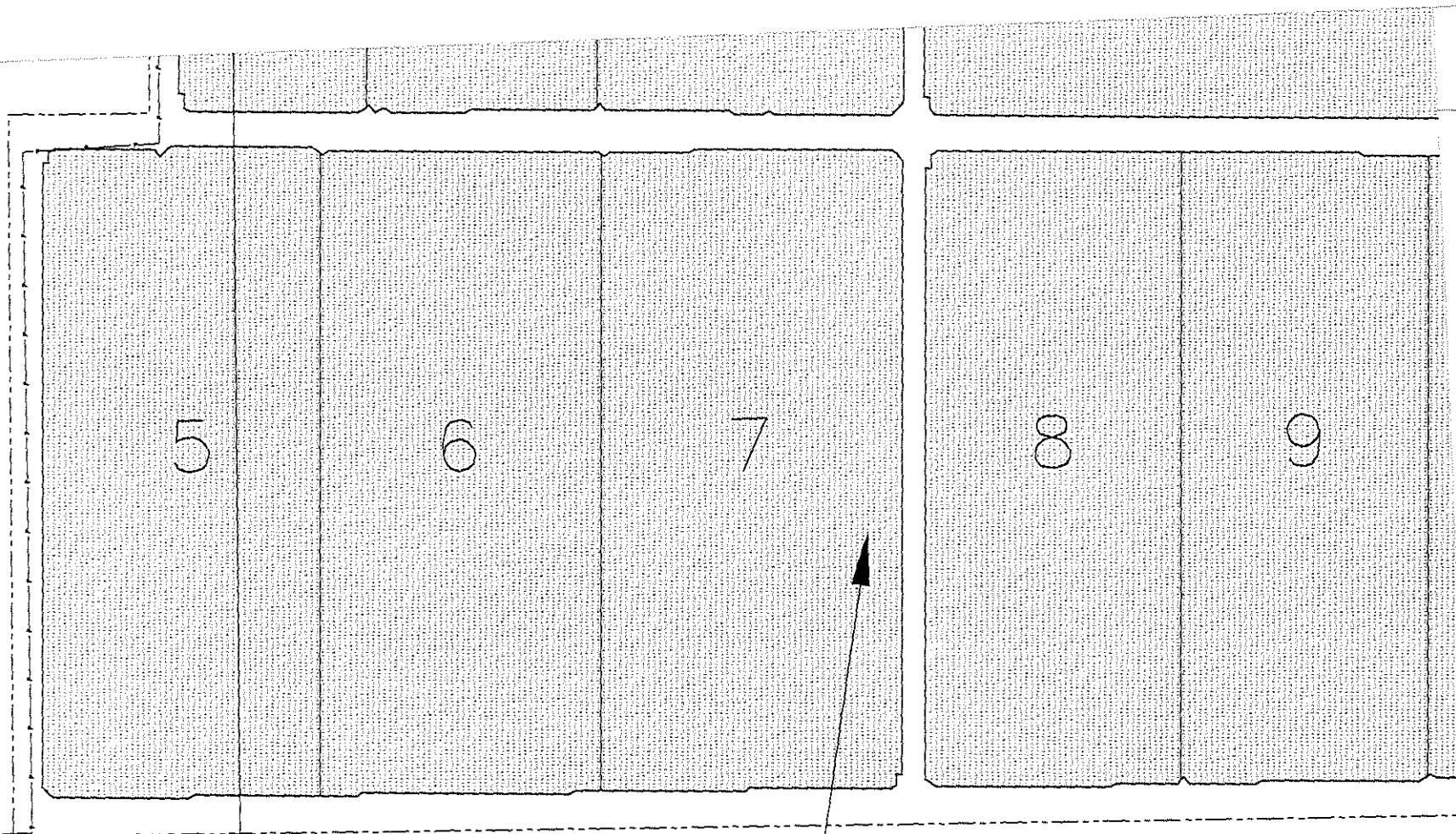
NOTES:
 1. Point of diversion (POD) crosswalks are indicated from the top corner to the 7/7th corner section 12 to the PWA.
 2. The map is for the purpose of applying the location of the water right only and is not intended to provide legal change, name or location of property but change of location or location of water right areas and do not include the record instruments.

SHEET 2 OF 4

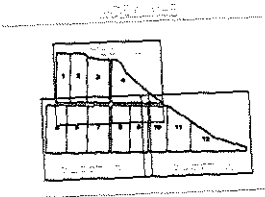
ENGINEER
STAMP

**PERMANENT WATER
 RIGHT TRANSFER
 APPLICATION MAP**
 IN THE NAME OF:
 GIBSON RIDGE VINEYARD, LLC
 JULY 2007
 T.7S, R.3W, W.M. SECTION 7
 AND T.7S, R.4W, W.M.
 SECTION 12

Received by email 4/11/10



joint
ation



PROBES:
 1. Point of Interest (POI) as defined in section 12 to the
 the 1st corner to the 7 / 12 corner section 12 to the
 POI.
 2. The map is for the purpose of showing the location of
 the water right only and is not intended to provide legal
 description or boundaries of property lines.
 3. Accuracy of boundary information is not guaranteed and is
 not to be used for any other purpose.

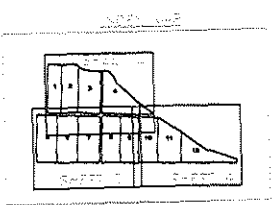
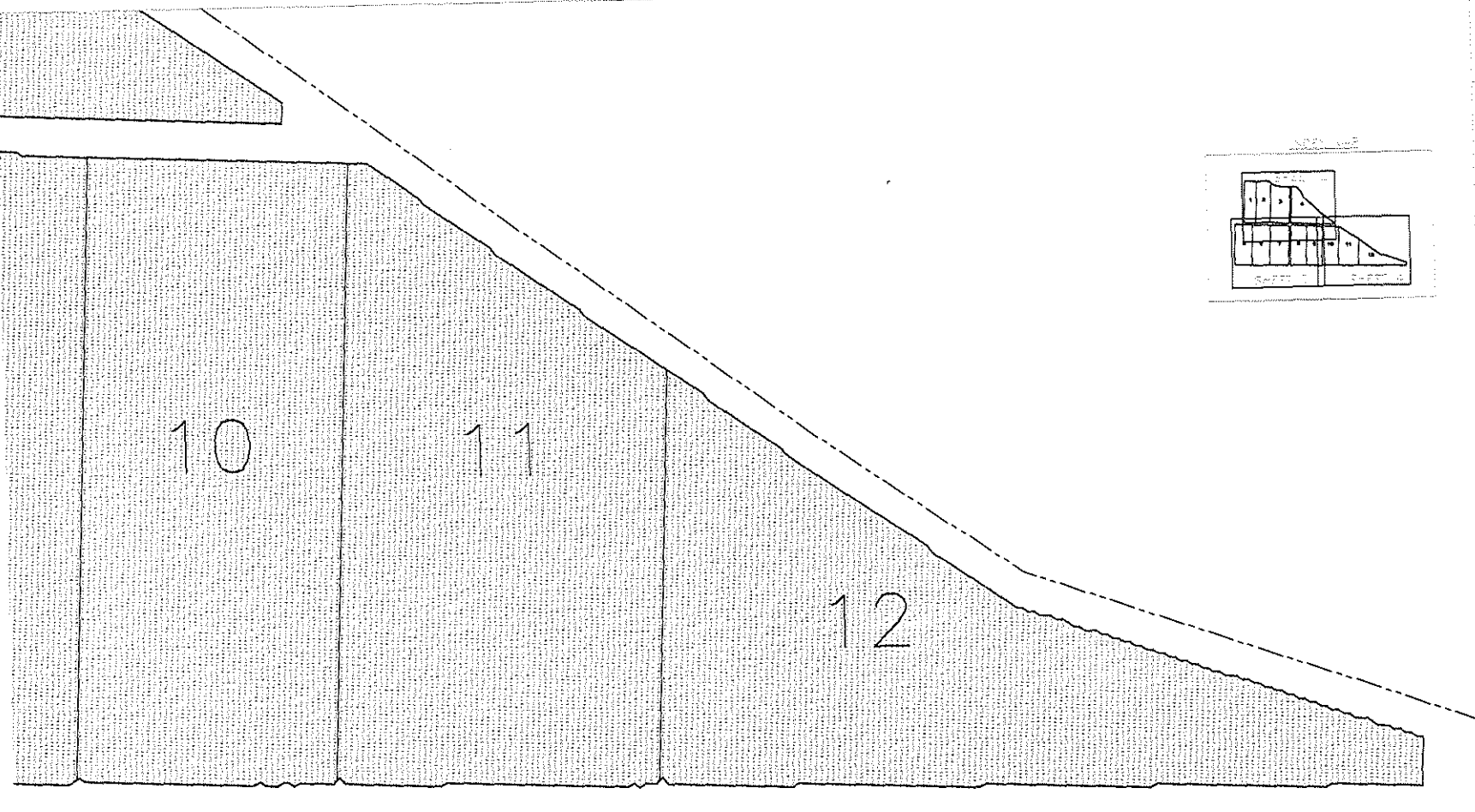
SHEET 3 OF 4

ENGINEER
STAMP

PERMANENT WATER
 RIGHT TRANSFER
 APPLICATION MAP
 IN THE NAME OF:
 GIBSON RIDGE VINEYARD, LLC
 JULY 2007
 T.7S. R.3W. W.M. SECTION 7
 AND T.7S. R.4W. W.M.
 SECTION 12

Gibson
Ridge

Received by email 2/10/08



NOTES:
 1. Foot of boundary (FUB) represents line of record from the survey system 7 & 12 corner Section 12 to the FUB.
 2. The map is for the purpose of identifying the location of the water right only and is not intended to provide legal determination of interests of property lines.
 3. Boundary locations represent water right areas and do not include the necessary easements.

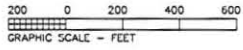
SHEET 4 OF 4

ENGINEER
STAMP

PERMANENT WATER
RIGHT TRANSFER
APPLICATION MAP
 IN THE NAME OF:
 GIBSON RIDGE VINEYARD, LLC
 JULY 2007
 T.7S, R.3W, W.M. SECTION 7
 AND T.7S, R.4W, W.M.
 SECTION 12

AERIAL SURVEY
 FOR
**ZENA HEIGHTS VINEYARD, LLC,
 MIDDLE ZENA VINEYARD, LLC,
 AND ZENA EAST VINEYARD, LLC**
 SE & SW 1/4 SEC. 23, T. 8 S., R. 4 W., W.M.
 POLK COUNTY, OREGON
 DATUM: NAD 83, NGVD 29/47
 NOTE: NAVD 88 = NGVD 29/47 + 3.41 FT
 NORTHSTAR SURVEYING, INC.

△ 807



LEGEND

- △ Aerial Survey Targets / Temporary Bench Mark
- Fence Line
- Local Road
- Site Roads
- Major Contour
- Minor Contour
- Stream / Reservoir
- Building
- ▨ Forest Area

MIDDLE ZENA
 VINEYARD

ZENA HEIGHTS
 VINEYARD

ZENA EAST
 VINEYARD

ZENA ROAD

INDEX

- 1 Aerial Survey
- 2 Boundary Survey

Reservoir No.	Vineyard	Water Surface Elevation (6/20/07)	Pond Storage Volume (acre feet)
1a	Zena Heights	481.0	2.21
1b	Zena Heights	478.8	3.0
2	Zena Heights	434.0	8.7
3	Zena Heights	459.7	1.18
4	Zena Heights	466.7	9.80
5	Middle Zena	333.7	1.71
6	Middle Zena	307.8	4.0
7	Middle Zena	274.3	-
8	Zena East	394.0	13.0

1 Aerial Survey

Richards Engineering, L.L.C.
 3937 NE 13th Ave.
 Portland, OR 97212

RICHARDS/ENGINEERING/LLC

Premier Pacific Vineyards

**ZENA HEIGHTS VINEYARD, LLC,
 MIDDLE ZENA VINEYARD, LLC,
 AND ZENA EAST VINEYARD, LLC**

Received by email 7/14/08



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

**Notice of Application for
Water Right Transfer, Temporary Transfer, or Permit Amendment
4/29/2008**

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: POLK
Transfer: 10440
Water Right: CERT 39173,27051
Priority Date: 1967,1952
Name: GIBSON RIDGE VINEYARD
Address: PO BOX 3989,NAPA,CA 94558
Change: POU
Source: GIBSON CREEK,BEAVER CREEK,SPRINGS
Authorized POU: T7S,R3W,7,12,
Proposed POU: T7S,R3W,7,12

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.

STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That FRED L. MEYER

of Route 1, Box 802, Salem, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of unnamed stream & res. const. under Appl. No. R-28532, Per. No. R-1526 and unnamed springs a tributary of Spring branch, trib. of Willamette River for the purpose of irrigation of 43.0 acres and domestic use 4 houses and 5 transient labor cabins, under Permit No. 22419 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 6, 1952,

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.23 cubic foot per second; being 0.19 cubic foot per second for irrigation from unnamed stream & res. and 0.01 cubic foot per second from Spring #1; 0.01 cubic foot per second from Spring #2; 0.01 cubic foot per second from Spring #3 and 0.01 cubic foot per second from Spring #4 for domestic or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the #1 - SW $\frac{1}{4}$ NW $\frac{1}{4}$; #2 - SE $\frac{1}{4}$ NW $\frac{1}{4}$; #3 & #4 - NE $\frac{1}{4}$ NW $\frac{1}{4}$; Section 7, Township 7 South, Range 3 West, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall

conform to such reasonable rotation system as may be ordered by the proper state officer.
A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

domestic & 0.5 acre NE $\frac{1}{4}$ NW $\frac{1}{4}$
22.8 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
9.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
domestic & 10.7 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 7
Township 7 South, Range 3 West, W.M.

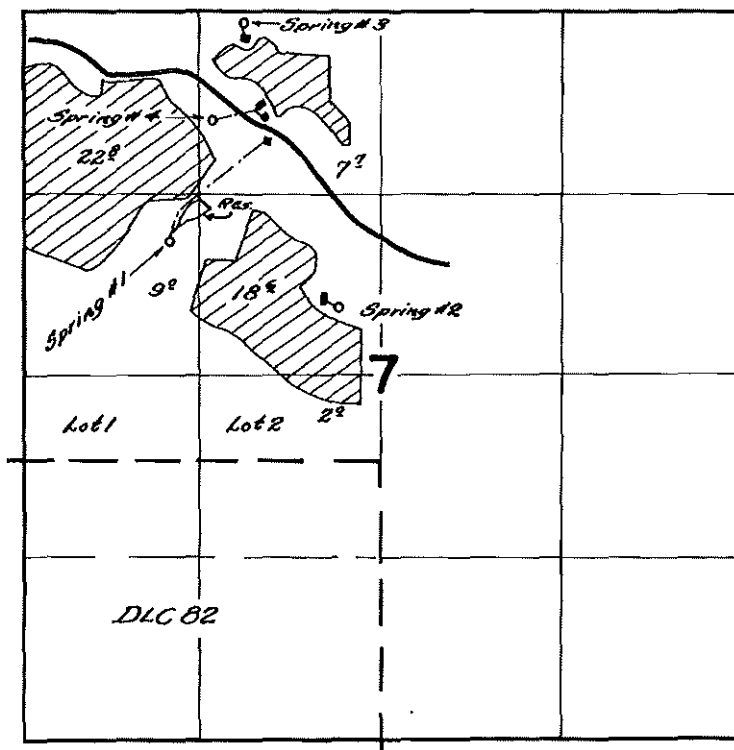
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. MAY 27 1960

LEWIS A. STANLEY
State Engineer

T.7S. R.3W.W.M.



FINAL PROOF SURVEY
UNDER

Application No. *P-28532* 27159 Permit No. *P-1526* 22419
IN NAME OF

FRED L. MEYER

Surveyed *March 19* 1959, by *C.O. Bartolo*

STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **FRED L. MEYER**

of **Route 1, Box 802, Salem**, State of **Oregon**, **97304**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of an unnamed stream

a tributary of **Gibson Creek** for the purpose of irrigation of **17.1 acres and supplemental irrigation of 43.0 acres**

under Permit No. **32583** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **May 9, 1967**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **0.14 cubic foot per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **NE¹/₄ NW¹/₄, Section 7, T. 7 S., R. 3 W., W. M., 1230 feet South and 2060 feet East from NW Corner, Section 7.**

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to **one-eightieth** of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed **2 $\frac{1}{2}$ acre feet per acre** for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

<u>Primary</u>	<u>Supplemental</u>	
7.2 acres	0.5 acre	NE ¹ / ₄ NW ¹ / ₄
	22.8 acres	NW ¹ / ₄ NW ¹ / ₄
	9.0 acres	SW ¹ / ₄ NW ¹ / ₄
7.9 acres	10.7 acres	SE ¹ / ₄ NW ¹ / ₄
2.0 acres		NE ¹ / ₄ SW ¹ / ₄
	Section 7	
	T. 7 S., R. 3 W., W. M.	

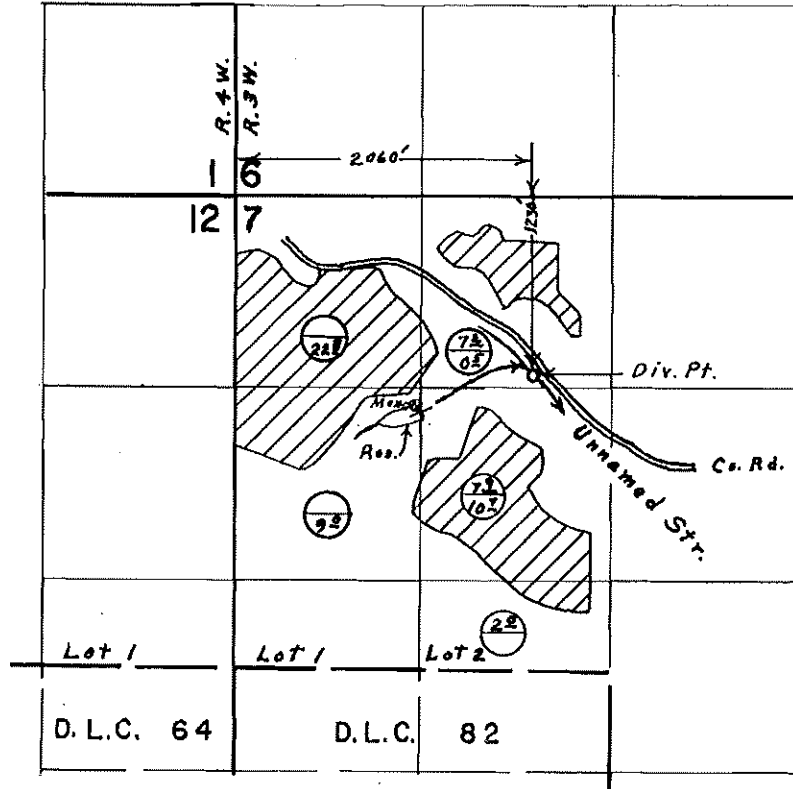
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.


WITNESS the signature of the State Engineer, affixed

this date, **May 10, 1973**

CHRIS L. WHEELER
State Engineer

T.7S.R.3 & 4 W.W.M.



Primary 
 Supplemental

FINAL PROOF SURVEY UNDER

Application No. 43569.. Permit No. 32583..
 IN NAME OF

FRED L. MEYER

Surveyed April 5, 1972, by L. E. Gould.

Indicate in this column whether or not the item is satisfied.

Permanent Transfer Application – OAR 690-380 3000 & 3100

Completeness Checklist

Applicant's Name: Gibson Ridge Vineyard (Form last revised: March 13, 2007)

Section A – Status of Right

Is this a Water Right that can be transferred? [OAR 690-380-0100(14)]

OK

NOTE: The Department can accept a Transfer application for any right that is:

- 1) an adjudication with a court decree; *or*
- 2) a certificate that is not cancelled; *or*
- 3) a transfer that's been approved & A COBU has been received by the Department

If the subject right does not fall into any of the above categories, RETURN the application & fee to the applicant.

Section B – Type of Change

Is the proposed change(s) allowed under the Transfer process? [ORS 540.510]

APOD

NOTE: Only POD, POA or POU or USE changes are allowed on Transfers.

If the application proposes a change other than those listed above, RETURN the application & fee to the applicant.

Section C - Fees

Have the appropriate fees been paid?

600 x fee + 125 RA

Total Required Fees: _____

Fee Schedule – ORS 536.050(1)(h)

Total Fees Paid: 600

\$350 - Base fee (1st change and 1st CFS of water)

Fees Due (if any): _____

+ \$350 - Each additional type of change requested

+ \$175 - For each CFS, or fraction thereof, requested beyond 1st CFS

Refund Due (if any): _____

(for POU, Type of Use, or Exchange)

If the applicant has **NOT** submitted the total fees required, RETURN the application & deficient fee to the applicant.

Section D – Completeness

Indicate in this column whether an item is incomplete, and if so, identify the deficiency.

Is the Transfer application complete?

All required elements necessary for a complete transfer application are listed below.

Indicate whether or not the applicant has answered and/or supplied attachments to adequately address each of the following items. If any one of the items is deficient, then the application is incomplete.

NOTE: For reference, the application page number upon which each item is requested is identified.

If the application is **NOT** complete, RETURN the application & fee to the applicant.

OK

• Type of transfer application (Page 1)

OK

• Applicant's name, mailing address and contact information. (Page 1)

OK

• Agent's name, mailing address and contact information, if applicable. (Page 1)

OK

• Are the water rights to be affected by this transfer listed? (Page 2)

If there are multiple water rights listed..... The applicant must supply a separate "set" of Supplemental Form A for each water right to be transferred.

		Checklist for Supplemental Form A – (Attachments)	
OK	OK	• Certificate # filled in on each page?	(Page 1)
OK	OK	• Type of change(s) proposed clear?	(Page 1)
OK	OK	• Current Water Right information is complete?	(Page 2)
N/A	N/A	<p>• If for a change in <i>POU</i> or <i>USE</i>..... (Page 2)</p> <p>Are there any “layered” irrigation rights, permits, or GR registrations appurtenant to the same place of use as the water right proposed to be transferred? YES NO</p> <p>If YES..... the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5).</p> <p>If layered with GR, must submit a GR Modification application as well as this application.</p> <p>Are they included in application? If not, contact applicant or agent.</p>	
OK	OK	<p>• Location description of the authorized POA/POD to be changed. (Page 3)</p> <p><i>NOTE:</i> Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map.</p> <p>Additionally, if the existing authorized source is ground water (POA), the applicant must either:</p> <p>_____ 1) supply a copy of the well log(s), <u>or</u></p> <p>_____ 2) if well logs are not available, describe the construction of the well(s) in the table provided on page 3 of the supplemental form A application.</p>	
OK	OK	<p>• Location description of the existing authorized POU and associated acres (if applicable). (Page 4)</p> <p><i>NOTE:</i> Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.</p>	
OK	OK	<p>• Location description of the proposed POA/POD. (Page 5)</p> <p><i>NOTE:</i> Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map.</p> <p>Additionally, if the proposed source is ground water (POA), the applicant must either:</p> <p>_____ 1) supply a copy of the well log(s), <u>or</u></p> <p>_____ 2) if well logs are not available <u>or</u> the well is not yet constructed, describe the construction of the well(s) in the table provided on page 5 of the application.</p>	
N/A	N/A	<p>• Location description of the proposed POU and associated acres (if applicable). (Page 6)</p> <p><i>NOTE:</i> Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.</p>	
Return back to Page 2 of transfer application			
OK		• The type of changes being proposed.	(Page 2)
OK		• Reason for the transfer.	(Page 2)
OK		• Description of current water delivery system.	(Page 2)
OK		• System Capacity.	(Page 2)

	Checklist for Supplemental Form B – (Attachments)	
OK	• Is there a box checked in #1?	(Page 1)
OK	• Is there a box checked in #2?	(Page 1)
OK	• Does the description of POU on page 4 of the supplemental form A application, match authorized POU in question #3?	(Page 1)
OK	• In question #4 and #5 are they filled out. 2)	(Page 2)
OK	• Is there a box checked in #6?	(Page 2)
OK	• Is the #6 supporting documentation included with application? 2)	(Page 2)
OK	• Is there an original signature of the notary and notary stamp? 2)	(Page 2)
	Return back to Page 3 of transfer application	
OK	• Affected districts and local governments. If within a district/local government jurisdiction, ensure that name & mailing address is provided.	(Page 3)
OK	• Is the applicant the Landowner of the “from” and “to” Lands? YES NO If NO The applicant must list current landowner name & address.	(Page 4)
OK	• Who will be responsible for completion of the changes? Applicant Is a box checked? If no box is checked the applicant or agent must be contacted.	(Page 4)
OK	• Map..... (Required to be prepared by a CWRE) unless... 1. Map Waiver included with application 2. FP map with advance email or written approval 3. POD/POA without POU change and for entire right with FP map for “from” map ___ if more than 3 rights are included in transfer, is there a separate map for each water right? ___ If larger than 8 ½ X 14 than 3 copies of map is needed & an electronic pdf file of map ___ north arrow ___ size & scale ___ other: _____ ___ authorized acreage per ¼ ¼ matches the water right ___ authorized POD/POA and POU (clearly shown, labeled & matches application listing) ___ point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR ___ proposed POD/POA and/or POU (clearly shown, labeled & matches application “proposed” listing) ___ location coordinates accurately describe the point identified as the proposed POD/POA	(Page 5)
<u>OID</u>	• Land Use form, if applicable. Is the form signed by the local planning department staff? May be needed if the POD/POA or POU is moving a great distance and off of land originally involved in WR.	(Page 5)
N/A	• If a groundwater right is involved, are the well logs or a description included.	(Page 5)
N/A	• If this is an instream water right transfer, is there a form C included and filled out.	(Page 5)

OK	<ul style="list-style-type: none">• Signature(s) of applicant(s): (Page 6) <p>Are one of the boxes checked?</p> <p><u>All</u> applicants listed on page 1 of the application <u>must</u> sign the application.</p>
----	---

WRD Completeness Reviewer's Name: <u>S Henderson</u> Date: <u>8-7-07</u>
--

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Monday, February 11, 2008 10:01 AM
To: 'joe@richardsengineering.com'
Cc: Salem Opeifa; 'John Borden'
Subject: Status of transfer application T-10440

Hi Joe,

I was looking through my water right transfers that have requested expedited review through Reimbursement Authority, and noticed that transfer application T-10440 for Gibson Ridge Vinyards has a note on the file indicating that you will be submitting a revised application.

Please respond within the next week or so to let us know whether you still plan to submit a revised application, and an estimated date by which we can expect to receive it.

Thank you,
Dorothy

Dorothy I. Pedersen
Transfer Program Advisor
(503) 986-0890
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

August 10, 2007

GIBSON RIDGE VINEYARDS
PO BOX 3989
NAPA CA 94558

Reference: Transfer 10440

On August 6, 2007 we received your water right transfer application. The application was accompanied by \$725.00. Our receipt 89061 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0883.

cc: Watermaster #16
Joe Richards, Agent
Karen Hans, ODFW

enclosure



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

**Notice of Application for
Water Right Transfer, Temporary Transfer, or Permit Amendment
08/14/2007**

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: POLK
Transfer: 10440
Water Right: CERT 39173,27051
Priority Date: 1967,1952
Name: GIBSON RIDGE VINEYARDS
Address: PO BOX 3989, NAPA CA 94558
Change: APOD
Source: UNNAMED STREAM / SPRING 1,2,3,4
Authorized POD: T7S R3W 7
Proposed APOD: T7S R3W 7

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.

ORIGINALS

Transfer Application and Map

Amendments/Revisions to Appl & Map

Receipt

Deed or Lot Book Report

Notarized Consent

Evidence of Use Affidavit

Land Use Information Form

Lien Holder Notification *(if applicable)*

Report of Ownership and Lien Info *(if applicable)*

&

Other Supporting Documentation

RICHARDS/ENGINEERING/

503-841-5012 phone
503-841-5013 fax
joe@richardsengineering.com

FAX TRANSMITTAL

DATE: 4/28/08
TO: Dorothy Pedersen
FIRM: WRD
FAX: 503 986 - 0903
PHONE:
FROM: Joe Richards
PROJECT: Gibson Ridge Transfer Application
CONTAINS: 7 including Cover
COMMENTS:

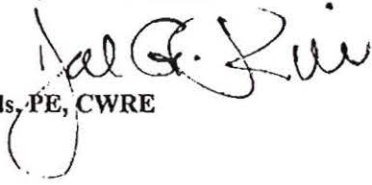
RECEIVED
APR 28 2008
WATER RESOURCES DEPT.
SALEM, OREGON

I am submitting the attached replacement pages on behalf of Gibson Ridge Vineyard LLC. Please find corrections per our discussion attached for inclusion in the transfer application.

Thank you for your assistance.

Sincerely;

Joe Richards, PE, CWRE





March 28, 2008

Dorothy L. Pedersen
Field Services Division
725 Summer Street NE, Suite A
Salem OR, 97031-1271

SUBJECT: Gibson Ridge Water Right Transfer Application for change in POU (Certificates 27051 and 39173) – Revision to existing application (T-10440)

Dear Ms. Pedersen,

It was a pleasure meeting with you and Ms. Kavanagh this month in Salem. With this letter I am submitting a transfer application to change a portion of the POU for Certificates 27051 and 39173. The attached application is a major revision to transfer application T-10440.

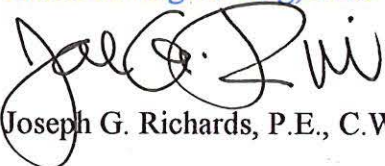
In T-10440 we were requesting an additional POD associated with reservoir application R86758. As we discussed, my client no longer desires to construct R86758 and requests to transfer a portion of the certificated POU under 27051 and 39173 to a different location on TL 1002 as described in the transfer application and map.

My client desires to expedite the transfer process. We have therefore elected to use the reimbursement authority. It is our understanding that all initial processing fees (including the initial reimbursement authority fee) have been paid in full and can be applied to this application. We further understand that additional fees will apply through the reimbursement authority once an estimate is complete.

Thank you again for your assistance. I am available to discuss this further either over the phone or in person at your convenience.

Sincerely,

Richards Engineering, LLC


Joseph G. Richards, P.E., C.W.R.E.

Enclosure

RECEIVED

APR 21 2008

**WATER RESOURCES DEPT
SALEM OREGON**



July 17, 2007

Ms. Lisa Jaramillo
Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem OR, 97031-1271

SUBJECT: Gibson Ridge Water Right Transfer Application for Additional POD (Certificates 27051 and 39173)

Dear Ms. Jaramillo,

It has been several months since we discussed the attached transfer application for an additional point of diversion (POD) for Certificates 27051 and 39173. I have assembled the application along with the supporting materials, including the affidavit from the previous land owner, as you requested.

As you may recall my client, Gibson Ridge Vineyard, LLC, purchased a portion of the place of use (POU) and therefore part of the aforementioned water right certificates and desires to add an additional POD in the proposed reservoir covered under water right application R86758 identified as the Gibson Ridge Reservoir on the enclosed transfer map. The attached transfer application has been completed for that purpose.

My client desires to expedite the transfer process. We have therefore elected to use the reimbursement authority and I have included the application and \$125.00 initial fee with this application.

Thank you again for your assistance. I am available to discuss this further either over the phone or in person at your convenience.

Sincerely,

Richards Engineering, LLC

Joseph G. Richards, P.E., C.W.R.E.

Enclosure

RECEIVED

AUG 06 2007

WATER RESOURCES DEPT
SALEM, OR

3937 NE 13th Avenue, Portland, OR 97212
www.richardsengineering.com

1

T 10440



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

Application for Water Right
Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF TRANSFER APPLICATION

JGR

Please check one
[X] Permanent Transfer
[] Instream Transfer
[] Temporary Transfer
[] Permanent
[] Time-Limited
[] Drought Transfer
[] Other
total number of years:
(begin year:)
(end year:)

RECEIVED
APR 28 2008
WATER RESOURCES DEPT.
SALEM, OREGON

2. APPLICANT INFORMATION

Name: See Attached Signature Block
Address: See attached signature block.
City State Zip
Phone: Home Work Other
Fax: E-Mail address:

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: Joe Richards
Address: 3937 NE 13th Avenue
Portland OR 97212
Phone: (503) 841-5012
Fax: (503) 841-5013
E-Mail address: joe@richardsenengineering.com

- If an agent is listed above, please check one of the following:
[X] Please send all correspondence to Agent. Send copies of correspondence to Applicant; or
[] Please send all correspondence to Applicant. Send copies of correspondence to Agent.

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List all water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.	32583		39173
2.	22419		27051
3.			
4.			
5.			
6.			

RECEIVED

APR 28 2008

WATER RESOURCES DEPT.
SALEM, OREGON

- Check all proposed change(s) included in this transfer application:

- Place of Use Point of Diversion Additional Point of Diversion
- Character of Use Point of Appropriation Additional Point of Appropriation
- Instream Transfer Surface Water source to Ground Water source

- Reason(s) for change(s): 31.8 acres of the pou covered by certificates 39173 and 27051 have been sold to the applicant. The additional POD will be located in proposed reservoir (R-86759) on the applicant's property.

5. WATER DELIVERY SYSTEM

JGR

- Describe the *current* water delivery system or the system that *was in place* at some time *within the last 5 years*. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

The water delivery system consists of a 10-hp pump at the Gibson Creek POD that conveys to Reservoir 27052 on the Meyer property. A 30-hp pump from the reservoir through 4-inch PVC mainline to 30 overhead sprinklers with 5/16-inch nozzles.

- System capacity: 0.4 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

All sources for the certificates are distributed through reservoir 27052. System capacity was approximated by interviewing the Meyer Family. Head between the pond and the cherry orchard is +/- 200 feet and the nozzles delivered 6 gallons per minute for a 180 gpm capacity per set-up.

6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:

- ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
- ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
- ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
- ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? Yes No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? Yes No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? Yes No

If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:

N/A

- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

N/A

RECEIVED

APR 21 2008

WATER RESOURCES DEPT
SALEM OREGON

8. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred? Yes No

If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners:

Names of Current Landowner(s): _____

First

Last

Address: _____

City

State

Zip

- Does the applicant own the lands **TO** which the right is being transferred?

Yes

No

N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

If "No", provide the following information:

Names of Receiving Landowner(s): _____

First

Last

Address: _____

City

State

Zip

- Check one of the following:

The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

RECEIVED

APR 21 2008

WATER RESOURCES DEPT
SALEM OREGON

9. ATTACHMENTS

Check each of the following attachments included with this application.
The application will be returned if all required attachments are not included.

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

- A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

Supplemental Form B –

Evidence of Use Affidavit(s)

- At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- The Evidence of Use Affidavit **must** be accompanied by **supporting documentation**.

Map

- Water Right Transfer**
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- Temporary Transfer or Historical POD Change**
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

- The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

Land Use Information Form:

- Enclosed; *or*
- Not Required if all of the following are met:
 - ① In EFU zone or irrigation district,
 - ② Change in place of use only,
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
 - ④ Irrigation only.

Fees:

- Amount enclosed: \$ Paid Previously . See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

- Complete this form to describe the desired nature and attributes for the proposed instream water right.

Temporary Transfers, also include:

Recorded Deed:

- The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

- If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

RECEIVED

APR 21 2008

WATER RESOURCES DEPT
SALEM OREGON

Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for **all** named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

10. SIGNATURES

▪ Check one of the following, as appropriate, and sign the application in the signature box below:

In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to **all** lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is **not** the applicant, a **notarized statement consenting to the transfer** (*attached*) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. (*NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.*)

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

See attached signature block.

applicant signature

name (print)

date

applicant signature

name (print)

date

RECEIVED

APR 21 2008

WATER RESOURCES DEPT
SALEM, OREGON

Signature Block

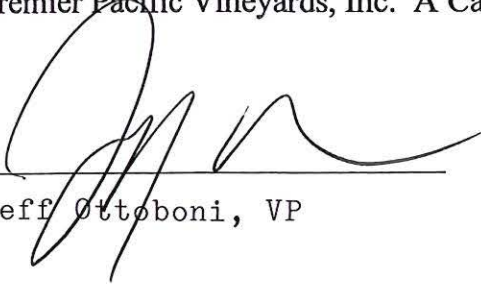
Gibson Ridge Vineyard, L.L.C.

By: Meriweather Farms, LLC, its Member, a California limited liability company

By: Premier Pacific Vineyards, L.P. A Delaware limited partnership, its Manager

By: Premier Pacific Vineyards, Inc. A California corporation, its general partner

By:



Jeff Ottoboni, VP

4/16/08

Date

RECEIVED
APR 21 2008
WATER RESOURCES DEPT
SALEM OREGON

2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

<input type="checkbox"/> Certificated Right	_____	_____
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____	_____
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____	_____
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____	_____
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Fred L. Meyer
- County: Polk
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): May 0, 1952

If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- Source(s) of Water to be Affected by Transfer: Gibson Creek ,
reservoir 27052 , Spring NOS 1, 2 , and 3 .

Tributary to: Willamette River

If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?
 Yes No N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? 39173

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

RECEIVED

APR 21 2008

**WATER RESOURCES DEPT
SALEM OREGON**

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.


Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

Certificate Number or other identifying number: <u>27051</u>
--

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used <u>instead</u> of the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input checked="" type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)



RECEIVED

APR 21 2008

WATER RESOURCES DEPT
SALEM OREGON

▪ Certificate Number or other identifying number: 27051

The following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Gibson Creek	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
	J&R			12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring No. 1 and Reservoir	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
		J&R		12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring No. 3	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
		J&R		12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring No. 4	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
		J&R		12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
RECEIVED							
MAR 31 2009							
WATER RESOURCES DEPT							
SALEM, OREGON							

5.64

0.49

5.64

0.49

5.64

0.49

J&R

▪ Certificate Number or other identifying number: _____

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
N/A							

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? Yes No N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
N/A										

RECEIVED

APR 21 2008

WATER RESOURCES DEPT
SALEM, OREGON

▪ Certificate Number or other identifying number: 27051

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) N/A - Instream Water Right Transfer
 (NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)	
Gibson Creek	7S	3W	W	7	SW/NW	1002	1.565	
				7	NW/SW	1002	2.975	
				7	NE/SW	1002	1.010	
				12	SE/NE	1002	0.096	
				12	NE/SE	1002	0.395	
Spring No. 1 and Reservoir	7S	3W	W	7	SW/NW	1002	1.565	2.03
				7	NW/SW	1002	2.975	2.68
				7	NE/SW	1002	1.010	1.18
			JGR	7	SE/NW	1002	0.096	0.01
				12	NE/SE	1002	0.395	0.23
Spring No. 3	7S	3W	W	7	SW/NW	1002	1.565	2.03
				7	NW/SW	1002	2.975	2.68
				7	NE/SW	1002	1.010	1.18
			JGR	7	SE/NW	1002	0.096	0.01
				12	NE/SE	1002	0.395	0.23
Spring No. 4	7S	3W	W	7	SW/NW	1002	1.565	2.03
				7	NW/SW	1002	2.975	2.68
				7	NE/SW	1002	1.010	1.18
				7	SE/NW	1002	0.096	0.01
				12	NE/SE	1002	0.395	0.23

Remarks:

RECEIVED
 MAR 31 2009

WATER RESOURCES DEPT
 SALEM, OREGON

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

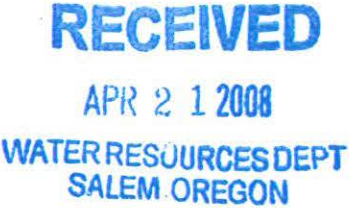
Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

Certificate Number or other identifying number: <u>39173</u>
--

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> Change (The old point of diversion or appropriation will not be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old <i>and</i> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will not be used.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input checked="" type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)



2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	<u>39173</u>	<u>32583</u>
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____	_____
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____	_____
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____	_____
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Fred L. Meyer
- County: Polk
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): May 9, 1967

If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- Source(s) of Water to be Affected by Transfer: Gibson Creek

Tributary to: Willamette River

If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

Yes No N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? 27051

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

RECEIVED

APR 21 2008

▪ Certificate Number or other identifying number: 27051

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
No change in Existing POD								

▪ Does the water right being transferred involve a ground water source(s)?

Yes No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
N/A									

RECEIVED
APR 21 2008
WATER RESOURCES DEPT
SALEM OREGON

▪ Certificate Number or other identifying number: 39173

The following information must be provided only for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:
(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
NO change in Existing POD								

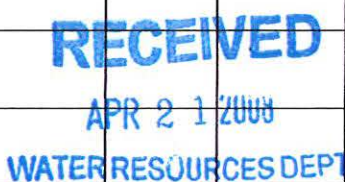
- Does the water right being transferred involve a ground water source(s)?
 Yes No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

- A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)
- or
- B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
N/A									
									

▪ Certificate Number or other identifying number: 39173

The following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Gibson Creek	7S	3W	W	7	NW/NW	1002	4.785 5.64
				7	SW/NW	1002	0.204 0.49
				12	NE/NE	1002	0.813 (JGR)
				12	SE/NE	1002	0.244
Spring NO. 1	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring NO. 3	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring NO. 4	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
							RECEIVED
							MAR 31 2009
							WATER RESOURCES DEPT SALEM, OREGON

▪ Certificate Number or other identifying number: 39173

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
N/A							

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? Yes No N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
N/A										

RECEIVED
APR 21 2008
WATER RESOURCES DEPT
SALEM OREGON

▪ Certificate Number or other identifying number: 39173

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) N/A - Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Gibson Creek	7S	3W	W	7	SW/NW	1002	1.565 2.03
				7	NW/SW	1002	2.975 2.68
				7	NE/SW	1002	1.010 1.18
		(JGR)		7	SE/NW	1002	0.096 0.01
		4W		12	NE/SE	1002	0.395 0.23
Spring No. 1	7S	3W	W	7	SW/NW	1002	1.565 (JGR)
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395
Spring No. 3	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395
Spring No. 4	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395

Remarks:

RECEIVED

MAR 31 2009

WATER RESOURCES DEPT
SALEM, OREGON

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Monday, November 03, 2008 5:48 PM
To: 'John Borden'
Subject: FW: Gibson Ridge Transfer Application
Attachments: Scree Shot of Aerial Overlay.doc; 10440-dfp-ip-31-aerial-1955.pdf

Hi John,

This is the information submitted by the CWRE for T-10440 in response to the comments about there not being a water right to transfer from Section 12.

I looked into how the original water right surveys were done, since if a redescription of the place of use is needed, the CWRE for T-10440 will need to base that explanation on a comparison of the original surveys and the findings from his survey. At this point I'm not convinced that the water right description of record is wrong, and that any of the water right is in Section 12.

The notes from the 1959 survey by C.O. Bartels do not reference a tie to a field monument. They are sketched on a 1955 aerial photo, that assumed that the edge of the field was along the section line between Sections 7 and 12. I have attached a scan of the marked aerial photo.

In 1972 the Department did a plane table survey for the diversion point for Application S-43569/Permit S-32583/Certificate 39173. The tie was to a dam reference monument 1440' S and 1240' E from the NW corner of Section 7, and also to former property corners located "970.2' S and 2227.6' E and 192.6' N from the NW corner of Section 7."

The official maps of record show the place of use for the rights as being totally to the east of a line between Sections 7 and 12, and the original aerial photo that was used for drafting the Final Proof maps for the rights shows the place of use to the east of a road or fenceline of some type.

Since you have experience as a CWRE, could you draft a letter in response to him, explaining that in order for WRD to consider re-describing the right as being partly in Section 12, he needs to submit a stronger argument to support that, based on some found monument or other reason to tie the section line in a different relationship with the POU than in the Final Proof map? What do you think of suggesting that he also look into the legal description of the property that the water right is appurtenant to (not necessarily including the entire report of ownership and lien information at this point), but just to see whether the legal description extends into Section 12?

I'll be in before 9:30 and back about noon, then gone about 2:00, but back about 3:30 tomorrow if you want to talk about this.

Thanks,
Dorothy

From: Joseph Richards [mailto:wholewater@comcast.net]
Sent: Monday, October 27, 2008 3:40 PM
To: Dorothy Pedersen
Subject: RE: Gibson Ridge Transfer Application

Good Afternoon Dorothy,

I apologize for how long it has taken me to respond to questions related to T-10440. I have been trying to determine a reasonable basis for where the POU is on the subject property. Since most of the consultant's

11/14/2008

questions relate to the discrepancy between the transfer map and the final proof survey map (i.e., transfer of rights from section 12 when the final proof map does not show any POU there) I have attached a screen shot showing both the POU from the final proof map and a revised POU based on aerial coverage. I apologize for the quality of the image. My approach was as follows:

1. scan the final proof map,
2. Draw the POU outlines on the scanned images and create a block,
3. Insert the block into my transfer map using a scale factor of 1360 based on the size of a 1/4 1/4 in the final proof map versus the size in the transfer map,
4. rotated the block to match the section orientation,
5. moved the 3 POU areas to match the aerial images.

Please forward this information onto the contractor and let me know if this is a reasonable basis for establishing the actual location of the POU on the subject property. If it is I will revise the submitted information to reflect the remaining questions presented.

Thank you,

Joe

Richards Engineering, L.L.C.

Joseph G. Richards, MBA, PE, CWRE
President

3937 NE 13th Avenue
Portland, OR 97212
Phone: (503) 841-5012
Fax: (503) 841-5013
Cell: (971) 563-1448

www.richardsengineering.com
joe@richardsengineering.com



Please consider the environment before printing

Please do not read, copy, or disseminate this communication unless you are the intended addressee. If you have received this communication in error, please notify me immediately. Files in electronic media format of text, data, graphics, or other types, provided by Richards Engineering LLC, are provided only for convenience. Any conclusions or information obtained or derived from such electronic files will be at user's sole risk. If there is a discrepancy between the information provided by Richards Engineering LLC contained in electronic files and printed copies, the printed copies shall govern.

From: Dorothy Pedersen [mailto:pedersdi@wrđ.state.or.us]
Sent: Wednesday, August 13, 2008 2:18 PM
To: Joseph Richards
Subject: RE: Gibson Ridge Transfer Application

Hi Joe,

I apologize for the delay in responding to your questions.

The Reimbursement Authority contractor reviewing the T-10440 revisions reports the following:

[Application](#)

11/14/2008

- Rights are proposed for transfer from Section 12, T7S, R3W, but neither of the certificates involved in the transfer includes Section 12 in the place of use.
- Perhaps you intended Section 12, of Range 4W? But even so, the Department's WRIS system does not show water rights in those locations.
- Place of use acreage in water rights is usually expressed to no more than 2 decimal points.
- Please explain what lands (by quart quarter) that are included in Certificates 27061 and 39173 are to have the right moved from them.

Map 1 of 4

- Part of the place of use for Certificates 27051 and 39173 is shown in Section 12, NENE and SENE, but the official Final Proof maps for the rights show all the place of use in Section 7. If the place where the water right has always been is described differently by current survey techniques than by the 1959 and 1972 surveys, please explain the reasons for the differences. Otherwise, the transfer map should match the Final Proof maps.
- Clearly quantify the "transferred" versus "remaining" acreage in each quarter quarter.
- Please explain the numbers listed for each quarter quarter (1.29, 0.67, etc.) in the Place of Use table in the lower left corner of the map.
- The number of acres in the "from" land and "to" land should match in the table in lower left corner (6.046 and 6.041 are not equal).
- It would be helpful to have the quarter quarters on the map labeled.

Another question

It appears that the spring sources under Certificate 27051 are only for domestic use. Please explain whether the domestic portion of Certificate 27051 has been used within the last five years.

1. If yes, is the domestic use to be transferred, or to be included in the remaining right certificate that will be issued? If it is to be transferred, then there will need to be a character of use change also, which requires an additional \$400 for the second type of change.
2. If the domestic use has not been used, does the applicant own the properties with the houses, and is he willing to submit a voluntary partial cancellation for that part of the right?

Timelines

Please indicate if you will be able to submit answers to these questions by September 15th, or suggest another realistic due date.

We should be able to issue the Draft Preliminary Determination (DPD) within a couple of weeks after receiving the above answers.

Then you will have up to 30 days to review the DPD, submit ownership and lien report prepared by a title company for the "from" land, and send us any comments.

Within a couple of weeks after receiving your ownership documentation and comments, we expect to be able to issue the signed Preliminary Determination and post notice of the determination on the Department's public notice, thereby starting a 30-day protest period.

Following the close of the protest period, if no protests have been received, a Final Order will be issued.

Thank you,
Dorothy

From: Joseph Richards [mailto:wholewater@comcast.net]
Sent: Sunday, August 10, 2008 6:55 AM
To: Dorothy Pedersen
Cc: 'Tom Adams'
Subject: Gibson Ridge Transfer Application

11/14/2008

Good Morning Dorothy,

I hope your summer is going well. I am curious about the process for the following application revision. Please provide a summary so I may understand permit timing and perfection schedules.

Gibson Ridge Vineyard Transfer Application

Revised existing (T-10440) transfer application.

Modification involved deleting additional POD and submitting POU transfer using wetted area approach.

Reimbursement authority is being utilized.

Thank you,

Joe

[Richards Engineering, L.L.C.](#)

Joseph G. Richards, MBA, PE, CWRE
President

3937 NE 13th Avenue

Portland, OR 97212

Phone: (503) 841-5012

Fax: (503) 841-5013

Cell: (971) 563-1448

www.richardsengineering.com

joe@richardsengineering.com



Please consider the environment before printing

PLEASE DO NOT read, copy, or disseminate this communication unless you are the intended addressee. If you have received this communication in error, please notify me immediately. Thank you.

No virus found in this outgoing message.

Checked by AVG.

Version: 7.5.524 / Virus Database: 270.6.0/1601 - Release Date: 8/8/2008 9:02 AM

No virus found in this incoming message.

Checked by AVG.

Version: 7.5.524 / Virus Database: 270.6.2/1609 - Release Date: 8/13/2008 6:43 AM

No virus found in this outgoing message.

Checked by AVG.

Version: 7.5.549 / Virus Database: 270.8.4/1749 - Release Date: 10/27/2008 7:57 AM

11/14/2008

Water Right Transfer Supplemental Form B
AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon)
) ss
County of Polk)

I, Donald L. Meyer, in my capacity as Land Owner,
mailing address 3795 Gibson Road, Salem Oregon, 97304
telephone number (503) 364-3076, being first duly sworn depose and say:

1. I attest that:

- Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; **or**
- The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; **or**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

2. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation
- Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
7	S	3	W	W	12	NE NE		1.29
						SE NE		0.67
					7	NW NW		15.56
						SW NW		14.28
							TOTAL:	31.8 ACRES

RECEIVED
APR 21 2008
WATER RESOURCES DEPT
SALEM OREGON

(continues on reverse side)

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):
The water rights were used for irrigation of cherry a orchard and goose berry crop.

5. The water delivery system used to apply water as authorized by the right is described below:
Water was delivered from Gibson Creek to our pond with a 10 HP pump. Water was then delivered from the pond to the POU with a 30 HP pump through a 4-inch PVC mainline to the irrigation sprinkler system. The sprinkler system consisted of approximately 30 5/16 inch nozzles per set-up.

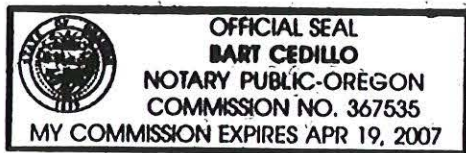
6. One or more of the following documentation supporting the above statements is attached:

- Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- Dedicated power usage records or receipts,
- Instream lease number _____,
- Other: _____

Donald S. Meyer
Signature of Affiant

4-9-07
Date

Signed and sworn to (or affirmed) before me this 9th day of April, 2007.



Bart Cedillo
Notary Public for Oregon

My Commission Expires: 4-19-2007

RECEIVED
APR 21 2008
WATER RESOURCES DEPT
SALEM OREGON

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.



3795 Gibson Rd. NW
Salem, OR 97304
(503) 364-3076
Fax: (503) 364-3407

November 8, 2004

Don Meyer
President
Meyer Nursery & Orchards, Inc.

This is a summary from our records of the crop sales for the 85.45-acre Gibson Road parcel on which a farm dwelling is proposed.

Income for Fiscal year July 2003-June 2004

<u>Breakdown of Receipts</u>	<u>This Acreage</u>	<u>Total Receipts</u>
Cherries (MPT and South Orchards)	\$27,000	\$65,100
Gooseberries (MPT)	\$42,679	\$42,679
Nursery Stock (MFE, MCG)	\$152,000	\$1,040,462
Total 2003-2004	<u>\$221,679</u>	<u>\$1,148,241</u>

Income for Fiscal year July 2002-June 2003

<u>Breakdown of Receipts</u>	<u>This Acreage</u>	<u>Total Receipts</u>
Cherries (MPT and South Orchards)	\$12,000	\$24,391
Gooseberries (MPT)	\$36,117	\$36,117
Nursery Stock (MFE, MCG)	\$124,000	\$1,092,553
Total 2002-2003	<u>\$172,117</u>	<u>\$1,153,061</u>

Julianne Meyer
Office Manager

RECEIVED
APR 21 2008
WATER RESOURCES DEPT
SALEM OREGON



Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: Chris Milich

Address: P.O. Box 3900

City: None State: CA Zip: 94558 Day Phone: (707) 254-2235

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot ID	Plan Designation (e.g. Rural Residential(RR-5))	Water to be: (check all that apply)		
1002	Farm/Forest Overlay Zone	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. Polk County

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Irrigation

Briefly describe: Drip Irrigation to establish and support an 83 acre vineyard on tax lot 1002. (Gibson Ridge)

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water Proposed reservoir
(source)

E. Quantity

Indicate the estimated quantity of water the use will require:

1 CFS GPM Acre-Feet

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
(503) 986-0940

RECEIVED
APR 2 1 2008
WATER RESOURCES DEPT
SALEM OREGON

For Local Government Use Only

The following sections must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s) RCZC 136. Go to section B "Approval" below
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the box that applies: 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

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Gene Clemens Date: 12-11-06
 Title: Act. Com. Dev. Director Phone: 503-623-9237
 Signature: [Handwritten Signature]

C. Additional Comments

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

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRED will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

Receipt for Request for Land Use Information

Name of water right applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: _____

Staff contact: _____ Phone: _____

Signature: _____ Date: _____

RECEIVED

APR 2 1 2008

WATER RESOURCES DEPT
SALEM, OREGON

Water Right Transfer Supplemental Form B
AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon)
) ss
County of Polk)

I, Donald L. Meyer, in my capacity as Land Owner,
mailing address 3795 Gibson Road, Salem Oregon, 97304
telephone number (503) 364-3076, being first duly sworn depose and say:

1. I attest that:

- Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; **or**
- The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; **or**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

2. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation
- Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
7	S	3	W	W	12	NE NE		1.29
						SE NE		0.67
					7	NW NW		15.56
						SW NW		14.28
							TOTAL:	31.8 ACRES

RECEIVED
AUG 06 2007

WATER RESOURCES DEPT
SALEM, OREGON

(continues on reverse side)

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

T 0440

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):
The water rights were used for irrigation of cherry a orchard and goose berry crop.

5. The water delivery system used to apply water as authorized by the right is described below:
Water was delivered from Gibson Creek to our pond with a 10 HP pump. Water was then delivered from the pond to the POU with a 30 HP pump through a 4-inch PVC mainline to the irrigation sprinkler system. The sprinkler system consisted of approximately 30 5/16 inch nozzles per set-up.

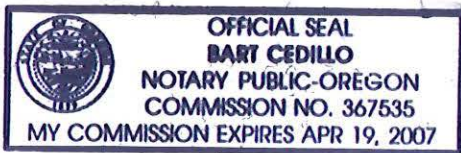
6. One or more of the following documentation supporting the above statements is attached:

- Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- Dedicated power usage records or receipts,
- Instream lease number _____,
- Other: _____

Donald S. Meyer
Signature of Affiant

4-9-07
Date

Signed and sworn to (or affirmed) before me this 9th day of April, 2007.



Bart Cedillo
Notary Public for Oregon

My Commission Expires: 4-19-2007

RECEIVED

AUG 06 2007

WATER RESOURCES DEPT
SALEM, OREGON

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.



3795 Gibson Rd. NW
Salem, OR 97304
(503) 364-3076
Fax: (503) 364-3407

November 8, 2004

Don Meyer
President
Meyer Nursery & Orchards, Inc.

This is a summary from our records of the crop sales for the 85.45-acre Gibson Road parcel on which a farm dwelling is proposed.

Income for Fiscal year July 2003-June 2004

<u>Breakdown of Receipts</u>	<u>This Acreage</u>	<u>Total Receipts</u>
Cherries (MPT and South Orchards)	\$27,000	\$65,100
Gooseberries (MPT)	\$42,679	\$42,679
Nursery Stock (MFE, MCG)	\$152,000	\$1,040,462
Total 2003-2004	<u>\$221,679</u>	<u>\$1,148,241</u>

Income for Fiscal year July 2002-June 2003

<u>Breakdown of Receipts</u>	<u>This Acreage</u>	<u>Total Receipts</u>
Cherries (MPT and South Orchards)	\$12,000	\$24,391
Gooseberries (MPT)	\$36,117	\$36,117
Nursery Stock (MFE, MCG)	\$124,000	\$1,092,553
Total 2002-2003	<u>\$172,117</u>	<u>\$1,153,061</u>

Julianne Meyer
Office Manager

RECEIVED

AUG 06 2007

WATER RESOURCES DEPT
SALEM, OR

T 10440



Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: Chris Miltch

Address: P.O. Box 3900

City: None State: CA Zip: 94558 Day Phone: (707) 254-2235

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot ID	Plan Designation (e.g. Rural Residential/RRS)	Water to be: (check all that apply)		
1002	Farm/Forest Overlay Zone	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. Polk County

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Irrigation

Briefly describe: Drip Irrigation to establish and support an 83 acre vineyard on tax lot 1002. (Gibson Ridge)

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water Proposed reservoir
(source)

E. Quantity

Indicate the estimated quantity of water the use will require:

1 CFS GPM Acre-Feet

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
(503) 986-0940

RECEIVED

AUG 06 2007

WATER RESOURCES DEPT
SALEM, OR

T 10440

For Local Government Use Only

The following sections must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s), PCZC 136. Go to section B "Approval" below

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies:	
		Land Use Approval	
		<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

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Gene Clemens Date: 12-11-06
 Title: Act. Com. Dev. Director Phone: 503-623-9237
 Signature: [Handwritten Signature]

C. Additional Comments

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

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

Receipt for Request for Land Use Information

Name of water right applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: _____

Staff contact: _____ Phone: _____

Signature: _____ Date: _____

RECEIVED

AUG 06 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

T 10440



First American Title Insurance Company

National Commercial Services

200 SW Market Street Suite 250

Portland, OR 97201

(503)795-7600 - Fax (503)795-7614

Title Officer: **Jennifer L. Watson**
(503) 790-7866

LOT BOOK SERVICE

Premier Pacific Vineyards
P.O. Box 3989
Napa, CA 94558-0563

Order No.: NCS-400624-OR1

Attn: Andrea Wendel
Phone No.: (707)224-6565 - Fax No.:
Email: awendel@ppvco.com

Re: 3040 Brush College Road NW

Fee: \$350.00

We have searched our Tract Indices as to the following described property:

The land referred to in this report is described in Exhibit "A" attached hereto.

and as of 06/05/2009 at 8:00 a.m.

We find that the last deed of record runs to

Gibson Ridge, LLC, a Delaware limited liability company

We also find the following apparent encumbrances prior to the effective date hereof:

1. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
2. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the High water mark of Gibson Creek .

RECEIVED

JUN 23 2009

WATER RESOURCES DEPT.
SALEM, OREGON

3. Easement, including terms and provisions contained therein:
Recording Information: July 22, 1953 in Book 151, Page 0268, in Deed Records and also
Recoded May 06, 1970 in Book 682, Page 0659, in Deed
Records and Re-Recorded May 15, 1970 in Book 5, Page 0001,
in Deed Records
In Favor of: Portland General Electric Company, an Oregon corporation
For: Electric power lines

4. Easement, including terms and provisions contained therein:
Recording Information: September 14, 1989 in Book 226 and Page 0913, Book of
Records
In Favor of: Polk County
For: Maintenance of cuts, fills, drainage structures and utilities

5. The terms and provisions contained in the document entitled "Restrictive Covenant"
recorded January 10, 2005 as Fee No. 2005-000426, Book of Records

6. Restrictions shown on the recorded Partition Plat of 2005-0006.

7. Easements for access purposes as shown on the recorded Partition Plat No. 2005-0006.

8. The terms and provisions contained in the document entitled "Memorandum of Water Sharing
Agreement" recorded May 12, 2005 as Fee No. 2005-007504, Book of Records

Document re-recorded July 29, 2005 as Fee No. 2005-012566, Book of Records

The terms and provisions contained in the document entitled "Consent to Water Sharing
Agreement and Nondisturbance Agreement" recorded May 12, 2005 as Fee No. 2005-007505,
Book of Records

Document re-recorded July 29, 2005 as Fee No. 2005-012567, Book of Records

9. The terms, provisions and easement(s) contained in the document entitled "Declaration of Water
Transport, Access, Diversion and Reservoir Easements and Covenants" recorded May 12, 2005
as Fee No. 2005-007506, Book of Records

Document re-recorded July 29, 2005 as Fee No. 2005-012564, Book of Records

The terms and provisions contained in the document entitled "Consent to Declaration of
Reciprocal Easements and Covenants and Nondisturbance Agreement" recorded May 12, 2005
as Fee No. 2005-007507, Book of Records

Document re-recorded July 29, 2005 as Fee No. 2005-012565, Book of Records

10. The terms, provisions and easement(s) contained in the document entitled "Declaration of
Reciprocal Easements and Covenants" recorded May 12, 2005 as Fee No. 2005-007508, Book of
Records

The terms and provisions contained in the document entitled "Consent to Declaration of Reciprocal Easements and Covenants and Nondisturbance Agreement" recorded May 12, 2005 as Fee No. 2005-007509, Book of Records

11. A **Line of Credit** Deed of Trust to secure an original indebtedness of \$85,000,000.00 recorded March 27, 2007 as Fee No. 2007-004659
Dated: March 23, 2007
Trustor: Gibson Ridge, LLC, a Delaware limited liability company
Trustee: First American Title Insurance Company
Beneficiary: Metlife Insurance Company of Connecticut, a corporation organized and existing under the laws of the State of Connecticut

The above said Deed of Trust states it is a Construction Deed of Trust.

12. Unrecorded leases or periodic tenancies, if any.

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

NONE

We also find the following unpaid taxes and city liens: NONE

NOTE: Taxes for the year 2008-2009, paid in full.

Tax Amount:	\$447.56
Code No.:	3217
Map & Tax Lot No.	07307-00-01002
Property ID/Key No.	567937

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.

RECEIVED
JUN 23 2009
WATER RESOURCES DEPT.
SALEM, OREGON

Exhibit "A "

Real property in the County of Polk , State of Oregon, described as follows:

PARCEL I:

PARCEL 2 PARTITION PLAT OF 2005-006, IN THE CITY OF SALEM, COUNTY OF POLK AND STATE OF OREGON.

PARCEL II:

A RECIPROCAL EASEMENT FOR INGRESS AND EGRESS (FOR THE BENEFITS OF PARCEL 1 & 2)
RECORDED MAY 12, 2005 AS FEE NO. 2005-007506 AND RE-RECORDED JULY 29, 2005 AS FEE NO.
2005-012564 AND ALSO RECORDED MAY 12, 2005 AS FEE NO. 2005-007508, AS CREATED AND SHOWN
ON PARTITION PLAT NO. 2005-006.

RECEIVED

JUN 23 2009

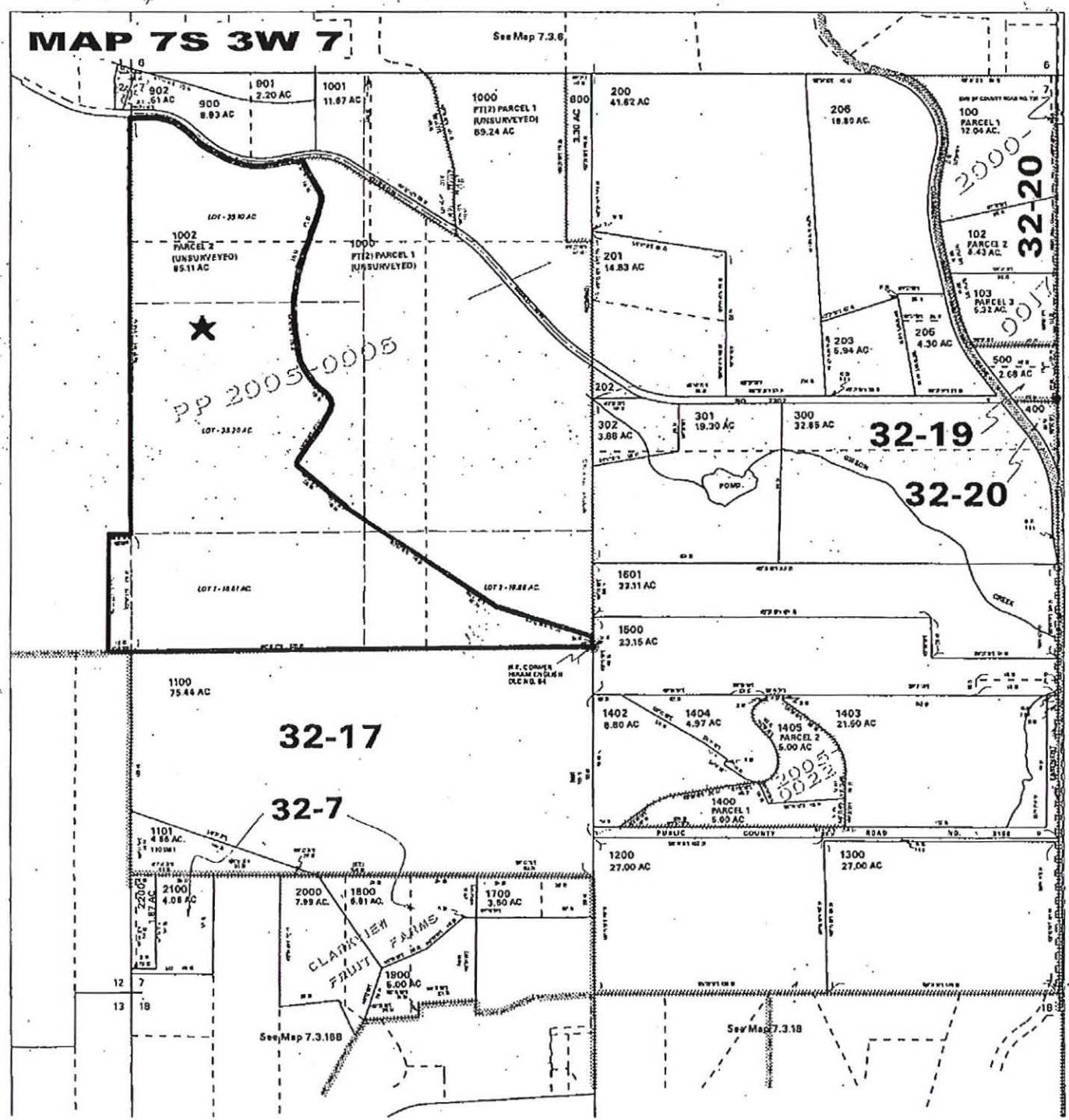
WATER RESOURCES DEPT.
SALEM, OREGON



First American Title Insurance Company of Oregon
 An assumed business name of TITLE INSURANCE COMPANY OF OREGON
 200 SW Market St., Suite 250 Portland, OR 97201
 Phone: (503) 222-3651

RECEIVED
 JUN 23 2009
 WATER RESOURCES DEPT.
 SALEM, OREGON

*This map is provided as a convenience in locating property
 First American Title Insurance Company assumes no liability for any variations as may be disclosed by an actual survey*



FIRST AMERICAN TITLE 482333

Supersedes 2005-7507

RECORDED IN POLK COUNTY
Valerie Unger, County Clerk

2005-012565



\$31.00

00137674200500125650020025

07/29/2005 03:30:41 PM

REC-CT Cnt=1 Stn=1 C.TRUDELL
\$10.00 \$10.00 \$11.00

RECORDED IN POLK COUNTY
Valerie Unger, County Clerk

2005-007507



\$31.00

00132217200500075070020029

05/12/2005 09:55:02 AM

REC-CT Cnt=1 Stn=1 A. CAPTAIN
\$10.00 \$10.00 \$11.00



**CONSENT TO DECLARATION OF RECIPROCAL EASEMENTS
AND COVENANTS AND NONDISTURBANCE AGREEMENT
(Water Related)**

ODVA Account Number 8400947	Tax Account Number 266912, 267092
--------------------------------	--------------------------------------

The State of Oregon, acting by and through its Director of Veterans' Affairs (the "ODVA"), is the mortgagee and holder of that certain Mortgage dated June 6, 1980, recorded on June 6, 1980, as in Book 149 page 915 (the "Mortgage"), in Polk County, Oregon Records, given by Donald L. Meyer and Shirley K. Meyer as tenants in common (the "Meyers") to the ODVA against certain premises as described therein, including the parcel currently described as Parcel 1, Partition Plat 2005-0006, Polk County, Oregon (the "Parcel 1").

The Meyers and Gibson Ridge LLC, a Delaware limited liability company ("Gibson"), as owner of Parcel 2, Partition Plat 2005-0006, Polk County, Oregon ("Parcel 2") are parties to that certain Declaration of Water Transport, Access, Diversion and Reservoir Easements and Covenants dated as of May 11, 2005 (the "Declaration") to which the consent is attached, which Declaration is hereby incorporated herein by this reference in its entirety. In connection with and as a condition to the acquisition of Parcel 2 by Gibson from Meyers, Gibson has required certain assurances from the ODVA that Gibson's (and its successors' and assigns') rights under the Declaration will not be disturbed by virtue of the Mortgage or any foreclosure or enforcement thereof.

***THIS DOCUMENT IS BEING RERECORDED TO CORRECT THE RECORDING ORDER**

AFTER RECORDING RETURN TO:

Until a change is requested, all tax statements shall be sent to the following address:

OREGON DEPARTMENT OF VETERANS' AFFAIRS
700 SUMMER ST NE
SALEM OREGON 97301-1285

GIBSON RIDGE LLC
C/O EUGENE A. FRASSETTO
STOEL RIVES LLP
900 SW 5TH AVENUE
PORTLAND OR 97204

RECEIVED

JUL 10 2009

WATER RESOURCES DEPT
SALEM, OREGON

The Declaration describes and provides for certain covenants, easements and rights, including, utility easements, easements for ingress, egress, water storage, water transport, certain facilities and certain maintenance arrangements, as more particularly described therein. The ODVA (i) hereby consents to the Declaration and (ii) agrees that (A) the ODVA shall recognize the honor the Declaration and the rights of Gibson under the Declaration and (B) the ODVA will not join Gibson as a party defendant in any action or proceeding foreclosing the Mortgage against Parcel 1 or any portion thereof or interest therein, and (C) no foreclosure or other enforcement of the Mortgage will terminate, disturb or limit the rights of Gibson under the Declaration.

This Consent to Declaration and Nondisturbance Agreement shall be binding upon and inure to the benefit of the ODVA, the Meyers and Gibson and their respective successors and assigns.

"THIS INSTRUMENT WILL NOT ALLOW USE OF THE EASEMENT DESCRIBED ABOVE TO BE IN VIOLATION OF APPLICABLE STATE LAWS AND LAND USE LAWS AND REGULATION OR ALLOW USERS OF THE EASEMENT TO WASTE OR OTHERWISE HARM THE UNDERLYING PROPERTY EXCEPT TO THE EXTENT REASONABLY RELATED TO THE LAWFUL EXERCISE OF THE RIGHTS PROVIDED IN THE EASEMENT AGREEMENT."

IN WITNESS WHEREOF, the State of Oregon, represented and acting by the Director of Veterans' Affairs, has caused these presents to be executed May 3, 2005, at Salem, Oregon. The foregoing recital is true as I verily believe.

DIRECTOR OF VETERANS' AFFAIRS - Lender

By: *Dona D. Lanterman*
 Dona D. Lanterman, Loan Processing Manager

STATE OF OREGON)
) ss.
 County of Marion)

On May 3, 2005,

this instrument was acknowledged before me by the above-named Dona D. Lanterman, Loan Processing Manager, who personally appeared, and, being first duly sworn, did say that she is authorized to sign the foregoing document on behalf of the Oregon Department of Veterans' Affairs by authority of its Director.

Before me: *Laurie Beach*
 Notary Public for Oregon



RECEIVED

JUL 10 2009

**WATER RESOURCES DEPT
 SALEM, OREGON**

Superseded 2005-7504

RECORDED IN POLK COUNTY
Valerie Unger, County Clerk

2005-012566



\$36.00

00137875200500125680030039

07/29/2005 03:31:29 PM

REC-AGM Cnt=1 Stn=1 C.TRUDELL
\$15.00 \$10.00 \$11.00

Recording Requested by and
When Recorded mail to:

Eugene A. Frassetto, Esq.
Stoel Rives LLP
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204

RECORDED IN POLK COUNTY
Valerie Unger, County Clerk

2005-007504



\$36.00

00132214200500075040030036

05/12/2005 09:52:36 AM

REC-AGM Cnt=1 Stn=1 A. CAPTAIN
\$15.00 \$10.00 \$11.00

FIRST AMERICAN TITLE 482333

MEMORANDUM OF WATER SHARING AGREEMENT

DATED: May 11, 2005

BETWEEN: DONALD L. MEYER and SHIRLEY K. MEYER, "MEYER"
husband and wife
3795 Gibson Rd., N.W.
Salem, Oregon 97304

AND: GIBSON RIDGE, LLC, "LLC"
a Delaware limited liability company
Attn: Robert deOcampo
P.O. Box 3989
Napa, CA 94558

1. Meyer is the owner of certain real property in Polk County, Oregon, more particularly described as Parcel 1, Partition Plat 2005-0006 in the Southwest Quarter of Section 6 and the West Half of Section 7, Township 7 South, Range 3 West, Willamette Meridian, Polk County, Oregon ("Parcel 1").

2. LLC is the owner of certain real property in Polk County, Oregon, adjacent to Parcel 1, more particularly described as Parcel 2, Partition Plat 2005-0006, in the West Half of Section 7, Township 7 South, Range 3 West, and the Southwest Quarter of Section 12, Township 7 South, Range 4 West, Willamette Meridian, Polk County, Oregon ("Parcel 2").

3. Meyer and LLC have entered into a Water Sharing Agreement dated the same date as this Memorandum (the "Agreement"), which Agreement is hereby incorporated in its entirety by this reference into this Memorandum as if fully set forth herein, pursuant to which Meyer and LLC have agreed, among other things, on sharing of costs, responsibilities and use of the "Common Water System," "Water Rights," and "Points of Diversion" as those terms are defined in the Agreement, on certain terms and conditions more particularly specified in the Agreement to which this Memorandum refers. The term "Water Rights" is defined in the Agreement to mean State of Oregon Certificate of Water Right 27052,

*THIS DOCUMENT IS BEING RERECORDED TO CORRECT THE RECORDING ORDER

PortInd1-2190463.4 0061783-00002

1/3

RECEIVED

JUL 1 0 2009

WATER RESOURCES DEPT
SALEM, OREGON

7-16440 15
C-27051 +
3.9.173
Both are in this agreement

perfected under Permit R-1526, issued pursuant to Application 28532; State of Oregon Certificate of Water Right 27051, perfected under Permit 22419, issued pursuant to Application 27159; and State of Oregon Certificate of Water Right 39173, perfected under Permit 32583, issued pursuant to Application 43569.

4. The Agreement runs with the land as to Parcel 1 and Parcel 2 (as such may now or hereafter be developed, divided or partitioned) and is binding upon and for the benefit of the parties and their respective heirs, successors and assigns.

5. This Memorandum may be executed in one or more counterparts, all of which shall be considered one and the same instrument. Nothing in this Memorandum shall be construed to amend, modify, change, alter, amplify, limit, interpret or supersede any of the terms and provisions of the Agreement, which shall in all things control.

IN WITNESS WHEREOF, the undersigned have caused this Memorandum of Water Sharing Agreement to be executed as of the day and year first above written.

MEYER:

Donald L. Meyer
Donald L. Meyer

Shirley K. Meyer

By: Donald L. Meyer
Donald L. Meyer, as attorney-in-fact for Shirley K. Meyer

LLC:

GIBSON RIDGE, LLC,
a Delaware limited liability company

By: MERIWETHER FARMS, LLC,
a California Limited Liability Company, its Member

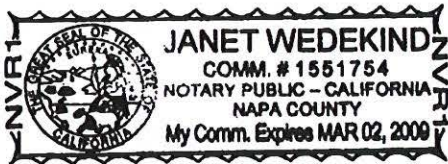
By: PREMIER PACIFIC VINEYARDS, L.P.,
a Delaware limited partnership, its Manager

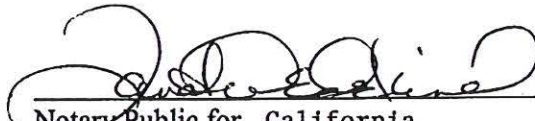
By: PREMIER PACIFIC VINEYARDS, INC.,
a California corporation, its general partner

By: Robert deOcampo
Robert deOcampo, Vice President

STATE OF California)
) ss.
County of Napa)

This instrument was acknowledged before me on this 5th day of May, 2005 by Robert deOcampo, as Vice President of Premier Pacific Vineyards, Inc., a California Corporation, general partner in Premier Pacific Vineyards, L.P., a Delaware limited partnership, Manager of MERIWETHER FARMS, LLC, a California limited liability company, sole member in GIBSON RIDGE, LLC, a Delaware limited liability company, on behalf of the limited liability company.

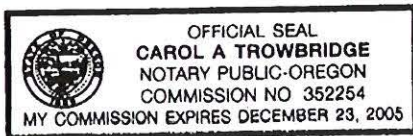


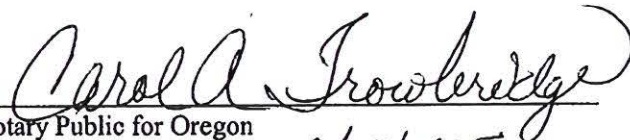


Notary Public for California
My commission Expires: March 2, 2009

STATE OF OREGON)
) ss.
County of POLK)

The foregoing instrument was acknowledged before me this 11 day of May, 2005, by DONALD L. MEYER, individually, and in his capacity as attorney-in-fact on behalf of SHIRLEY K. MEYER.





Notary Public for Oregon
My commission Expires: 12/23/2005

RECEIVED

JUL 10 2009

WATER RESOURCES DEPT
SALEM, OREGON

FIRST AMERICAN TITLE 482333

Supersedes 2005-7505

RECORDED IN POLK COUNTY
Valerie Unger, County Clerk

2005-012567



\$31.00

00137876200500125670020029

07/29/2005 03:31:45 PM

REC-CT Cnt=1 Stn=1 C.TRUDELL
\$10.00 \$10.00 \$11.00

*THIS DOCUMENT IS BEING RERECORDED TO CORRECT THE RECORDING ORDER

RECORDED IN POLK COUNTY
Valerie Unger, County Clerk

2005-007505



\$31.00

00132215200500075050020025

05/12/2005 09:53:14 AM

REC-CT Cnt=1 Stn=1 A. CAPTAIN
\$10.00 \$10.00 \$11.00



(Res.)
**CONSENT TO WATER SHARING AGREEMENT
AND NONDISTURBANCE AGREEMENT**

ODVA Account Number 8400947	Tax Account Number 266912, 267092
--------------------------------	--------------------------------------

The State of Oregon, acting by and through its Director of Veterans' Affairs (the "ODVA"), is the mortgagee and holder of that certain Mortgage dated June 6, 1980, recorded on June 6, 1980, in Book 149 page 915 (the "Mortgage"), in Polk County, Oregon Records, given by Donald L. Meyer and Shirley K. Meyer as tenants in common (the "Meyers") to the ODVA against certain premises as described therein, including the parcel currently described as Parcel 1, Partition Plat 2005-0006, Polk County, Oregon (the "Parcel 1").

The Meyers and Gibson Ridge LLC, a Delaware limited liability company ("Gibson"), as owner of Parcel 2, Partition Plat 2005-0006, Polk County, Oregon ("Parcel 2") are parties to that certain Water Sharing Agreement dated as of May 11, 2005 (the "Water Sharing Agreement") referenced in the Memorandum of Water Sharing Agreement to which this consent is attached, which Water Sharing Agreement is hereby incorporated herein by this reference in its entirety. In connection with and as a condition to the acquisition of Parcel 2 by Gibson from Meyers, Gibson has required certain assurances from the ODVA that Gibson's (and its successors' and assigns') rights under the Water Sharing Agreement will not be disturbed by virtue of the Mortgage or any foreclosure of enforcement thereof.

The Water Sharing Agreement among other things, provides for other allocation of water from certain points of diversion on Parcel 1, its' distribution, and the maintenance of certain conveyance systems for the water and irrigation rights

AFTER RECORDING RETURN TO:

OREGON DEPARTMENT OF VETERANS' AFFAIRS
700 SUMMER ST NE
SALEM OREGON 97301-1285

Until a change is requested, all tax statements shall be sent to the following address:

GIBSON RIDGE LLC
C/O EUGENE A FRASSETTO
STOEL RIVES LLP
900 SW 5TH AVE SUITE 2600
PORTLAND OR 9704

RECEIVED

JUL 10 2009

WATER RESOURCES DEPT
SALEM, OREGON

ODVA Account Number

39173

authorized under Water Right Certificate 27051 and Certificate 39173 as more particularly described in the Water Sharing Agreement.

The ODVA (i) hereby consents to the Water Sharing Agreement for the purposes described therein, and (ii) agrees that (A) the ODVA shall recognize and honor the Water Sharing Agreement and the rights of Gibson under the Water Sharing Agreement and (B) the ODVA will not join Gibson as a party defendant in any action or proceeding foreclosing the Mortgage against Parcel 1 or any portion thereof or interest therein, and (C) no foreclosure or other enforcement of the Mortgage will terminate, disturb or limit the right of Gibson under the Water Sharing Agreement.

This Consent to the Water Sharing Agreement and Nondisturbance Agreement shall be binding upon and inure to the benefit of the ODVA, the Meyers and Gibson and their respective successors and assigns.

"THIS INSTRUMENT WILL NOT ALLOW USE OF THE WATER RIGHTS DESCRIBED ABOVE TO BE IN VIOLATION OF APPLICABLE STATE LAWS AND LAND USE LAWS AND REGULATIONS OR ALLOW USERS OF THESE RIGHTS TO WASTE OR OTHERWISE HARM THE UNDERLYING PROPERTY EXCEPT TO THE EXTENT REASONABLY RELATED TO THE LAWFUL EXERCISE OF THE RIGHTS PROVIDED IN THE WATER SHARING AGREEMENT."

IN WITNESS WHEREOF, the State of Oregon, represented and acting by the Director of Veterans' Affairs, has caused these presents to be executed May 3, 2005, at Salem, Oregon. The foregoing is true as I verily believe.

DIRECTOR OF VETERANS' AFFAIRS - Lender
By: *Dona D. Lanterman*
Dona D. Lanterman, Loan Processing Manager

STATE OF OREGON)
) ss.
County of Marion)

On May 3, 2005,

this instrument was acknowledged before me by the above-named Dona D. Lanterman, Loan Processing Manager, who personally appeared, and, being first duly sworn, did say that she is authorized to sign the foregoing document on behalf of the Oregon Department of Veterans' Affairs by authority of its Director.

Before me: *Laurie Beach*
Notary Public for Oregon



RECEIVED

JUL 1 0 2009

WATER RESOURCES DEPT
SALEM, OREGON

Superseded 2005-7506

RECORDED IN POLK COUNTY
Valerie Unger, County Clerk

2005-012564

AFTER RECORDING RETURN TO:

Eugene A. Frassetto
Stoel Rives LLP
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204



\$51.00

00137673200500125640050059

07/29/2005 03:29:13 PM

REC-C&R Cnt=2 Stn=1 C.TRUDELL
\$5.00 \$25.00 \$11.00 \$10.00

RECORDED IN POLK COUNTY
Valerie Unger, County Clerk

2005-007506



\$51.00

00132216200500075060050052

05/12/2005 09:54:25 AM

REC-EAS Cnt=2 Stn=1 A. CAPTAIN
\$5.00 \$25.00 \$10.00 \$11.00

FIRST AMERICAN TITLE 4/23/03

DECLARATION
OF
WATER TRANSPORT, ACCESS, DIVERSION AND RESERVOIR EASEMENTS
AND COVENANTS

DATED AS OF: May 11, 2005

DONALD L. MEYER and **SHIRLEY K. MEYER**, husband and wife, as equal tenants in common ("**Parcel 1 Owner**"), own that certain real property in Polk County, Oregon described as Parcel 1 on Partition Plat 2005-0006 in the Southwest Quarter of Section 6 and the West Half of Section 7, Township 7 South, Range 3 West, Willamette Meridian, Polk County, Oregon ("**Parcel 1**"). **GIBSON RIDGE, LLC**, a Delaware limited liability company ("**Parcel 2 Owner**"), owns that certain real property in Polk County, Oregon adjacent to Parcel 1, and more particularly described as Parcel 2 on Partition Plat 2005-0006, in the West Half of Section 7, Township 7 South, Range 3 West, and the Southwest Quarter of Section 12, Township 7 South, Range 4 West, Willamette Meridian, Polk County, Oregon ("**Parcel 2**"). Parcel 1 and Parcel 2 are sometimes respectively referred to in this agreement as a "**Parcel**" and together as the "**Parcels**." There exists certain, perpetual, non-exclusive common water transport, diversion, reservoir and related access easements on Parcel 1 as established in Partition Plat 2005-006 (the "**Plat**"). This Declaration confirms and supplements the Plat. As used in this Declaration of Water Transport, Access, Diversion and Reservoir Easements and Covenants ("**Declaration**"), "**Owner**" means Parcel 1 Owner and their successors and assigns with respect to Parcel 1, and Parcel 2 Owner and its successors and assigns with respect to Parcel 2.

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

I. WATER RELATED EASEMENTS

1. Generally, Parcel 1 Owner hereby declares, grants and confirms to and for the benefit of Parcel 2 and Parcel 2 Owner rights of way and easements:

(A) (i) for access to and egress from and the use and operation of the existing point(s) of diversion located on Parcel 1 and described on the Plat for those certain water rights described as follows:

*THIS DOCUMENT IS BEING RERECORDED TO CORRECT THE RECORDING ORDER.

PortInd1-2190205.10 0061783-00002

1/5

RECEIVED

JUL 10 2009

WATER RESOURCES DEPT
SALEM, OREGON

Oregon Water Right Certificate	Location of Point of Diversion	Cubic feet per second
Certificate 27051	SW1/4 NW 1/4, Section 7, T7S, R3W, WM	0.19 cfs
Certificate 39173	NE1/4 NW 1/4, Section 7, T7S, R3W, WM, 1230 feet South and 2060 feet East from NW Corner, Section 7	0.14 cfs

Including, without limitation, the diversion points (a) depicted on the Plat as "Perimeter Water Supply Easement" area defined by points N-R on the Plat (Gibson Creek Point of Diversion identified and authorized in Oregon Water Right Certificate 39173) and (b) related to that certain spring lying west of the Reservoir (Spring Branch Point of Diversion identified and authorized in Oregon Water Right Certificate 27051) (each, a "Point of Diversion," together, the "Point(s) of Diversion"), each of which Point of Diversion and related water right(s) (each, a "Water Right," together, the "Water Rights"), all or a portion of which is (and/or hereafter may become) appurtenant to all or a portion of Parcel 2 (the "Diversion Easements"); and (ii) to transport and convey water pursuant to the applicable Water Right(s) from the applicable Point of Diversion to the existing reservoir on Parcel 1 located substantially as shown on the Plat as the areas within the water-supply perimeter A-H on the Plat (as the same may now or hereafter be improved, modified, repaired or replaced, the "Reservoir"), and to and from the Reservoir and Parcel 2 when Parcel 2 Owner desires the use thereof through such Facilities (as defined below) now or hereafter installed for such purpose under, in, over and across those areas of Parcel 1 (i) substantially as depicted for water-line use on the Plat and (ii) as to future Facilities, as defined below, that may be installed on Parcel 1 by Parcel 2 Owner pursuant to this Declaration, at reasonable locations at, to and from and directly between the Points of Diversion and/or the Reservoir and Parcel 2 over and across Parcel 1 ("Pipeline and Transport Easements"), and (iii) for use of the Reservoir for collection, storage and distribution to Parcel 2 by Parcel 2 Owner at its discretion of Parcel 2 Owner's water originating from said Water Rights and Points of Diversion (the "Reservoir Easement"); and (iv) to install, inspect, use, improve, repair, replace, maintain and operate the Reservoir and Points of Diversion and all facilities, ditches, canals, lines, pumps, pipes, pipelines, conduits, valves, manifolds, control systems and panels, weirs, gates, and other fixtures, equipment and improvements and related power and communication lines and facilities necessary or convenient to the diversion, monitoring, storage, conservation, distribution, conveyance and/or passage of water now or hereafter existing or installed at or from one or both Points of Diversion to and between the Reservoir, collection and/or storage in the Reservoir and/or at or from the Reservoir(s) and/or one or both Points of Diversion to Parcel 2 (the "Facilities"). The Diversion Easements, the Pipeline and Transport Easements and the Reservoir Easement (together, the "Water Easements") shall be perpetual and shall run with the land as to all land benefited and burdened thereby (as the same may now or hereafter be developed or divided), and be binding upon the parties and their respective successors in interest. The parties shall share the responsibility and expense of maintaining the Reservoir and Facilities (to the extent shared by the parties) as provided in that certain Water Sharing Agreement between the parties dated as of this same date, a memorandum of which is recorded in the records of Polk County, Oregon, immediately following this Declaration and which is hereby incorporated by this reference herein (the "Water Sharing Agreement").

and

(B) including a nonexclusive, perpetual easement and right of way for pedestrian and vehicular access and egress and utilities over and across Parcel 1 to and from the Gibson Creek Point of Diversion described above ("Gibson Diversion Point") and Gibson Road from the north through the existing fence on Parcel 1 off Gibson Road to the area of the Gibson Diversion Point easement area designated line "P" on the Plat (the "Gibson Diversion Access"). Parcel 2 Owner, at its election and at its expense, may improve the Gibson Diversion Access as it deems reasonably necessary or convenient for Parcel 2 Owner's access to and from the Gibson Diversion Point and Gibson Road, including such gates, entries and other improvements as Parcel 2 Owner may deem necessary or desirable.

II. MISCELLANEOUS

1. Indemnification. Each of Parcel 1 Owner and Parcel 2 Owner (respectively, "Indemnitor") shall indemnify, reimburse, hold harmless and defend the other party for, from and against any and all losses, claims, costs, expenses (including without limitation, attorney fees), and liabilities to the other party arising in any manner out of such Indemnitor's (or its invitees', lessees', agents', contractors' or employees') use of the Water Easements and/or any breach of this Declaration by Indemnitor or any such person.

2. Binding Effect. This Declaration and easements and rights and obligations described herein are appurtenant to the respective Parcels, are perpetual, run with the land, and are binding upon the parties and their respective successors in interest with respect to their Parcels. This Declaration supersedes and replaces all written and oral agreements previously made or existing with respect to the matters set forth herein.

3. Status Certificate. Within twenty (20) days after receipt of a written request, a party shall promptly deliver a written status certificate to the party requesting the same, stating (i) the current status of any work being performed or costs previously incurred which may be subject to reimbursement under this Declaration; (ii) whether this Declaration is unmodified and in full force and effect; (iii) whether (to the party's knowledge) the other party is in compliance with its respective obligations hereunder; and (iv) any other matters that may be reasonably requested related to this Declaration.

4. No Third-Party Rights/No Dedication. This Declaration is not intended to create and shall not in any way be interpreted or construed to create any third party beneficiary rights in any person other than the parties hereto and their respective successors and assigns with respect to the fee ownership of their respective Parcels, and any subdivision or parcel thereof burdened or served by the easements described in this Declaration as such may be relocated as provided above. Nothing contained herein shall be deemed to be a gift or dedication of any portion of the Water Easements (as now or hereafter configured) or any other portion of the Parcels or any other easement or right granted or confirmed in this Declaration to any third parties or to the general public or for the use of the general public or for any public purpose whatsoever, it being the intention of the parties that the Water Easements and such other easements and rights shall be strictly limited to and for the purposes herein expressed.

5. Attorney Fees. If any suit, action or arbitration (without implying any right of a party to unilaterally require arbitration) is brought to enforce this Declaration, the prevailing party shall be entitled to all reasonable costs and expenses incurred in connection with such suit or action or arbitration, and shall receive such amount as the court or arbitrator(s) may determine to be reasonable attorney fees at any arbitration or trial, and upon any appeal or petition for review thereof and any other proceedings, including, without limitation, any bankruptcy case or proceedings.

6. Amendment/Jurisdiction. No modification or amendment of any provision of this Declaration shall be binding unless in a written instrument signed and notarized by the parties and recorded in the real property records of Polk County, Oregon. The parties hereby submit to jurisdiction in Polk County, Oregon and agree that any and all disputes arising out of or related to this Declaration shall be litigated exclusively in the Circuit Court for Polk County, Oregon and in no federal court or court of another county or state. Each party to this Declaration further agrees that pursuant to such litigation, the party and the party's officers, employees, and other agents shall appear, at that party's expense, for deposition in Portland, Oregon.

7. Notices. Notices given under this Declaration shall be in writing and delivered by certified or registered U.S. Mail, postage paid, return receipt requested, by United States Express Mail or other established express delivery service (such as Federal Express or UPS), postage or delivery charge prepaid; by confirmed facsimile transmission or other telecommunication device capable of transmitting or creating a written record, or personally, at the respective address set forth below or such other address as the party may designate by written notice to the other. Such notices shall be effective upon receipt, or, if delivery is refused by the addressee party, upon refusal of such delivery. Until a party designates another address for notice by notice given pursuant to this section, any notice under this Declaration to Parcel 1 Owner shall be made to Parcel 1 Owner at 3795 Gibson Rd., N.W., Salem, Oregon 97304 and any notice to Parcel 2 Owners shall be made to Parcel 2 Owners at P.O. Box 3989, Napa, CA 94558 Attn.: Robert deOcampo. In the alternative, when the party wishing to give notice has not been provided with the then-current address for the other party, notice either party may be given to the address of such party to which then-current property tax statements for the applicable party's Parcel benefited or burdened by the Road Easement are delivered by the taxing authority.

8. Binding Effect/Run with Land. The easements described herein are appurtenant to and run with the land as to all property burdened and benefited hereby, including any subdivision or partition of such property, and shall bind and inure to the benefit of the parties and their respective heirs, assigns, administrators and successors. The rights granted hereunder are subject to all existing rights of third parties and matters of record. Any reference to an Owner shall apply only so long as the party owns a Parcel or any ownership interest therein (unless the context clearly requires otherwise), and thereafter such reference shall be intended to apply to such party's successor or assign with respect to such Parcel during such successor's ownership thereof. An Owner transferring its entire interest in a Parcel shall, when such transfer is consummated, be relieved of all liability that arises thereafter under this Declaration respecting such Parcel, but such Owner shall not thereby be relieved of liability that arose during such Owner's ownership of such Parcel before such transfer and which remains unsatisfied.

The parties hereby execute this Declaration of Water Transport, Access, Diversion and Reservoir Easements and Covenants as of the date first written above.

PARCEL 1 OWNER:

Donald L. Meyer
Donald L. Meyer

Shirley K. Meyer

By:

Donald L. Meyer
Donald L. Meyer, as attorney-in-fact for Shirley K. Meyer

PARCEL 2 OWNER: GIBSON RIDGE, LLC, a Delaware limited liability company

By: MERIWETHER FARMS, LLC,
a California Limited Liability Company, its Member

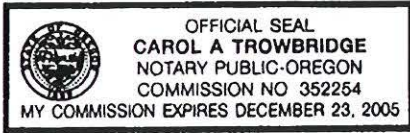
By: PREMIER PACIFIC VINEYARDS, L.P.,
a Delaware limited partnership, its Manager

By: PREMIER PACIFIC VINEYARDS, INC.,
a California corporation, its general partner

By: Robert deOcampo
Robert deOcampo, Vice President

STATE OF OREGON)
) ss.
County of Polk)

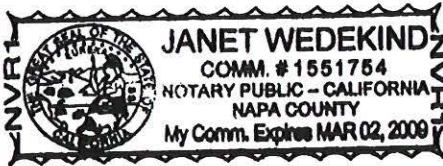
The foregoing instrument is acknowledged before me this 11 day of May, 2005 by DONALD L. MEYER, individually, and in his capacity as attorney-in-fact on behalf of SHIRLEY K. MEYER.



Carol A. Trowbridge
Notary Public for Oregon
My commission expires: 12/23/2005

STATE OF California)
) ss.
County of Napa)

This instrument was acknowledged before me on this 5th day of May, 2005 by Robert deOcampo, as Vice President of Premier Pacific Vineyards, Inc., a California Corporation, general partner in Premier Pacific Vineyards, L.P., a Delaware limited partnership, Manager of MERIWETHER FARMS, LLC, a California limited liability company, member in GIBSON RIDGE, LLC, a Delaware limited liability company, on behalf of the limited liability company.



Janet Wedekind
Notary Public for California
My commission Expires: March 2, 2009

STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That FRED L. MEYER

of Route 1, Box 802, Salem, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of unnamed stream & res. const. under Appl. No. R-28532, Per. No. R-1526 and unnamed springs a tributary of Spring branch, trib. of Willamette River for the purpose of irrigation of 43.0 acres and domestic use 4 houses and 5 transient labor cabins, under Permit No. 22419 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 6, 1952.

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.23 cubic foot per second; being 0.19 cubic foot per second for irrigation from unnamed stream & res. and 0.01 cubic foot per second from Spring #1; 0.01 cubic foot per second from Spring #2; 0.01 cubic foot per second from Spring #3 and 0.01 cubic foot per second from Spring #4 for domestic or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the #1 - SW $\frac{1}{4}$ NW $\frac{1}{4}$; #2 - SE $\frac{1}{4}$ NW $\frac{1}{4}$; #3 & #4 - NE $\frac{1}{4}$ NW $\frac{1}{4}$; Section 7, Township 7 South, Range 3 West, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

domestic & 0.5 acre NE $\frac{1}{4}$ NW $\frac{1}{4}$
22.8 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
9.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
domestic & 10.7 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 7
Township 7 South, Range 3 West, W.K.

RECEIVED

AUG 06 2007

WATER RESOURCES DEPT
SALEM, OREGON

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date, MAY 27 1960

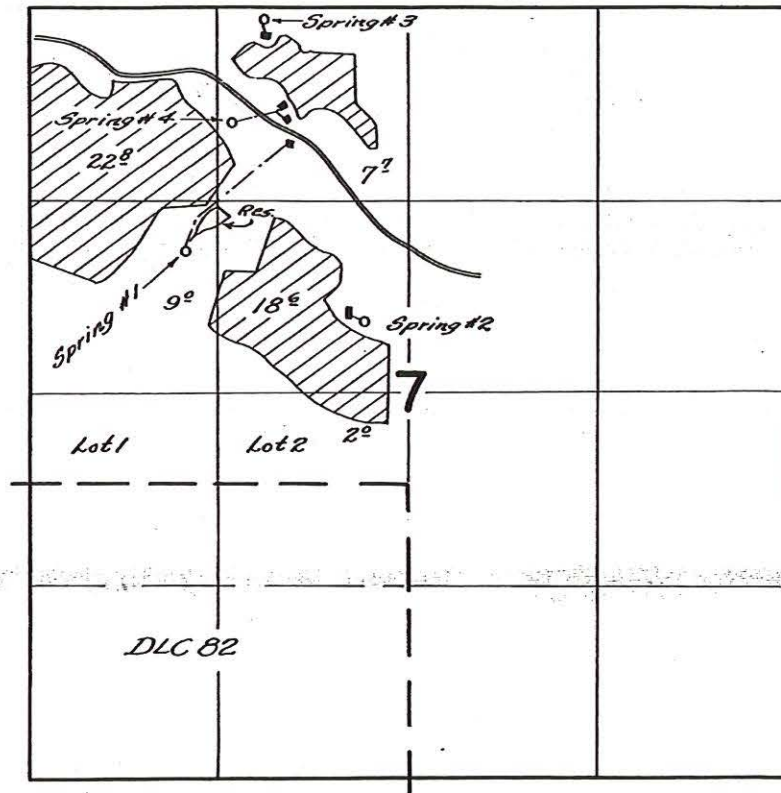
LEWIS A. STANLEY
State Engineer

Recorded in State Record of Water Right Certificates, Volume 19, page

(27051)

T 10440

T.7S. R.3W.W.M.



FINAL PROOF SURVEY
UNDER

Application No. *R-28532* *27159* Permit No. *R-1526* *22419*
IN NAME OF

FRED L. MEYER

Surveyed *March 19 1959*, by *C.O. Bartels*

T 10440

RECEIVED

AUG 06 2007

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That FRED L. MEYER

of Route 1, Box 802, Salem, State of Oregon 97304, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of an unnamed stream

a tributary of Gibson Creek for the purpose of irrigation of 17.1 acres and supplemental irrigation of 43.0 acres

under Permit No. 32583 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 9, 1967

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.14 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE 1/4 NW 1/4, Section 7, T. 7 S., R. 3 W., W. M., 1230 feet South and 2060 feet East from NW Corner, Section 7.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

<u>Primary</u>	<u>Supplemental</u>	
7.2 acres	0.5 acre	NE 1/4 NW 1/4
	22.8 acres	NW 1/4 NW 1/4
	9.0 acres	SW 1/4 NW 1/4
7.9 acres	10.7 acres	SE 1/4 NW 1/4
2.0 acres		NE 1/4 SW 1/4
	Section 7	
	T. 7 S., R. 3 W., W. M.	

RECEIVED
AUG 06 2007
WATER RESOURCES DEPT
SALEM, OREGON

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

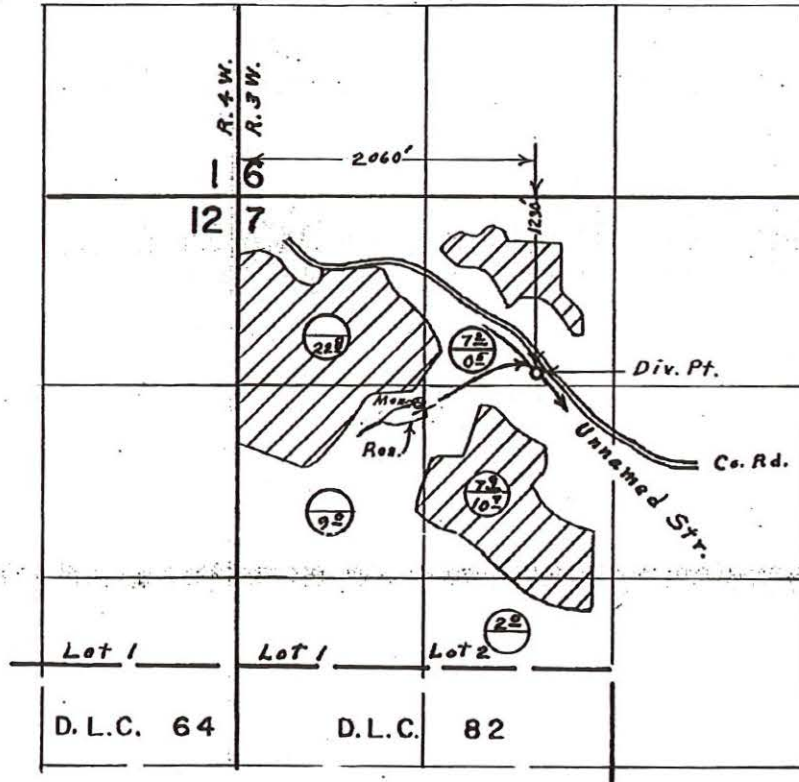
WITNESS the signature of the State Engineer, affixed

this date, May 10, 1973

T 10440

CHRIS L. WHEELER
State Engineer

T.7S.R.3 & 4 W.W.M.



Primary 
 Supplemental

FINAL PROOF SURVEY UNDER

Application No. 43569. Permit No. 32583.
 IN NAME OF

FRED L. MEYER

Surveyed April 5., 1972, by L. E. Gould.

RECEIVED

AUG 06 2007

WATER RESOURCES DEPT.
 SALEM, OREGON

T 10440



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

Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF TRANSFER APPLICATION

Please check one	
<input checked="" type="checkbox"/> Permanent Transfer	<input type="checkbox"/> Instream Transfer
<input type="checkbox"/> Temporary Transfer	<input type="checkbox"/> Permanent
<ul style="list-style-type: none"> total number of years: _____ (begin year: _____) (end year: _____) 	<input type="checkbox"/> Time-Limited
	<input type="checkbox"/> Drought Transfer
	<input type="checkbox"/> Other

*Superseded
by revised
application received
4/21/08 + 4/28/08*

2. APPLICANT INFORMATION

Name: See Attached Signature Block

Address: See attached signature block.

City: _____ State: _____ Zip: _____

Phone: _____
Home Work Other

Fax: _____ E-Mail address: _____

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: Joe Richards

Address: 3937 NE 13th Avenue

Portland OR 97212

Phone: (503) 841-5012

Fax: (503) 841-5013 E-Mail address: joe@richardsengineering.com

- If an agent is listed above, please check one of the following:
 - Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
 - Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

RECEIVED

AUG 06 2007

WATER RESOURCES DEPT
SALEM, OREGON

T 10440

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.	32583		39173
2.	22419		27051
3.			
4.			
5.			
6.			

RECEIVED

MAY 06 2007

WATER RESOURCES DEPT
SALEM, OREGON

- Check **all** proposed change(s) included in this transfer application:

- Place of Use Point of Diversion Additional Point of Diversion
- Character of Use Point of Appropriation Additional Point of Appropriation
- Instream Transfer Surface Water source to Ground Water source

- Reason(s) for change(s): 31.8 acres of the pou covered by certificates 39173 and 27051 have been sold to the applicant. The additional POD will be located in proposed reservoir (R-86758) on the applicants property.

5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system or the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

The water delivery system consists of a 10-hp pump at the Gibson Creek POD that conveys to Reservoir 27052 on the Meyer property. A 30-hp pump from the reservoir through 4-inch PVC mainline to 30 overhead sprinklers with 5/16-inch nozzels.

- System capacity: 0.4 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

All sources for the certificates are distributed through reservoir 27052. System capacity was approximated by interviewing the Meyer Family. Head between the pond and the cherry orchard is +/- 200 feet and the nozzels delivered 6 gallons per minute for a 180 gpm capacity per set-up.

6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
 - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
 - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
 - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
 - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? Yes No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? Yes No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? Yes No

If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:

N/A

- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

N/A

RECEIVED

AUG 06 2007

WATER RESOURCES DEPT
SALEM, OREGON

T 10440

9. ATTACHMENTS

*Check each of the following attachments included with this application.
The application will be returned if all required attachments are not included.*

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

- A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

Supplemental Form B –

Evidence of Use Affidavit(s)

- At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- The Evidence of Use Affidavit **must** be accompanied by **supporting documentation**.

Map

- Water Right Transfer*
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- Temporary Transfer or Historical POD Change*
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

- The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

Land Use Information Form:

- Enclosed; *or*
- Not Required if all of the following are met:
 - ① In EFU zone or irrigation district,
 - ② Change in place of use only,
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
 - ④ Irrigation only.

Fees:

- Amount enclosed: \$ _____
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

- Complete this form to describe the desired nature and attributes for the proposed instream water right.

Temporary Transfers, also include:

Recorded Deed:

- The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

- If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

RECEIVED

AUG 06 2007

T 10440

WATER RESOURCES DEPT
SALEM, OR

Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for **all** named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

10. SIGNATURES

▪ Check one of the following, as appropriate, and sign the application in the signature box below:

In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to **all** lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is **not** the applicant, a **notarized statement consenting to the transfer** (*attached*) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. (*NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.*)

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

See attached signature block.		
applicant signature	name (print)	date
_____	_____	_____
applicant signature	name (print)	date
_____	_____	_____

RECEIVED

AUG 06 2007

WATER RESOURCES DEPT
SALEM, OREGON

T 10440

Signature Block

Gibson Ridge Vineyard, L.L.C.

By: Pacific Vineyard Partners, LLC, its Member, a California limited liability company

By: Premier Pacific Vineyards, L.P. A Delaware limited partnership, its Manager

By: Premier Pacific Vineyards, Inc. A California corporation, its general partner

By: 
Bill Cover, Fund Manager

7/24/07
Date

T 10440

RECEIVED
AUG 06 2007
WATER RESOURCES DEPT
SALEM, OR

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

Certificate Number or other identifying number: <u>27051</u>
--

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input checked="" type="checkbox"/> Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used <u>instead of</u> the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

T 10440

RECEIVED

AUG 06 2007

WATER RESOURCES DEPT
SALEM, OR

2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (*check and complete one of the following*):

<input checked="" type="checkbox"/> Certificated Right	<u>27051</u> Certificate Number	<u>22419</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Fred L. Meyer
- County: Polk
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): May 6, 1952

If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- Source(s) of Water to be Affected by Transfer: Gibson Creek, reservoir 27052, Spring NOS 1, 2, and 3.
Tributary to: Willamette River

If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?
 Yes No N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? _____

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

RECEIVED

AUG 06 2007

WATER RESOURCES DEPT
SALEM, OREGON

T 10440

▪ Certificate Number or other identifying number: 27051

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:
(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	Gibson Creek May 6, 1952	7S	3W	W	7	NE NW		1230 feet South and 2060 feet east of the NW corner of section 7.
	Spring 1 May 16 1952	7S	3W	W	7	SWNW		See attached
	Spring 3 May, 16 1952	7S	3W	W	7	NE NW		Final proof Survey
May 16, 1952	Spring 4	7S	3W	W	7	NE NW		

- Does the water right being transferred involve a ground water source(s)?
 Yes No (Surface water source only.) NOTE: Spring NO. 2 is below the Gibson Creek POD.

If "Yes", for each authorized point of appropriation (well) involved, you must either:

- A. Supply a copy of the well log(s) for each point of appropriation that is clearly labeled and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

- B. If a well log is not available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)
Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
N/A									

RECEIVED
AUG 06 2007

WATER RESOURCES DEPT
ASST. DIR.

▪ Certificate Number or other identifying number: _____

27051

The following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Gibson Creek	7S	3W	W	7	NW NW	TL 100Z	15.56
				7	SW NW	TL 100Z	14.28
				12	NE NE	TL 100Z	1.29
				12	SE NE	TL 100Z	0.67
Spring No. 1	7S	3W	W	7	NW NW	TL 100Z	15.56
				7	SW NW	TL 100Z	14.28
				12	NE NE	TL 100Z	1.29
				12	SE NE	TL 100Z	0.67
Spring No. 3	7S	3W	W	7	NW NW	TL 100Z	15.56
				7	SW NW	TL 100Z	14.28
				12	NE NE	TL 100Z	1.29
				12	SE NE	TL 100Z	0.67
Spring No. 4	7S	3W	W	7	NW NW	TL 100Z	15.56
				7	SW NW	TL 100Z	14.28
				12	NE NE	TL 100Z	1.29
				12	SE NE	TL 100Z	0.67
Note: these are primary rights under certificate 27051 corresponding to:							
22.8 acres in the NW ¼ NW ¼ Section 7							
9.0 acres in the SW ¼ NW ¼ Section 7							

RECEIVED
AUG 06 2000
WATER RESOURCES
SALEM, OREGON

▪ Certificate Number or other identifying number: 27051

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation) N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Gibson creek	7S	3W	W	7	SW NW	TL 1002	1830 feet south and 250 feet east of the NW corner of section 7.

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? Yes No N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
N/A										
						T	10440			

RECEIVED
AUG 06 2007
WATER RESOURCES DEPT
SALEM, OR

▪ Certificate Number or other identifying number: 27051

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) N/A - Instream Water Right Transfer
(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
N/A - Additional POD only							

Remarks: _____

RECEIVED

AUG 06 2007

WATER RESOURCES DEPT
SALEM, OREGON

T 10440

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

■ Certificate Number or other identifying number: <u>39173</u>
--

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> Change (The old point of diversion or appropriation will not be used for the portion of the water right affected by the transfer.) <input checked="" type="checkbox"/> Additional (Both the old and new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will not be used.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

RECEIVED

AUG 06 2007

WATER RESOURCES DEPT
SALEM, OR

T 10440

▪ Certificate Number or other identifying number: 39173

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	Gibson Creek May 9, 1967	7S	3W	W	7	NE NW		1230 feet south and 2060 feet east of the NW corner of section 7.

▪ Does the water right being transferred involve a ground water source(s)?

Yes No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is clearly labeled and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is not available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
N/A									

RECEIVED

AUG 06 2007

WATER RESOURCES DEPT
SALEM, OREGON

▪ Certificate Number or other identifying number: 39173

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation) N/A – Instream Water Right Transfer

(NOTE: Complete this table **only** if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Gibson Creek	7S	3W	W	7	SW NW	TL 1002	1890 feet south and 250 feet east of the NW corner of section 7.

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? Yes No N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
N/A										

RECEIVED
AUG 06 2007
WATER RESOURCES DEPT
SALEM, OR

▪ Certificate Number or other identifying number: 39173

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) N/A – Instream Water Right Transfer
(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
N/A - Additional POD only							

Remarks: _____

RECEIVED

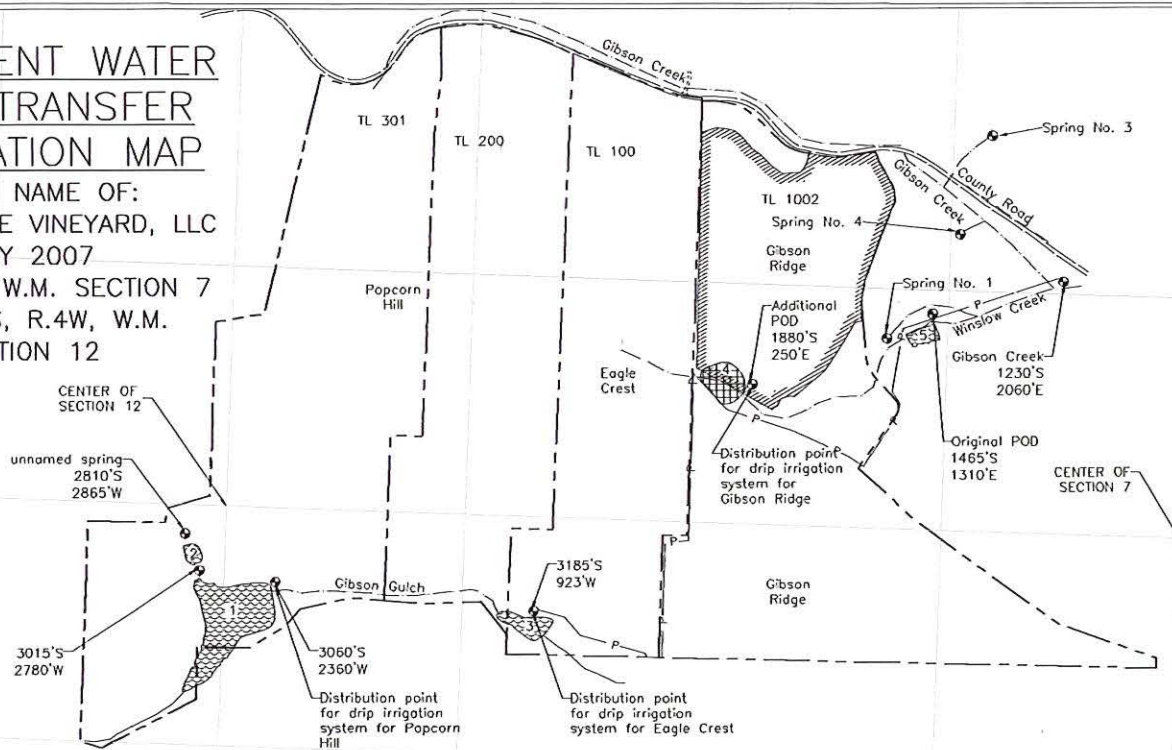
AUG 06 2007

T 10440

WATER RESOURCES DEPT
SALEM, OREGON

PERMANENT WATER RIGHT TRANSFER APPLICATION MAP

IN THE NAME OF:
GIBSON RIDGE VINEYARD, LLC
 JULY 2007
 T.7S, R.3W, W.M. SECTION 7
 AND T.7S, R.4W, W.M. SECTION 12



RESERVOIR LIST FOR SUBJECT AND ADJACENT PROPERTIES:

1. Popcorn Hill Reservoir (1)
2. Popcorn Hill Reservoir (2)
3. Eagle Crest Reservoir
4. Gibson Ridge Reservoir (Proposed)
5. Meyer Reservoir (Adjacent Property)

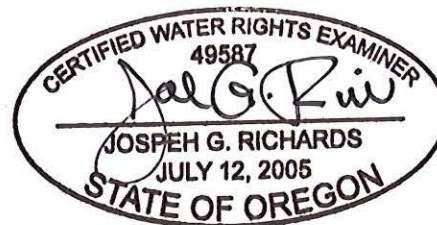
GIBSON RIDGE VINEYARD, LLC



SCALE : 1" = 1000'
 0 500 1000

PLACE OF USE BY 1/4, 1/4 SECTION FOR ADDITIONAL POD ON GIBSON RIDGE VINEYARD, LLC

SEC	1/4,1/4	PRIMARY	SUPPLEMENTAL
		CERT 27051	CERT 39173
12	NE/NE	1.29	1.29
	NW/NE	0.00	0.00
	SE/NE	0.67	0.67
	SW/NE	0.00	0.00
	NE/SE	0.00	0.00
	NW/SE	0.00	0.00
	SE/NW	0.00	0.00
	NE/SW	0.00	0.00
7	NW/NW	15.56	15.56
	SW/NW	14.28	14.28
	NW/SW	0.00	0.00
	NE/SW	0.00	0.00
TOTAL		31.79	31.79



EXPIRATION DATE: 12/31/08

RECEIVED

AUG 06 2007

WATER RESOURCES DEPT SALEM, OREGON

LEGEND

- POINT OF DIVERSION
- RESERVOIR TRANSFER PIPE (2")
- PROPERTY LINE
- SECTION LINE
- PROPOSED RESERVOIR (NO.)
- EXISTING RESERVOIR (NO.)
- LANDS COVERED BY CERTIFICATES (27051 AND 39173)

NOTES:

1. Point of Diversion (POD) coordinates are identified from the NW corner Section 7 / NE corner Section 12 to the POD.
2. This map is for the purpose of identifying the location of the water right only and is not intended to provide legal dimensions or locations of property lines.
3. Reservoir locations represent water surface areas and do not include the reservoir embankments.



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

Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF TRANSFER APPLICATION

Please check one

<input type="checkbox"/> Permanent Transfer	<input type="checkbox"/> Instream Transfer
<input type="checkbox"/> Temporary Transfer	<input type="checkbox"/> Permanent
• total number of years: _____	<input type="checkbox"/> Time-Limited
(begin year: _____)	<input type="checkbox"/> Drought Transfer
(end year: _____)	<input type="checkbox"/> Other

*Superseded by
 Page 1 received 4/28/06*

2. APPLICANT INFORMATION

Name: See Attached Signature Block

Address: See attached signature block.

City: _____ State: _____ Zip: _____

Phone: _____
 Home: _____ Work: _____ Other: _____

Fax: _____ E-Mail address: _____

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: Joe Richards

Address: 3937 NE 13th Avenue

City: Portland State: OR Zip: 97212

Phone: (503) 841-5012

Fax: (503) 841-5013 E-Mail address: joe@richardsengineering.com

▪ If an agent is listed above, please check one of the following:

- Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
- Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

RECEIVED

APR 21 2006
 WATER RESOURCES DEPT
 SALEM, OREGON

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.	32583		39173
2.	22419		27051
3.		RECEIVED	
4.		APR 21 2008	
5.		WATER RESOURCES DEPT	
6.		SALEM OREGON	

*Superseded by Page 2
received 4/28/08*

- Check **all** proposed change(s) included in this transfer application:

- Place of Use Point of Diversion Additional Point of Diversion
- Character of Use Point of Appropriation Additional Point of Appropriation
- Instream Transfer Surface Water source to Ground Water source

- Reason(s) for change(s): 31.8 acres of the pou covered by certificates 39173 and 27051 have been sold to the applicant. The additional POD will be located in proposed reservoir (R-86758) on the applicants property.

5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system **or** the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

The water delivery system consists of a 10-hp pump at the Gibson Creek POD that conveys to Reservoir 27052 on the Meyer property. A 30-hp pump from the reservoir through 4-inch PVC mainline to 30 overhead sprinklers with 5/16-inch nozels.

- System capacity: 0.4 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

All sources for the certificates are distributed through reservoir 27052. System capacity was approximated by interviewing the Meyer Family. Head between the pond and the cherry orchard is +/- 200 feet and the nozels delivered 6 gallons per minute for a 180 gpm capacity per set-up.

▪ Certificate Number or other identifying number: 27051

The following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Superseded by P. 4 received 4/29/08

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Gibson Creek	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring NO. 1	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring NO. 3	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring NO. 4	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
RECEIVED							
APR 21 2008							
WATER RESOURCES DEPT SALEM OREGON							

▪ Certificate Number or other identifying number: 27051

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

*Superseded by
p. 6 received
4/29/08*

Location of Proposed Place of Use: (i.e., the "TO" lands) N/A - Instream Water Right Transfer
(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Gibson Creek	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395
Spring No. 1	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395
Spring No. 3	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395
Spring No. 4	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395

Remarks:

RECEIVED

APR 21 2008

WATER RESOURCES DEPT
SALEM OREGON

▪ Certificate Number or other identifying number: 39173

The following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

*Superseded by
p. 4 received
4/28/08*

Location of Existing Authorized Place of Use to be Affected:
(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Gibson Creek	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring No. 1	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring No. 3	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring No. 4	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
RECEIVED							
APR 21 2008							
WATER RESOURCES DEPT SALEM OREGON							

▪ Certificate Number or other identifying number: 39173

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

*Superseded by P. 6
received
4/28/08*

Location of Proposed Place of Use: (i.e., the "TO" lands) N/A - Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Gibson Creek	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395
Spring No. 1	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395
Spring No. 3	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395
Spring No. 4	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395

Remarks:

RECEIVED

APR 21 2008

WATER RESOURCES DEPT
SALEM, OREGON

Superseded by Supp Form

A p. 4 received

3/31/09

▪ Certificate Number or other identifying number: 27051

The following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Gibson Creek	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring NO. 1 and Reservoir	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring NO. 3	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring NO. 4	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244

RECEIVED
APR 28 2008
WATER RESOURCES DEPT.
SALEM, OREGON

Superseded by Supp.

Form A p. 6

received 3/31/09

▪ Certificate Number or other identifying number: 27051

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) N/A - Instream Water Right Transfer
 (NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Gibson Creek	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395
Spring No. 1 and Reservoir	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395
Spring No. 3	7S	3W	W	7	SW/NW	1002	1.565
					NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395
Spring No. 4	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395

Remarks:

RECEIVED

APR 28 2008

WATER RESOURCES DEPT.
SALEM, OREGON

Certificate Number or other identifying number: 39173

The following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Gibson Creek	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring No. 1	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring No. 3	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244
Spring No. 4	7S	3W	W	7	NW/NW	1002	4.785
				7	SW/NW	1002	0.204
				12	NE/NE	1002	0.813
				12	SE/NE	1002	0.244

(JGR)

RECEIVED
APR 7 8 2008
WATER RESOURCES DEPT.
SALEM, OREGON

Superseded by Supp Form

A p.6 received

3/31/09

▪ Certificate Number or other identifying number: 39173

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) N/A - Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Gibson Creek	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395
Spring No. 1	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395
Spring No. 3	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395
Spring No. 4	7S	3W	W	7	SW/NW	1002	1.565
				7	NW/SW	1002	2.975
				7	NE/SW	1002	1.010
				12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395
Remarks:	(JGR)			12	SE/NE	1002	0.096
				12	NE/SE	1002	0.395

RECEIVED

APR 28 2008

WATER RESOURCES DEPT.
SALEM, OREGON

Dorothy Pedersen

From: John Borden [jeborden@comcast.net]
Sent: Wednesday, April 15, 2009 3:18 PM
To: Dorothy Pedersen
Subject: RE: T-10440 revised materials

Attachments: pr-RR-39173.dot; pr-10440-Contact List.dot; pr-10440-dpd.doc; pr-DPD-10440-approve.dot; pr-RR-27051.dot



pr-RR-39173.dot
(29 KB)



pr-10440-Contact
List.dot (28 ...



pr-10440-dpd.doc
(134 KB)



pr-DPD-10440-appr
ove.dot (23 K...



pr-RR-27051.dot
(29 KB)

Dorothy, attached please find my "final" products for your review. Whew! This one was a bit of a challenge.

I have kept a copy of the checksheet to complet when the ROLI and notice information comes in to you, then is sent to me.

One thing I could not find - a review by the Watermaster. I have noted a place for that on the DPD.

Finally, given the age of this project, I only used the templates provided way back then. If I need to submit additional products (or modify the submitted products to current templates), let me know.

Thanks,

John Borden

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

From: Dorothy Pedersen [mailto:pedersdi@wrđ.state.or.us]
Sent: Tuesday, April 07, 2009 1:09 PM
To: John Borden
Subject: T-10440 revised materials

Hi John,

We received the attached response to my request for more explanation about the differences in the T-10440 transfer maps and the water right maps. Please check them over and see whether the maps and application revisions resolve the problems. If so, send the DPD, cover letter and contact list and get this project rolling again.

Thanks,
Dorothy

Dorothy I. Pedersen
Transfer Program Advisor
(503) 986-0890
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

WORK ORDER

Work Order #: **R09 017**

Water Right Contract Work

This Work Order hereby incorporates by reference all of the terms and conditions contained in the Price Agreement between the State of Oregon acting by and through Oregon Water Resources Department and **John E. Borden Consulting.**

Contractor Data	Water Resource Data
Project Contact: John E. Borden Title: Owner Address: 5597 River Street West Linn, OR 97068 Phone: (503) 723-4257 Fax: (503) 723-4257 E-Mail: jeborden@comcast.net	Project Officer: Dorothy Pedersen Transfer Advisor Address: 725 Summer Street NE, Suite A Phone: (503) 986-0890 Fax: (503) 986-0903 E-Mail: Dorothy.I.Pedersen@wrđ.state.or.us

Work Order Effective Date: **June 24, 2008.**

Part I. General Information. This Work Order is in effect between the contractor and the Department for the processing of water right applications as described in the Master Agreement

Part II. Work; Acceptance Criteria; Deliverables and Delivery Schedule: – See Exhibit A (Statement of Work for delivery schedule.

Part III. Special Considerations. There is no Special Consideration related to this Work Order.

Part IV. Payment Provisions. Unless otherwise specified, payments related to this Work Order shall be made only upon receipt and approval of the final product - The Product includes all deliverables - the Final Check List, Electronic and Paper Reports.

Payment for this work shall be processed upon receiving related invoice and the completed Deliverable Cover Sheet.

Part V. Travel and Other Expenses.

Agency shall not reimburse Contractor for any travel expense under this Contract.

Part VI. Contract Amendments.

The Agency reserves the right to amend the Contract for the Anticipated Amendments, listed below, in accordance with the rules of OAR 125-246-0560.

ANTICIPATED AMENDMENTS

None. Unless specified by the Agency.

Exhibit A

Statement of Work

**Reimbursement authority
Itemized Estimate
For
Transfer**

Application Number: T-10440
Name of Applicant: Gibson Ridge Vineyard LLC

	Item	Time
1	Review of application for completeness.	2.5
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	1.5
3	Review of "To" lands for conflicts and preparation of draft deficiency letter <i>(if necessary)</i> .	1.5
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	5.0
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	2.0
Total Estimated Time:		12.5

Total estimated cost is 12.5 hours at \$90.00 per hour = **\$1,125.00**

Issuance of Draft Preliminary Determination: **July 15, 2008***

**Dates are contingent on the Applicant's expeditious resolution of any deficiency.*

Contractor shall notify OWRD in advance if more than 12.5 hours is needed to complete the work described in the Statement of Work above.

Invoices for this Work Order shall be sent to:

Salem Opeifa
Loan Servicing Specialist
725 Summer Street NE, Suite A
Salem, OR 97301-1271

CONTRACTOR, YOU WILL NOT BE PAID FOR SERVICES RENDERED PRIOR TO NECESSARY APPROVALS.

Agency may terminate this Work Order:

- a. Immediately upon written notice if the Department fails to receive funding from the Applicant.
- b. Upon receiving a written Termination Notice from the Applicant.

Contractor will be paid for all work performed up to the time of the written Termination Notice but not to exceed the total amount of this Work Order.

ACCEPTANCE OF TERMS BY CONTRACTOR:

Name

Signature

Date

APPROVED BY AGENCY:

Tracy Loudon

Date

Administrator
Administrative Services
Oregon Water Resources Department

Reviewed as to Legal Sufficiency by Assistant Attorney General

Date

(All work orders more than \$75,000 must be approved by the AG's Office)

RECEIVED

MAY 23 2008

WATER RESOURCES DEPT.
SALEM, OREGON

Reimbursement Authority Process
Itemized Estimate Sheet
for
Water Rights Transfer

Date: 8-17-2007
To: Solera
From: To: Solera
Opera
From: John Borden
Revised 5/23/2008
(per wwr phone call)
OLD

Application Number T-10440
Name of Applicant: Gibson Ridge Vineyards

Proposed Timeline

8/14/07	Public Notice (start of 30-day comment period).
9/28/07	Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
11/5/07	Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
5 working days after DPD comments received	Completion of contract work: Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)--within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies.

For purposes of water right transfers, all deliverables must be in Microsoft Word except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.

Estimate

	Item	Time
1	Review of application for completeness. (Will be deficiency letter)	2 1/2
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	N/A + 1.5
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	N/A + 1.5
4	Preparation of draft preliminary determination, DPD cover letter and contact list. (2 certificates)	5
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	2
Total Estimated Time:		9 1/2

(Indicate the estimated amount of time, in 1/2 hour increments, needed to complete each item listed.)

→ 12.5

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: John Borden Consulting

Authorized Representative: John E. Borden
John E. Borden

Date: 8-17-2007

**REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Gibson Ridge Vineyard LLC** hereafter Applicants, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Project Contact: Dorothy Pedersen	Gibson Ridge Vineyard LLC	Name: Joe Richards
Title: Transfer Advisor		Project Contact:
Address: 725 Summer Street, NE	Address: 4 Financial Plaza	Address: 3937 NE 13 th Ave
Salem, OR 97301-1271	Napa, CA 94558	Portland, OR 97212
Phone: 503 986-0890	Phone Number: 707-224-6565	Phone Number: 503-841-5012
Fax: 503 986-0903	Fax Number: 707-257-9398	Fax Number: 503-841-5013
Email: Dorothy.I.Pedersen@wrdd.state.or.us	Email Address:	Email: joe@richardsengineering.com

1. **Purpose** The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (**Application Number: T-10400**)
2. **Authority** The OWRD has been authorized pursuant to HB 2551(2003 Oregon Laws) to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
3. **Restrictions.** **Gibson Ridge Vineyard LLC** and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
4. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
5. **Statement of Work.** The Statement of Work is contained in Exhibit A attached hereto and incorporated by reference into this Agreement. OWRD agrees to perform this work in accordance with the terms and conditions of this Agreement.
6. **Consideration.**
 - a. **Gibson Ridge Vineyard LLC** shall pay OWRD in advance for actual costs incurred by OWRD as specified in the Statement of work attached and incorporated as Exhibit A. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$1,500.00**. **Gibson Ridge Vineyard LLC** agrees to pay the full amount of **\$1,500.00** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
 - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
7. **Subcontracts.** OWRD intends to undertake the work described in this Agreement by assigning the work to a contractor from its established pre-qualified contractor pool

8. **Contract Documents.** This Agreement consists of the following documents which are listed in descending order of precedence: this Agreement and the attached Exhibit A. All attached Exhibits are incorporated into this Agreement by reference.
9. **Confidentiality.** Gibson Ridge Vineyard LLC[GB Enterprises, LLC] agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
10. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, John Borden Consulting. (Contractor) and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.
11. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by the Contractor up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant and appropriately notifying the Contractor, will refund any unspent balance after paying the contractor for the work done.
12. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
13. **Duration of Estimate.** The Estimate of Time to complete the work in Exhibit A (Statement of Work) becomes null and void after thirty- (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant must re-apply for a new estimate.
14. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
15. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
16. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
17. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Gibson Ridge Vineyard LLC:

_____ Name/Title: _____ Date

For OWRD:

Tracy Louden – Administrator _____ Date

Mail signed Agreement to:
 Salem Opeifa
 Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, OR 97301-1271

Exhibit A
Statement of Work

Application Number: T-10440

Name of Applicant: Gibson Ridge Vineyard LLC

**Reimbursement Authority Process
Itemized Estimate Sheet
For
Transfer**

	Item	Time
1	Review of application for completeness.	2.5
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	1.5
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	1.5
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	5.0
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	2.0
Total Estimated Time:		12.5

Total estimated cost is 12.5 hours at \$120.00 per hour = \$1,500.00

Completion of Draft Preliminary Determination June 30, 2008*

Deadline for Applicant's Review of Draft Preliminary Determination July 30, 2008*

**Dates are contingent on the Applicant's expeditious resolution of any deficiency and may be affected by Department's work load.*

UPS Internet Shipping: View/Print Label

1. **Print the label(s):** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed label at the dotted line.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.

3. GETTING YOUR SHIPMENT TO UPS
Customers without a Daily Pickup

- Schedule a same day or future day Pickup to have a UPS driver pickup all of your Internet Shipping packages.
- Hand the package to any UPS driver in your area.
- Take your package to any location of The UPS Store®, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return ServicesSM (including via Ground) are accepted at Drop Boxes.
- To find the location nearest you, please visit the 'Find Locations' Quick link at ups.com.

Customers with a Daily Pickup

- Your driver will pickup your shipment(s) as usual.

FOLD HERE

<p>LISA PASCHKE 503-986-0900 OR WATER RESOURCES DEPT 725 SUMMER ST NE, STE A SALEM OR 97301</p> <p>SHIP TO: JOHN BORDEN 503-723-4257 BORDEN CONSULTANTS 5597 RIVER STREET WEST LINN OR 97068-3238</p>	<p style="text-align: right;">LTR</p> <p style="text-align: right;">1 OF 1</p> <p style="font-size: 2em; font-weight: bold;">OR 970 9-51</p> 	<p style="font-size: 2em; font-weight: bold;">UPS NEXT DAY AIR</p> <p style="font-size: 3em; font-weight: bold;">1</p> <p>TRACKING #: 1Z F72 205 01 9994 4290</p> 	<p>BILLING: P/P</p> <p>Reference#1: PCA 47125 Reference#2: D. Pedersen T-10440 35 copies <small>UPS 10.1.06. WXPES60 75.0A 01/2008</small></p>  <p style="text-align: right;">TM</p>
---	--	--	---

**WATER RESOURCES DEPARTMENT
REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION**

*Send templates
DPD due 9/28/08
Applicant to submit a revised application - then re-estimate, re-notice re-review
- Meet w/ Joe Richards 2/25/08*

2003 Oregon Laws) authorizes the Oregon Water Resources Department to expedite or enhance services voluntarily requested under the agreement. The voluntary agreement can be entered into with an applicant and agreeing to pay the Department's costs of providing the service.

established a pool of qualified contractors to perform expedited services for water right transfers, extensions, and water right certificates.

This application is to obtain an estimate from the next qualified contractor in the appropriate pool. There is an application fee of \$125.00 per request. The contractor will provide an estimate of the cost and of the time required to process and develop a recommendation on the request of a: (check one):

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
<input checked="" type="checkbox"/>	Transfer Application	_____
<input type="checkbox"/>	Certificate Request	_____
<input type="checkbox"/>	Extension of Time Request	_____

<u>Applicant Information</u>		<u>Applicant's Representative/Contact</u>
Name: (Please Print)	Gibson Ridge Vineyard, LLC	Joe Richards
Address:	4 Financial Plaza	3937 NE 13 th AV
	Maple, CA 94558	Portland, OR 97212
Phone:	(707) 224-0565	(503) 841-5012
Fax	(707) 257-9398	(503) 841-5013
E-Mail Address:		joerichardsengineering.com

I understand the following:

- There is a non-refundable application fee of \$125.00 per request.
- That upon receipt of my non-refundable application fee in the amount of **\$ 125.00**, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within three (3) business days.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimates I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to: **OWRD – Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1266.**

I certify that I am the (check one) Applicant Applicant's Representative Other (Please specify) _____

Signature: *Joe G. Richards* Name: Joe G. Richards

OWRD USE ONLY

Contractor Assigned:	Total Amount Paid: \$ <u>125.00</u>
OWRD Approval:	

RECEIVED

APR 21 2008

**WATER RESOURCES DEPT
SALEM OREGON**

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Thursday, August 23, 2007 4:37 PM
To: 'John Borden'
Subject: T-10440 templates

Attachments: 10440-dpd-templat.doc; supplemental-lang.dot; Contact List.dot; RR_sw_permit.dot; DPD_cov_approve.dot; DPD_cov_reject.dot; PD_cov_fav_nni.dot; PD_cov_unfav_nni.dot; PD_notice.dot; DeficLet.dot



10440-dpd-templat.doc (217 KB)... supplemental-lang.dot (162 KB)... Contact List.dot (26 KB) RR_sw_permit.dot (30 KB) DPD_cov_approve.dot (27 KB) DPD_cov_reject.dot (28 KB) PD_cov_fav_nni.dot (30 KB)



PD_cov_unfav_nni.dot (30 KB) PD_notice.dot (29 KB) DeficLet.dot (27 KB)

Hi John,

Attached are templates for the T-10440 project, in anticipation that you will get a work order for the project. Once you have a work order and the watermaster review, you should have everything you need to start work.

Have a good evening,
Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrd.state.or.us
503-986-0890

Shipping Checklist for Reimbursement Authority File

File T- 10440 Applicant: Gibson Ridge Vineyards

Agent/Contact: Joe Richards

Ship to Contractor: John Borden Consulting

Items included:

- Copy of front of file folder
- Reimbursement Authority Estimate Application
- Transfer Application form
- Transfer map
- Evidence of use affidavit
- Supporting documentation for evidence of use
- Land-use Information form
- Lot book report (or deed if instream or temporary transfer, or application received before 7/1/03) - *Need to request in DPD cover letter*
- Certificate or copy of decree for each right to be transferred
- Final Proof map or decree map for each right to be transferred
- Well logs (if change in POA, SW POD-to-GW POA change)
- Watermaster review (all transfers)
- ODFW review (if change in POD)
- GW review (if Δ POA, or POD-to-POA change)
- Transfer review checklist
- Final Deliverable cover sheet
- Itemized Estimate sheet for contractor

Additional things to check:

- All regular application processing fees paid
- Reimbursement Authority \$125 fee paid for preparing estimate
- Date of WRD initial Public Notice 8/14/07

Number of sheets copied 17

File contents copied by Lisa Paschke Date 8/13/07

**Reimbursement Authority Process
Itemized Estimate Sheet
for
Water Rights Transfer**

Application Number T-10440

Name of Applicant: Gibson Ridge Vineyards

Proposed Timeline

8/14/07	Public Notice (start of 30-day comment period).
9/28/07	Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
11/5/07	Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
5 working days after DPD comments received	Completion of contract work: Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)--within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies.

For purposes of water right transfers, all deliverables must be in Microsoft Word except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.

Estimate

	Item	Time
1	Review of application for completeness.	
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	
Total Estimated Time:		

(Indicate the estimated amount of time, in ½ hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: John Borden Consulting

Authorized Representative: _____

Date: _____

Application

- The type of change is clearly indicated.
- The application is appropriately signed.
- Appropriate fees were paid. If overpayment, Refund Request to be sent with FO
- Land use form matches affected tax lots and is signed by proper official. *(from ALL affected Govt's)*
- Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- All required attachments received.

Water right subject to transfer

- Certificated right or Proof accepted "to the satisfaction...."
- The right been exercised according to terms & conditions of certificate.
- Delivery system has the capacity to fully divert the rate/duty of the right.
- No information in record that suggests forfeiture.
- No conflicts identified on the plat cards and plat card reports printed.
- Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- The map has an original CWRE signature.
- The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- Metes and bounds for the POD's/POA's are properly described on the map.
- The POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions.
- Map acres match the tabulation on the certificate.
- Have final proof maps/decree maps for the rights. Application map matches certificate FPS.
- Have necessary aerial photos.

Determining the "From" and "To" Lands (make working copy of application and certificates to mark on)

- Only the authorized POD's/POA's and POU's to be transferred are listed.
- Application & certificate tabulations match. *(Mark on appl. and cert. copies and note corrections needed)*
- Marked on certificate the acreage being transferred, cancelled and remaining by 1/4 1/4.

Ownership

- The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- Have current tax lot map. *(If transfer application is several years old, contact assessor's office)*
- The applicant is the owner of the "from" lands.
- All owners on the deed/ROLI have signed the application.
- If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- Agent has authorization to make decisions.

Evaluation (materials needed for peer reviewer in bold)

- | | | | | |
|---|--------------------------------------|------------------------------------|--|--|
| <input type="checkbox"/> application complete | <input type="checkbox"/> map | <input type="checkbox"/> FPS | <input type="checkbox"/> evidence of use | <input type="checkbox"/> land-use form |
| <input type="checkbox"/> deed/ROLI | <input type="checkbox"/> certificate | <input type="checkbox"/> fees paid | <input type="checkbox"/> well logs | <input type="checkbox"/> plat card |
| <input type="checkbox"/> audit | <input type="checkbox"/> dpd | | | |

- Reviews/comments/conditions received? Watermaster ODFW GW
- Headgate When in the judgment Prior to diverting Existing and maintain
- Measuring Devices When in the judgment Prior to diverting Existing and maintain
- Fish Screen Devices

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury –

**Reimbursement Authority
Final Deliverables Cover Sheet
for
Transfers**

Transfer # T-10440

Applicant: Gibson Ridge Vineyards

The following items have been submitted electronically*:

- Contact List
- Draft Preliminary Determination (DPD)
- DPD Cover Letter
- PD Notice
- PD Cover Letter
- Remaining Right Certificates (one for each right that is not entirely affected by the transfer)

***NOTE:** Transfer documents should be submitted in MS Word format preferably, or "rich text" format.

The following items are enclosed:

- Marked copy of transfer application
- (for POU changes) Plat Card Report marked to indicate any other rights on the "From" lands
- (for POU changes) Plat Card Report marked to indicate rights overlapping proposed POU
- Notes or sketches, maps, etc. from evaluation of changes, injury evaluation, etc. that will help document what was considered in reaching the findings and determination in the Preliminary Determination.
- Copies of each certificate that is only partially included in the transfer, marked as needed to show what portion of the right is being affected, and what remains unchanged.

- Signature of Contractor: _____ Date: _____

For WRD use only:

WRD approval by: _____ Date: _____

WATER RESOURCES DEPARTMENT
REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION

AUG 06 2007

House Bill 2551(2003 Oregon Laws) authorizes the Oregon Water Resources Department to expedite or enter into REIMBURSEMENT AUTHORITY ESTIMATE APPLICATIONS for regulatory processes voluntarily requested under the agreement. The voluntary agreement can be entered into with any person requesting services and agreeing to pay the Department's costs of providing the service.

The Department has established a pool of qualified contractors to perform expedited services for water right transfers, water right permits extensions, and water right certificates.

The purpose of this application is to obtain an estimate from the next qualified contractor in the appropriate pool. There is a non-refundable application fee of \$125.00 per request. The contractor will provide an estimate of the cost and of the time required to process and develop a recommendation on the request of a: (check one):


REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	T-10440
<input type="checkbox"/>	Certificate Request	
<input type="checkbox"/>	Extension of Time Request	

Applicant Information		Applicant's Representative/Contact
Name: (Please Print)	Gibson Ridge Vineyard, LLC	Joe Richards
Address:	4 Financial Plaza	3937 NE 13th AV
	Napa, CA 94558	Portland, OR 97212
Phone:	(707) 224-0565	(503) 841-5012
Fax	(707) 257-9398	(503) 841-5013
E-Mail Address:		joerichardsengineering.com

I understand the following:

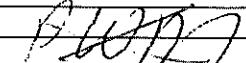
- There is a non-refundable application fee of \$125.00 per request.
- That upon receipt of my non-refundable application fee in the amount of \$ 125.00, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within three (3) business days.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimates I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to: OWRD – Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1266.

I certify that I am the (check one) Applicant Applicant's Representative Other (Please specify) _____

Signature: 

Name: Joe G. Richards

OWRD USE ONLY

Contractor Assigned:		Total Amount Paid: \$ 125.00
OWRD Approval:	John Borden	

T 10440

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **116964**

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

INVOICE # _____

RECEIVED FROM: GSI Water Solutions Inc.

APPLICATION	*
PERMIT	
TRANSFER	

CASH: CHECK # 17369 OTHER: (IDENTIFY)

TOTAL REC'D \$ 595.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS					
0407	COPY & TAPE FEES	\$			
0410	RESEARCH FEES	\$			
0408	MISC REVENUE: (IDENTIFY)	\$	<u>595.00</u>		
TC162	DEPOSIT LIAB. (IDENTIFY)	\$			
0240	EXTENSION OF TIME	\$			
WATER RIGHTS:					
0201	SURFACE WATER	\$	0202	RECORD FEE	\$
0203	GROUND WATER	\$	0204	RECORD FEE	\$
0205	TRANSFER	\$			
WELL CONSTRUCTION					
0218	WELL DRILL CONSTRUCTOR	\$	0219	LICENSE FEE	\$
	LANDOWNER'S PERMIT		0220	LICENSE FEE	\$
	OTHER (IDENTIFY)				

*Handwritten notes: 1461117104407085.00, *R-86762, B-86759, R-86764, R-86763, R-86761, R-86760, Assignment*

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND	TITLE	
OBJ. CODE	VENDOR #	
DESCRIPTION		\$

RECEIPT: **116964**

DATED: 8/12/15 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

STATE OF OREGON
WATER RESOURCES DEPARTMENT

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

PT # **89061**

INVOICE # _____

IVED FROM: Gibson Ridge, LLC

APPLICATION	
PERMIT	
TRANSFER	<u>T-10440</u>

SH: CHECK.# 1301 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 725.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47119 \$ _____

1108 OTHER: (IDENTIFY) Reimbursement Authority \$ 125.00

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

4270 WRD OPERATING ACCT

MISCELLANEOUS 47119

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) _____ \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	\$ _____	0202	RECORD FEE	\$ _____
0203 GROUND WATER	EXAM FEE	\$ _____	0204	RECORD FEE	\$ _____
0205 TRANSFER	EXAM FEE	\$ <u>600.00</u>			

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____

0210 MONITORING WELLS \$ _____ CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$ _____

0231 HYDRO LICENSE FEE (FWWRD) \$ _____

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

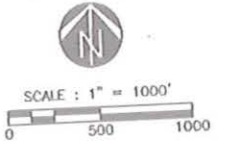
FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **89061** DATED: 8-1-07 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal



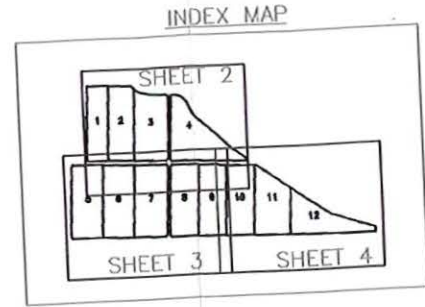
SE/NW 1/4 SECTION 7
 NE/SW 1/4 SECTION 7

NW/SW 1/4 SECTION 7
 NE/SW 1/4 SECTION 7

10
 Vine Count: 8177
 To Land: 0.478 Ac

11
 Vine Count: 8524
 To Land: 0.498 Ac

12
 Vine Count: 7685
 To Land: 0.449 Ac



RECEIVED
 APR 21 2008
 WATER RESOURCES DEPT
 SALEM, OREGON

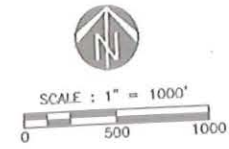
SHEET 4 OF 4



EXPIRATION DATE: 12/31/08

**PERMANENT WATER
 RIGHT TRANSFER
 APPLICATION MAP**
 IN THE NAME OF:
 GIBSON RIDGE VINEYARD, LLC
 APRIL 2008
 T.7S, R.3W, W.M. SECTION 7
 AND T.7S, R.4W, W.M.
 SECTION 12

NOTES:
 1. Point of Diversion (POD) coordinates are identified from the NW corner Section 7 / NE corner Section 12 to the POD.
 2. This map is for the purpose of identifying the location of the water right only and is not intended to provide legal dimensions or locations of property lines.
 3. Reservoir locations represent water surface areas and do not include the reservoir embankments.
 4. See Sheet 1 for vineyard vine and row spacing detail. Rows are consistently spaced at 5.25' and vine spacing is 3.25'. Wetted area per vine is 2.58 sq.ft.



NW/SW 1/4 SECTION 7

NE/SE 1/4 SECTION 12

NW/SW 1/4 SECTION 7

5

Vine Count: 9292
To Land: 0.543 Ac

6

Vine Count: 9201
To Land: 0.538 Ac

7

Vine Count: 9882
To Land: 0.578 Ac

8

Vine Count: 8351
To Land: 0.488 Ac

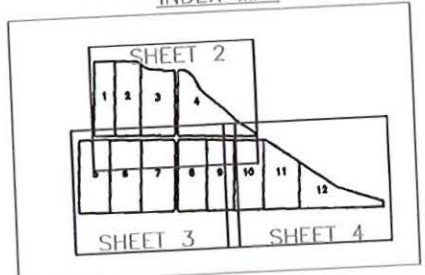
9

Vine Count: 7919
To Land: 0.463 Ac



Gibson
Ridge

INDEX MAP



- NOTES:
1. Point of Diversion (POD) coordinates are identified from the NW corner Section 7 / NE corner Section 12 to the POD.
 2. This map is for the purpose of identifying the location of the water right only and is not intended to provide legal dimensions or locations of property lines.
 3. Reservoir locations represent water surface areas and do not include the reservoir embankments.
 4. See Sheet 1 for vineyard vine and row spacing detail. Rows are consistently spaced at 5.25' and vine spacing is 3.25'. Wetted area per vine is 2.58 sq.ft.

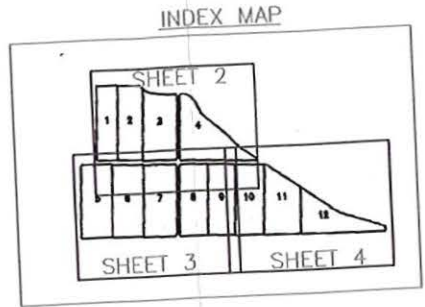
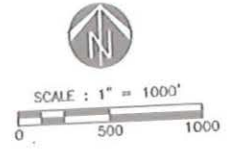
SHEET 3 OF 4

RECEIVED
APR 2 1 2008
WATER RESOURCES DEPT
SALEM, OREGON



EXPIRATION DATE: 12/31/08

PERMANENT WATER
RIGHT TRANSFER
APPLICATION MAP
IN THE NAME OF:
GIBSON RIDGE VINEYARD, LLC
APRIL 2008
T.7S, R.3W, W.M. SECTION 7
AND T.7S, R.4W, W.M.
SECTION 12



RECEIVED

APR 2 1 2008

WATER RESOURCES DEPT
SALEM OREGON

- NOTES:**
1. Point of Diversion (POD) coordinates are identified from the NW corner Section 7 / NE corner Section 12 to the POD.
 2. This map is for the purpose of identifying the location of the water right only and is not intended to provide legal dimensions or locations of property lines.
 3. Reservoir locations represent water surface areas and do not include the reservoir embankments.
 4. See Sheet 1 for vineyard vine and row spacing detail. Rows are consistently spaced at 5.25' and vine spacing is 3.25'. Wetted area per vine is 2.58 sq.ft.

SHEET 2 OF 4



EXPIRATION DATE: 12/31/08

**PERMANENT WATER
RIGHT TRANSFER
APPLICATION MAP**

IN THE NAME OF:
GIBSON RIDGE VINEYARD, LLC
APRIL 2008
T.7S, R.3W, W.M. SECTION 7
AND T.7S, R.4W, W.M.
SECTION 12



SECTION 7

LEGEND

POINT OF DIVERSION	
RESERVOIR TRANSFER PIPE (2")	
PROPERTY LINE	
SECTION LINE	
1/4 1/4 LINE	
EXISTING RESERVOIR (NO.)	
TRANSFER FROM LANDS	
TRANSFER TO LANDS	

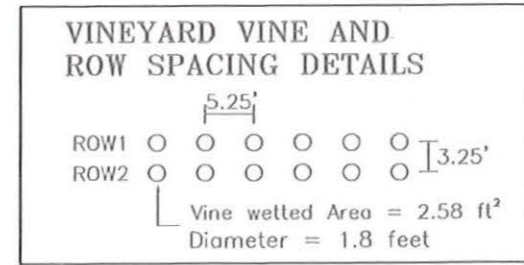
*Superseded
by maps received
3/21/09*

CENTER OF SECTION 12

CENTER OF SECTION 7

**PLACE OF USE BY 1/4, 1/4 SECTION FOR
POU TRANSFER ON GIBSON RIDGE VINEYARD, LLC**

SEC	1/4, 1/4	PRIMARY		SUPPLEMENTAL		
		CERT 27051	CERT 39173	FROM LAND	TO VINES	TO LANDS
12	NE/NE	1.29	1.29	0.813	0	0
	NW/NE	0.00	0.00	0.00	0	0
	SE/NE	0.67	0.67	0.244	1637	0.096
	SW/NE	0.00	0.00	0.00	0	0
	NE/SE	0.00	0.00	0.00	6757	0.395
	NW/SE	0.00	0.00	0.00	0	0
	SE/NW	0.00	0.00	0.00	0	0
	NE/SW	0.00	0.00	0.00	0	0
7	NW/NW	15.56	15.56	4.785	0	0
	SW/NW	10.12	10.12	0.204	26780	1.565
	NW/SW	0.00	0.00	0.00	50904	2.975
	NE/SW	0.00	0.00	0.00	17290	1.010
TOTAL		27.63	27.63	6.046	103368	6.041



RECEIVED

APR 2 1 2008

WATER RESOURCES DEPT
SALEM, OREGON

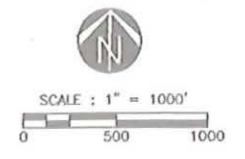
**PERMANENT WATER
RIGHT TRANSFER
APPLICATION MAP**

IN THE NAME OF:
GIBSON RIDGE VINEYARD, LLC
APRIL 2008
T.7S, R.3W, W.M. SECTION 7
AND T.7S, R.4W, W.M.
SECTION 12

SHEET 1 OF 4



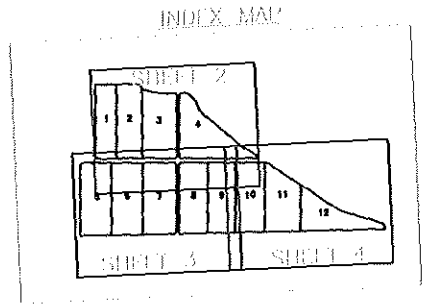
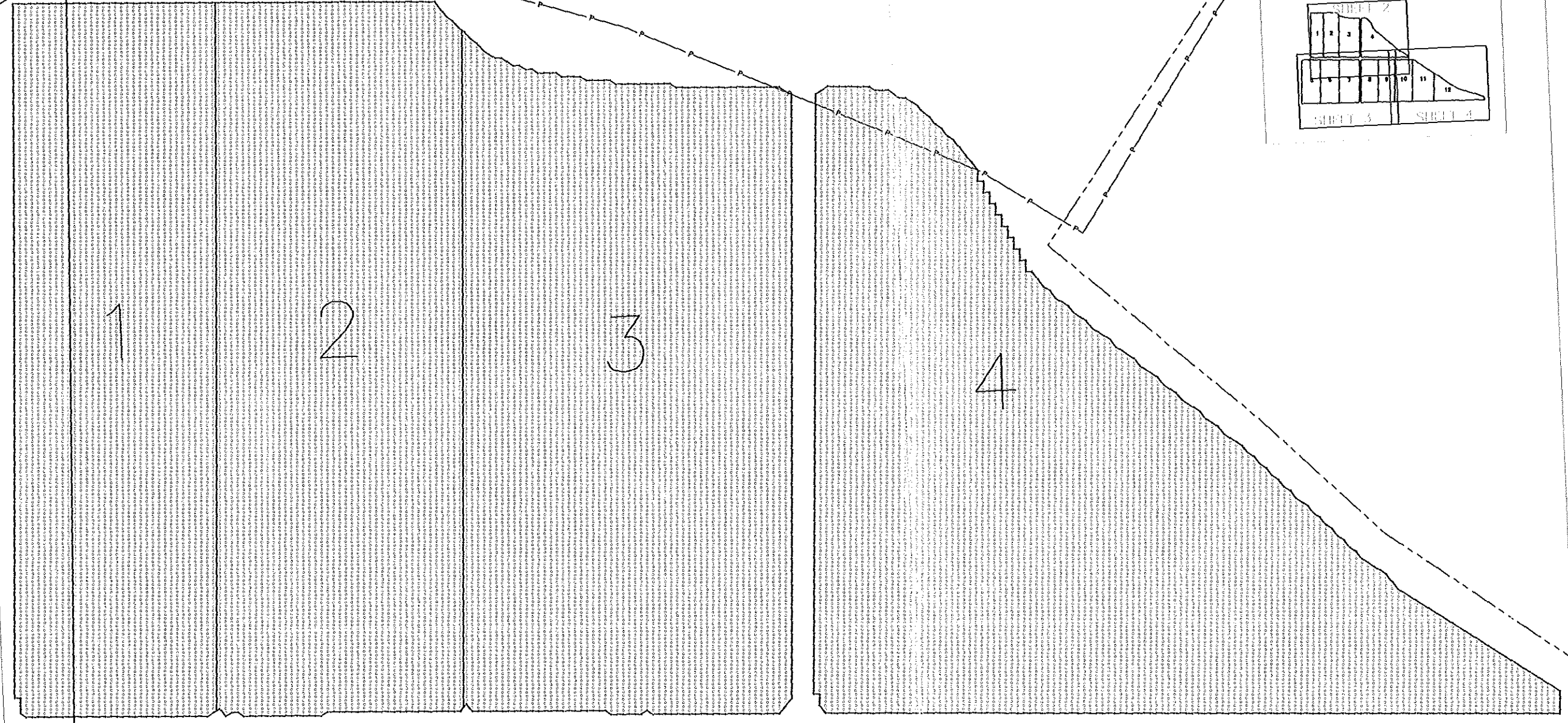
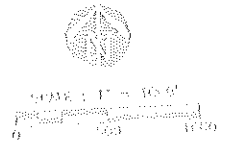
- NOTES:**
- Point of Diversion (POD) coordinates are identified from the NW corner Section 7 / NE corner Section 12 to the POD.
 - This map is for the purpose of identifying the location of the water right only and is not intended to provide legal dimensions or locations of property lines.
 - Reservoir locations represent water surface areas and do not include the reservoir embankments.
 - See Sheet 1 for vineyard vine and row spacing detail. Rows are consistently spaced at 5.25' and vine spacing is 3.25'. Wetted area per vine is 2.58 sq.ft.



R. 4.W.
R. 3.W.

12 7

Received by email 2/14/08



1. Point of Diversion (POD) coordinates are identified from the NE corner Section 7 / NE corner Section 12 to the POD.

2. The map is for the purpose of identifying the location of the water right. It is not intended to provide any dimensions or locations of property lines.

3. Receiver locations for water surface elevations and CO not include the receiver structures.

SHEET 2 OF 4

ENGINEER
STAMP

**PERMANENT WATER
RIGHT TRANSFER
APPLICATION MAP**

IN THE NAME OF:
GIBSON RIDGE VINEYARD, LLC
JULY 2007
T.7S, R.3W, W.M. SECTION 7
AND T.7S, R.4W, W.M.
SECTION 12

LEGEND

POINT OF DIVERSION

RESERVOIR TRANSFER PIPE (2")

PROPERTY LINE

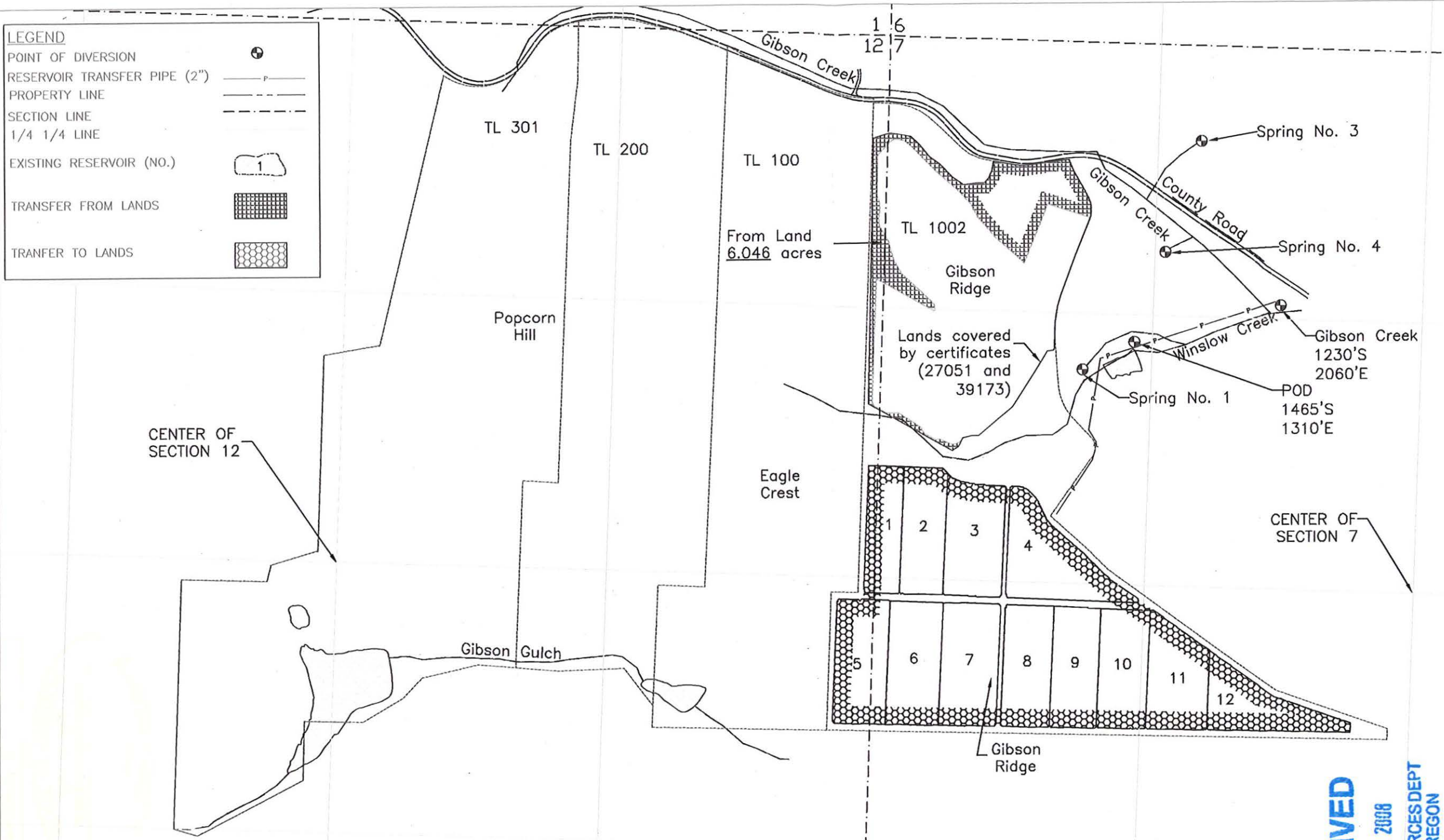
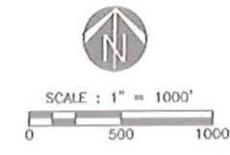
SECTION LINE

1/4 1/4 LINE

EXISTING RESERVOIR (NO.)

TRANSFER FROM LANDS

TRANSFER TO LANDS

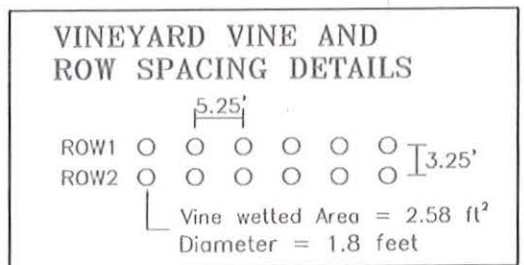


NOTES:

1. Point of Diversion (POD) coordinates are identified from the NW corner Section 7 / NE corner Section 12 to the POD.
2. This map is for the purpose of identifying the location of the water right only and is not intended to provide legal dimensions or locations of property lines.
3. Reservoir locations represent water surface areas and do not include the reservoir embankments.
4. See Sheet 1 for vineyard vine and row spacing detail. Rows are consistently spaced at 5.25' and vine spacing is 3.25'. Wetted area per vine is 2.58 sq.ft.

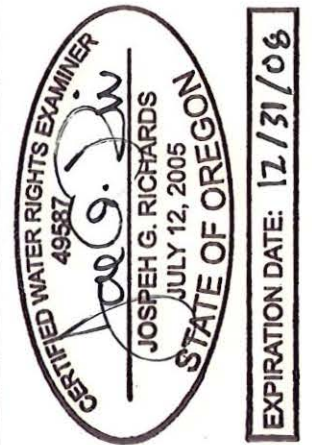
PLACE OF USE BY 1/4, 1/4 SECTION FOR POU TRANSFER ON GIBSON RIDGE VINEYARD, LLC

SEC	1/4, 1/4	PRIMARY		FROM LAND	TO VINES	TO LANDS
		CERT 27051	CERT 39173			
12	NE/NE	1.29	1.29	0.813	0	0
	NW/NE	0.00	0.00	0.00	0	0
	SE/NE	0.67	0.67	0.244	1637	0.096
	SW/NE	0.00	0.00	0.00	0	0
	NE/SE	0.00	0.00	0.00	6757	0.395
	NW/SE	0.00	0.00	0.00	0	0
7	SE/NW	0.00	0.00	0.00	0	0
	NE/SW	0.00	0.00	0.00	0	0
	NW/NW	15.56	15.56	4.785	0	0
	SW/NW	10.12	10.12	0.204	26780	1.565
	NW/SW	0.00	0.00	0.00	50904	2.975
	NE/SW	0.00	0.00	0.00	17290	1.010
TOTAL		27.63	27.63	6.046	103368	6.041



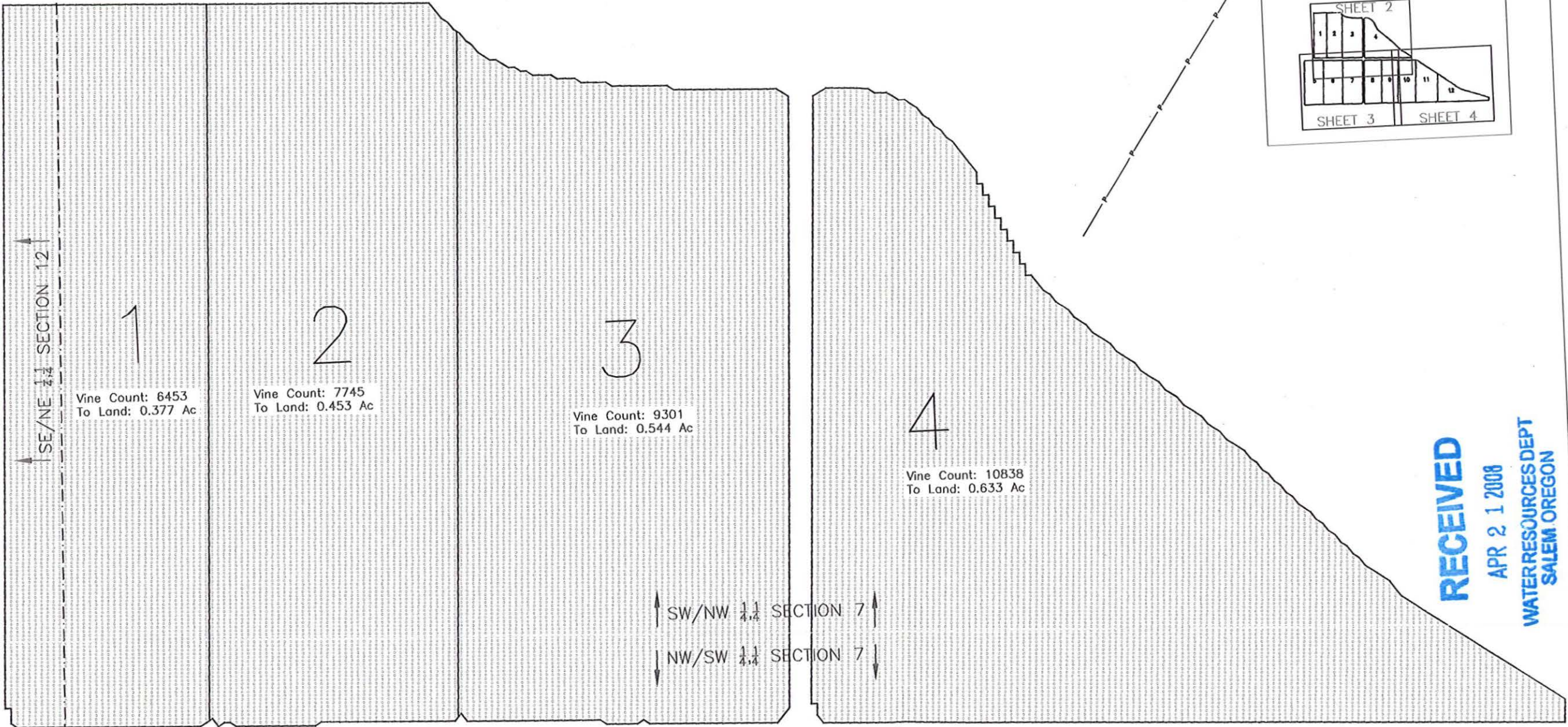
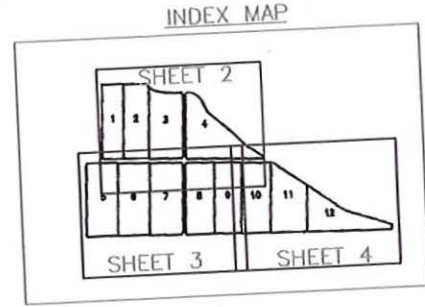
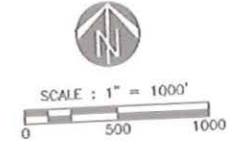
RECEIVED
 APR 2 1 2008
 WATER RESOURCES DEPT
 SALEM OREGON

SHEET 1 OF 4



PERMANENT WATER RIGHT TRANSFER APPLICATION MAP

IN THE NAME OF:
 GIBSON RIDGE VINEYARD, LLC
 APRIL 2008
 T.7S, R.3W, W.M. SECTION 7
 AND T.7S, R.4W, W.M. SECTION 12



RECEIVED
APR 2 1 2008
WATER RESOURCES DEPT
SALEM OREGON

- NOTES:**
1. Point of Diversion (POD) coordinates are identified from the NW corner Section 7 / NE corner Section 12 to the POD.
 2. This map is for the purpose of identifying the location of the water right only and is not intended to provide legal dimensions or locations of property lines.
 3. Reservoir locations represent water surface areas and do not include the reservoir embankments.
 4. See Sheet 1 for vineyard vine and row spacing detail. Rows are consistently spaced at 5.25' and vine spacing is 3.25'. Wetted area per vine is 2.58 sq.ft.

SHEET 2 OF 4

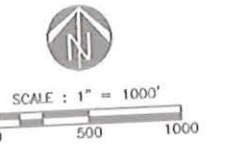


EXPIRATION DATE: 12/31/08

**PERMANENT WATER
RIGHT TRANSFER
APPLICATION MAP**

IN THE NAME OF:
GIBSON RIDGE VINEYARD, LLC
APRIL 2008
T.7S, R.3W, W.M. SECTION 7
AND T.7S, R.4W, W.M.
SECTION 12

SECTION 7



NW/SW 1/4 SECTION 7

NE/SE 1/4 SECTION 12

NW/SW 1/4 SECTION 7

5

Vine Count: 9292
To Land: 0.543 Ac

6

Vine Count: 9201
To Land: 0.538 Ac

7

Vine Count: 9882
To Land: 0.578 Ac

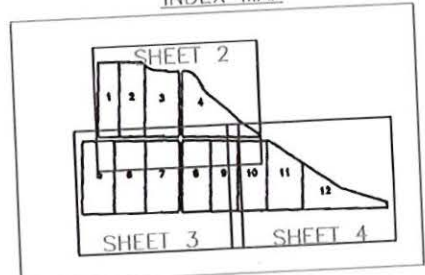
8

Vine Count: 8351
To Land: 0.488 Ac

9

Vine Count: 7919
To Land: 0.463 Ac

INDEX MAP



Gibson
Ridge

RECEIVED

APR 2 1 2008

WATER RESOURCES DEPT
SALEM OREGON

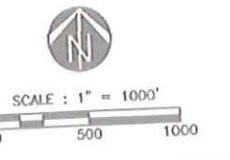
SHEET 3 OF 4



EXPIRATION DATE: 12/31/09

PERMANENT WATER
RIGHT TRANSFER
APPLICATION MAP
IN THE NAME OF:
GIBSON RIDGE VINEYARD, LLC
APRIL 2008
T.7S, R.3W, W.M. SECTION 7
AND T.7S, R.4W, W.M.
SECTION 12

- NOTES:
1. Point of Diversion (POD) coordinates are identified from the NW corner Section 7 / NE corner Section 12 to the POD.
 2. This map is for the purpose of identifying the location of the water right only and is not intended to provide legal dimensions or locations of property lines.
 3. Reservoir locations represent water surface areas and do not include the reservoir embankments.
 4. See Sheet 1 for vineyard vine and row spacing detail. Rows are consistently spaced at 5.25' and vine spacing is 3.25'. Wetted area per vine is 2.58 sq.ft.



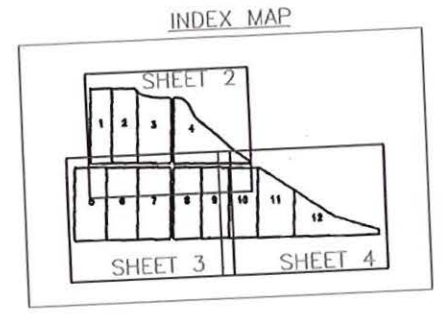
SE/NW 1/4 SECTION 7
 NE/SW 1/4 SECTION 7

10
 NW/SW 1/4 SECTION 7
 NE/SW 1/4 SECTION 7

Vine Count: 8177
 To Land: 0.478 Ac

11
 Vine Count: 8524
 To Land: 0.498 Ac

12
 Vine Count: 7685
 To Land: 0.449 Ac



RECEIVED
 APR 21 2008
 WATER RESOURCES DEPT
 SALEM OREGON

- NOTES:
1. Point of Diversion (POD) coordinates are identified from the NW corner Section 7 / NE corner Section 12 to the POD.
 2. This map is for the purpose of identifying the location of the water right only and is not intended to provide legal dimensions or locations of property lines.
 3. Reservoir locations represent water surface areas and do not include the reservoir embankments.
 4. See Sheet 1 for vineyard vine and row spacing detail. Rows are consistently spaced at 5.25' and vine spacing is 3.25'. Wetted area per vine is 2.58 sq.ft.

SHEET 4 OF 4



EXPIRATION DATE: 12/31/08

PERMANENT WATER
 RIGHT TRANSFER
 APPLICATION MAP
 IN THE NAME OF:
 GIBSON RIDGE VINEYARD, LLC
 APRIL 2008
 T.7S, R.3W, W.M. SECTION 7
 AND T.7S, R.4W, W.M.
 SECTION 12



↑ SE/NW ¼ SECTION 7 ↑
 ↓ NE/SW ¼ SECTION 7 ↓

↑ NW/SW ¼ SECTION 7 ↑
 ↑ NE/SW ¼ SECTION 7 ↑

10

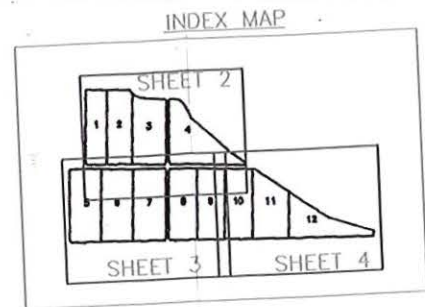
Vine Count: 8177
 To Land: 0.478 Ac

11

Vine Count: 8524
 To Land: 0.498 Ac

12

Vine Count: 7685
 To Land: 0.449 Ac



- NOTES:
1. Point of Diversion (POD) coordinates are identified from the NW corner Section 7 / NE corner Section 12 to the POD.
 2. This map is for the purpose of identifying the location of the water right only and is not intended to provide legal dimensions or locations of property lines.
 3. Reservoir locations represent water surface areas and do not include the reservoir embankments.
 4. See Sheet 1 for vineyard vine and row spacing detail. Rows are consistently spaced at 5.25' and vine spacing is 3.25'. Wetted area per vine is 2.58 sq.ft.

SHEET 4 OF 4

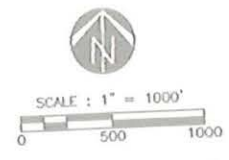


EXPIRATION DATE: 12/13/10

PERMANENT WATER
 RIGHT TRANSFER
 APPLICATION MAP

IN THE NAME OF:
 GIBSON RIDGE VINEYARD, LLC
 APRIL 2008
 T.7S, R.3W, W.M. SECTION 7
 AND T.7S, R.4W, W.M.
 SECTION 12

RECEIVED
 MAR 3 1 2009
 WATER RESOURCES DEPT
 SALEM, OREGON



SW/NW 1/4 SECTION 7

NW/SW 1/4 SECTION 7

NE/SE 1/4 SECTION 12
NW/SW 1/4 SECTION 7

Vine Count: 9292
To Land: 0.543 Ac

6

Vine Count: 9201
To Land: 0.538 Ac

7

Vine Count: 9882
To Land: 0.578 Ac

8

Vine Count: 8351
To Land: 0.488 Ac

9

Vine Count: 7919
To Land: 0.463 Ac

- NOTES:
1. Point of Diversion (POD) coordinates are identified from the NW corner Section 7 / NE corner Section 12 to the POD.
 2. This map is for the purpose of identifying the location of the water right only and is not intended to provide legal dimensions or locations of property lines.
 3. Reservoir locations represent water surface areas and do not include the reservoir embankments.
 4. See Sheet 1 for vineyard vine and row spacing detail. Rows are consistently spaced at 5.25' and vine spacing is 3.25'. Wetted area per vine is 2.58 sq.ft.

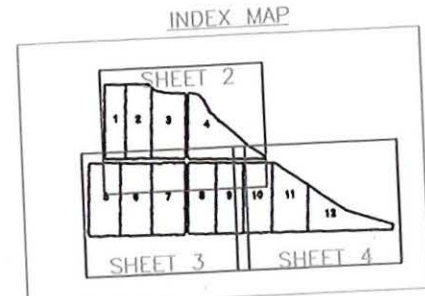
SHEET 3 OF 4



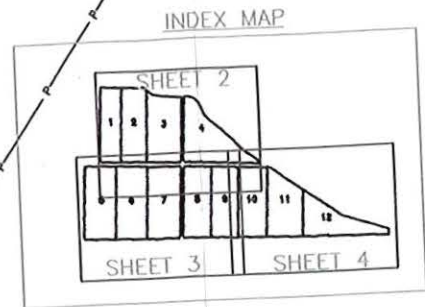
EXPIRATION DATE: 12/13/10

Gibson Ridge

RECEIVED
MAR 31 2009
WATER RESOURCES DEPT
SALEM, OREGON

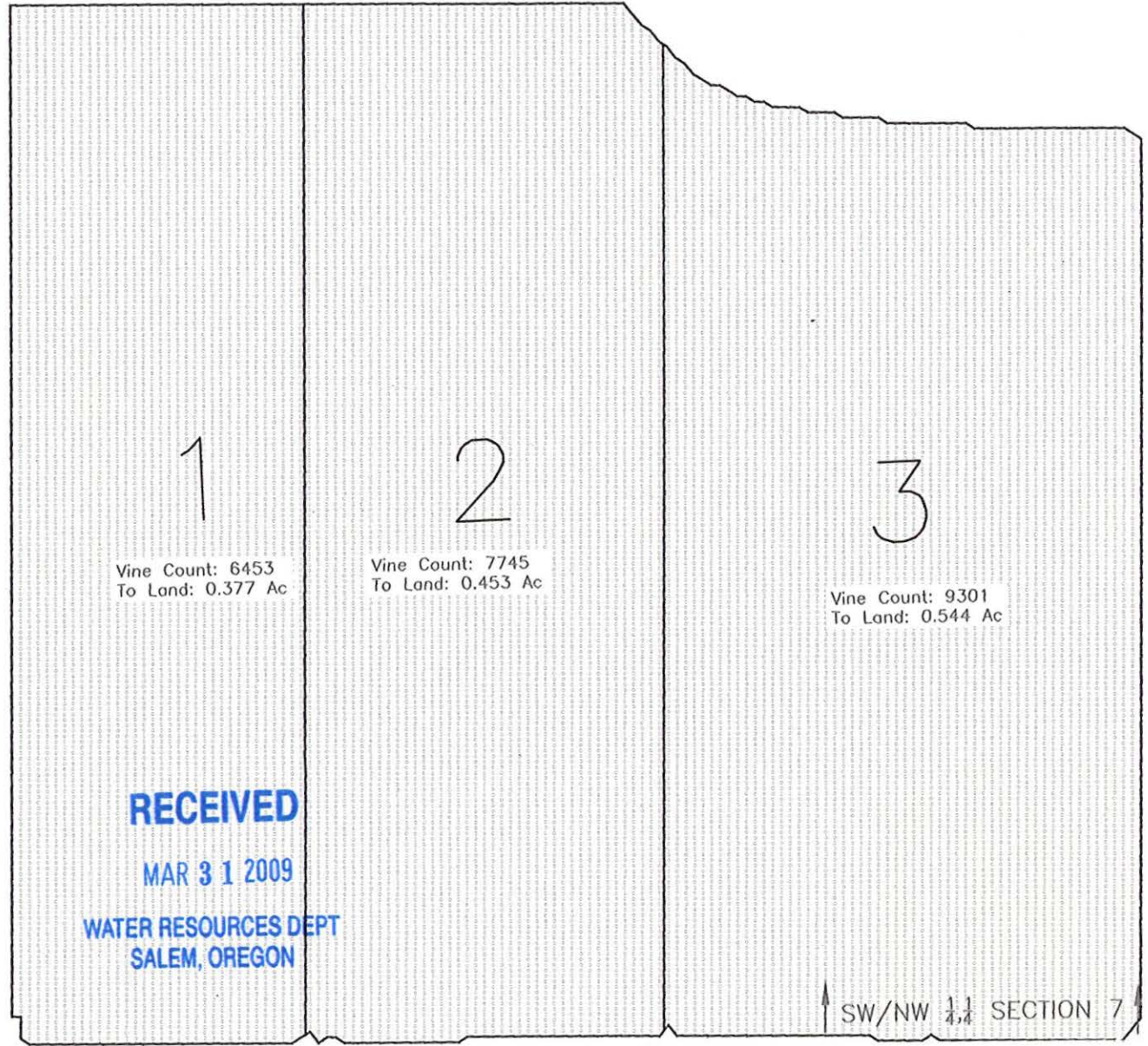


PERMANENT WATER
RIGHT TRANSFER
APPLICATION MAP
IN THE NAME OF:
GIBSON RIDGE VINEYARD, LLC
APRIL 2008
T.7S, R.3W, W.M. SECTION 7
AND T.7S, R.4W, W.M.
SECTION 12



- NOTES:
1. Point of Diversion (POD) coordinates are identified from the NW corner Section 7 / NE corner Section 12 to the POD.
 2. This map is for the purpose of identifying the location of the water right only and is not intended to provide legal dimensions or locations of property lines.
 3. Reservoir locations represent water surface areas and do not include the reservoir embankments.
 4. See Sheet 1 for vineyard vine and row spacing detail. Rows are consistently spaced at 5.25' and vine spacing is 3.25'. Wetted area per vine is 2.58 sq.ft.

↑ SE/NE 1/4 SECTION 12 ↑



RECEIVED
MAR 31 2009
WATER RESOURCES DEPT
SALEM, OREGON

↑ SW/NW 1/4 SECTION 7

↑ NW/SW 1/4 SECTION 7

SHEET 2 OF 4



EXPIRATION DATE: 12/13/10

PERMANENT WATER RIGHT TRANSFER APPLICATION MAP
IN THE NAME OF:
GIBSON RIDGE VINEYARD, LLC
APRIL 2008
T.7S, R.3W, W.M. SECTION 7
AND T.7S, R.4W, W.M. SECTION 12

LEGEND

POINT OF DIVERSION

IRRIGATION PIPE (2")

PROPERTY LINE

SECTION LINE

1/4 1/4 LINE

EXISTING RESERVOIR (NO.)

TRANSFER FROM LANDS

TRANSFER TO LANDS

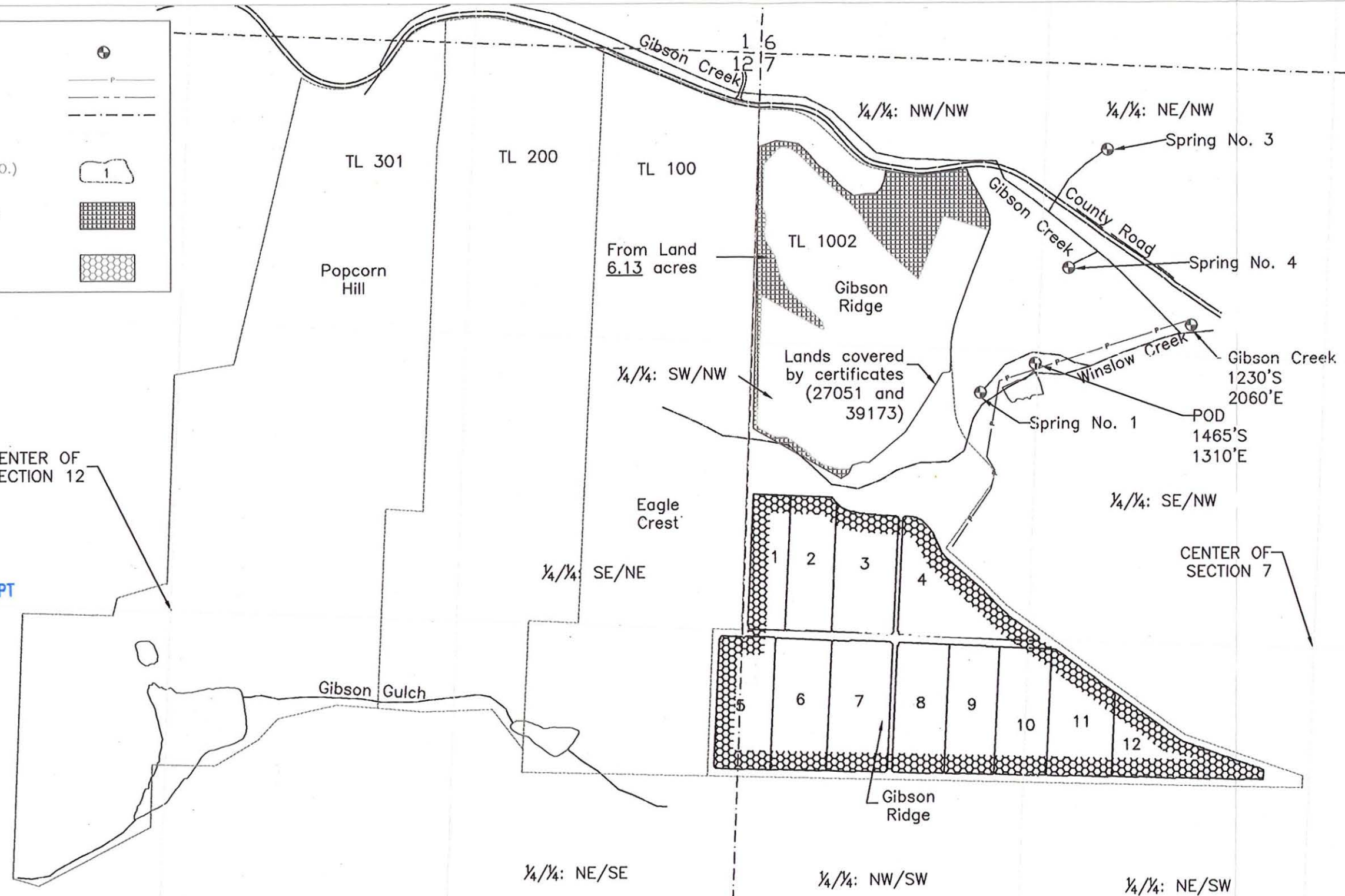
SCALE: 1" = 1000'

0 500 1000

RECEIVED

MAR 31 2009

WATER RESOURCES DEPT
SALEM, OREGON

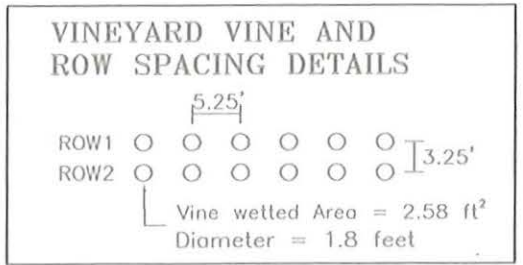


NOTES:

1. Point of Diversion (POD) coordinates are identified from the NW corner Section 7 / NE corner Section 12 to the POD.
2. This map is for the purpose of identifying the location of the water right only and is not intended to provide legal dimensions or locations of property lines.
3. Reservoir locations represent water surface areas and do not include the reservoir embankments.
4. See Sheet 1 for vineyard vine and row spacing detail. Rows are consistently spaced at 5.25' and vine spacing is 3.25'. Wetted area per vine is 2.58 sq.ft.

PLACE OF USE BY 1/4, 1/4 SECTION FOR
POU TRANSFER ON GIBSON RIDGE VINEYARD, LLC

SEC	1/4,1/4	PRIMARY		FROM LAND	TO VINES	TO LANDS
		CERT 27051	CERT 39173			
12	NE/SE	0.00	0.00	0.00	3863	0.23
7	NW/NW	18.46	18.46	5.64	0	0
	SW/NW	9.17	9.17	0.49	34070	2.03
	SE/NW	0.00	0.00	0.00	95	0.01
	NE/SW	0.00	0.00	0.00	19856	1.18
	NW/SW	0.00	0.00	0.00	45484	2.68
	SW/SW	0.00	0.00	0.00	0	0
	SE/SW	0.00	0.00	0.00	0	0
TOTAL		27.63	27.63	6.13	103368	6.13



SHEET 1 OF 4

CERTIFIED WATER RIGHTS EXAMINER
49687

Joseph G. Richards

JOSEPH G. RICHARDS
JULY 12, 2005
STATE OF OREGON

EXPIRATION DATE: 12/13/10

**PERMANENT WATER
RIGHT TRANSFER
APPLICATION MAP**

IN THE NAME OF:
GIBSON RIDGE VINEYARD, LLC
APRIL 2008

T.7S, R.3W, W.M. SECTION 7
AND T.7S, R.4W, W.M.
SECTION 12