



*Via electronic mail*

October 4, 2022

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

RE: Application for a Permit to Store Water in a Reservoir – BelliVadum Vineyards LLC

Dear Mr. French:

On behalf of BelliVadum Vineyards LLC, GSI Water Solutions, Inc. is submitting the enclosed application for a permit to store water in a reservoir under the Alternate Review process, which requests to store up to 10 acre-feet of water in a reservoir for multipurpose use. The sources of water for storage include an unnamed intermittent stream and groundwater. The applicant is requesting a storage season of November 1 through March 31 for surface water, and November 1 through April 30 for groundwater. The applicant has a pending application for a permit to appropriate groundwater for storage in this reservoir (Application G-18920).

The permit application fee will be mailed to OWRD after we receive the temporary number for this application. The fee was calculated as follows:

\$480 – Base application fee (Alternate Reservoir process)  
\$410 – \$41 per AF or fraction thereof x 10 = \$410  
\$610 – Permit recording fee

Total = \$1,500

If you have any questions regarding this application, please contact me at 541-257-9004.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly Grigsby".

Kimberly Grigsby  
Principal Water Resources Consultant

CC: Lindsay Warford, BelliVadum Vineyards LLC  
Chad Vargas, NewGen Vineyard Services

Enclosures: Application for a permit to store water in a reservoir

Application for a Permit to  
**Store Water in a Reservoir**  
 Alternate Review (ORS 537.409)



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

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

Use a separate form for each reservoir

**SECTION 1: APPLICANT INFORMATION AND SIGNATURE**

**Applicant**

NAME Luke & Lindsay Warford		PHONE (HM)	
PHONE (WK) 203-249-9156	CELL 917-885-9724	FAX	
ADDRESS 25 Sagamore Road			
CITY Stamford	STATE CT	ZIP 06402	E-MAIL * lindsay@bellivadum.com luke@bellivadum.com

**Organization**

NAME BELLIVADUM VINEYARDS LLC		PHONE 917-885-9724	FAX
ADDRESS 18420 NE DOPP ROAD			CELL
CITY NEWBERG	STATE OR	ZIP 97132	E-MAIL * LINDSAY@BELLIVADUM.COM

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

AGENT / BUSINESS NAME GSI WATER SOLUTIONS, INC. ATTN: KIMBERLY GRIGSBY		PHONE 541-257-9004	FAX
ADDRESS 1600 SW WESTERN BLVD., SUITE 240			CELL
CITY CORVALLIS	STATE OR	ZIP 97333	E-MAIL * KGRIGSBY@GSIWS.COM

Note: Attach multiple copies as needed

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

By my signature below I confirm that I understand:

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



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

	Lindsay Warford, Owner	7/26/22
Applicant Signature	Print Name and Title if applicable	Date
	Luke Warford, Owner	7/26/22
Applicant Signature	Print Name and Title if applicable	Date

**SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR**

Reservoir name:	BelliVadum Reservoir				
Source*:	Unnamed intermittent stream and groundwater <sup>1</sup>	Tributary:	Chehalem Creek		
County:	Yamhill				
Quantity:	10 Acre-Feet [length x width x depth / 43,560]				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	2S	3W	33	NWSE	2400

Maximum Height of Dam: 9.9 feet. If excavated write "zero feet."

<sup>1</sup>The applicant has a pending groundwater application requesting to use groundwater for storage (Application G-18920)

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

**SECTION 3: WATER USE**

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

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

**SECTION 4: PROPERTY OWNERSHIP**

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

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

List the names and mailing addresses of all affected landowners:

N/A

## SECTION 5: ENVIRONMENTAL IMPACT

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

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

**Existing:** Is this an existing reservoir?  YES  NO

If YES, how long has it been in place? N/A years.

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

If YES, how much? N/A miles.

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

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

## SECTION 6: WITHIN A DISTRICT

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

Irrigation District Name: <u>N/A</u>		Address:	
City:	State:	Zip:	

## SECTION 7: DESCRIPTION

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

The proposed surface water diversion will be located on an intermittent stream. A 1.5-HP pump will be used to pump water from the stream, and the diversion will be equipped with a flow meter and a throttling gate valve. Water will be conveyed approximately 1,500 feet through a 3" buried PVC pipe to the proposed reservoir. Outside of the storage season, the gate valve will be closed, the pump will not be operated, and all live flow will be passed through the intermittent stream channel without entering the reservoir fill pipe. The reservoir may also be filled with groundwater pumped from Well 1 and conveyed to the proposed reservoir via the same 3" buried PVC pipe used for the surface water diversion.

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

The proposed off-channel reservoir will not have a dam but will be surrounded by a berm with a maximum height of 9.9 feet. Any excess water will be drained through an outlet pipe at the south end of the reservoir and piped to the existing drain tile. Please see Attachment F for site plan.

# **Attachment A**

Watermaster Review Sheet

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Alternate Reservoir Application – BelliVadum Vineyards LLC

### Watermaster Alternate Reservoir Application Review Sheet

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

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

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

<b>Applicant's Name: BelliVadum Vineyards LLC</b>		
1. Does the proposed reservoir have the potential to injure existing water rights? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Explain:		
2. Can conditions be applied to mitigate the potential injury to existing water rights? <input type="checkbox"/> YES <input type="checkbox"/> NO Explain:		
3. Is water available for the proposed reservoir? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
4. If yes, during what period? Beginning: 9/1 End: 7/31		This review only applies to the unnamed ephemeral stream, and not groundwater.
Attach a WARS printout at 50% exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c))		
5. Did you meet with staff from another agency to discuss this application? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
Who:	Agency:	Date:
Who:	Agency:	Date:

Watermaster Name: JEANA EASTMAN, NW REGION ASST WM

Watermaster Signature: *Jeana Eastman* Date: 7/29/22

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

## **Attachment B**

ODFW Review Sheet

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Alternate Reservoir Application – BelliVadum Vineyards LLC

### ODFW Alternate Reservoir Application Review Sheet

**This portion to be completed by the applicant.**

Applicant Name: BelliVadum Vineyards LLC

Address: 18420 NE Dopp Road

Phone/Email: 917-885-9724 / LINDSAY@BELLIVADUM.COM

Reservoir Name: BelliVadum Reservoir

Volume (AF): 10

Source: Unnamed intermittent stream and groundwater, tributary to Chehalem Creek

Basin Name: Chehalem Creek

in-channel

Twp Rng Sec QQ: 2S 3W 33 NWSE

off-channel

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

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

1) Is the proposed project and AO<sup>1</sup> off channel?.....  YES\*  NO  
(if yes then proceed to #4; if no then proceed to #2)

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

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

3) If NMF are or were historically present:

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

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

**\*It is ODFW’s understanding that the reservoir is off channel but there will be a pump placed in the unnamed tributary. Based on discussions with the agent, an artificial obstruction will not be constructed. However, if the applicant creates or maintains an artificial obstruction to fish passage for the proposed use, the applicant will need to address Oregon’s fish passage laws.**

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

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

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

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



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

- Any diversion or appropriation of water for storage during the period **April 1-October 31** poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.
- This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

ESA-listed fish (winter steelhead, spring Chinook salmon) and sensitive species (coastal cutthroat trout) may be present in the unnamed tributary and/or Chehalem Creek during the period of impact. Based on parameters assessed by ODFW, instream flows are currently below those essential to support the biological needs of an existing fishery resource during July 1-October 31. In addition, ODFW reviewed available information (Middle Willamette Subbasin; Willamette River Basin Temperature TMDL; DEQ) regarding water quality impairment and determined that the proposed use would impair water quality that supports existing fishery resources (e.g., habitat) at or downstream of the Point of Diversion.

Through consultation with DEQ, ODFW has identified a water quality impairment for dissolved oxygen on Chehalem Creek with a critical period of July 1-September 30. Also, the proposed pond would be located in the Willamette River basin and subject to the Willamette River Temperature TMDL which identifies the critical period for water temperatures as April 1-October 31. Low dissolved oxygen and high stream temperatures can be directly lethal to aquatic life but may also have sublethal effects on growth and development during different life stages, as well as the swimming, feeding and reproductive ability of juveniles and adults.

Because of these reasons, the proposed use will diminish water quality, physical habitat, and/or alter the flow regime to which fish are naturally adapted. These changes will negatively affect their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed use would result in a significant detrimental impact to an existing fishery resource without appropriate conditions and/or mitigation.

Impairment to Fishery Resource	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Water Quantity												
Water Quality												

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

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

See applicable conditions selected from “Menu of Conditions” on next page

Water is only available to support the quality and quantity of biologically necessary flows at the POD and/or downstream during November 1-March 31. ODFW recommends the storage season be restricted to coincide with this period or the proposed use be mitigated prior to issuance of a Proposed Final Order for any use outside of this period. Without appropriate mitigation and/or conditions, a further reduction in flow or alteration of habitat (including impairment of water quality) from the proposed water use during April 1-October 31 will result in a significant detrimental impact to an existing fishery resource. Mitigation is often complicated, time consuming, and expensive, and may include, but is not limited to, actions such as replacing the proposed amount of water through purchasing or transferring an existing water right. **If the applicant chooses to pursue mitigation after application submittal to WRD, ODFW will provide appropriate conditions and a Mitigation Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations) to compensate for any potential impact from the proposed use.** Upon request, the WRD caseworker can schedule a consultation with ODFW for more information.

ODFW Signature: Janna L Stevens

Digitally signed by Janna L Stevens  
Date: 2022.09.06 14:38:15 -07'00'

Print Name: Janna Stevens

ODFW Title: Water Planning Coordinator

Date: 9/6/2022

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

**MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA**

Revised May 12, 2020, March 25, 2021

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

- Agricultural Water Quality Management Area Rules:** The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.
- b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a** The period of use has been limited to November 1-March 31.
- b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- blv:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.
- Bypass Flows:** Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:
- 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
  - 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.
- Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.
- The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.
- Construction Activities:** For construction activities (clearing, grading, excavation, staging, and stockpiling) that will disturb one or more acres and may discharge to state waters, the permittee is required to obtain from DEQ a 1200-C NPDES Stormwater Construction Permit prior to project construction.
- fence:** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- fishapprove:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- fishdiv33:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- fishmay:** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

- fishpass:** As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.
- fishself:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.
- Fish Stocking:** Per ORS 498.222 and OAR 635-007-0600, all persons transporting fish in Oregon need to have a fish transport permit issued by the Oregon Department of Fish and Wildlife (ODFW). The permittee shall not stock fish in the reservoir without a fish transport permit approved by ODFW. As part of the permitting process, the permittee must also screen the inlet and outlet of their pond to insure that fish cannot escape into public waters and/or to keep wild fish from entering the pond.
- futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- In-Water or Riparian Construction:** For in-water or riparian construction, permittee may be required to obtain additional permits from the Oregon Department of State Lands, the U.S. Army Corps of Engineers, and the DEQ Section 401 certification program prior to construction. The applicant must contact these agencies to confirm requirements.
- In-Water Work:** Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of July 15-Sept 30 unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.
- Live Flow:** Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.
- Off-Channel Stored Water Releases:** The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.
- On-Channel Reservoir:** The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.
- riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- Water Quality:** All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.
- wetland:** The permittee must submit an offsite determination request to the Oregon Department of State Lands (DSL) to determine the need for a wetland delineation prior to disturbance or development of the point of diversion and/or diversion of water.
- wq:** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

# **Attachment D**

Land Use Information Form

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Alternate Reservoir Application – BelliVadum Vineyards LLC

# Land Use Information Form



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

## NOTE TO APPLICANTS

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

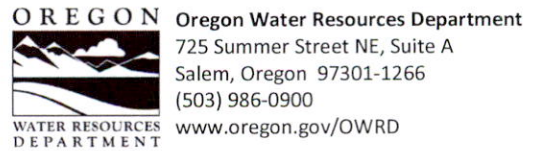
**This form is NOT required if:**

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

## NOTE TO LOCAL GOVERNMENTS

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

# Land Use Information Form



Applicant(s): BelliVadum Vineyards LLC

Mailing Address: 18420 NE Dopp Road

City: Newberg State: OR Zip Code: 97132 Daytime Phone: 917-885-9724

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>2S</u>	<u>3W</u>	<u>33</u>	<u>NESE</u>	<u>2400</u>	<u>EF-40</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Multipurpose storage</u>
<u>2S</u>	<u>3W</u>	<u>33</u>	<u>NWSE</u>	<u>2400</u>	<u>EF-40</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Multipurpose storage</u>
_____	_____	_____	_____	_____	_____	<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 all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Yamhill County

## B. Description of Proposed Use

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

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

Source of water:  Reservoir/Pond  
 Ground Water  
 Surface Water (name) Unnamed intermittent tributary to Chehalem Creek

Estimated quantity of water needed: 10  
 cubic feet per second  
 gallons per minute  
 acre-feet

Intended use of water:  Irrigation  
 Commercial  
 Industrial  
 Domestic for \_\_\_\_\_ household(s)  
 Municipal  
 Quasi-Municipal  
 Instream  
 Other Multipurpose storage

Briefly describe:

The Applicant is requesting a water right to store surface water and groundwater in a reservoir for multiple purposes including irrigation of a vineyard.



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

See bottom of Page 3. →

## For Local Government Use Only

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

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 402 of the YCZO
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

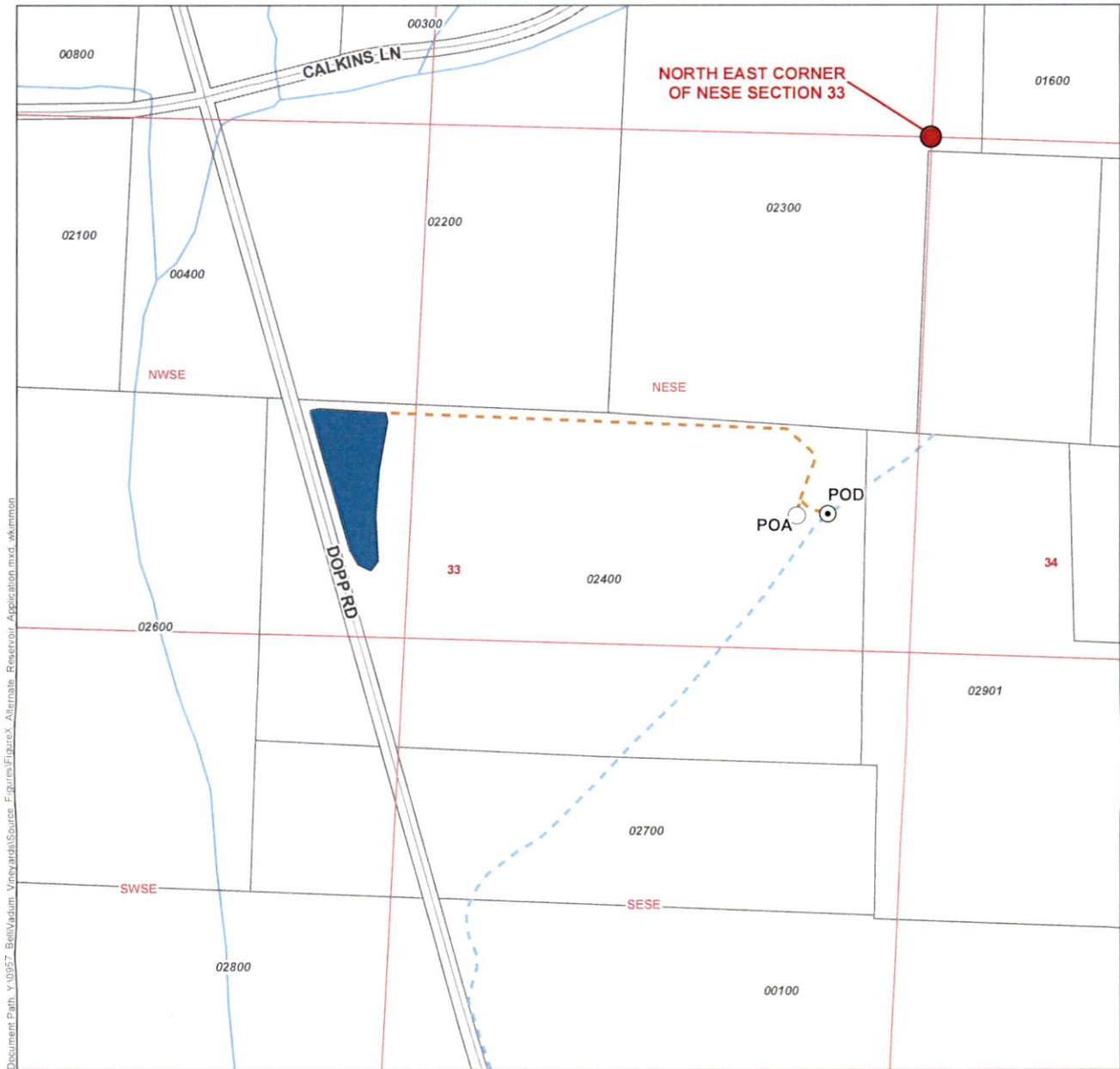
Name: Ken Friday Title: P.D.  
 Signature: [Signature] Phone: 503-434-7516 Date: 9/12/2022  
 Government Entity: Yamhill Co.

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

**Receipt for Request for Land Use Information**



Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_



Document Path: y:\0957 - BelliVadum Vineyards\Source\_Figures\Figure\Alternate\_Reservoir\_Application.mxd, wkmmmon

**LEGEND**

- Point of Appropriation (POA)
- Point of Diversion (POD)
- Pipeline
- Proposed Reservoir
- Tax Lot
- Government Lot (GL)
- Major Road
- Railroad
- Intermittent Stream
- Watercourse
- Waterbody

**Alternate Reservoir Application**

**BelliVadum Vineyards LLC**  
 Township 2 South, Range 3 West (W.M.)  
 Yamhill County

**LOCATION DESCRIPTION**

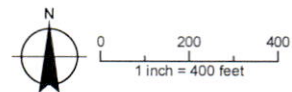
**POD**  
 Located 990 feet South and 230 feet West from the NE corner of NESE, Section 33, Township 2 South, Range 3 West (W.M.)

**POA**  
 Located 1,010 feet South and 310 feet West from the NE corner of NESE, Section 33, Township 2 South, Range 3 West (W.M.)

**Center of Proposed Reservoir**  
 Located 930 feet South and 1,470 feet West from the NE corner of NESE, Section 33, Township 2 South, Range 3 West (W.M.)

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

Date: July 21, 2022  
 Data Sources: BLM, ESRI, OWRD, USGS





## **Attachment E**

Legal Description

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Alternate Reservoir Application – BelliVadum Vineyards LLC

THIS IS A TRUE COPY OF THE ORIGINAL, WHICH IS ATTACHED AS "EXHIBIT A"

WARRANTY DEED

After Recording Return to:

Lucas R. Warford  
Lindsay M. Warford  
25 Sagamore Road  
Stamford, CT 06902

Until a change is requested all tax statements are to be sent to the following address:

Lucas R. Warford  
Lindsay M. Warford  
25 Sagamore Road  
Stamford, CT 06902

Escrow No. 921150 ABC  
Title No. 921150

THIS SPACE RESERVED FOR RECORDER'S USE

OFFICIAL YAMHILL COUNTY RECORDS  
BRIAN VAN BERGEN, COUNTY CLERK

201317745



\$61.00

0042821720130017745006062

11/22/2013 11:26:34 AM

DMR-DDMR Cnt=1 Sin=2 MILLSA  
\$30.00 \$5.00 \$11.00 \$15.00

For consideration in the amount of \$1.00 and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, we Lucas R. Warford and Lindsay M. Warford as tenants by the entirety hereby bargain, deed and convey to Bellivadum, LLC the following described land in Yamhill County, Oregon (commonly known as 18420 NE Dopp Road, Newberg, Oregon 97132), free of any encumbrances except as specifically set forth herein.

See attached legal description attached hereto as Exhibit A.

The said property is free from encumbrances except: Rights of the public in and to that portion lying within streets, roads and highways applicable easements, encumbrances, zoning restrictions and all other regulations of record; the premises herein described have been zoned or classified for farm use.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSONS RIGHTS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative Findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 (Definition: for ORS 30.930 to 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010

Grantors, for themselves and their heirs, hereby covenant with Grantee, its heirs, and assigns, that Grantors are lawfully seized in fee simple of the above-described premises; that they have a good right to convey; that, except as otherwise provided above, the premises are free from all encumbrances; that Grantors and their heirs, and all persons acquiring any interest in the property granted, through or for Grantors, will, on demand of Grantee, or its heirs or assigns, and at the expense of Grantee, its heirs or assigns, execute and instrument necessary for the further assurance of the title to the premises that may be reasonably required; and that Grantors and their heirs will forever warrant and defend all of the property so granted to Grantee, its heirs, against every person lawfully claiming the same or any part thereof.

WITNESS the hands of said Grantors this 31 day of October, 2013.

Lucas R. Warford and Lindsay M. Warford  
Grantor Grantor  
Lucas R. Warford and Lindsay M. Warford  
Member/Manager Member/Manager

RECEIVED  
FEB 27 2020  
OWRD

6-10920

WARRANTY DEED  
Notarial Acknowledgment

STATE OF New York )  
 )  
COUNTY OF New York )

The foregoing instrument was acknowledged before me on 10-31-13 (date) by  
Lucas R. Warford and Lindsay M. Warford.

Notary Public

Print Name: Matthew P. Truax

My Commission Expires: \_\_\_\_\_

**MATTHEW P. TRUAX**  
Notary Public, State of New York  
No. 01TR6118091  
Qualified in New York County  
Commission Expires June 11, 2017

STATE OF New York )  
 )  
COUNTY OF New York )

The foregoing instrument was acknowledged before me on 10-31-13 (date) by

Lucas R. Warford, , Member/Manager of Bellivadum, LLC and Lindsay M. Warford, Member/Manager of Bellivadum, LLC.

Notary Public

Print Name: Matthew P. Truax

My Commission Expires: \_\_\_\_\_

**MATTHEW P. TRUAX**  
Notary Public, State of New York  
No. 01TR6118091  
Qualified in New York County  
Commission Expires June 11, 2017

RECEIVED  
FEB 27 2020  
OWRD

EXHIBIT A

 TICOR TITLE INSURANCE COI

LEGAL DESCRIPTION

YAMHILL TITLE #

700 N Deborah Road, Suite 100 • Newberg OR 97132  
(503) 538-0656 • FAX: (503) 538-0671

REFERENCE ORDER NUMBER: 921150

A part of Section 33 in Township 2 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

BEGINNING at the Southeast corner of the John Brisbane Claim No. 53; thence West 13.59 chains; thence South 13.66 chains to an iron stake; thence East 13.59 chains to an iron stake; thence North 13.66 chains to the place of beginning.

EXCEPTING THEREFROM that portion lying within the right of way of N.E. Dopp Road., Yamhill County, Oregon.

AND

The West 682 feet of the following described properties.

Beginning at a point 2.82 chains South of the Southeast corner of the John Brisbane Donation Land Claim No. 53, in Section 33, Township 2 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon; running thence East 28.38 chains; thence South 10.98 chains; thence West 28.01 chains; thence North 10.84 chains to the place of beginning.

ALSO: Beginning at the Southeast corner, of the above mentioned Donation Land Claim of John Brisbane and wife, Claim No. 53, and running thence South 2.82 chains to the Northwest corner of land conveyed to Getta E. Smith by Guy A. Malcom and wife by deed recorded in Book 104, Page 43, Deed Records of Yamhill County, Oregon; thence East 28.38 chains; thence North 1.72 chains; thence West 28.38 chains to the place of beginning.

RECEIVED

FEB 27 2020

OWRD

LEGAL DESCRIPTION  
TICOR TITLE INSURANCE COMPANY  
1629 SW SALMON  
PORTLAND OR 97205-1787  
(503)

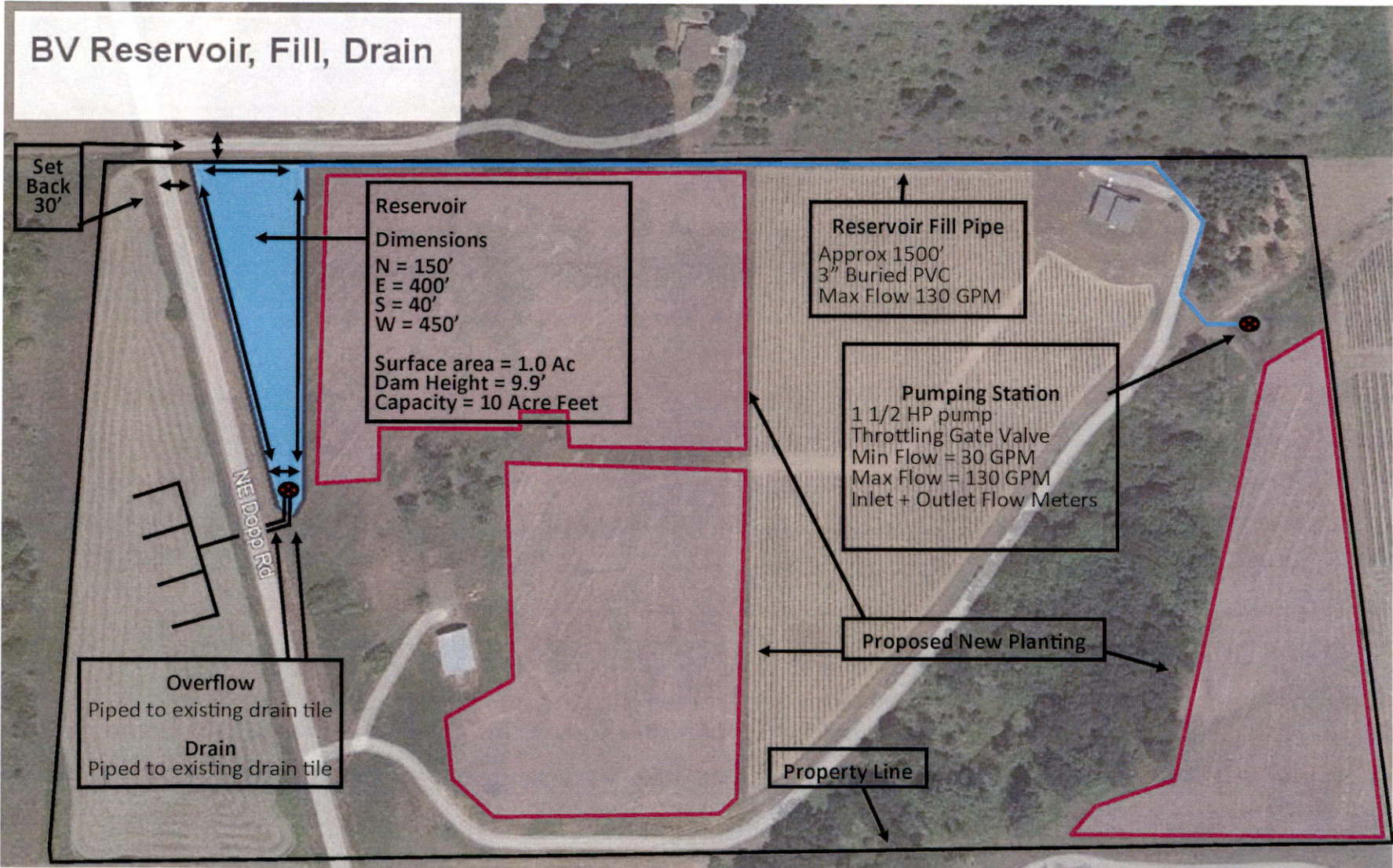
6-10920

# **Attachment F**

Site Plans

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Alternate Reservoir Application – BelliVadum Vineyards LLC



RECEIVED

OCT 06 2022

OWRD

**From:** [Leah Cogan](#)  
**To:** [Molly Monroe](#)  
**Cc:** [Kim Grigsby](#)  
**Subject:** FW: BelliVadum Vineyards Permit Application  
**Date:** Tuesday, October 4, 2022 12:15:23 PM

---

Hi Molly,

Please include the email below when you mail the check to OWRD for BelliVadum Vineyards.

Thank you,

**Leah Cogan**

**Water Resources Analyst**

direct: 971.200.8529 | mobile: 541.272.9888  
GSI Water Solutions, Inc. | [www.gsiws.com](http://www.gsiws.com)

---

**From:** LUONGO Dante J \* WRD <[Dante.J.LUONGO@water.oregon.gov](mailto:Dante.J.LUONGO@water.oregon.gov)>  
**Sent:** Tuesday, October 4, 2022 11:28 AM  
**To:** Leah Cogan <[lcogan@gsiws.com](mailto:lcogan@gsiws.com)>  
**Subject:** RE: BelliVadum Vineyards Permit Application

Hey Leah,

The application looks good, it is assigned the temporary number DL-3

Best,

Dante

---

**From:** Leah Cogan <[lcogan@gsiws.com](mailto:lcogan@gsiws.com)>  
**Sent:** Tuesday, October 4, 2022 11:02 AM  
**To:** WRD\_DL\_customerservice <[WRD\\_DL\\_customerservice@water.oregon.gov](mailto:WRD_DL_customerservice@water.oregon.gov)>  
**Cc:** Kim Grigsby <[kgrigsby@gsiws.com](mailto:kgrigsby@gsiws.com)>  
**Subject:** BelliVadum Vineyards Permit Application

Good morning,

---

GSI Water Solutions, Inc. is electronically submitting the attached application for a permit to store water in a reservoir under the alternate review process. The permit application fee of \$1,500.00 will be mailed to OWRD after we receive the temporary number for this application. Please let me know if you have any questions.

Thank you,

**Leah Cogan**

**Water Resources Analyst**

direct: 971.200.8529 | mobile: 541.272.9888  
1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333  
GSI Water Solutions, Inc. | [www.gsiws.com](http://www.gsiws.com)  
pronouns: she, her

RECEIVED

**Please note:** GSI is open for business, although most of us are working remotely. I can be reached by phone or email.

OWARD