



Via electronic mail

October 7, 2022

Katie Ratcliffe
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

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

Dear Ms. Ratcliffe;

On behalf of Quandary Vineyards, LLC, GSI Water Solutions, Inc. is submitting the enclosed application under the Alternate Review process for a permit to store up to 9.0 acre-feet of water in a reservoir for multipurpose use. The source of water for storage is surface water runoff. The proposed reservoir will replace an existing, smaller (1.0 acre-foot) reservoir that is currently authorized by Permit R-13169. The Applicant intends to voluntarily cancel Permit R-13169 concurrently with the Oregon Water Resources Department (OWRD) issuing a permit for this application.

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)
- \$369 – \$41 per AF or fraction thereof x 9.0 AF = \$369
- \$610 – Permit recording fee

Total = \$1,459

If you have any questions regarding this application, please contact me at 541-753-0933

Sincerely,

A handwritten signature in blue ink that reads "Kimberly W. Grigsby". The signature is written in a cursive style and is positioned above a vertical line.

Kim Grigsby
Principal Water Resource Consultant

CC: Donald Leidy, Quandary Vineyards

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

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Application for a Permit to **OWRD**
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 QUANDARY VINEYARDS, LLC ATTN: DONALD LEIDY			PHONE (HM)
PHONE (WK) 303-810-4356	CELL	FAX	
ADDRESS 17050 SNOWCREEK, LN			
CITY MORRISON	STATE CO	ZIP 80465	E-MAIL *

Organization

NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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

AGENT / BUSINESS NAME GSI WATER SOLUTIONS, INC. ATTN: KIM GRIGSBY		PHONE 541-257-9004	FAX
ADDRESS 1600 SW WESTERN BOULEVARD, 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.

	Donald Leidy, Owner	
Applicant Signature	Print Name and Title if applicable	Date
Applicant Signature	Print Name and Title if applicable	Date

SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoir name:	Quandary Reservoir				
Source*:	Run-off	Tributary:	Rowland Creek		
County:	Yamhill				
Quantity:	9.0 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	4W	32	NENE	400
Maximum Height of Dam:	13.1 feet. If excavated write "zero feet."				

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

SECTION 3: WATER USE

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

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

SECTION 4: PROPERTY OWNERSHIP

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

- Yes (please check appropriate box below then skip to section 5)
 - There are no encumbrances
 - This land is encumbered by easements, right of way, roads of way, roads or other encumbrances

- No (Please check the appropriate box below)
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or easement permitting access.
 - Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

N/A

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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*

***There is an existing pond, authorized by permit R-13169, at the location where the new reservoir will be located. This reservoir will be expanded, and ultimately replaced with the reservoir proposed in this application. The Applicant intends to voluntarily cancel Permit R-13169 concurrently with the issuing of a permit for this application.**

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

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

If YES, how much? _____ miles.

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

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

SECTION 6: WITHIN A DISTRICT

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

Irrigation District Name: N/A		Address:	
City:	State:	Zip:	

SECTION 7: DESCRIPTION

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

An existing reservoir that is currently authorized by Permit R-13169 will be expanded, and ultimately replaced by the proposed reservoir. The Applicant intends to voluntarily cancel Permit R-13169 concurrently with the issuing of a permit for this application.

The proposed off-channel reservoir will be filled entirely with surface water runoff. Water will be passed outside of the storage season through an outlet structure and pipe. Please see Attachment A for the location of the reservoir and outlet. When necessary, the reservoir can be entirely emptied using a submersible pump.

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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 have an earthen dam (berm) with a maximum height of 13.1 feet. Any excess water will be drained through the outlet structure and pipe at the south end of the reservoir. Please see Attachment E for renderings.

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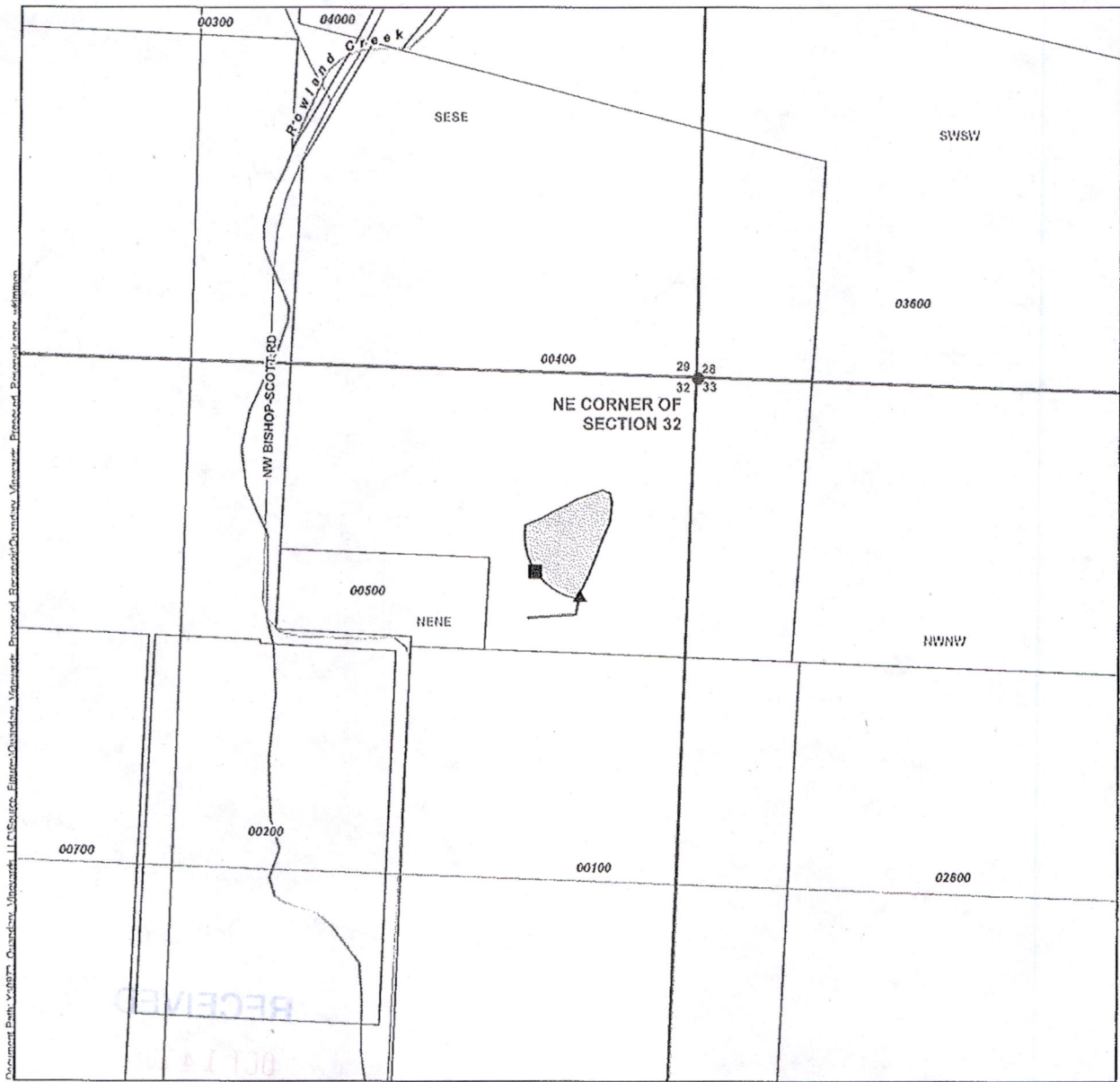
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Attachment A

Application Map

Application for a Permit to Store Water in a Reservoir - Quandary Vineyards LLC



LEGEND

-  Proposed Reservoir
-  Dam
-  Outlet Structure
-  Outlet Pipe
-  Tax Lot
-  Watercourse

**Alternate Reservoir Application
Quandary Vineyards LLC
Township 2 South, Range 4 West (W.M.)
Yamhill County**

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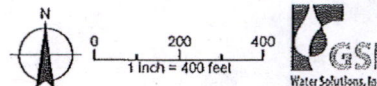
LOCATION DESCRIPTION

Proposed Reservoir
Located 450 feet South and 330 feet West from the NE corner of Section 32, Township 2 South, Range 4 West (W.M.)

Dam
Located 510 feet South and 405 feet West from the NE corner of Section 32, Township 2 South, Range 4 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: August 25, 2022
Data Sources: BLM, ESRI, OWRD, USGS



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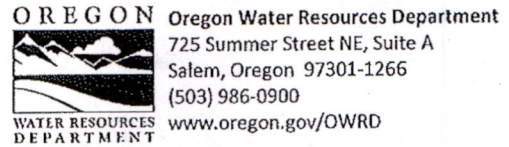
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Attachment E

Reservoir Renderings

Application for a Permit to Store Water in a Reservoir - Quandary Vineyards LLC

Land Use Information Form



Applicant(s): QUANDARY VINEYARDS, LLC ATTN: DONALD LEIDY

Mailing Address: 17050 SNOWCREEK, LN

City: MORRISON

State: CO

Zip Code: 80465

Daytime Phone: 303-810-4356

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>4W</u>	<u>32</u>	<u>NENE</u>	<u>400</u>	<u>EFU 80</u>	<input checked="" type="checkbox"/> Diverted <input 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	_____
_____	_____	_____	_____	_____	_____	<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

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) Run-off tributary to Rowland Creek

Estimated quantity of water needed: 9.0 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 proposing to store water in a pond for multipurpose use. The pond will be filled with surface water runoff.

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 Yamhill Co Zoning Ord.
- 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: Kenneth P. Friday Title: P.D.
 Signature: *Kenneth P. Friday* Phone: 503 434-7516 Date: 8/31/2022
 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: _____

Watermaster Alternate Reservoir Application Review Sheet

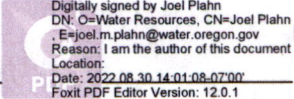
In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes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

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

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

Applicant's Name QUANDARY VINEYARDS, LLC ATTN: DONALD LEIDY		
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: NA		
3. Is water available for the proposed reservoir? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
4. If yes, during what period? Beginning: October End: July 31 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: Joel Plahn

Watermaster Signature: **Joel Plahn**  Date: 8/30/2022

Digitally signed by Joel Plahn
DN: C=Water Resources, CN=Joel Plahn
E=joel.m.plahn@water.oregon.gov
Reason: I am the author of this document
Location:
Date: 2022.08.30 14:01:08-07:00
Foxit PDF Editor Version: 12.0.1

NOTE: This completed form must be returned to the applicant

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Attachment C
ODFW Review Sheet

Application for a Permit to Store Water in a Reservoir - Quandary Vineyards LLC

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Applicant Name: QUANDARY VINEYARDS, LLC ATTN: DONALD LEIDY

OCT 14 2022 ODFW Review

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name: QUANDARY VINEYARDS, LLC ATTN: DONALD LEIDY

Address: 17050 SNOWCREEK, LN

Phone/Email: 541-257-9004 / KGRIGSBY@GSIWS.COM

Reservoir Name: Quandary Reservoir Volume (AF): 9.0

Source: Run-off

Basin Name: North Willamette in-channel

Twp Rng Sec QQ: 2S 4W 32 NENE off-channel

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

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

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

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

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

3) If NMF are or were historically present:
a. Is there an ODFW-approved fish-passage plan?..... YES NO
b. Is there an ODFW-approved fish-passage waiver or exemption?..... YES NO

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

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... YES NO
Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)
 Any diversion or appropriation of water for storage during the period May 1st through November 30th 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,

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

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

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Applicant Name: QUANDARY VINEYARDS, LLC ATTN: DONALD LEIDY

ODFW Review

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 (Coho Salmon, Steelhead), sensitive species (Cutthroat Trout), are present in Rowland Creek during the period of impact. Instream flows to fulfill IS70746 for aquatic life on the North Yamhill River are not being met partially or wholly 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 June 1st through November. In addition, ODFW reviewed available information (<https://www.oregon.gov/deq/FilterDocs/YamhillTMDL1992.pdf>) 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 during May.1st to October.31st. Phosphorus limits are set into rule at OAR 340-041-0345 (5)(a), limiting activities that impact the water quality of The North Yamhill River during the low flow period between approximately May 1 – October 31, including any releases throughout the year from reservoir to waters of the state (See water quality condition below).

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												

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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 December.1st – April.31st. 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 May 1st - November 31st 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.

Janna L

Digitally signed by
Janna L Stevens
Date: 2022.10.07
10:54:12 -07'00'

ODFW Signature: Stevens

Print Name: Janna Stevens

ODFW Title: Water Planning Coordinator

Date: 10/7/2022

Applicant Name: QUANDARY VINEYARDS, LLC ATTN: DONALD LEIDY

ODFW Review

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

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

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MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020, 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 December 1st – April 31st.
- 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

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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 type here 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.

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Attachment D

Land Use Information Form

Application for a Permit to Store Water in a Reservoir - Quandary Vineyards LLC

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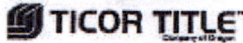
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Attachment F

Legal Description of Property

Application for a Permit to Store Water in a Reservoir - Quandary Vineyards LLC

RECORDING REQUESTED BY:



1505 Portland Rd, Ste 210
Newberg, OR 97132

AFTER RECORDING RETURN TO:

Donald J. Leidy, Manager
Espwa Development, LLC
29 Mountain Pine Drive
Littleton, CO 80127

SEND TAX STATEMENTS TO:

Espwa Development, LLC
29 Mountain Pine Drive
Littleton, CO 80127

14148, 14816, 436460, R2428 03600, R2429 00400 and
M00242793
20300 and 20330 NW Bishop Scott, Yamhill, OR 97148

READ & APPROVED

DATE May 28 2022

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Glennyce P. Buxton, Trustee of the Buxton Family Trust dated March 25th, 2004, Grantor, conveys and warrants to Espwa Development, LLC, a Colorado limited liability company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Yamhill, State of Oregon:

PARCEL 1:

Part of the Alex P. Ankeny Claim, Notification No. 1501 in Sections 28, 29 and 33 in Township 2 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning at a stake on the South line of and North 89°28' West, 683.2 feet from the Southeast corner of said Claim, also being on the West line of Goodrich Orchard Tracts; thence North 89°28' West along the South line of said Claim, 902 feet; thence North 00°42' East, 1340.8 feet; thence North 79°19' West 1202 feet, more or less, to the center of a ditch; thence North 10°41' East along said ditch, 17.5 feet; thence South 79°19' East 63.4 feet to an iron pipe at angle corner of tract conveyed to Vern Myers by Deed recorded November 13, 1940 in Book 117, Page 233, Deed Records; thence North 36°30' East, 429.4 feet to an iron pipe; thence South 79°19' East, 1787.13 feet to the Southeast corner of said Meyers tract and also the West line of said Goodrich Orchard Tracts; thence South 00°12' West along West line of said Goodrich Orchard Tracts, 1597.6 feet, more or less, to the Point of Beginning.

PARCEL 2:

A part of the Alexander P. Ankeny Donation Land Claim, Certification No. 1966 in Sections 28, 29, 32 and 33 in Township 2 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning at the Northwest corner of the Joseph Gilbreath Donation Land Claim No. 52 in said Township and Range; thence South 89°44' West along South line of said Ankeny Claim 5.25 chains to a stake; thence North 00°39' West parallel to and 10 feet West of the center of County Road 19.03 chains to a stake; thence North 27°17' East 5.20 chains to a point South 79°37' East 2.507 chains from a 4 inch crab apple tree called for in former Survey; thence South 87°30' East, 19.25 chains to an iron pipe; thence South 00°36' West, 6.09

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STATUTORY WARRANTY DEED

(continued)

chains; thence South 01°20' West, 14.22 chains to North line of said Gilbreath Claim; thence South 89°44' West along North line of said Gilbreath Claim to the Point of Beginning.

SAVE AND EXCEPTING THEREFROM the following:

Beginning at the Northwest corner of the Joseph Gilbreath Donation Land Claim No. 52 in said Township and Range; thence South 89°44' West along South line of said Ankeny Claim 5.25 chains to a stake, and the True Point of Beginning of the tract herein described; thence North 00°39' West and parallel to and 10 feet West of the center line of County Road No. 254, 248 feet; thence East and parallel with the South line of said Ankeny Donation Land Claim 569.5 feet; thence South and parallel to the West line of the tract herein described 240 feet, more or less, to the South line of said Ankeny Donation Land Claim; thence West along the South line of said Donation Land Claim to the Point of Beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE MILLION NINETY THOUSAND AND NO/100 DOLLARS (\$1,090,000.00). (See ORS 93.030).

Subject to:

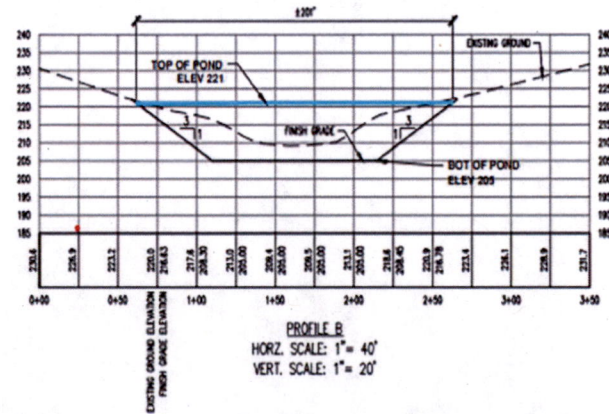
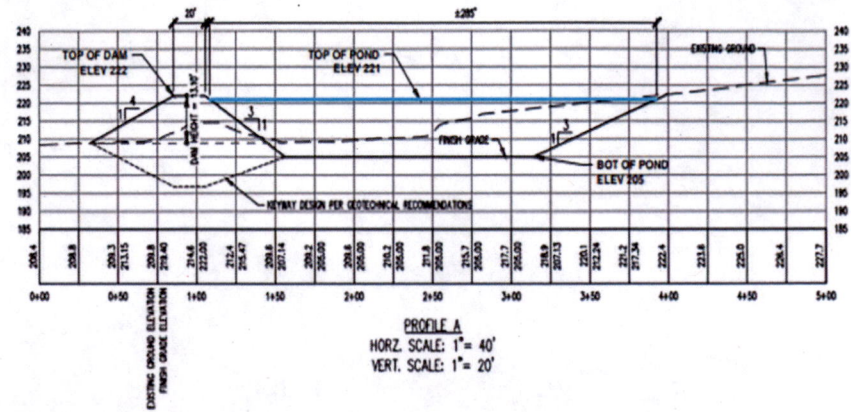
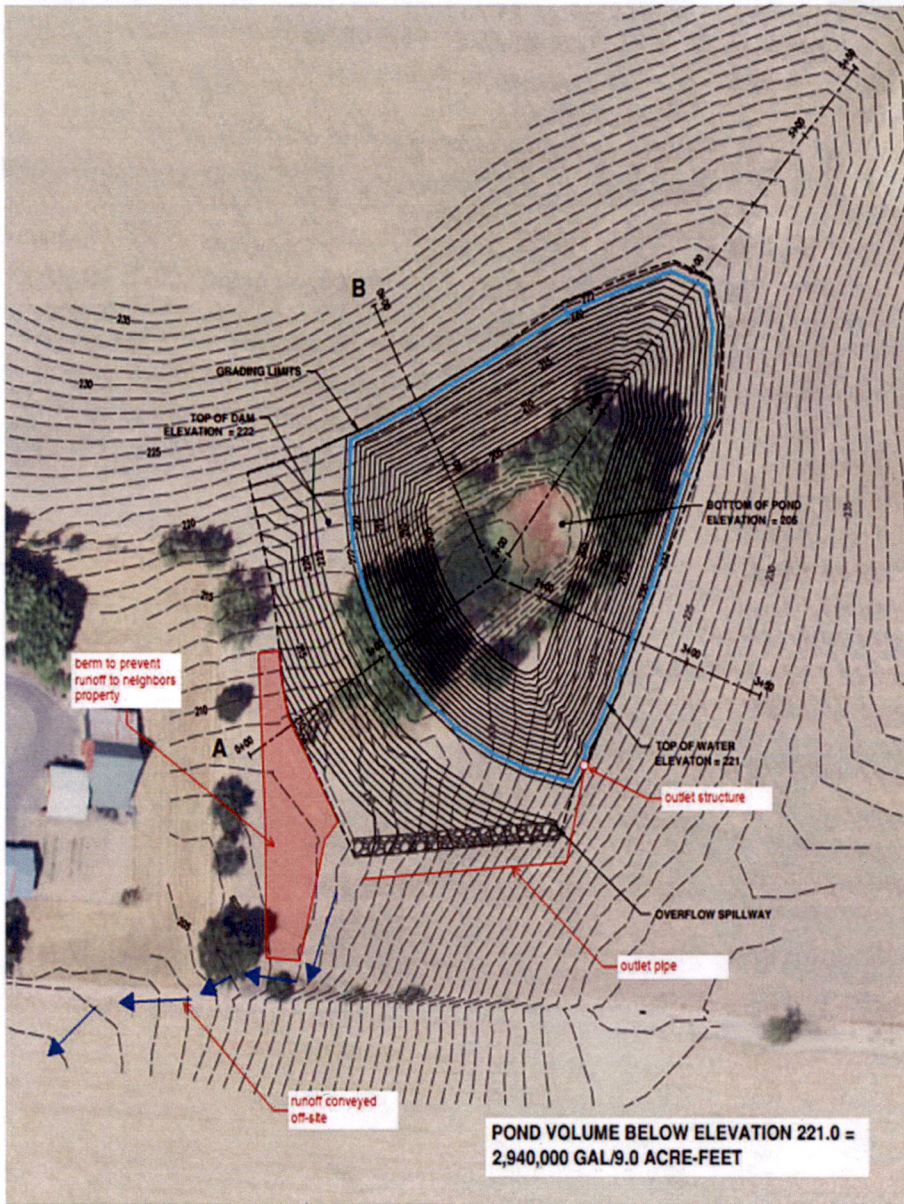
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 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 OR 215.010, 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, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 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.

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NOTES:

1. FIELD WORK WAS CONDUCTED JULY 14, 2022.
2. THIS IS NOT A BOUNDARY SURVEY TO BE RECORDED WITH THE COUNTY. BOUNDARIES MAY BE PRELIMINARY AND SHOULD BE CONFIRMED WITH THE STAMPING SURVEYOR PRIOR TO RELYING ON FOR DETAILED DESIGN OR CONSTRUCTION.
3. CONTOUR INTERVAL IS 1 FOOT.
4. THIS PLAN IS FOR GRADING PURPOSES ONLY. A GEOTECHNICAL ENGINEER SHOULD BE CONSULTED FOR CONSTRUCTION RECOMMENDATIONS AND OBSERVATIONS.
5. FLOW CONTROL AND EMERGENCY OVERFLOW SPILLWAY DESIGN BY OTHERS.

VOLUME CALCULATIONS:

1. ±8,800 CY = CUT
2. ±3,500 CY = FILL
3. ±3,600 CY = STRIPPINGS VOLUME (ASSUMES 1-1/2' DEPTH)
4. ±1,700 CY = EXCESS MATERIAL (NOT INCLUDING STRIPPINGS)

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