

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



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

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

Use a separate form for each reservoir

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME Grapevine Capital, Inc.		PHONE (HM) N/A	
PHONE (WK)	CELL 805-952-3096	FAX 805-980-4124	
MAILING ADDRESS PO Box 12958			
CITY San Luis Obispo	STATE CA	ZIP 93406	E-MAIL * newhall@grapevinecap.com

Organization

NAME Grapevine Capital, Inc.		PHONE		FAX 805-980-4124
MAILING ADDRESS PO Box 12958			CELL 805-952-3096	
CITY San Luis Obispo	STATE CA	ZIP 93406	E-MAIL * newhall@grapevinecap.com	

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

AGENT / BUSINESS NAME Blundon Engineering, LLC		PHONE 541-510-5910		FAX N/A
MAILING ADDRESS PO Box 786			CELL 541-510-5910	
CITY Hillsboro	STATE OR	ZIP 97121	E-MAIL * nick@blundonengineering.com	

Note: Attach multiple copies as needed

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

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Salem, OR

By my signature below I confirm that I understand:

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



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

	Matthew Newhall, Managing Director	7/15/24
Applicant Signature	Print Name and Title if applicable	Date
Applicant Signature	Print Name and Title if applicable	Date

SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoir name:	Seabreeze Reservoir				
Source*:	W. Br. Ash Swale; Runoff	Tributary:	Ash Swale		
County:	Polk				
Quantity:	20.0 Acre-Feet [length x width x depth / 43,560]				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	6S	5W	27	NE	200
Maximum Height of Dam:	9.7 feet. If excavated write "zero feet."				

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

SECTION 3: WATER USE

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

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

SECTION 4: PROPERTY OWNERSHIP

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

Yes (please check appropriate box below then skip to section 5)

There are no encumbrances.

This land is encumbered by easements, right of way, roads of way, roads or other encumbrances.

No (please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

N/A

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SECTION 5: ENVIRONMENTAL IMPACT

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

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

Existing: Is this an existing reservoir? YES NO

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

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

If YES, how much? N/A miles.

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

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

DEQ 1200-C permit NGEN12C-ORR10J193 issued on 6/10/2024. 541-686-7930

SECTION 6: WITHIN A DISTRICT

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

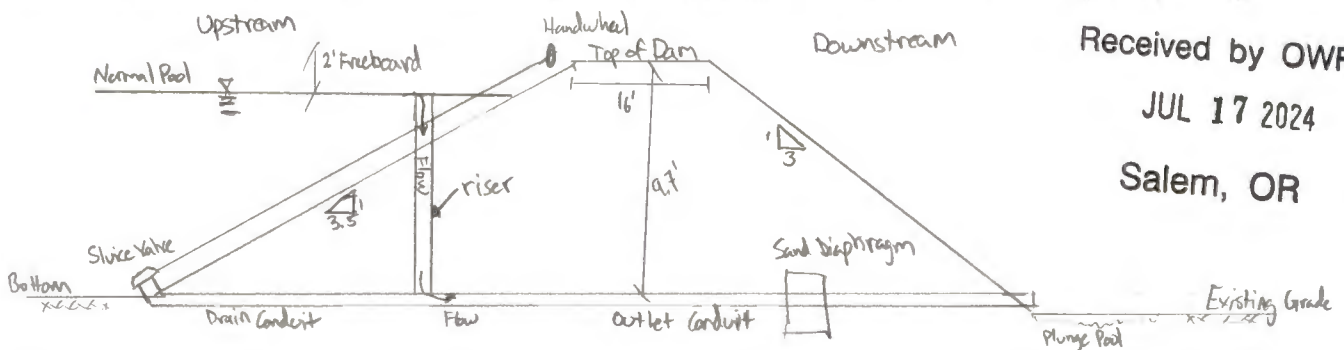
IRRIGATION DISTRICT NAME N/A		ADDRESS N/A	
CITY N/A	STATE N/A	ZIP N/A	

SECTION 7: DESCRIPTION

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

The reservoir will be filled from approximately December to April by diversion using gravity flow conveyance pipe. The conveyance pipe will span from the south property line of the subject property to the proposed reservoir approximately 2,000LF sloped at approx. 0.4%. The applicant will not divert outside of the authorized storage season. An additional source will be runoff from upstream basin area located to the west of the proposed reservoir. Runoff will be captured by catch basins and conveyed by gravity flow via conveyance pipe into the proposed reservoir. The reservoir is off-channel with a 9.7 feet tall earthen embankment. There will be conduit through the bottom of the dam with sluice gate valve to drain the reservoir. There will also be a riser pipe at normal pool elevation. Both the riser and gate valve will be used to pass any live flow outside the authorized storage season. An emergency overflow spillway will be provided above normal pool elevation to allow passage of large storm events.

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



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Watermaster Alternate Reservoir Application Review Sheet


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

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

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

Applicant's Name: Grapevine Capital Inc 6S 5W Sec 27 TL 200		
1. Does the proposed reservoir have the potential to injure existing water rights? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Explain:		
2. Can conditions be applied to mitigate the potential injury to existing water rights? <input type="checkbox"/> YES <input type="checkbox"/> NO Explain: NA		
3. Is water available for the proposed reservoir? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
4. If yes, during what period? Beginning: November End: June 30		
Attach a WARS printout at 50% exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c))		
5. Did you meet with staff from another agency to discuss this application? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
Name:	Agency:	Date:
Name:	Agency:	Date:

Watermaster Name: Joel Plahn

Watermaster Signature:  Digitally signed by Joel Plahn
DN: C=US, OU=District 22 Watermaster,
O=Water Resources Department,
CN=Joel Plahn,
E=joel.m.plahn@water.oregon.gov
Reason: I am the author of this document
Location: District-22-Watermaster
Date: 2024.06.10 07:15:07-0700
Foxit PDF Editor Version: 11.2.8 Date: _____

NOTE: This completed form must be returned to the applicant

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name: Grapevine Capital, Inc.

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Address: PO Box 12958, San Luis Obispo, CA. 93406

JUL 17 2024

Phone/Email: 805-952-3096 / newhall@grapevinecap.com

Salem, OR

Reservoir Name: Seabreeze Reservoir

Volume (AF): 20

Source: West Branch Ash Swale & Runoff

Basin Name: Ash Swale < Salt Cr. < S. Yamhill R.

in-channel

Twp Rng Sec QQ: 6S 5W 27 NENE

off-channel

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

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

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

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

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

3) If NMF are or were historically present:

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

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

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

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

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

Any diversion or appropriation of water for storage during the period **May through November** poses a

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

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

significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point

of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

- This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

ESA-listed fish (Spring Chinook, Winter Steelhead), sensitive species (Coho, Coastal Cutthroat), and other game fish (Pacific Lamprey) are present in South Yamhill River and/or Salt Creek during the period of impact. Instream flows to fulfill MF163 for aquatic life are not being met partially or wholly during the period of impact. In addition, ODFW has identified biologically necessary flows not captured in an instream water right (e.g., flows in a Basin Investigation Report, Persistence Flow Determination, Seasonally Varying Flow prescription, or other flow analysis) that would benefit fishery resources at the Point of Diversion or downstream.

In addition to existing instream water rights and pending instream water right applications, ODFW recommends the following biologically necessary flows be available at the mouth of Salt Creek to protect public uses:

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Salem, OR

Salt Creek at the Mouth:

JAN	52.58 cfs	APR	52.58 cfs	JUL	14.73 cfs	OCT	21.38 cfs
FEB	52.58 cfs	MAY	52.58 cfs	AUG	12.22 cfs	NOV	52.58 cfs
MAR	52.58 cfs	JUN	44.09 cfs	SEP	12.63 cfs	DEC	52.58 cfs

Based on parameters assessed by ODFW, instream flows are currently below those essential to support the biological needs of an existing fishery resource during May 1st – November 30th. In addition, ODFW reviewed the available information (Total Maximum Daily Loads for the Yamhill River) regarding water quality impairment and determined that a TMDL exists for the Yamhill Watershed for phosphorus and an instream water right for pollution abatement is established. Consequently, ODFW recommends that because the proposed use, including any releases throughout the year from the reservoir to waters of the state (see “Water Quality” condition below), would impair water quality that supports existing fishery resources (e.g., habitat) at or downstream of the Point of Diversion that the water use be restricted during the period of May – October.

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

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

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

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

See applicable conditions selected from "Menu of Conditions" on next page

Water is only available to support the quality and quantity of biologically necessary flows at the POD and/or downstream December through January. ODFW recommends the season of use be restricted to coincide with this period or the proposed use be mitigated prior to issuance of a Proposed Final Order for any use outside of this period. Without appropriate mitigation and/or conditions, a further reduction in flow or alteration of habitat from the proposed water use will result in a significant detrimental impact to an existing fishery resource.

Janna
Guzman
 Digitally signed by
 Janna Guzman
 Date: 2024.07.12
 10:27:24 -07'00'

ODFW Signature: _____

Print Name: Janna Guzman

ODFW Title: Water Planning Coordinator

Date: 7/12/2024

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

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

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MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020, March 25, 2021

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

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Salem, OR

- Agricultural Water Quality Management Area Rules:** The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.
- b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a** The period of use has been limited to December through April.
- b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- blv:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.
- Bypass Flows:** Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:
- 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
 - 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.
- Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.
- The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.
- fence:** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- fishapprove:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- fishmay:** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.
- fishpass:** As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.
- fishself:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee

shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

- Fish Stocking:** Per ORS 498.222 and OAR 635-007-0600, all persons transporting live fish in Oregon shall have a Fish Transport Permit (FTP) issued by the Oregon Department of Fish and Wildlife (ODFW). The permittee shall not stock fish in the reservoir without an FTP approved by ODFW. As part of the FTP permitting process, the permittee may be required to screen the inlet and outlet of the reservoir to ensure that fish cannot escape into public waters and/or to keep wild fish from entering the reservoir.
- futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- In-Water Work:** Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of type here unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.
- Live Flow:** Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.
- Off-Channel Stored Water Releases:** The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.
- On-Channel Reservoir:** The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.
- riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- Water Quality:** All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.
- wq:** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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Salem, OR

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Land Use Information Form

Salem, OR

OREGON



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

NAME Grapevine Capital, Inc.			PHONE 805-952-3096		
MAILING ADDRESS PO Box 12958					
CITY San Luis Obispo		STATE CA	ZIP 93406	EMAIL newhall@grapevinecap.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:
6S	5W	27	NE NE	200	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	EFU
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Polk County

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

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

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

Source of water:
 Reservoir/Pond
 Ground Water
 Surface Water (name) West Branch Ash Swale

Estimated quantity of water needed: 19.9
 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:

A proposed reservoir with 9.7 foot tall earthen embankment. Multipurpose use reservoir. Irrigation of existing grape vines. Off-channel reservoir. Source of water is diversion of the West Branch Ash Swale and store any runoff from the hillside to the west of the proposed reservoir.

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 →

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): PCZO 136.030(A) (* See Notes below)
"Farm Use" & 136.036(N) "Irrigation Reservoirs"
- Land uses to be served by the proposed water use(s), including proposed construction, involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being Pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	Received by OWRD JUL 17 2024	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	Salem, OR	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

**This review is limited to the irrigation of existing grape vines. "Multi-purpose use reservoir" does not provide enough specificity and the uses under this category may not be permitted in the GPU zone.*

Name: Sidney Muller Title: Planning Manager
 Signature: [Signature] Date: 6-10-24
 Governmental Entity: Polk County Phone: 503-623-9237

Receipt Acknowledging Request for Land Use Information

Note to Local Government Representative:
 Please complete this form and return it to the applicant. For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: _____

Staff Name: _____ Title: _____

Staff Signature: _____ Date: _____

Governmental Entity: _____ Phone: _____

RECORDED IN POLK COUNTY
Valerie Unger, County Clerk

2021-017741

11/09/2021 12:18:00 PM

REC-WD Cnt=1 Slr=5 K. WILLIAMS
\$15.00 \$11.00 \$10.00 \$60.00 \$5.00

\$101.00

AFTER RECORDING MAIL TO:

KYLIX VINEYARDS OREGON, LLC
c/o Grapevine Capital, Inc.
Post Office Box 12958
San Luis Obispo, CA 92306

Received by OWRD

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

JUL 17 2024

Salem, OR

KYLIX VINEYARDS OREGON, LLC
c/o Grapevine Capital, Inc.
Post Office Box 12958
San Luis Obispo, CA 92306

SPECIAL WARRANTY DEED

WINE BY JOE, LLC, an Oregon limited liability company, Grantor, conveys and specially warrants to KYLIX VINEYARDS OREGON, LLC, a Delaware limited liability company, Grantee, the real property located in Polk County, Oregon, described as set forth on Exhibit A attached hereto and made a part hereof, free of encumbrances created or suffered by the Grantor, except all encumbrances, rights, restrictions, reservations, covenant and easements apparent or of record or that would be disclosed by or through a physical inspection or an accurate ALTA/ACSM Land Title survey of the Property.

The true consideration for this conveyance includes other property or other value given or promised that represents the whole consideration.

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

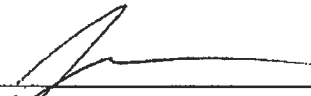
PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated effective as of the 26 day of October, 2021.

GRANTOR:

Wine By Joe, LLC,
an Oregon limited liability company

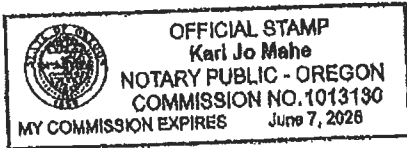
By: **BACCHUS WBJ LLC,** a Delaware limited
liability Company, its Manager

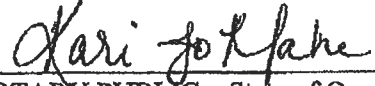
By: 
Name: Rob Rupe

ACKNOWLEDGMENT

STATE OF OREGON)
) ss.
County of Yamhill)

This record was acknowledged before me on this 26 day of October, 2021, by Rob Rupe,
Managing Director of Bacchus WBJ LLC , Manager of Wine by Joe LLC .




NOTARY PUBLIC - State of Oregon
My Commission Expires: 6-7-2025

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JUL 17 2021
Salem, OR

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

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

A tract land situated in Sections 22 and 27, Township 6 South, Range 5 West of the Willamette Meridian, and being part of the Zumwalt Donation Land Claim No. 74, in the County of Polk and State of Oregon, more particularly described as follows:

Beginning at a point on the North boundary line of the Donation Land Claim of Christopher P. Zumwalt and Irene Zumwalt, his wife, Notification No. 1912 in Township 6 South, Range 5 West of the Willamette Meridian, in Polk County, Oregon, 21.87 chains West of the Northeast corner of said Donation Land Claim; thence West 20.25 chains; thence South 80 chains to the South line of said Donation Land Claim; thence East 20.25 chains; thence North 80 chains to the point of beginning.

ALSO:

Beginning 31.63 chains East of the Northwest corner of said Donation Land Claim; thence East 6.25 chains; thence South 40 chains; thence West 6.25 chains; thence North 40 chains to the point of beginning.

ALSO:

Beginning at a point 21.87 chains West of the Southeast corner of said Donation Land Claim; thence North 40 chains; thence East 7.50 chains; thence South 40 chains; thence West 7.50 chains to the point of beginning.

EXCEPTING from the above described parcels that portion lying within the boundaries of Beck Road.

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THIS MAP IS FOR ASSESSMENT AND TAXATION PURPOSES ONLY

SEC. 27 T.6S. R.5W. W.M.
Polk County
1" = 400'

6.5.27

See Map 6.5.22

21 22
28 27

22 23
27 26

303
10.00 AC.

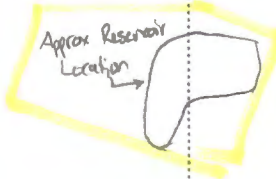
304
10.00 AC.

200
108.90 AC.

100
86.40 AC.

Canceled No.

301
400
401
402



21-6

300
89.98 AC.

302
28.79 AC.

See Map 6.5.28

S.E. CORNER
CHRISTOPHER F. ZUSWALT
DLC NO. 74

S.E. CORNER
CLARK NO. 74

S.E. CORNER
CHRISTOPHER F. ZUSWALT
DLC NO. 74

500
102.53 AC.

S.W. CORNER
WILLIAM HOWE
DLC NO. 98

403
138.37 AC.
PT PARCEL 1
(UNSURVEYED)

2020-09-13

21-7

21-6

801
19.03 AC.

See Map 6.5.28

(SUNNY SIDE)
(TRACTS)

See Map 6.5.28

See Map 6.5.34

28 27
33 34

27 26
34 35

6/24/2021

6.5.27

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Water Availability Analysis

SALT CR > S YAMHILL R - AT MOUTH
WILLAMETTE BASIN

Water Availability as of 3/16/2024

Watershed ID #: 73562 ([Map](#))
Date: 3/16/2024

Exceedance Level: 80%
Time: 3:46 PM

Water Availability

Limiting Watersheds

Complete Water Availability Analysis

Water Availability

Select any Watershed for Details

	Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
Select	1	181	WILLAMETTE R> COLUMBIA R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Select	2	182	WILLAMETTE R> COLUMBIA R- AB MOLALLA R	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Select	3	30200801	YAMHILL R> WILLAMETTE R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes
Select	4	188	YAMHILL R> WILLAMETTE R- AB PALMER CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes
Select	5	163	S YAMHILL R> YAMHILL R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes
Select	6	162	S YAMHILL R> YAMHILL R- AB COZINE CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes
Select	7	73562	SALT CR> S YAMHILL R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes

Download Data ([Text - Formatted](#), [Text - Tab Delimited](#), [Excel](#))



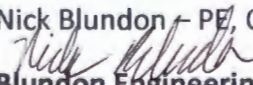
Date: 7/16/2024
Subject: Application for a Permit to Store Water in a Reservoir
Applicant: Grapevine Capital, Inc.
PO Box 12958, San Luis Obispo, CA

An Application for a Permit to Store Water in a Reservoir has been prepared on behalf of the applicant, Grapevine Capital, Inc. The following has been enclosed:

- A signed Application for a Permit to Store Water in a Reservoir.
- A payment check in the amount of \$1,910.00 made payable to Oregon Water Resources Department.
- A Completeness Checklist.
- A signed Watermaster Alternate Reservoir Application Review Sheet.
- A signed ODFW Alternate Reservoir Application Review Sheet.
- A signed Land Use Information form.
- An Application Map.
- A deed to the subject property.
- Tax Map Township 6S, Range 5W, Section 27.
- Water Availability Analysis.

Contact Nick Blundon (541-510-5910; nick@blundonengineering.com) if there are any questions, concerns, or other requirements.

Sincerely,

Nick Blundon - PE, CESCL, CWRE

Blundon Engineering, LLC



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Application Completeness Checklist

Applicants are encouraged to use this checklist before submitting a complete application to the Department.

1. Landowner name, mailing address and telephone number provided
2. Application signed – All parties noted as applicants must sign the application
3. Source and tributary listed
4. Reservoir Location – TRSQQ and tax lot provided
5. Dam height indicated, if applicable
6. Property ownership completed
7. If applicant does not own all the land, is the affected landowner's name and mailing address listed?
8. Environmental impact section completed?
9. **Completed Watermaster review sheet**, signed and dated. *Note: Must be completed within last 12 months.*
 - Will the reservoir injure an existing water right? YES NO
 - If YES, can conditions be applied to mitigate injury? YES NO

If NO, return the application.
10. **Completed ODFW review sheet**, signed and dated. *Note: Must be completed within last 12 months.*
 - Will the reservoir pose a significant detrimental impact to an existing fishery resource? YES NO
 - If YES, can conditions be applied to mitigate the impact? YES NO N/A

If NO, return the application.
11. **Completed Land-Use Form** or receipt signed by the appropriate planning department official enclosed?
Note: Does the use on land-use form match the proposed use on the application? Must be completed within the last 12 months.
12. **Include a copy of a Legal Description** of all the property involved with this application. A copy of a deed, land sales contract, or title insurance to meet this requirement.
13. **Acceptable Map.** *Note: Requirements set forth by the Commission.*
 - Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)
 - Scale of the Map, even scale such as 1" = 400', 1" = 1000', or 1" = 1320'
 - Reference public land survey corner on map
 - North directional symbol
 - ¼'s clearly identified
 - Reservoir clearly identified
 - Dam location identified, with measured distances from survey corner. If no dam, use coordinates to the center of reservoir.
 - If diverting water from a river or stream to a reservoir located off-channel, include measured distances from survey corner and identify any main canals, ditches, pipelines, or flumes.
14. **Fees:** Are the appropriate fees included? Use this fee calculator to determine the application fees:

https://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator/Permit_for_AltRes.aspx

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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Grapevine Capital Inc.

P.O. Box 12958 San Luis Obispo CA

Transaction Type: Application

Fees Received: \$ 1910⁰⁰

Cash Check: Check No. 42675
Name(s) on Check: Results Partners LLC

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: Nick Reese
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.