

# Application for a Permit to Use Surface Water



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

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant

|            |       |     |                         |
|------------|-------|-----|-------------------------|
| NAME       |       |     | PHONE (HM)              |
| PHONE (WK) | CELL  |     | FAX<br><b>RECEIVED</b>  |
| ADDRESS    |       |     | <b>MAR 13 2023</b>      |
| CITY       | STATE | ZIP | E-MAIL *<br><b>OWRD</b> |

### Organization

|  |             |              |                                     |     |
|--|-------------|--------------|-------------------------------------|-----|
| NAME<br>DOMAINE SERENE VINEYARD AND WINERY, INC.;<br>DEEPWATER C&D PROPERTIES, LLC; FOXGLOVE PROPERTIES, LLP |             |              | PHONE<br>503-864-4600               | FAX |
| ADDRESS<br>6555 NE HILLTOP LANE  |             |              | CELL                                |     |
| CITY<br>DAYTON   | STATE<br>OR | ZIP<br>97114 | E-MAIL *<br>chris@domaineserene.com |     |

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

|  |             |              |                                     |     |
|--|-------------|--------------|-------------------------------------|-----|
| AGENT / BUSINESS NAME<br>BILL FLATZ / STUNTZNER ENGINEERING & FORESTRY |             |              | PHONE<br>503-357-5717               | FAX |
| ADDRESS<br>2318-B PACIFIC AVE.   |             |              | CELL                                |     |
| CITY<br>FOREST GROVE   | STATE<br>OR | ZIP<br>97116 | E-MAIL *<br>BILLFLATZ@STUNTZNER.COM |     |

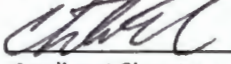
Note: Attach multiple copies as needed

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

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

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I receive a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to receive water to which they are entitled.

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

      Christopher Ramsey, Director of Facilities      3/3/23  
Applicant Signature      Print Name and Title if applicable      Date

\_\_\_\_\_  
Applicant Signature      Print Name and Title if applicable      Date

## SECTION 2: PROPERTY OWNERSHIP

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

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

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

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

## SECTION 3: SOURCE OF WATER

### A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

|                              |                          |
|------------------------------|--------------------------|
| Source 1: Pinnacle Reservoir | Tributary to: Hess Creek |
| TRSQQ of POD:                |                          |
| Source 2:                    | Tributary to:            |
| TRSQQ of POD:                |                          |

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

Pinnacle reservoir was constructed under Permit R-15478, see attached copy.

**B. Applications to Use Stored Water**

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

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

If *all* sources listed in Section 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

- By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

#### SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

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

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

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqg\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqg_features/)

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

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

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

- Yes  No

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

If yes,

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

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

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

Yes  No

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

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

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

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

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

Irrigation of grapes using drip emitters.

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

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

Yes  No

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

**SECTION 5: WATER USE**

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):  
 (1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

| SOURCE             | USE        | PERIOD OF USE    | AMOUNT  |
|--------------------|------------|------------------|---|
| Pinnacle Reservoir | Irrigation | Mar. 1 – Oct. 31 | 12.0 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af |
|                    |            |                  | <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af                 |
|                    |            |                  | <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af                 |
|                    |            |                  | <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af                 |

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.  
 Primary: 74.8 Acres                      Supplemental: 70.3 Acres                      Nursery Use: \_\_\_\_\_ Acres  
 If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): Cert. 87851, Cert. 88371, Permit S-54831, Permit G-17658.  
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 12.0 AF

- If the use is municipal or quasi-municipal, attach Form M
- If the use is domestic, indicate the number of households:
- If the use is mining, describe what is being mined and the method(s) of extraction:

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**SECTION 6: WATER MANAGEMENT**

**A. Diversion and Conveyance**

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

- Pump (give horsepower and type): Most likely 10 hp submersible turbine.
- Other means (describe):

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

A submersible pump will pump water from the reservoir into a buried PVC mainline pipe. The pipe will run both directly to the vineyard and up to an existing 30,000 gallon buried tank near the winery. This tank feeds the existing irrigation system that will be supplemental for this right.

**B. Application Method**

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)  
The grape vines will be irrigated using drip emitters.

**C. Conservation**

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

This application is for the full volume of the reservoir, 12.0 acre-feet. The primary irrigation will likely use a maximum 7.5 acre-feet. If needed the remaining water is available for supplemental irrigation. The drip irrigation will run at a low rate and duration preventing any runoff.

**SECTION 7: RESOURCE PROTECTION**

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources:

- Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.  
Describe planned actions: See attached email from ODFW stating that no screening or by-pass is required. The diversion will be screened to protect the pump and irrigation system.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
**Note:** If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.  
Describe planned actions and additional permits required for project implementation: The reservoir is existing and no channel is present so no clearing of banks will be required.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe planned actions and additional permits required for project implementation: N/A
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe planned actions: Slow drip irrigation will prevent runoff and erosion.
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.  
No additional federal or state permits will be required.

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**SECTION 8: PROJECT SCHEDULE**

- a) Date construction will begin: April 2023
- b) Date construction will be completed: August 2025
- c) Date beneficial water use will begin: March 2024

**SECTION 9: WITHIN A DISTRICT**

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

|                          |         |     |
|--------------------------|---------|-----|
| Irrigation District Name | Address |     |
| City                     | State   | Zip |

**SECTION 10: REMARKS**

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

This application is for an expedited water right to use stored water only. The owners are requesting primary irrigation for 74.8 acres of grapes, the estimated use is max. 7.5 acre-feet. The remainder of the stored water is available for the 70.3 acres of supplemental use.

## Minimum Requirements Checklist

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

### Include this checklist with the application

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

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

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

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#### Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$2,602  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- Map that includes the following items:
  - Permanent quality and drawn in ink
  - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
  - North Directional Symbol
  - Township, Range, Section, Quarter/Quarter, Tax Lots
  - Reference corner on map
  - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
  - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
  - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
  - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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# Water-Use Permit Application Processing

## 1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050. The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

## 2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$310. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

## 3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives [public notice](#) of the application in the weekly notice published by the Department at [www.oregon.gov/owrd](http://www.oregon.gov/owrd). The public comment period is 30 days from publication in the weekly notice.

## 4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

## 5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$480.00 for the applicant and \$950.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

## 6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate



# Land Use Information Form



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

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**Applicant**

|   |  |                      |              |                                    |  |
|---|--|----------------------|--------------|------------------------------------|--|
| NAME<br>Bill Flatz / Stuntzner Engineering & Forestry |  |                      | PHONE (HM)   |                                    |  |
| PHONE (WK)<br>503-357-5717                            |  | CELL<br>503-939-8381 |              | FAX                                |  |
| ADDRESS<br>2318-B Pacific Ave.                        |  |                      |              |                                    |  |
| CITY<br>Forest Grove                                  |  | STATE<br>OR          | ZIP<br>97116 | E-MAIL*<br>billflatz@stuntzner.com |  |

**A. Land and Location**

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

| Township | Range | Section | ¼ ¼   | Tax Lot # | Plan Designation (e.g., Rural Residential/RR-5) | Water to be:                                 |  |  | Proposed Land Use: |
|----------|-------|---------|-------|-----------|---|--|--|--|--------------------|
| 3N       | 3W    | 28      | SW/SW | 1001      | EF-80; PWS                                      | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | Ag - Vineyard      |
| 3N       | 3W    | 33      | NW/NW | 300, 316  | EF-80   | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | Ag - Vineyard      |
| 3N       | 3W    | 33      | SW/NW | 315       | EF-80   | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | Ag - Vineyard      |
| 3N       | 3W    | 33      | SE/NW | 318, 319  | EF-80   | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | Ag - Vineyard      |

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

Source of water:  Reservoir/Pond  
 Groundwater  
 Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 12.0  
 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 \_\_\_\_\_

Briefly describe:

Irrigate Tax Lot 1001 using stored water from Reservoir (OWRD Permit R-15478)

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

**For Local Government Use Only**

TL 3328-1001  
3333-300, 315, 316  
318, 319

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<br>(e.g., plan amendments, rezones,<br>conditional-use permits, etc.) | Cite Most Significant, Applicable Plan<br>Policies & Ordinance Section References | Land Use Approval:   |  |
|--|---|--|--|
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  | <b>RECEIVED</b>   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  | <b>MAR 13 2023</b>  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  | <b>OWRD</b>   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |

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

|   |                               |
|---|-------------------------------|
| NAME<br><i>Ken Fridley</i>              | TITLE:<br><i>PD</i>           |
| SIGNATURE<br><i>[Signature]</i>         | PHONE:<br><i>503 434-7576</i> |
| GOVERNMENT ENTITY<br><i>Yamhill Co.</i> | DATE:<br><i>2/22/2023</i>     |

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

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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## Attachments for:

Domaine Serene Vineyard and Winery, Inc.,  
Ceepwater C&D Properties, LLC, foxglove Properties, LLP.

Surface Water Application, stored water only.

### INDEX

- Copy of Permit and map, pages 5, page 1
- Copy of Email from ODFW no screen req'd, pages 1, page 6
- Copy of pump calculations, pages 1, page 7
- Copy OWRD location look-up, pages 1, page 8
- Copy of OWRD fee estimate, 1 pages, page 9
- Copy of First American property profiles for each lot, pages 6, page 10
- Copy of 2014 Bridge to Deed of Trust, 13 pages, page 17
- Copy of 2008 Statutory Warranty Deed, pages 3, page 30
- Copy of 2018 Statutory Warranty Deed, pages 5, page 33
- Copy of OR Secretary of State Business Registry search, pages 3, page 38
- Letter size copy of application map for reference, pages 1, page 41

Produced for: Domaine Serene Vineyard and Winery:  
Stutzner Engineering & Forestry  
2318-B Pacific Avenue  
Forest Grove, OR 97116  
Office phone 503-357-5717  
billflatz@stutzner.com

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO STORE PUBLIC WATERS

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MAR 13 2023

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THIS PERMIT IS HEREBY ISSUED TO  
DOMAINE SERENE VINEYARDS AND WINERY INC.  
DEEPWATER C & D PROPERTIES LLC  
6555 NE HILLTOP LANE  
DAYTON OR 97114

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-88901

SOURCE OF WATER: RUNOFF, TRIBUTARY TO HESS CREEK

STORAGE FACILITY: PINNACLE RESERVOIR

MAXIMUM DAM HEIGHT: 9.9 FEET

MAXIMUM VOLUME: 12.0 ACRE-FEET

PURPOSE OR USE OF THE STORED WATER: MULTIPLE PURPOSE

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: JANUARY 1  
THROUGH DECEMBER 31

DATE OF PRIORITY: DECEMBER 9, 2020

DAM LOCATION/POINT OF DIVERSION:

| Twp | Rng | Mer | Sec | Q-Q   | Measured Distances   |
|-----|-----|-----|-----|-------|--|
| 3 S | 3 W | WM  | 28  | SW SW | 345 FEET NORTH AND 925 FEET EAST FROM SW CORNER SECTION 28 |

THE AREA TO BE SUBMERGED BY THE RESERVOIR:

| Twp | Rng | Mer | Sec | Q-Q   |
|-----|-----|-----|-----|-------|
| 3 S | 3 W | WM  | 28  | SW SW |

PERMIT SPECIFIC CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. **Water Use Measurement, Recording, and Reporting:**
  - A. 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 shall be installed in the reservoir. If no dead-pool,

the gage must measure the full depth of the reservoir. The permittee shall maintain the device in good working order.

- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the volume of water stored, and may require the permittee to report water-storage on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

### 3. **Fish Screen/By-Pass:**

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.

### 4. **Water Quality:**

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.

All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state or 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 waters of the state by any means.

### 5. **Riparian Area Restoration:**

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.

### 6. **Agricultural Water Quality Management Area Rules:**

The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules in OAR 603-095. Livestock management and cropping must protect riparian areas on the property, allowing site capable vegetation along streams to establish and grow, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.

**7. Off-Channel Stored Water Releases:**

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- 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.
8. The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.
  9. The permittee shall pass all live flow outside the storage season described above.
  10. The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.
  11. This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.

**STANDARD CONDITIONS**

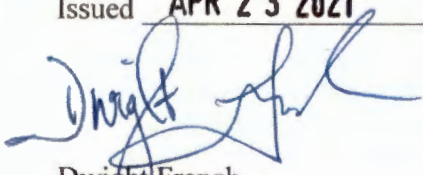
1. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
2. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
3. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

**DEVELOPMENT AND COMPLETION TIMELINE REQUIREMENTS**

1. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
2. The permitted volume of water shall be stored within five years of the date of permit issuance. If additional time is needed, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
3. Within one year after storage of water, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.

4. The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir capacity is equal to or greater than 9.2 acre-feet.
5. If no secondary permit exists and the reservoir capacity is less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:
  - a. the dimensions of the reservoir;
  - b. the maximum capacity of the reservoir in acre-feet; and
  - c. a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

Issued APR 23 2021



Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

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# RESERVOIR APPLICATION MAP ALTERNATE PROCESS

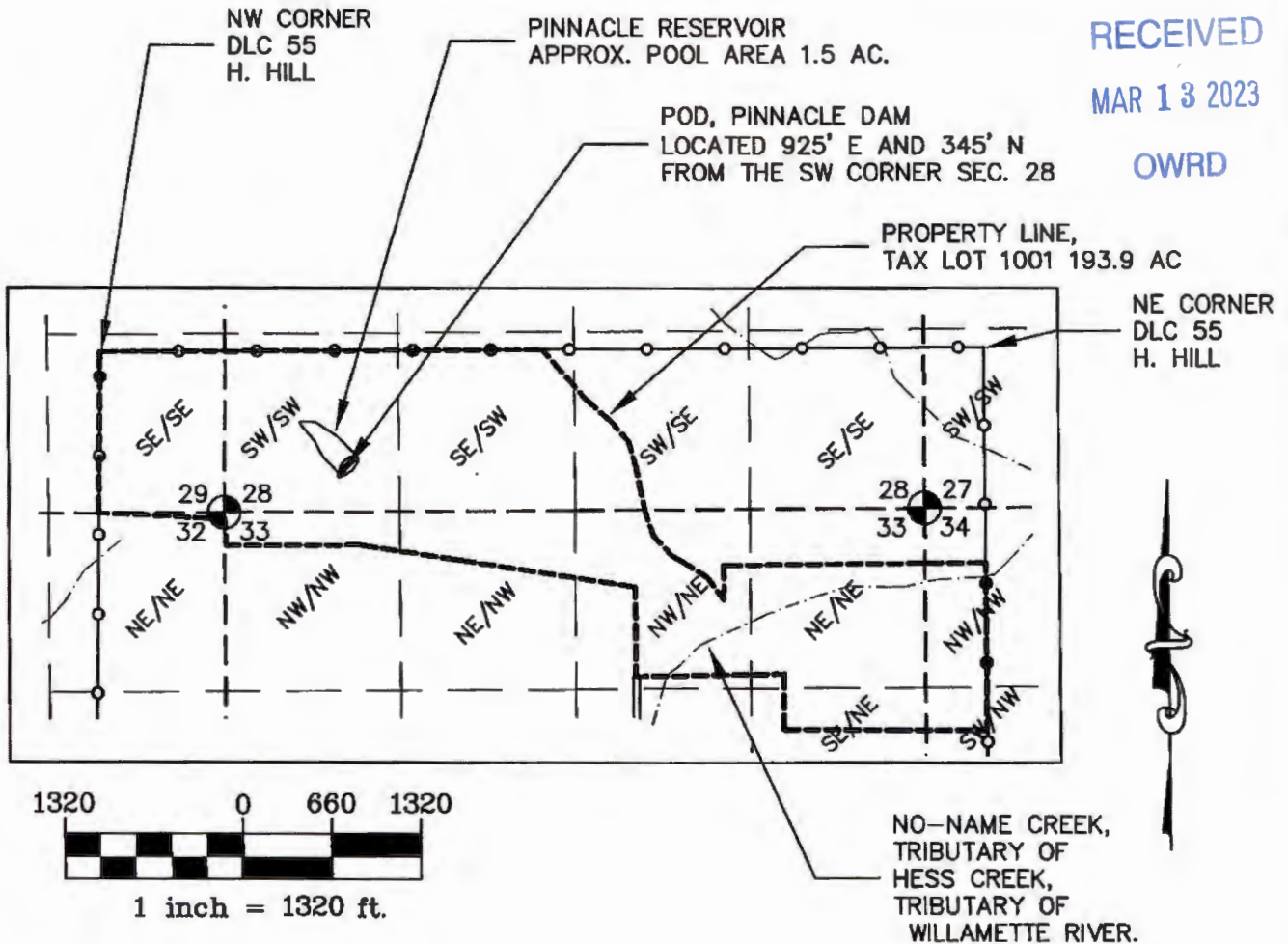
LOCATION: T3S, R3W, SEC. 28, SW/SW, TAXLOT 1001.  
WILLAMETTE MERIDIAN, YAMHILL COUNTY. DLC 55

NOTE: THIS MAP IS PRODUCED TO APPLY FOR THE BENEFICIAL USE OF A WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY LINES.

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APPLICANT:  
DEEPWATER C&D PROPERTIES, LLC +  
DOMAINE SERENE VINEYARDS & WINERY

CONTACT:  
DIRECTOR OF FACILITIES AND DEVELOPMENT,  
CHRIS RAMSEY 503-864-4600/1202



STUNTZNER ENGINEERING  
2137 19TH AVENUE  
FOREST GROVE, OR 97116  
503-357-5717

JOB No.: 320-049  
REVISED: 9-30-20  
DRAWING NAME: DOMAINE SERENE  
PINNACLE POND RES. APP.

MAP BASED ON:  
TAX MAP: 3-3-28  
USGS DUNDEE QUAD MAP





**Nick Blundon**

---

**To:** Bill Flatz; Christopher Ramsey  
**Subject:** RE: Domaine Serene, multi-purpose reservoir.

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**From:** BARR Charles M \* ODFW <[Charles.M.BARR@odfw.oregon.gov](mailto:Charles.M.BARR@odfw.oregon.gov)>  
**Sent:** Tuesday, April 19, 2022 3:16 PM  
**To:** Bill Flatz <[billflatz@stuntzner.com](mailto:billflatz@stuntzner.com)>  
**Subject:** RE: Domaine Serene, multi-purpose reservoir.

Mr. Flatz,

My predecessor, Peter Stevens, visited this site in October of 2020 and he conclude "There is no evidence that the proposed alternative reservoir is on channel or that fish are or could be present within the area". This statement is supported by our database which does not show fish present in the area. Therefore, the conditions of the permit requiring screening and by-pass do not need to be met in this circumstance.

Thank you,

Mac Barr  
District Fish Biologist | North Willamette Watershed – Coast Unit  
Oregon Department of Fish and Wildlife  
17330 SE Evelyn St.  
Clackamas, OR 97015

Office: 971-673-6081  
Email: [Charles.M.Barr@odfw.oregon.gov](mailto:Charles.M.Barr@odfw.oregon.gov)  
(please note the domain of my email has recently changed, please update your address book)

**From:** Bill Flatz <[billflatz@stuntzner.com](mailto:billflatz@stuntzner.com)>  
**Sent:** Monday, April 18, 2022 4:14 PM  
**To:** BARR Charles M \* ODFW <[Charles.M.BARR@odfw.oregon.gov](mailto:Charles.M.BARR@odfw.oregon.gov)>  
**Subject:** Domaine Serene, multi-purpose reservoir.

Mr. Barr:

Please find attached the following:

- A copy of the ODFW reservoir review from 11-2-20.
- A copy of the reservoir permit R-15478.
- A copy of the reservoir permit map.
- A print out of the USGS Quad map with the pond location marked.

In google earth I estimated the lat/long to be; 45 deg 16' 28.57" North and 123 deg 04' 05.00" West.

As you can see the reservoir location is near the top of the ridge approximately 4,000' southwest of Hess Creek, and 4 or 5 hundred feet higher than the creek.

# Pump Capacity Calculation Sheet

using Department designed formula:

$$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

---

## Data Entry (fill in underlined blanks)

HP = 10  
Efficiency = 7.04  
Lift = 60  
PSI = 60

---

## Results Calculated

(hp)(efficiency) = 70.4  
Head based on psi = 152.4  
Total dynamic head = 212.4  
(head + lift)

---

Pump Capacity = 0.33 cubic feet per second  
Pump Capacity = 148.7 gallons per minute  
Pump Capacity = 8,924.2 gallons per hour

Domaine Serene Theoretical Pump Calc.  
Pinnacle pond SW app. Feb. 2023.

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**How would you like to enter your Location?**

- Latitude/Longitude in Decimal Degrees (ex: Latitude: 45.0123 degrees, Longitude: -121.5321 degrees)
- Latitude/Longitude in Decimal Minutes (ex: 45 degrees, 27.567 minutes )
- Latitude/Longitude in Degrees, Minutes, Seconds (ex: 45 degrees, 37 minutes, 28 seconds)
- By Address (ex: 725 Summer ST NE Salem, OR 97301)
- By Public Land Survey (Township 1S, Range 3E, Section 5, NE Quarter/Quarter of SW Quarter)

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Latitude: 45.27

Longitude: -123.069

Find Location

**Location**

Latitude/Longitude: 45.27, -123.069

OR Lambert X,Y: 651066.3, 1293424

[View Location on Google Maps](#)

**Public Land Survey (TRSQQ)**

Meridian: WM

Township/Range/Section: 3.00S-3.00W-33

Quarter/Quarter: SW-NW

**Political Features**

County: Yamhill

OWRD Region: NW

Watermaster District: 22

DEQ Region: n/a

ODFW Region: Northwest Region

ODFW District: NWWD-Coast Range Unit

**Hydrologic Features**

Basin: WILL

Water Availability Basin: [YAMHILL R > WILLAMETTE R - AB PALMER CR \(188\)](#)

Priority WAB Name: YAMHILL R ab PALMER CR (OWRD: Poor, ODFW: Poor) (188)

**Groundwater Features**

Groundwater Restricted Area: n/a

**Other Features**

4D Rules Apply: Rules apply

Division 33 Ruleset(s): Lower Columbia; STATEWIDE

Today's Date: Monday, February 27, 2023

|   |  |            |
|---|--|------------|
| Base Application Fee.   |  | \$1,090.00 |
| Number of proposed cubic feet per second (cfs) to be diverted.<br>(1 cfs = 448.83 gallons per minute)   | 00.33                                      | \$410.00   |
| Number of proposed Use's for the appropriated water.<br>(i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *   | 1  |            |
| Number of proposed Surface Water points of diversions. **   | 1  |            |
| Number of Acre Feet to be diverted from Stored Water.<br>(if the application is appropriating water from a pond/reservoir)  | 12   | \$492.00   |
| Subtotal:   |  | \$1,992.00 |
| Permit Recording Fee. ***   |  | \$610.00   |
| <p>* the 1st Water Use is included in the base cost.<br/> ** the 1st Surface Water point of diversion is included in the base cost.<br/> *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.</p> | <input type="button" value="Recalculate"/> |            |
| Estimated cost of Permit Application  |  | \$2,602.00 |

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, , OR

| Property Information |   |
|----------------------|---|
| Owner(s):            | Foxglove Properties Llc   |
| Mailing Address:     | 6555 Ne Hilltop Ln, Dayton, OR 97114  |
| Owner Phone:         | Unknown   |
| Property Address:    | , , OR  |
| Vesting Type:        | N/A   |
| Alt. APN:            | R3333 00300   |
| County:              | Yamhill   |
| APN:                 | 83064   |
| Map Coord:           | 3S-3W-33  |
| Census Tract:        |   |
| Lot#:                | 1   |
| Block:               |   |
| Subdivision:         | Replat Of Portions Of Breyman Orchards  |
| Tract:               |   |
| Legal:               | Township 3S Range 3W Section 33 Taxlot 00300 Lot 1 Subdivisionname Replat Of Portions Of Breyman Orchards |

| Property Characteristics |       |                      |               |
|--------------------------|-------|----------------------|---------------|
| Use:                     | Farms | Year Built / Eff. :  | 1973 /        |
| Sq. Ft. :                | 3432  | Lot Size Ac / Sq Ft: | 12.1 / 527076 |
| Zoning:                  | EF-80 | # of Units:          |               |
| Stories:                 | 1     | Improvements:        |               |
| Parking / #:             | /     | Gross Area:          | 3432          |
| Basement Area:           |       | Garage Area :        | 963           |

| Sale and Loan Information |                         |                 |             |
|---------------------------|-------------------------|-----------------|-------------|
| Sale / Rec Date:          | 05/27/2008 / 05/27/2008 | *\$/Sq. Ft.:    | \$466.20    |
| 2nd Mtg.:                 |                         | 1st Loan:       |             |
| Sale Price:               | \$1,600,000             | Prior Sale Amt: | \$1,560,000 |
| Doc No.:                  | 9091                    | Loan Type:      |             |
| Prior Sale Date:          | 05/27/2008              | Transfer Date:  | 05/27/2008  |
| Doc Type:                 | Warranty Deed           | Prior Doc No.:  | 9090        |
| Seller:                   | Kahn,David B            | Lender:         |             |
| Prior Doc Type:           | Deed                    |                 |             |

\*\$/Sq.Ft. is a calculation of Sale Price divided by Sq.Feet.

| Tax Information  |                 |
|------------------|-----------------|
| Imp Value:       | Exemption Type: |
| Land Value:      | \$405,350       |
| Tax Year / Area: | 2022 / 8.3      |
| Total Value:     | \$405,350       |
| Tax Value:       |                 |
| Total Tax Amt:   | \$127.81        |
| Improved:        |                 |



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6505 Ne Hilltop Ln, Dayton, OR 97114

| Property Information |  |                   |                                      |
|----------------------|--|-------------------|--------------------------------------|
| Owner(s):            | Foxglove Properties                          | Mailing Address:  | 6555 Ne Hilltop Ln, Dayton, OR 97114 |
| Owner Phone:         | Unknown                                      | Property Address: | 6505 Ne Hilltop Ln, Dayton, OR 97114 |
| Vesting Type:        | N/A  | Alt. APN:         | R3338 00315                          |
| County:              | Yamhill                                      | APN:              | 473721                               |
| Map Coord:           | 3S-3W-33                                     | Census Tract:     | 030900                               |
| Lot#:                |  | Block:            |                                      |
| Subdivision:         |  | Tract:            |                                      |
| Legal:               | Township 3S Range 3W Section 33 Taxlot 00315 |                   |                                      |

| Property Characteristics |       |                      |                 |                |   |
|--------------------------|-------|----------------------|-----------------|----------------|---|
| Use:                     | Farms | Year Built / Eff. :  | /               | Sq. Ft. :      |   |
| Zoning:                  | EF-80 | Lot Size Ac / Sq Ft: | 39.48 / 1719749 | # of Units:    |   |
| Stories:                 |       | Improvements:        |                 | Parking / #:   | / |
| Gross Area:              |       | Garage Area :        |                 | Basement Area: |   |

| Sale and Loan Information |                |                  |
|---------------------------|----------------|------------------|
| Sale / Rec Date:          | *\$/Sq. Ft.:   | 2nd Mtg.:        |
| Sale Price:               | 1st Loan:      | Prior Sale Amt:  |
| Doc No.:                  | Loan Type:     | Prior Sale Date: |
| Doc Type:                 | Transfer Date: | Prior Doc No.:   |
| Seller:                   | Lender:        | Prior Doc Type:  |

\*\$/Sq.Ft. is a calculation of Sale Price divided by Sq.Feet.

| Tax Information |             |                  |            |
|-----------------|-------------|------------------|------------|
| Imp Value:      | \$44,221    | Exemption Type:  |            |
| Land Value:     | \$1,322,580 | Tax Year / Area: | 2022 / 8.3 |
| Total Value:    | \$1,366,801 | Tax Value:       |            |
| Total Tax Amt:  | \$893.74    | Improved:        | 3%         |



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6555 Ne Hilltop Ln, Dayton, OR 97114

| Property Information |  |
|----------------------|--|
| Owner(s):            | Foxglove Properties                          |
| Owner Phone:         | Unknown                                      |
| Vesting Type:        | N/A  |
| County:              | Yamhill                                      |
| Map Coord:           | 3S-3W-33                                     |
| Lot#:                |  |
| Subdivision:         |  |
| Legal:               | Township 3S Range 3W Section 33 Taxlot 00316 |
| Mailing Address:     | , ,  |
| Property Address:    | 6555 Ne Hilltop Ln, Dayton, OR 97114         |
| Alt. APN:            | R3333 00316                                  |
| APN:                 | 473730                                       |
| Census Tract:        | 030301                                       |
| Block:               |  |
| Tract:               |  |

| Property Characteristics |       |                                      |
|--------------------------|-------|--------------------------------------|
| Use:                     | Farms | Year Built / Eff. : /                |
| Zoning:                  | EF-80 | Lot Size Ac / Sq Ft: 38.84 / 1691870 |
| Stories:                 |       | Improvements:                        |
| Gross Area:              |       | Garage Area :                        |
|                          |       | Sq. Ft. :                            |
|                          |       | # of Units:                          |
|                          |       | Parking / #: /                       |
|                          |       | Basement Area:                       |

| Sale and Loan Information |                |                  |
|---------------------------|----------------|------------------|
| Sale / Rec Date:          | *\$/Sq. Ft.:   | 2nd Mtg.:        |
| Sale Price:               | 1st Loan:      | Prior Sale Amt:  |
| Doc No.:                  | Loan Type:     | Prior Sale Date: |
| Doc Type:                 | Transfer Date: | Prior Doc No.:   |
| Seller:                   | Lender:        | Prior Doc Type:  |

\*\$/Sq.Ft. is a calculation of Sale Price divided by Sq.Feet.

| Tax Information  |              |
|------------------|--------------|
| Imp Value:       | \$33,620,430 |
| Land Value:      | \$1,351,140  |
| Total Value:     | \$34,971,570 |
| Total Tax Amt:   | \$384,226.84 |
| Exemption Type:  |              |
| Tax Year / Area: | 2022 / 8.3   |
| Tax Value:       |              |
| Improved:        | 96%          |



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, , OR

| Property Information  |  |
|---|--|
| <b>Owner(s):</b> Foxglove Properties Llc  | <b>Mailing Address:</b> 6555 Ne Hilltop Ln, Dayton, OR 97114 |
| <b>Owner Phone:</b> Unknown   | <b>Property Address:</b> , , OR                              |
| <b>Vesting Type:</b>  | <b>Alt. APN:</b> R3333 00318                                 |
| <b>County:</b> Yamhill  | <b>APN:</b> 527722   |
| <b>Map Coord:</b> 3S-3W-33  | <b>Census Tract:</b>   |
| <b>Lot#:</b> 2  | <b>Block:</b>  |
| <b>Subdivision:</b> Replat Of Portions Of Breyman Orchards  | <b>Tract:</b>  |
| <b>Legal:</b> Township 3S Range 3W Section 33 Taxlot 00318 Lot 2 Subdivisionname Replat Of Portions Of Breyman Orchards |  |

| Property Characteristics      |   |                       |  |
|-------------------------------|---|-----------------------|--|
| <b>Use:</b> Residential (Nec) | <b>Year Built / Eff. :</b> /                | <b>Sq. Ft. :</b>      |  |
| <b>Zoning:</b> EF-80          | <b>Lot Size Ac / Sq Ft:</b> 45.51 / 1982416 | <b># of Units:</b>    |  |
| <b>Bedrooms:</b>              | <b>Bathrooms:</b>                           | <b>Fireplace:</b>     |  |
| <b># Rooms:</b>               | <b>Quality:</b>                             | <b>Heating:</b>       |  |
| <b>Pool:</b>                  | <b>Air:</b>                                 | <b>Style:</b>         |  |
| <b>Stories:</b> 1             | <b>Improvements:</b>                        | <b>Parking / #:</b> / |  |
| <b>Gross Area:</b>            | <b>Garage Area :</b>                        | <b>Basement Area:</b> |  |

| Sale and Loan Information                       |                                  |                                    |  |
|---|----------------------------------|------------------------------------|--|
| <b>Sale / Rec Date:</b> 05/27/2008 / 05/27/2008 | <b>*\$/Sq. Ft.:</b>              | <b>2nd Mtg.:</b>                   |  |
| <b>Sale Price:</b> \$1,600,000                  | <b>1st Loan:</b>                 | <b>Prior Sale Amt:</b> \$1,560,000 |  |
| <b>Doc No.:</b> 9091                            | <b>Loan Type:</b>                | <b>Prior Sale Date:</b> 05/27/2008 |  |
| <b>Doc Type:</b> Warranty Deed                  | <b>Transfer Date:</b> 05/27/2008 | <b>Prior Doc No.:</b> 9090         |  |
| <b>Seller:</b> Kahn,David B                     | <b>Lender:</b>                   | <b>Prior Doc Type:</b> Deed        |  |

\*\$/Sq.Ft. is a calculation of Sale Price divided by Sq.Feet.

| Tax Information                   |                                    |
|-----------------------------------|------------------------------------|
| <b>Imp Value:</b> \$111,834       | <b>Exemption Type:</b>             |
| <b>Land Value:</b> \$1,085,413    | <b>Tax Year / Area:</b> 2022 / 8.3 |
| <b>Total Value:</b> \$1,197,247   | <b>Tax Value:</b>                  |
| <b>Total Tax Amt:</b> \$12,649.32 | <b>Improved:</b> 9%                |





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7201 Ne Breyman Orchards Rd, Dayton, OR 97114

| Property Information |   |                   |   |
|----------------------|---|-------------------|---|
| Owner(s):            | Foxglove Properties Llc                           | Mailing Address:  | 6555 Ne Hilltop Ln, Dayton, OR 97114          |
| Owner Phone:         | Unknown   | Property Address: | 7201 Ne Breyman Orchards Rd, Dayton, OR 97114 |
| Vesting Type:        | N/A   | Alt. APN:         | R3333 00319                                   |
| County:              | Yamhill   | APN:              | 527725  |
| Map Coord:           | 3S-3W-33  | Census Tract:     | 030301  |
| Lot#:                | 3   | Block:            |   |
| Subdivision:         | Replat Of Portions Of Breyman Orchards            | Tract:            |   |
| Legal:               | Part Lot 3 Replat Of Portions Of Breyman Orchards |                   |   |

| Property Characteristics |                   |                      |               |                |   |
|--------------------------|-------------------|----------------------|---------------|----------------|---|
| Use:                     | Manufactured Home | Year Built / Eff. :  | /             | Sq. Ft. :      |   |
| Zoning:                  | EF-80             | Lot Size Ac / Sq Ft: | 9.75 / 424710 | # of Units:    |   |
| Stories:                 | 1                 | Improvements:        |               | Parking / #:   | / |
| Gross Area:              |                   | Garage Area :        |               | Basement Area: |   |

| Sale and Loan Information |                         |                |            |                  |             |
|---------------------------|-------------------------|----------------|------------|------------------|-------------|
| Sale / Rec Date:          | 05/27/2008 / 05/27/2008 | *\$/Sq. Ft.:   |            | 2nd Mtg.:        |             |
| Sale Price:               | \$1,600,000             | 1st Loan:      |            | Prior Sale Amt:  | \$1,560,000 |
| Doc No.:                  | 9091                    | Loan Type:     |            | Prior Sale Date: | 05/27/2008  |
| Doc Type:                 | Warranty Deed           | Transfer Date: | 05/27/2008 | Prior Doc No.:   | 9090        |
| Seller:                   | Kahn,David B            | Lender:        |            | Prior Doc Type:  | Deed        |

\*\$/Sq.Ft. is a calculation of Sale Price divided by Sq.Feet.

| Tax Information |            |                  |            |
|-----------------|------------|------------------|------------|
| Imp Value:      |            | Exemption Type:  |            |
| Land Value:     | \$371,625  | Tax Year / Area: | 2022 / 8.3 |
| Total Value:    | \$371,625  | Tax Value:       |            |
| Total Tax Amt:  | \$2,667.37 | Improved:        |            |



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, , OR

| Property Information |   |
|----------------------|---|
| Owner(s):            | Deepwater C & D Properties Llc                |
| Mailing Address:     | 1230 Peachtree St Ne #1500, Atlanta, GA 30309 |
| Owner Phone:         | Unknown                                       |
| Property Address:    | , , OR  |
| Vesting Type:        | N/A   |
| Alt. APN:            | R3328 01001                                   |
| County:              | Yamhill                                       |
| APN:                 | 82010   |
| Map Coord:           | 3S-3W-28                                      |
| Census Tract:        |   |
| Lot#:                | Block:  |
| Subdivision:         | Tract:  |
| Legal:               | Township 3S Range 3W Section 28 Taxlot 01001  |

| Property Characteristics |        |                                      |
|--------------------------|--------|--------------------------------------|
| Use:                     | Forest | Year Built / Eff. : /                |
| Sq. Ft. :                |        |                                      |
| Zoning:                  | EF-80  | Lot Size Ac / Sq Ft: 193.9 / 8446284 |
| # of Units:              |        |                                      |
| Stories:                 |        | Improvements:                        |
| Parking / #:             | /      |                                      |
| Gross Area:              |        | Garage Area :                        |
| Basement Area:           |        |                                      |

| Sale and Loan Information |                |                  |
|---------------------------|----------------|------------------|
| Sale / Rec Date:          | *\$/Sq. Ft.:   | 2nd Mtg.:        |
| Sale Price:               | 1st Loan:      | Prior Sale Amt:  |
| Doc No.:                  | Loan Type:     | Prior Sale Date: |
| Doc Type:                 | Transfer Date: | Prior Doc No.:   |
| Seller:                   | Lender:        | Prior Doc Type:  |

\*\$/Sq.Ft. is a calculation of Sale Price divided by Sq.Feet.

| Tax Information           |                             |
|---------------------------|-----------------------------|
| Imp Value:                | Exemption Type:             |
| Land Value: \$242,375     | Tax Year / Area: 2022 / 8.3 |
| Total Value: \$242,375    | Tax Value:                  |
| Total Tax Amt: \$1,087.00 | Improved:                   |



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TAX LOTS  
315, 316

The Recorded Document images are displayed in the subsequent pages for the following request:

State: OR  
County: YAMHILL

Document Number: 00000010152  
Document Date: 20140813

Limitation of Liability for Informational Report

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**RECORDING COVER SHEET**

**ALL TRANSACTIONS, PER ORS 205.234**  
THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING. ANY ERRORS IN THIS COVER SHEET DO NOT AFFECT THE TRANSACTION(S) CONTAINED IN THE INSTRUMENT ITSELF.

*This Space For County Recording Use Only*

**AFTER RECORDING RETURN TO:**

*(name and address of the person authorized to receive the instrument after recording a required by ORS 205.180(4) and ORS 205.238.)*

Bank of the West  
c/o Allen Matkins Leck Gamble  
Mallory & Natsis LLP  
515 South Figueroa, 9<sup>th</sup> Floor  
Los Angeles, California 90071  
Attn: Pauline M. Stevens, Esq.

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|  |                               |
|--|-------------------------------|
| Yamhill County Official Records  | <b>201410152</b>              |
| <b>DMR-MODDMR</b>  |                               |
| Stn=4 MILLSA   | <b>08/13/2014 12:57:55 PM</b> |
| 12Pgs \$60.00 \$11.00 \$5.00 \$20.00   | <b>\$96.00</b>                |
| I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records. |                               |
| Brian Van Bergen - County Clerk  |                               |

**1. NAME(S) OF THE TRANSACTION(S)**

Modification of Deed of Trust

**2. DIRECT PARTY, name(s) of the person(s) described in ORS 205.125(1)(b) or GRANTOR, as described in ORS 205.160.**

FOXGLOVE PROPERTIES, LLP, a Minnesota limited liability partnership

**3. INDIRECT PARTY, name(s) of the person(s) described In ORS 205.125(1)(a) or GRANTEE, as described in ORS 205.160.**

BANK OF THE WEST

**4. TRUE AND ACTUAL CONSIDERATION PAID for instruments conveying or contracting to convey fee title to any real estate and all memoranda of such instruments, reference ORS 93.030.**

\$0.00

**5. UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS for instruments conveying or contracting to convey fee title to any real estate, reference ORS 93.260.**

No Change

**6. ORIGINAL RECORDING INFORMATION:**

Recorded November 1, 2011 as Instrument No. 2011-14157

1755840  
FIRST AMERICAN TITLE

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RECORDING REQUEST BY  
AND WHEN RECORDED MAIL TO:

Bank of West  
c/o Allen Matkins Leck Gamble  
Mallory & Natsis LLP  
515 South Figueroa, 9th Floor  
Los Angeles, California 90071  
Attn: Pauline M. Stevens, Esq.

FIRST AMERICAN TITLE 1755840

**AGREEMENT SUPPLEMENTING BRIDGE TO PERMANENT DEED OF TRUST,  
ASSIGNMENT,  
SECURITY AGREEMENT AND FIXTURE FILING**

THIS AGREEMENT SUPPLEMENTING BRIDGE TO PERMANENT DEED OF TRUST, ASSIGNMENT, SECURITY AGREEMENT AND FIXTURE FILING (this "Agreement") is made as of the 7th day of July, 2014, by and between FOXGLOVE PROPERTIES, LLP, a Minnesota limited liability partnership ("Grantor") and BANK OF THE WEST (together with its successors and assigns, "Beneficiary").

WITNESSETH:

WHEREAS, Grantor and Beneficiary are parties to that certain Bridge and Permanent Credit Agreement dated as of October 27, 2011 (as amended, modified and supplemented from time to time, the "Credit Agreement"; and except as otherwise herein expressly provided, all terms defined in the Credit Agreement are being used herein as defined therein), whereby Beneficiary made or agreed to make loans to Borrower with respect to that certain property in the County of Yamhill, State of Oregon, on the land described in the Deed of Trust referred to below. The loans are evidenced by the Credit Agreement executed by Grantor and payable to the order of the Beneficiary, and the Credit Agreement is secured by, among other things, that certain Bridge to Permanent Deed of Trust, Assignment, Security Agreement and Fixture Filing, dated as of October 27, 2011, made by Grantor to First American Title Insurance Company of Oregon ("Trustee"), for the benefit of Beneficiary (the "Deed of Trust"), recorded on November 1, 2011 as Instrument No. 2011-14157 in the Official Records of Yamhill County, Oregon and encumbering the Real Property described on "Exhibit A" to this Agreement

WHEREAS, a Deed of Partial Reconveyance is concurrently being recorded with this Agreement, reconveying certain properties described therein, and the remaining property described in the Deed shall continue to be held by the Trustee under the terms of the Deed, as hereby amended, and

WHEREAS, pursuant to the terms of that certain Modification Agreement dated as of the date hereof (the "Amendment"), the Credit Agreement has been modified to reflect, among other things (i) an increase in the amount of the Commitment from \$9,700,000.00 to \$19,000,000.00, and (ii) an extension of the maturity date to June 5, 2024 (collectively, the "Modified Terms");

NOW, THEREFORE, for value received, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:



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1. The Credit Agreement has been modified to reflect the Modified Terms.
2. Except as specifically supplemented herein, the Deed of Trust and all of the terms, conditions and provisions thereof shall, in all respects, remain unmodified and unchanged and are hereby reaffirmed, ratified and confirmed and shall remain in full force and effect.
3. This Agreement shall not prejudice any present or future rights, remedies, benefits or powers belonging or accruing to Beneficiary under the terms of the Deed of Trust, as supplemented herein.
4. In the event of any conflict between the terms of the Deed of Trust and the provisions of this Agreement the terms of this Agreement shall control. This Agreement shall be deemed to form a part of the Deed of Trust, and, except as specifically supplemented herein, the terms of the Deed of Trust shall remain unaffected and unchanged by reason of this Agreement.



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IN WITNESS WHEREOF, this Agreement has been duly executed by Grantor and Beneficiary as of the day and year first above written.

**GRANTOR:**

FOXGLOVE PROPERTIES, LLP  
a Minnesota limited liability partnership

By:   
Name: Kenneth L. Evenstad  
Title: Authorized Signatory

[Signatures continue on following page]



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**BENEFICIARY:**

BANK OF THE WEST  
a California banking corporation

By:   
Name: Adam Beak  
Title: Managing Director





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Witnessing or Attesting a Signature

State of OREGON  
 County of Washburn

Signed or attested before me on July 30, 2014 by Kenneth Evrsted.

Hannah S. Hasbrook  
 Notary Public - State of Oregon



Certifying to a Copy of a Document

State of OREGON  
 County of \_\_\_\_\_

I certify that this is a true and correct copy of a record in the possession of \_\_\_\_\_.

Dated: \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 Notary Public - State of Oregon

Acknowledgment through Power of Attorney

State of OREGON  
 County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me personally appeared \_\_\_\_\_,  
 (proved to me on the basis of satisfactory evidence) (personally known to me) to be the person whose name  
 is subscribed to the within record (Type of Document: \_\_\_\_\_) as the  
 attorney in fact of: \_\_\_\_\_, and acknowledged that (he) (she) subscribed the name of  
 \_\_\_\_\_ thereto as principal, and (his) (her) own name as attorney in fact.

\_\_\_\_\_  
 Notary Public - State of Oregon

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### ACKNOWLEDGMENT

State of California  
County of Napa )

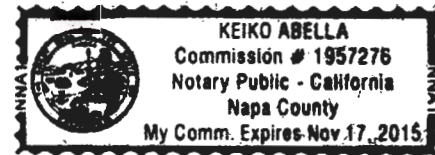
On August 6, 2014 before me, Keiko Abella, Notary Public  
(insert name and title of the officer)

personally appeared Adam Beak  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature Keiko Abella (Seal)



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[Insert Notarizations]



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"EXHIBIT A"

LEGAL DESCRIPTION

Real property in the County of Yamhill, State of Oregon, described as follows:

TRACT 1: New Timmons (Quarry)

Lots 1, 2, 3, and 4, Re-Plat of portions of BREYMAN ORCHARDS, Yamhill County, State of Oregon.

Tax Parcel Number: R3333-300, R3333-318, R3333-319, R3333-320

TRACT 2: Old Timmons (Laurent Perrier)

PARCEL 1:

A tract of land in the West Half of Section 33, Township 3 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, being more particularly described as follows:

Beginning at a point which bears South 05° 18' East 1655.80 feet from the Northwest corner of said Section 33, being on the West line of Breyman Orchard; thence running East 1319.88 feet; thence South 14° 38' 42" East 917.93 feet; thence South 44° 49' 57" East 215.87 feet; thence South 00° 02' 07" West 330.00 feet to the South line of Lot 54, Breyman Orchards; thence along the South line thereof, West 1033.00 feet; thence North 17° 37' East 180.00 feet; thence North 03° 22' West 373.56 feet; thence South 70° 59' West 614.46 feet; thence North 05° 18' West 1030.96 feet to the point of beginning.

TOGETHER WITH a non-exclusive 30 foot easement along the line of that property described in Bargain & Sale deed recorded in Film Volume 234, Page 400, Deed and Mortgage Records, Yamhill County, Oregon.

TOGETHER WITH a non-exclusive easement for road and utility purposes over the following described tract:

A strip of land 60 feet in width being 30 feet each side of the following described center line: Beginning at a point on the West line of County Road No. 82, that is West 50 feet and South 01° 05' West 257.4 feet from the Northeast corner of Lot 59, Breyman Orchards; thence West 444.43 feet; thence Northwesterly 301.58 feet along the arc of a 191 foot radius curve right through a central angle of 90° 28' (chord bears North 44° 45' West 271.21 feet); thence North 00° 28' East, 64.60 feet to the North line of Lot 58 in said Breyman Orchards.

TOGETHER WITH that portion vacated in Board Order 04-216, recorded September 9, 2004 in Instrument No. 200418640, Yamhill County Deed and Mortgage Records.

Tax Parcel Number: R3333-315

PARCEL 2:

A tract of land in the West Half of Section 33, Township 3 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, being more particularly described as follows:

Beginning at a point which bears South 05° 18' East 210.30 feet from the Northwest corner of said Section 33; and running thence South 89° 18' East 964.80 feet; thence South 79° 34' East 149.44 feet;



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thence South  $14^{\circ} 38' 42''$  East 1455.14 feet; thence West 1319.88 feet; thence North  $06^{\circ} 18'$  West 1455.50 feet to the point of beginning.

TOGETHER WITH a non-exclusive easement for road and utility purposes over the following described tract:

A strip of land 60 feet in width being 30 feet each side of the following described center line: Beginning at a point on the West line of County Road No. 82, that is West 50 feet and South  $01^{\circ} 05'$  West 257.4 feet from the Northeast corner of Lot 59, Breyman Orchards; thence West 444.43 feet; thence Northwestly 301.58 feet along the arc of a 191 foot radius curve right through a central angle of  $90^{\circ} 28'$  (chord bears North  $44^{\circ} 45'$  West 271.21 feet); thence North  $00^{\circ} 28'$  East, 64.60 feet to the North line of Lot 58 in said Breyman Orchards.

TOGETHER WITH that portion vacated in Board Order 04-216, recorded September 9, 2004 in Instrument No. 200418640, Yamhill County Deed and Mortgage Records.

Tax Parcel Number: R3333-316

TRACT 3: Weeks (Cote Sud)

PARCEL 1:

A tract of land lying in the Southwest 1/4, Section 33, Township 3 South, Range 3 West, Willamette Meridian, in the Northwest 1/4, Section 4, Township 4 South, Range 3 West, Willamette Meridian, and in the Northeast 1/4, Section 5, Township 4 South, Range 3 West, Willamette Meridian, Yamhill County, Oregon; being a portion of BREYMAN ORCHARDS, a subdivision, as platted in Book 3, Page 3, Yamhill County Plat Records; being also a portion of the parcel conveyed to John H. Weeks per Volume 193, Page 1630, Deed Records of Yamhill County; said tract being more particularly described as follows:

BEGINNING at a 5/8 iron rod lying on the East line of Lot 74, of said subdivision, North  $1^{\circ} 35' 28''$  East 694.00 feet from a 2. iron pipe at the Southeast Corner of Lot 83, BREYMAN ORCHARDS; thence leaving said East line North  $66^{\circ} 37' 04''$  West 1505.49 feet to a 5/8. Iron rod; thence continuing North  $66^{\circ} 37' 04''$  West 1244.54 feet to a 5/8. Iron rod on the West line of Lot 70, said subdivision; thence along the West line of Lots 70 and 69, by the following courses as defined by an April 12, 1989 survey for John Weeks and Peter Kircher, North  $23^{\circ} 08' 22''$  East 168.82 feet; thence North  $28^{\circ} 02' 51''$  East 430.38 feet; thence North  $28^{\circ} 39' 19''$  East 412.82 feet to an 18. diameter White Oak tree at the Northwest corner of Parcel 1 as described on said Weeks description; said tree lies North  $28^{\circ} 02' 51''$  East 2.00 feet from a 5/8. Iron rod; thence along the North line of said Weeks parcel South  $62^{\circ} 48' 01''$  East 904.69 feet to a 5/8. Iron rod; thence continuing on said North line South  $62^{\circ} 20' 53''$  East 710.14 feet to a 5/8. iron rod at the Southeast corner of Lot 67, said subdivision; thence along the North line of Lot 73, said subdivision South  $89^{\circ} 41' 33''$  East 659.24 feet to the Northeast corner thereof; and lying South  $89^{\circ} 41' 33''$  East 2.00 feet from a 5/8. Iron rod; thence along the East line of said Lots 73 and 74 South  $1^{\circ} 38' 40''$  West 888.80 feet to the Northwest corner of the parcel conveyed on Film Volume 180, Page 1116, said County Deed Records, and lying North  $4^{\circ} 21' 39''$  East 1.08 feet from a 5/8. Iron rod; thence along the North line of said parcel North  $89^{\circ} 41' 44''$  East 1031.22 feet to a 5/8. Iron rod on the Westerly right-of-way line of Breyman Orchards Road; thence along said right-of-way line South  $21^{\circ} 17' 00''$  East 64.22 feet to the Southeast corner of Parcel 2 as conveyed in said Weeks deed; thence along the South line of said parcel South  $89^{\circ} 41' 44''$  West 1056.25 feet to a 1. iron pipe that lies South  $1^{\circ} 38' 40''$  West 948.80 feet from said Northeast corner of Lot 73; thence continuing along said lot line South  $1^{\circ} 35' 28''$  West 293.78 feet to the point of beginning.

TOGETHER WITH AND SUBJECT TO an access easement, 30 feet in width, lying 15 feet on each side of the following described centerline:



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BEGINNING at a point on the East line of said Lot 74, BREYMAN ORCHARDS, lying North 1° 35' 28" East 987.78 feet and North 1° 38' 40" East 30.00 feet from a 2. iron pipe at the Southeast corner of said Lot 83, said subdivision; thence North 54° 23' 55" West 133.36 feet; thence South 83° 20' 54" West 163.01 feet; thence North 69° 48' 20" West 267.52 feet; thence North 54° 48' 50" West 152.26 feet; thence North 61° 47' 03" West 376.17 feet; thence North 76° 12' 53" West 301.37 feet; thence North 60° 49' 56" West 233.30 feet; thence South 50° 04' 11" West 60.94 feet; thence South 19° 47' 09" East 76.74 feet; thence South 39° 44' 51" East 68.44 feet; thence South 20° 00' 00" East 175.00 feet to a 5/8. Iron rod at the terminus on the Southerly Boundary of the above described parcel; it is intended that the boundaries of this easement also end on the Southerly line of said parcel.

EXCEPTING THEREFROM that portion conveyed to Stonehedge Vineyard and described in Film Volume 269, Page 1351, recorded May 29, 1992, Yamhill County Deed and Mortgage Records.

TOGETHER WITH that portion vacated in Board Order 04-216, recorded September 9, 2004 in Instrument No. 200418640, Yamhill County Deed and Mortgage Records.

Tax Parcel Number: R4304-2001 and R4304-102

TRACT 5: (Jerusalem Hill)

PARCEL 1:

BEGINNING 27 rods, 9 feet, 8 inches East of the Northwest corner of the Northeast Quarter of Section 6



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in Township 6 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon; thence East 54 rods 20 feet; thence South 1,021.31 feet to the South line of land described in contract with H.D. Terrill, Jr. recorded December 8, 1904 in Book .C., Page 617, Record of Bonds and Contracts; thence West 54 rods 20 feet; thence North 1,021.31 feet to the PLACE OF BEGINNING.

SAVE AND EXCEPT the following described property:

BEGINNING at a railroad spike set in the center of County Road No. 459 on the North line of said Section 6 at a point that is 455.16 feet North 89° 59' East from the North Quarter corner of said Section 6; thence South 00° 06' East (passing a one-half inch iron pipe at 25 feet) 290.4 feet to a point from which a one-half inch iron pipe bears South 00° 06' East 6 feet; thence North 89° 59' East 150 feet to a one-half inch iron pipe; thence North 00° 06' West (passing a one-half inch iron pipe at 265.4 feet) 290.4 feet; thence South 89° 59' West 150 feet to the PLACE OF BEGINNING.

Tax Parcel Number: R6306-300

PARCEL 2:

BEGINNING at an angle iron 1 1/2 X 1 1/2 X 30 inches set on the West line of the William Miller Donation Land Claim and North 00° 21' West 6.854 chains from the Northwest corner of the George R. Gay Donation Land Claim No. 58 in Section 6, Township 6 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, said angle iron being the Northeast corner of Parcel No. 2 as recorded March 15, 1946 in Book 133, Page 737, Deed Records; thence North 00° 21' West with the West line of the Miller Donation Land Claim, 16.09 chains to the Southeast corner of Tract No. 2 described in a deed to Roy E. Wright, et ux., recorded January 30, 1952 in Book 164, Page 442, Deed Records; thence North 89° 55' West 37.84 chains along the South boundary of Tracts 1 and 2 described in the Wright deed above and along the South boundary of tracts conveyed to P.J. Stratmeyer et ux., recorded December 18, 1940 in Book 118, Page 305, Deed Records; Ersel F. Kirkwood and wife, recorded January 6, 1956 in Book 179, Page 391, Deed Records; W.J. Allen et ux., recorded July 13, 1964 in Film Volume 38, Page 725, Deed Records, and Marian S. Ketchum (Tract 1) recorded March 23, 1945 in Book 128, Page 377, Deed Records to the West line of the Northeast Quarter of Section 6, Township 6 South, Range 3 West; thence South 00° 04' East 25.42 chains along the West line of the Northeast Quarter of Section 6 to the center of the said Section 6; thence North 89° 35' East with the East and West line of said Section 6, 9.09 chains to the Southwest corner of Tract 1 conveyed by Deed to Arthur Nygren, recorded February 1, 1937 in Book 112, Page 203, Deed Records; thence North 9.004 chains to the Northwest corner of Tract 2 described in the said Nygren Deed; thence North 89° 35' East, 28.845 chains to the PLACE OF BEGINNING.

Tax Parcel Number: R6306-1100





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TAX LOTS  
300, 318, 319

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**State: OR**  
**County: Yamhill**

**Document Number: 9091**  
**Document Date: 20080527**

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RECORDING REQUESTED BY:

GRANTOR'S NAME:  
David B. Kahn

GRANTEE'S NAME:  
Foxglove Properties, LLP, a Minnesota Limited  
Liability Partnership

SEND TAX STATEMENTS TO:  
Foxglove Properties, LLP, a Minnesota Limited  
Liability Partnership  
6701 Evenstad Drive  
Maple Grove, MN 55369

AFTER RECORDING RETURN TO:  
Foxglove Properties, LLP, a Minnesota Limited  
Liability Partnership  
6701 Evenstad Drive  
Maple Grove, MN 55369

Escrow No: 3626001557-TTPOR36

OFFICIAL YAMHILL COUNTY RECORDS  
JAN COLEMAN, COUNTY CLERK



\$31.00

200809091

4:03:49 PM 5/27/2008

DMR-DDMR Cnt=1 Stn=3 SUSIE  
\$10.00 \$10.00 \$11.00

Ticor Title Insurance Company

3626001557AC

**STATUTORY WARRANTY DEED**

David B. Kahn, Grantor, conveys and warrants to

Foxglove Properties, LLP, a Minnesota Limited Liability Partnership, a Minnesota Limited Liability Partnership, 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:

Lots 1, 2 and 3, REPLAT OF PORTIONS OF BREYMAN ORCHARDS, County of Yamhill, State of Oregon.

**Subject to and excepting:**

Roadway, as set forth in Deed recorded June 3, 1936 in Book 111, Page 349; Easement as shown on the recorded plat.

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. 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.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$1,600,000.00. (See ORS 93.030)

DATED: May 27, 2008

*David B. Kahn by Erl. A. Sh*  
David B. Kahn *His Att in fact*

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State of OREGON

County of YAMHILL

On this 27 day of MAY, 2008, before me personally appeared  
EDWIN SHARER,

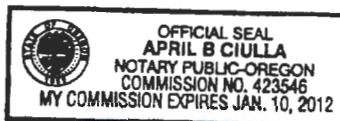
(proved to me on the basis of satisfactory evidence) (personally known to me) to be the person whose

name is subscribed to the within instrument (Type of  
Document: WARRANTY DEED)

as the attorney in fact of: DAVID B. KAHL, and acknowledged that (he) (she) subscribed the name  
of DAVID B. KAHL thereto as principal, and (his) (her) own name as attorney in fact.

April B. Ciulla

Notary Public - State of Oregon  
My commission expires: 1/10/2012





*First American*

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myFirstAm<sup>®</sup> Recorded Document

Tax Lot  
1001

The Recorded Document images are displayed in the subsequent pages for the following request:

**State: OR**  
**County: YAMHILL**

**Document Number: 00000004144**  
**Document Date: 20180323**

Limitation of Liability for Informational Report

**IMPORTANT – READ CAREFULLY:** THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S . PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.



After recording return to:  
Deepwater C&D Properties, LLC  
1230 Peachtree St. NE, Suite 1500  
Atlanta, GA 30309

Until a change is requested all tax  
statements shall be sent to the  
following address:  
Deepwater C&D Properties, LLC  
1230 Peachtree St. NE, Suite 1500  
Atlanta, GA 30309

File No.: 1031-2988216 (MWG)  
Date: March 09, 2018

THIS SPACE RESERVED FOR RECORDER'S USE

|  |                               |
|--|-------------------------------|
| Yamhill County Official Records  | <b>201804144</b>              |
| <b>DMR-DDMR</b>  |                               |
| Stn=3 SUTTONS  | <b>03/23/2018 01:18:00 PM</b> |
| 4Pgs \$20.00 \$11.00 \$5.00 \$20.00  | <b>\$56.00</b>                |
| I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify<br>that the instrument identified herein was recorded in the Clerk<br>records. |                               |
| Brian Van Bergen - County Clerk  |                               |

FIRST AMERICAN TITLE 2988216

### STATUTORY WARRANTY DEED

**Mid-Valley Resources, Inc., a corporation**, Grantor, conveys and warrants to **Deepwater C&D Properties, LLC, a Delaware limited liability company**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

**Subject to:**

See attached Exhibit "B"

The true consideration for this conveyance is **\$zero dollars**. However, the actual consideration consists of other value given or promised which is the whole of the consideration. (Here comply with requirements of ORS 93.030)

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APN: 82010

Statutory Warranty Deed  
- continued

File No.: 1031-2988216 (MWG)

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.

Dated this 22 day of March, 2018.

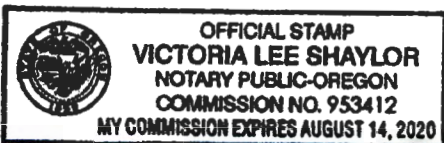
Mid-Valley Resources, Inc., an Oregon corporation

By: [Signature]  
Name: Steven J. Zika  
Title: Authorized Signer

STATE OF Oregon )  
County of ~~Yamhill~~ Washington ) Wes )ss.

This instrument was acknowledged before me on this 22nd day of March, 2018 by Steven J. Zika as Authorized Signer of Mid-Valley Resources, Inc., on behalf of the corporation.

[Signature: Victoria Lee Shaylor]



Notary Public for Oregon  
My commission expires:

**EXHIBIT A**

**LEGAL DESCRIPTION:** Real property in the County of Yamhill, State of Oregon, described as follows:

**Part of the BREYMAN ORCHARDS in Yamhill County, Oregon, described as follows:**

**BEGINNING** at the Northwest corner of Lot 1 of said BREYMAN ORCHARDS; thence South 00°32' West along the West line of said Lot, 1211.8 feet to the Southwest corner thereof; thence South 88°40' East, 943.8 feet to angle corner of Lot 19 and South 6°18' East, 36 feet from the corner of Sections 28, 29, 32 and 33 of Township 3 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon; thence South 6°18' East, 210.3 feet; thence South 89°18' East, 964.8 feet; thence South 79°34' East, 1395.9 feet; thence South 81°45' East, 647.8 feet; thence South 00°36' West, 650.2 feet to a point North 00°36' East, 497 feet from the corner of Lots 32, 33, 43, and 44; thence South 89°24' East, 1125.8 feet to a point 35 feet North and 40 feet East of a spring now there; thence South 00°36' West, 406.2 feet; thence South 89°24' East, 1516.1 feet to a corner in fence on the East line of BREYMAN ORCHARDS; thence North 1° East, 2801 feet to an iron pipe at the Northeast corner of said BREYMAN ORCHARDS; thence North 89°14' West, along the North line of said BREYMAN ORCHARDS tract, 6625.2 feet to the point of beginning.

**EXCEPTING THEREFROM** Lots 8, 9, 10, 11, 12 and 13 of BREYMAN ORCHARDS.

**ALSO FURTHER EXCEPTING THEREFROM** a tract of land in Sections 28 and 33 of Township 3 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

**BEGINNING** at the Northeast corner of Lot 7 of BREYMAN ORCHARDS; thence South 89°53'41" West, 1378.10 feet along the North line of BREYMAN ORCHARDS, which is also the North line of the Henry Hill Donation Land Claim to an iron rod on a curve concave to the Southwest having a radius of 465.0 feet; thence Southeasterly 178.26 feet along said curve (chord = South 52°58'30" East, 177.17 feet) to the end of said curve; thence South 41°59'30" East, 140.31 feet; thence South 37°00' East, 121.87 feet to the beginning of a curve concave to the Northeast having a radius of 586.41 feet; thence Southeasterly 133.79 feet along said curve (chord = South 43°32' East, 133.50 feet); thence South 50°04' East, 202.79 feet to the beginning of a curve concave to the Southwest having a radius of 411.64 feet; thence Southeasterly 259.28 feet along said curve (chord = South 32°01'20" East, 255.02 feet); thence South 13°58'40" East, 313.65 feet; thence South 07°41' East, 170.50 feet to the beginning of a curve concave to the East having a radius of 260.91 feet; thence Southeasterly 154.46 feet along said curve (chord = South 24°38'30" East, 152.21 feet); thence South 41°36' East, 144.19 feet to a curve concave to the Northeast, having a radius of 296.62 feet; thence Southeasterly 103.93 feet along said curve (chord = South 51°38'20" East, 103.40 feet); thence South 61°40'40" East, 165.28 feet to the beginning of a curve concave to the Southwest, having a radius of 330.43 feet; thence Southeasterly 196.38 feet (chord = South 44°39' East, 193.50 feet); thence South 27°37'30" East, 117.82 feet to an iron rod that is South 0°21'53" West, 281.73 feet from the Southeast corner of Lot 14 of BREYMAN ORCHARDS; thence North 00°21'53" East, 281.73 feet to the Southeast corner of said Lot 14; thence North 00°21'53" East, 1576.42 feet along the East line of Lots 14 and 7 to the point of beginning.

**TOGETHER WITH** that permanent non-exclusive easement for right of way, including the terms and provisions thereof, as described in instrument recorded February 16, 1978 in Film Volume 126, Page 1752, Deed and Mortgage Records, Yamhill County, Oregon.

**Exhibit "B"**

1. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
2. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land pursuant to O.R.S. 321.358 to 321.372. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last five (5) or lesser number of years in which the land was subject to the special land assessment.
3. Easement, including terms and provisions contained therein:  
Recording Information: September 10, 1951 in Film Volume 168, Page 42, Deed and Mortgage Records  
In Favor of: Portland General Electric Company  
For: Right of Way
4. Easement, including terms and provisions contained therein:  
Recording Information: February 08, 1963 in Film Volume 28, Page 91, Deed and Mortgage Records  
In Favor of: Portland General Electric Company  
For: Right of Way
5. Easement, including terms and provisions contained therein:  
Recording Information: February 16, 1978 in Film Volume 126, Page 1752, Deed and Mortgage Records  
In Favor of: Publishers Paper Co., a Delaware corporation  
For: Right of Way
6. Encroachment as disclosed CSP 8721
7. An easement reserved in a deed, including the terms and provisions thereof;  
Recorded: September 29, 1989  
Recording Information: Film Volume 236, Page 1674, Deed and Mortgage Records  
From: Smurfit Newsprint Corporation, a Delaware corporation  
To: C. Calvert Knudsen and Julia Lee Knudsen, husband and wife  
For: Roadway
8. Easement, including terms and provisions contained therein:  
Recording Information: September 29, 1989 in Film Volume 236, Page 1680, Deed and Mortgage Records  
In Favor of: Smurfit Newsprint Corporation, a Delaware corporation  
For: Right of Way
9. Matters arising out of, or from, Case CV110139 Yamhill County Circuit Court, State of Oregon.

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# Business Registry Business Name Search

[New Search](#)

## Business Entity Data

02-27-2023  
15:17

| Registry Nbr   | Entity Type | Entity Status | Jurisdiction | Registry Date | Next Renewal Date | Renewal Due? |
|--|-------------|---------------|--------------|---------------|-------------------|--------------|
| 413745-88  | FBC         | ACT           | MINNESOTA    | 08-08-1994    | 08-08-2023        |              |
| <b>Entity Name</b> DOMAINE SERENE VINEYARDS AND WINERY, INC. |             |               |              |               |                   |              |
| <b>Foreign Name</b>  |             |               |              |               |                   |              |

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## Associated Names

MAR 13 2023

| Type          |                             |    |       | Country                  |
|---------------|-----------------------------|----|-------|--------------------------|
| PPB           | PRINCIPAL PLACE OF BUSINESS |    |       | OWRD                     |
| <b>Addr 1</b> | 6555 NE HILLTOP LN          |    |       |                          |
| <b>Addr 2</b> |                             |    |       |                          |
| <b>CSZ</b>    | DAYTON                      | OR | 97114 | UNITED STATES OF AMERICA |

Please click [here](#) for general information about registered agents and service of process.

| Type          |                    |      | Start Date | Resign Date              |
|---------------|--------------------|------|------------|--------------------------|
| AGT           | REGISTERED AGENT   |      | 07-23-2021 |                          |
| <b>Name</b>   | EVAN               | KARP |            |                          |
| <b>Addr 1</b> | 6555 NE HILLTOP LN |      |            |                          |
| <b>Addr 2</b> |                    |      |            |                          |
| <b>CSZ</b>    | DAYTON             | OR   | 97114      | UNITED STATES OF AMERICA |

| Type          |                    |    |       | Country                  |
|---------------|--------------------|----|-------|--------------------------|
| MAL           | MAILING ADDRESS    |    |       |                          |
| <b>Addr 1</b> | 6555 NE HILLTOP LN |    |       |                          |
| <b>Addr 2</b> |                    |    |       |                          |
| <b>CSZ</b>    | DAYTON             | OR | 97114 | UNITED STATES OF AMERICA |

| Type          |                    |          | Resign Date |                          |
|---------------|--------------------|----------|-------------|--------------------------|
| PRE           | PRESIDENT          |          |             |                          |
| <b>Name</b>   | RYAN               | R HARRIS |             |                          |
| <b>Addr 1</b> | 6555 NE HILLTOP LN |          |             |                          |
| <b>Addr 2</b> |                    |          |             |                          |
| <b>CSZ</b>    | DAYTON             | OR       | 97114       | UNITED STATES OF AMERICA |

| Type          |              |            | Resign Date |                          |
|---------------|--------------|------------|-------------|--------------------------|
| SEC           | SECRETARY    |            |             |                          |
| <b>Name</b>   | GRACE        | B EVENSTAD |             |                          |
| <b>Addr 1</b> | 3800 RUM ROW |            |             |                          |
| <b>Addr 2</b> |              |            |             |                          |
| <b>CSZ</b>    | NAPLES       | FL         | 34102       | UNITED STATES OF AMERICA |

[New Search](#)

## Name History



# Business Registry Business Name Search

[New Search](#)

## Business Entity Data

02-27-2023  
15:29

| Registry Nbr                                     | Entity Type | Entity Status | Jurisdiction | Registry Date | Next Renewal Date | Renewal Due? |
|--|-------------|---------------|--------------|---------------|-------------------|--------------|
| 1313093-95                                       | FLLC        | ACT           | DELAWARE     | 04-10-2017    | 04-10-2024        |              |
| <b>Entity Name</b> DEEPWATER C&D PROPERTIES, LLC |             |               |              |               |                   |              |
| <b>Foreign Name</b>                              |             |               |              |               |                   |              |

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## Associated Names

| Type          | PPB                                 | PRINCIPAL PLACE OF BUSINESS |       |                |                          |
|---------------|-------------------------------------|-----------------------------|-------|----------------|--------------------------|
| <b>Addr 1</b> | 1230 PEACHTREE STREET NE SUITE 1500 |                             |       |                |                          |
| <b>Addr 2</b> |                                     |                             |       |                |                          |
| <b>CSZ</b>    | ATLANTA                             | GA                          | 30309 | <b>Country</b> | UNITED STATES OF AMERICA |

Please click [here](#) for general information about registered agents and service of process.

| Type          | AGT                | REGISTERED AGENT | Start Date | 06-22-2021     | Resign Date              |  |
|---------------|--------------------|------------------|------------|----------------|--------------------------|--|
| <b>Name</b>   | EVAN KARP          |                  |            |                |                          |  |
| <b>Addr 1</b> | 6555 NE HILLTOP LN |                  |            |                |                          |  |
| <b>Addr 2</b> |                    |                  |            |                |                          |  |
| <b>CSZ</b>    | DAYTON             | OR               | 97114      | <b>Country</b> | UNITED STATES OF AMERICA |  |

| Type          | MAL                                 | MAILING ADDRESS |       |                |                          |
|---------------|-------------------------------------|-----------------|-------|----------------|--------------------------|
| <b>Addr 1</b> | 1230 PEACHTREE STREET NE SUITE 1500 |                 |       |                |                          |
| <b>Addr 2</b> |                                     |                 |       |                |                          |
| <b>CSZ</b>    | ATLANTA                             | GA              | 30309 | <b>Country</b> | UNITED STATES OF AMERICA |

| Type          | MEM                  | MEMBER |       |                | Resign Date              |  |
|---------------|----------------------|--------|-------|----------------|--------------------------|--|
| <b>Name</b>   | EVAN KARP            |        |       |                |                          |  |
| <b>Addr 1</b> | 6555 NE HILLTOP LANE |        |       |                |                          |  |
| <b>Addr 2</b> |                      |        |       |                |                          |  |
| <b>CSZ</b>    | DAYTON               | OR     | 97114 | <b>Country</b> | UNITED STATES OF AMERICA |  |

[New Search](#)

## Name History

| Business Entity Name          | Name Type | Name Status | Start Date | End Date |
|-------------------------------|-----------|-------------|------------|----------|
| DEEPWATER C&D PROPERTIES, LLC | EN        | CUR         | 04-10-2017 |          |

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# Business Registry Business Name Search

[New Search](#)

## Business Entity Data

02-27-2023  
15:31

| Registry Nbr                                | Entity Type | Entity Status | Jurisdiction | Registry Date | Next Renewal Date | Renewal Due? |
|---|-------------|---------------|--------------|---------------|-------------------|--------------|
| 561270-96                                   | FLLP        | ACT           | MINNESOTA    | 11-20-2008    | 11-20-2023        |              |
| <b>Entity Name</b> FOXGLOVE PROPERTIES, LLP |             |               |              |               |                   |              |
| <b>Foreign Name</b>                         |             |               |              |               |                   |              |

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MAR 13 2023

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## Associated Names

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| Type          | PPB                   | PRINCIPAL PLACE OF BUSINESS |       |                |                          |
|---------------|-----------------------|-----------------------------|-------|----------------|--------------------------|
| <b>Addr 1</b> | 225 S 6TH ST STE 2800 |                             |       |                |                          |
| <b>Addr 2</b> |                       |                             |       |                |                          |
| <b>CSZ</b>    | MINNEAPOLIS           | MN                          | 55402 | <b>Country</b> | UNITED STATES OF AMERICA |

| Type          | MAL                  | MAILING ADDRESS |       |                |                          |
|---------------|----------------------|-----------------|-------|----------------|--------------------------|
| <b>Addr 1</b> | 6555 NE HILLTOP LANE |                 |       |                |                          |
| <b>Addr 2</b> |                      |                 |       |                |                          |
| <b>CSZ</b>    | DAYTON               | OR              | 97114 | <b>Country</b> | UNITED STATES OF AMERICA |

| Type          | PTN                   | PARTNER |          |                | Resign Date              |
|---------------|-----------------------|---------|----------|----------------|--------------------------|
| <b>Name</b>   | KENNETH               | L       | EVENSTAD |                |                          |
| <b>Addr 1</b> | 225 S 6TH ST STE 2800 |         |          |                |                          |
| <b>Addr 2</b> |                       |         |          |                |                          |
| <b>CSZ</b>    | MINNEAPOLIS           | MN      | 55402    | <b>Country</b> | UNITED STATES OF AMERICA |

| Type          | PTN                   | PARTNER |          |                | Resign Date              |
|---------------|-----------------------|---------|----------|----------------|--------------------------|
| <b>Name</b>   | GRACE                 |         | EVENSTAD |                |                          |
| <b>Addr 1</b> | 225 S 6TH ST STE 2800 |         |          |                |                          |
| <b>Addr 2</b> |                       |         |          |                |                          |
| <b>CSZ</b>    | MINNEAPOLIS           | MN      | 55402    | <b>Country</b> | UNITED STATES OF AMERICA |

[New Search](#)

## Name History

| Business Entity Name     | Name Type | Name Status | Start Date | End Date |
|--------------------------|-----------|-------------|------------|----------|
| FOXGLOVE PROPERTIES, LLP | EN        | CUR         | 11-20-2008 |          |

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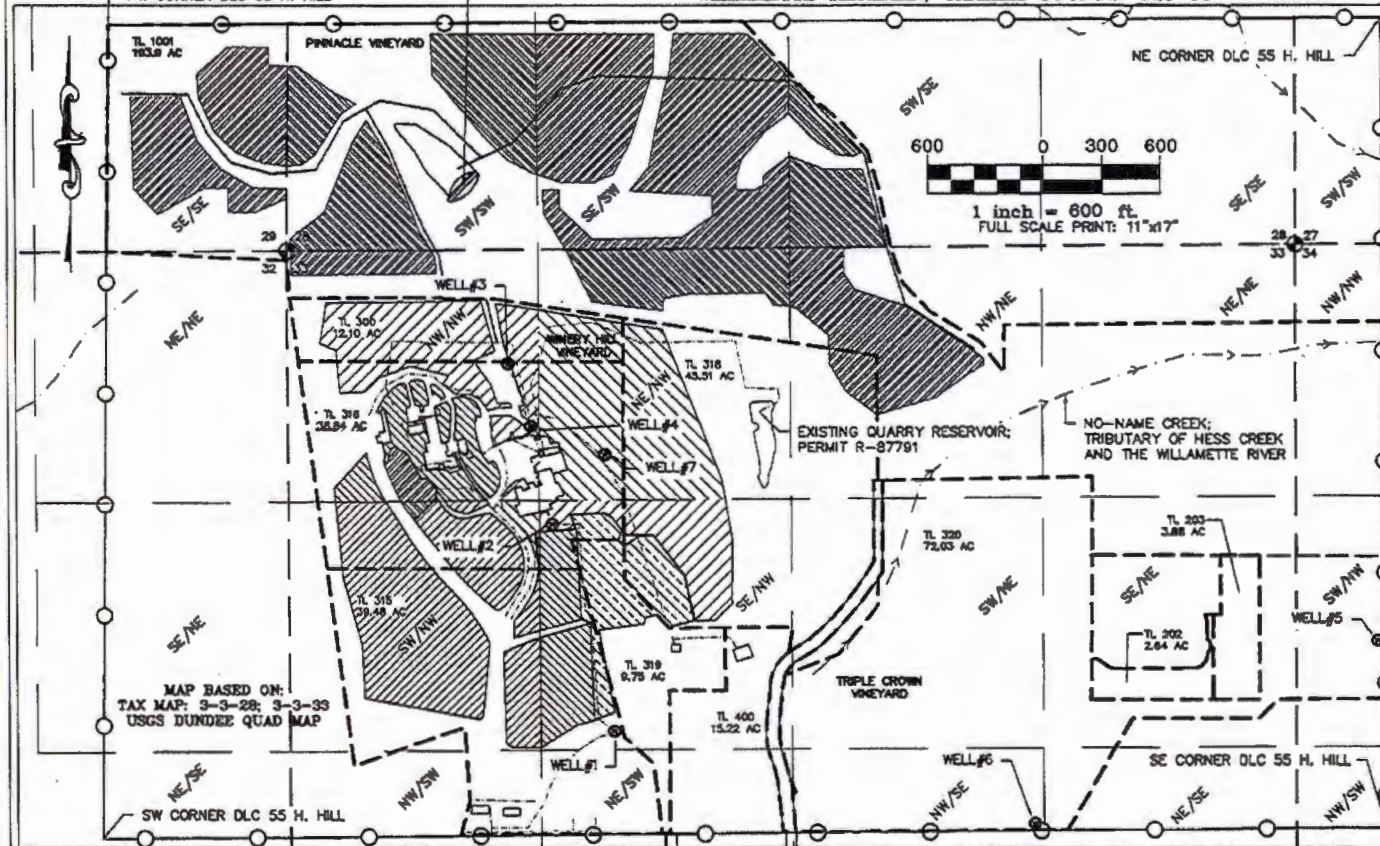
## Summary History

# APPLICATION MAP FOR PERMIT TO USE SURFACE WATER

PINNACLE RESERVOIR; PERMIT R-15478; POOL AREA=1.7 AC  
345' N AND 925' E FROM SW CRN. SEC 28  
NW CORNER DLC 55 H. HILL

LOCATION: T3S, R3W, SEC. 28, 29, 33, 34,  
TAXLOTS: Sec.33; Tax Lots 300, 315, 316, 318, 319. Sec.28; Tax Lot 1001  
WILLAMETTE MERIDIAN, YAMHILL COUNTY, DLC 55

POD = PINNACLE RESERVOIR  
345' N AND 925' E FROM THE SW CORNER OF SEC. 28.  
SW APPLICATION FOR: PRIMARY 74.8 AC, SUPPLEMENTAL 70.3 AC



| Pinnacle Pond Proposed Primary Irrigation |    |     |         |         |       |      |
|---|----|-----|---------|---------|-------|------|
| T   | R  | Sec | 1/4-1/4 | Tax Lot | Acres |      |
| 3S  | 3W | 29  | SE/SE   | 1001    | 10.5  |      |
| 3S  | 3W | 28  | SW/SW   | 1001    | 14.4  |      |
| 3S  | 3W | 28  | SE/SW   | 1001    | 24.8  |      |
| 3S  | 3W | 28  | SW/SE   | 1001    | 5.3   |      |
| 3S  | 3W | 33  | NW/NW   | 1001    | 2.1   |      |
| 3S  | 3W | 33  | NE/NW   | 1001    | 6.7   |      |
| 3S  | 3W | 33  | NW/NE   | 1001    | 8.6   |      |
| 3S  | 3W | 33  | NW/NE   | 318     | 1.2   |      |
| 3S  | 3W | 33  | NW/NW   | 316     | 1.0   |      |
| 3S  | 3W | 33  | SW/NW   | 316     | 0.2   |      |
| Total Primary Irrigation =                |    |     |         |         |       | 74.8 |
| Total Primary this Application =          |    |     |         |         |       | 74.8 |

| Pinnacle Pond Proposed Supplemental Irrigation                                       |    |     |         |         |       |      |
|--|----|-----|---------|---------|-------|------|
| Primary Rights: Cert. S7851 Well 1,<br>Cert. 88371 Wells 2-4, Permit G-16900 Well 7. |    |     |         |         |       |      |
| T  | R  | Sec | 1/4-1/4 | Tax Lot | Acres |      |
| 3S   | 3W | 33  | NW/NW   | 316     | 5.0   |      |
| 3S   | 3W | 33  | SW/NW   | 316     | 6.3   |      |
| 3S   | 3W | 33  | SW/NW   | 315     | 14.0  |      |
| 3S   | 3W | 33  | SE/NW   | 316     | 0.9   |      |
| 3S   | 3W | 33  | SE/NW   | 315     | 4.7   |      |
| Total Supplemental these 3 Rights =  |    |     |         |         |       | 30.9 |

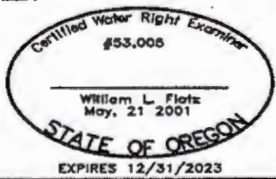
| Primary Right, S-54831 Quarry Pond. |    |     |         |         |       |     |
|-------------------------------------|----|-----|---------|---------|-------|-----|
| T                                   | R  | Sec | 1/4-1/4 | Tax Lot | Acres |     |
| 3S                                  | 3W | 33  | SE/NW   | 315     | 1.0   |     |
| 3S                                  | 3W | 33  | SE/NW   | 316     | 0.7   |     |
| 3S                                  | 3W | 33  | SE/NW   | 318     | 2.4   |     |
| 3S                                  | 3W | 33  | SE/NW   | 319     | 2.8   |     |
| Total Supplemental this Right =     |    |     |         |         |       | 6.9 |

| Primary Right, G-17658 Well 7         |    |     |         |         |       |      |
|---------------------------------------|----|-----|---------|---------|-------|------|
| T                                     | R  | Sec | 1/4-1/4 | Tax Lot | Acres |      |
| 3S                                    | 3W | 33  | NW/NW   | 300     | 7.2   |      |
| 3S                                    | 3W | 33  | NW/NW   | 316     | 3.5   |      |
| 3S                                    | 3W | 33  | NE/NW   | 300     | 2.3   |      |
| 3S                                    | 3W | 33  | NE/NW   | 316     | 6.4   |      |
| 3S                                    | 3W | 33  | NE/NW   | 318     | 7.6   |      |
| 3S                                    | 3W | 33  | SE/NW   | 318     | 4.1   |      |
| 3S                                    | 3W | 33  | SE/NW   | 316     | 1.1   |      |
| 3S                                    | 3W | 33  | SW/NW   | 316     | 0.3   |      |
| Total Supplemental this Right =       |    |     |         |         |       | 32.5 |
| Total Supplemental this Application = |    |     |         |         |       | 70.3 |

APPLICANTS: DOMAINE SERENE VINEYARDS & WINERY,  
DEEPWATER C&D PROPERTIES, LLC., FOXGLOVE PROPERTIES, LLP.  
DIRECTOR OF FACILITIES AND DEVELOPMENT,  
CHRIS RAMSEY 603-064-4600/1202



STUNTZNER ENGINEERING  
2318-B PACIFIC AVENUE  
FOREST GROVE, OR 97116  
503-367-5717  
  
JOB No.: 320-049  
DATE: 2-21-2023  
DRAWING NAME: 320049  
APP TO USE SW - C



**LEGEND**

- TAX LOT LINE (OWNED BY PERMITTEE/APPLICANT)
- SECTION LINE
- - - - - DLC LINE
- - - - - 1/4 1/4 LINE
- - - - - TRIBUTARY
- - - - - EXISTING IRRIGATION PIPE
- - - - - PROPOSED IRRIGATION PIPE
- SECTION CORNER
- EXISTING WELL

NOTE: THIS MAP IS PRODUCED TO APPLY FOR THE BENEFICIAL USE OF A WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY LINES.

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2318-B Pacific Avenue  
Forest Grove, Oregon 97116

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March 9, 2023

Oregon Water Resources Department  
725 Summer Street NE, Ste. A  
Salem, OR 97301-1266

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**Surface Water Application, stored water only.**

To Whom It May Concern:

An Application for a Surface Water Permit to use stored water only has been completed for Domaine Serene Vineyard and Winery, Inc., Deepwater C & D Properties, LLC and Foxglove Properties, LLP.

You will find the following enclosed:

1. A check in the amount of \$2,602.00 to pay the statutory review fee for this application.
2. The completed application map.
3. The completed and signed application for stored water only. (Checklist and Land use form included.)
4. Attachments enclosed with the application:
  - A copy of the reservoir permit.
  - A copy of a ODFW email stating that no screen or by-pass is required.
  - A copy of the pump calculations.
  - A copy of the OWRD location look-up printout.
  - A copy of the OWRD fee estimate.
  - A copy of First American property profiles for each tax lot.
  - A copy of 2014 bridge to deed of trust.
  - A copy of 2008 statutory warranty deed.
  - A copy of 2018 statutory warranty deed.
  - A copy of Oregon Secretary of State business registry search.
  - A letter size copy of the application map for reference.

If you have any questions on this submitted material, please contact:

Bill Flatz

Office: 503-357-5717

Cell: 503-939-8381

Email: [billflatz@stuntzner.com](mailto:billflatz@stuntzner.com)

Sincerely,

Bill Flatz – PE, CWRE

**Stuntzner Engineering & Forestry, LLC.**