



Via electronic mail to wrd_dl_customerservice@water.oregon.gov

February 19, 2025

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

RE: Application for a Permit to Use Stored Water – KYLIX Vineyards Oregon, LLC

Dear Katie:

GSI Water Solutions, Inc. is submitting the enclosed application for a permit to use stored water on behalf of KYLIX Vineyards Oregon, LLC. The Applicant is requesting authorization to use up to 20 acre-feet (AF) of stored water from Seabreeze Reservoir for irrigation of 174.6 acres of vineyard, and fire protection, and agriculture use, including but not limited to temperature control. Permit R-15650 authorizes the storage of up to 20.0 AF in the reservoir for irrigation, wildlife, fire protection and agriculture use.

The permit application fee will be mailed to OWRD after we receive the temporary number for this application.

The fee was calculated as follows:

\$610 - Base application fee
\$820 - Rate fee of \$41/acre-foot or fraction thereof x 15
\$610 - Permit recording fee

Total = \$2,040.00

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

Sincerely,

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

Kimberly Grigsby
Principal Water Resources Consultant

CC: KYLIX Vineyards Oregon, LLC

Enclosures: Application for a permit to use stored water and attachments

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Salem, OR

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
MAILING ADDRESS			
CITY	STATE	ZIP	E-MAIL *

Organization

NAME KYLIX VINEYARDS OREGON, LLC. c/o GRAPEVINE CAPITAL, INC.		PHONE	FAX
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 KIM GRIGSBY, GSI WATER SOLUTIONS, INC		PHONE 503-351-1912	FAX
MAILING ADDRESS 1600 SW WESTERN BOULEVARD, SUITE 240		CELL	
CITY CORVALLIS	STATE OR	ZIP 97333	E-MAIL * KGRIGSBY@GSIWS.COM

Note: Attach multiple copies as needed

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

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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

<small>DocuSigned by:</small>		
	Matthew Newhall, Managing Director	February 14, 2025
Applicant Signature	Print Name and Title if applicable	Date
Applicant Signature	Print Name and Title if applicable	Date

For Department Use: App. Number: _____

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.

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).*

N/A

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. See Attachment B

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: Seabreeze Reservoir	Tributary to: Ash Swale
TRSQQ of POD: T6S R5W Section 27 NE NE, Tax Lot 200	
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).

Permit R-15650 (See Attachment D)

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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/

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

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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.

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 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:

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.

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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
Seabreeze Reservoir	Irrigation	March 1 to October 31	20 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Seabreeze Reservoir	Fire Protection	Year Round	
Seabreeze Reservoir	Agriculture, including but not limited to temperature control	Year Round	

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.
 Primary: 174.6 Acres Supplemental: _____ Acres Nursery Use: _____ Acres
 If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: up to 20

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

SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

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

- Pump (give horsepower and type): The water will be conveyed from the reservoir to the blocks by a 40hp, 330gpm at 110psi pump.
 Other means (describe):

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

The water will be drawn through a self-cleaning screen by a 40 hp pump. It then passes through a sand media filter, then transported to the field via 5" PVC mainlines that gradually reduce to 2" PVC mainline at the peripheries of the system, as flow requirements dictate.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)
Water will pass through PVC submains to 0.620" poly drip tube where it will be dripped on the vines via 0.5gal/hr drip emitters at each vine.

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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.

The use of drip irrigation will prevent waste, and prevent runoff and damage to aquatic life and riparian habitat.

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: Water will be pumped directly from Seabreeze Reservoir, which is off-channel. Due to the nature of the reservoir, it is not expected to contain fish. Nonetheless, if required by ODFW, the applicant will install a screen to prevent uptake of fish and other aquatic life.
- 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 project area is not located with a riparian area. Nonetheless, excavation will be conducted in a manner to protect the neighboring riparian areas.
- 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: No equipment will be operated in the creek and the reservoir is not expected to contain fish.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: The use of drip irrigation will prevent erosion and run-off of waste or chemicals into the creek.
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.
N/A

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: Within 5 years of permit issuance
- b) Date construction will be completed: Within 5 years of permit issuance
- c) Date beneficial water use will begin: Within 5 years of permit issuance

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 N/A	Address
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For Department Use: App. Number: _____

City	State	Zip
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SECTION 10: REMARKS

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

The Applicant holds Permit R-15650, which authorizes storage of up to 20.0 AF of water in an off-channel reservoir for irrigation, wildlife, fire protection and agriculture.

The Applicant will be irrigating a vineyard using drip irrigation, which requires less than the standard duty of 2.5 acre-feet per acre. Accordingly, the Applicant can make beneficial use of the water as requested in this application.

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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

Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt. (See Attachment A)
- 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. (See Attachment B)
- Fees - Amount enclosed: \$2,040.00
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items: (See Attachment C)
 - 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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Attachment A

Land Use Form

Application for a Permit to Use Surface Water – KYLIX VINEYARDS OREGON, LLC

Land Use Information Form



Attachment 2: 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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NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that 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 OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

This form is **NOT** required if:

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

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or WRD_DL_customerservice@water.oregon.gov.

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

NAME KYLIX VINEYARDS OREGON, LLC.				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 checked="" type="checkbox"/> Used	Irrigation and agricultural use
6S	5W	27	NW NE		EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation and agricultural use
6S	5W	27	SW NE		EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation and agricultural use
6S	5W	27	SE NE		EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation and agricultural use
6S	5W	22	NW SE		EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation and agricultural use
6S	5W	22	NESE		EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation and agricultural use
6S	5W	22	SW SE		EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation and agricultural use
6S	5W	22	SESE		EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation and agricultural use

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) _____

Estimated quantity of water needed: 20 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 Fire Protection and Agriculture

Briefly describe:

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The Applicant will use stored water from Seabreeze Reservoir for irrigation and agricultural use at a vineyard. If needed, the stored water will also be used for fire protection.

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 →

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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): PC20 136.030(A)


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
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

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Name: Eric Knudson Salem, OR Title: Senior Planner

Signature:  Date: 2/18/25

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: _____

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Attachment B

Legal Description

Application for a Permit to Use Surface Water – KYLIX VINEYARDS OREGON, LLC

RECORDED IN POLK COUNTY Valerie Unger, County Clerk	2021-017741
	11/09/2021 12:18:00 PM
REC-WD Cnt=1 Str=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

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

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.

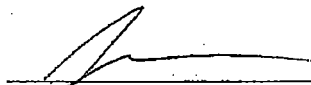
Dated effective as of the 26 day of October, 2021.

First American Title File NCS-1087283-OR1

GRANTOR:

Wine By Joe, LLC,
an Oregon limited liability company

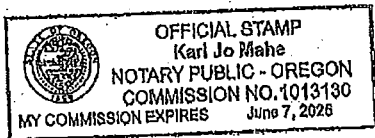
By: **BACCHUS WBJ LLC, a Delaware limited liability Company, its Manager**

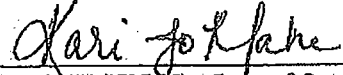
By: 
Name: **Rob Rupe**

ACKNOWLEDGMENT

STATE OF OREGON)
County of Yamhill) ss.

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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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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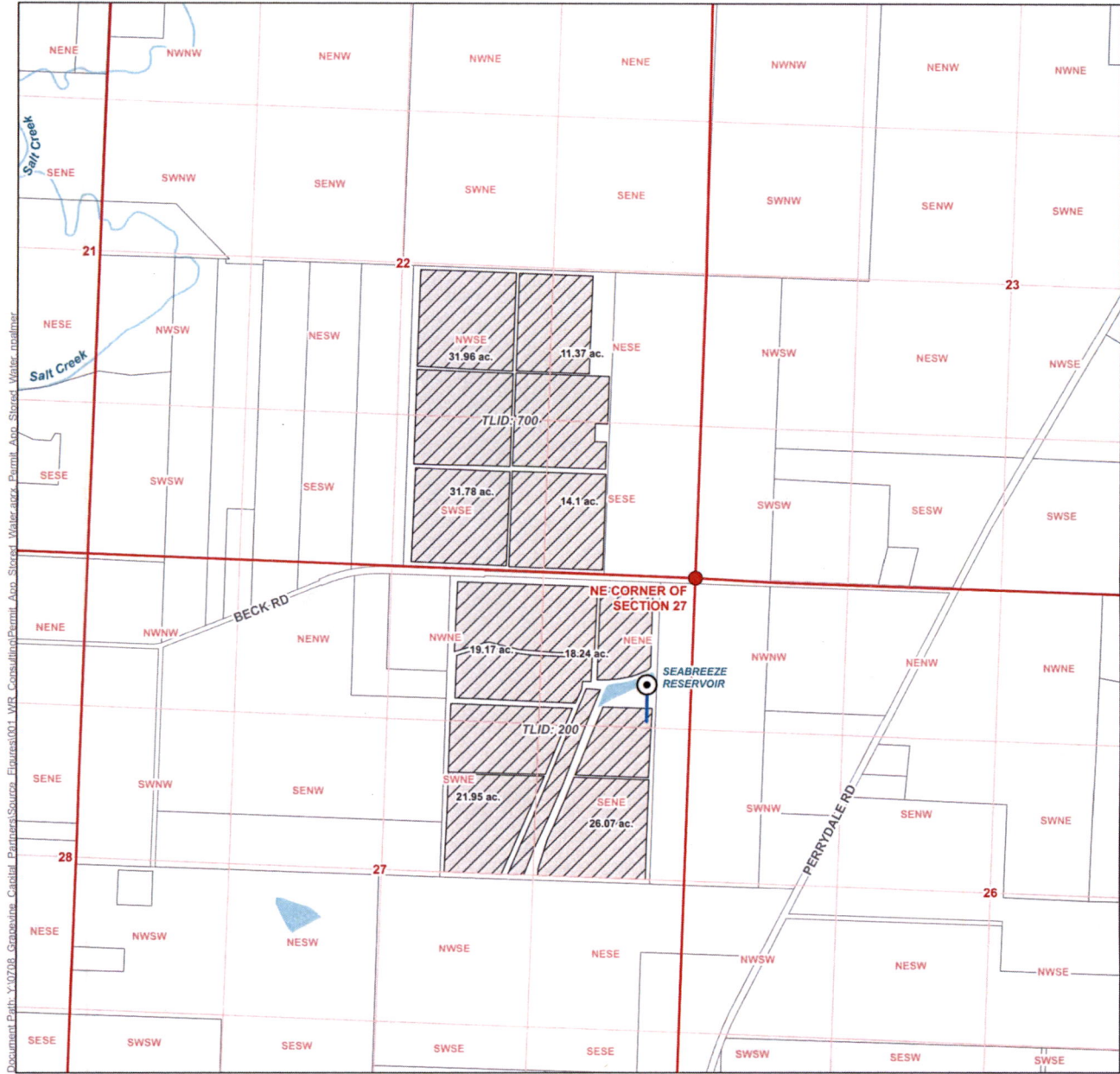
FEB 21 2025

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Attachment C

Permit Application Map

Application for a Permit to Use Surface Water – KYLIX VINEYARDS OREGON, LLC



Document Path: Y:\0708_Geocodes_Calendar_Partners_Sources_Figures\001_WR_Confiling\Permit_Ann_Storage_Watermap_Permit_Ann_Storage_Watermap.mxd

LEGEND

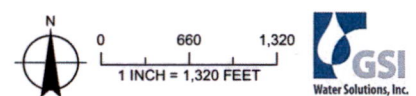
- Point of Diversion (POD)
- Pipeline
- Place of Use (POU), 174.64 ac.
- All Other Features**
- Tax Lot
- Watercourse
- Waterbody

Application for a Permit to Use Stored Water
Kylix Vineyards Oregon, LLC
Place of Use/Point of Diversion
 Township 6 South, Range 5 West (W.M.)

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LOCATION DESCRIPTION
Point of Diversion
 Located 925 feet South and 420 feet West from the NE corner of Section 27, Township 6 South, Range 5 West (W.M.)

DISCLAIMER
 This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.
 Date: February 20, 2025
 Data Sources: BLM, ESRI, OWRD, USGS



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Attachment D

Permit R-15650

Application for a Permit to Use Surface Water - KYLIX VINEYARDS OREGON, LLC

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 Resources Department standards.

ISSUED DECEMBER 27, 2024

Katherine Ratcliffe

Katherine Ratcliffe
Water Rights Section Manager, for
Ivan Gall, Director
Oregon Water Resources Department

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6. 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.

7. 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.

8. 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. Permittee is responsible for obtaining any necessary state and federal permits.

9. 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.
10. The permittee shall pass all live flow outside the storage season described above.
11. The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.
12. The permittee may be required in the future to install, maintain, and operate fish screening and bypass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.
13. 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.

FEB 21 2025

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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 watermaster may determine an alternate measuring device is suitable. 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. 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, 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.

4. 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.

5. 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.

STATE OF OREGON

COUNTY OF POLK

PERMIT TO STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GRAPEVINE CAPITAL, INC.
PO BOX 12958
SAN LUIS OBISPO CA 93406

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

APPLICATION FILE NUMBER: R-89658

SOURCE OF WATER: WEST BRANCH ASH SWALE, TRIBUTARY TO ASH SWALE, AND RUNOFF, TRIBUTARY TO WEST BRANCH ASH SWALE

STORAGE FACILITY: SEABREEZE RESERVOIR

MAXIMUM DAM HEIGHT: 9.7 FEET

MAXIMUM VOLUME: 20.0 ACRE-FEET

PURPOSE OR USE OF THE STORED WATER: IRRIGATION, WILDLIFE, FIRE PROTECTION, AND AGRICULTURE

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: DECEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: JULY 17, 2024

POINT OF DIVERSION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	5 W	WM	27	NE SE	2635 FEET SOUTH AND 1305 FEET WEST FROM NE CORNER, SECTION 27

DAM LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	5 W	WM	27	NE NE	780 FEET SOUTH AND 425 FEET WEST FROM NE CORNER, SECTION 27

THE AREA TO BE SUBMERGED BY THE RESERVOIR:

Twp	Rng	Mer	Sec	Q-Q
6 S	5 W	WM	27	NE NE

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