

**CLAIM OF
BENEFICIAL USE
for Surface Water Permits
claiming more than 0.1 cfs**



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

**A fee of \$345 must accompany this form for permits
with priority dates of July 9, 1987, or later.**

Enter the date the priority date of the permit:

May 1, 2017

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

Go to "Resources for Water Right Examiners (CWRE)" Page

<https://www.oregon.gov/OWRD/programs/WaterRights/COBU/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

If you have questions regarding the completion of this form, please call 503-986-0900.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

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**SECTION 1
GENERAL INFORMATION**

1. File Information:

APPLICATION #	PERMIT #	PERMIT AMENDMENT #
S-88399	S-55082	NA

2. Property Owner (current owner information):

APPLICANT/BUSINESS NAME X NOVO, LLC		PHONE NO. 707.479.1233	ADDITIONAL CONTACT NO.
ADDRESS 2265 Boysen Lane			
CITY St. Helena	STATE CALIFORNIA	ZIP 94574	E-MAIL craig@xnovo.com

If the current property owner is not the permit holder of record, it is recommended that an assignment be filed with the Department. ***Each*** permit holder of record must sign this form.

3. Permit or holder of record (this may, or may not, be the current property owner):

PERMIT HOLDER OF RECORD X Novo, LLC		
ADDRESS 2265 Boysen Lane		
CITY St, Helena	STATE CALIFORNIA	ZIP 94574

ADDITIONAL PERMIT HOLDER OF RECORD NA		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection:**December 21, 2023****5. Person(s) interviewed and description of their association with the project:**

NAME	DATE	ASSOCIATION WITH THE PROJECT
Stirling Fox	December 21, 2023	Vineyard Manager

6. County:**Polk****7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):**

OWNER OF RECORD NA		
ADDRESS		
CITY	STATE	ZIP

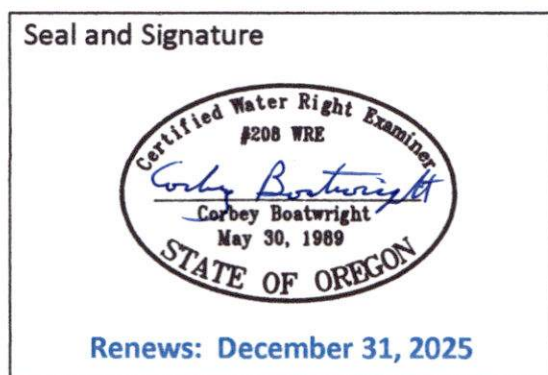
Add additional tables for owners of record as needed

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SECTION 2 SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME Corbey Boatwright	PHONE NO. 503.363.9225	ADDITIONAL CONTACT NO.
ADDRESS Boatwright Engineering, Inc. 2613 12th Street SE		
CITY Salem	STATE OREGON	ZIP 97302
E-MAIL corbey@boatwrightengr.com		

Permit Holder(s) of Record Signature or Acknowledgement

Each permit holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Craig Williams	Trustee, Craig & Robin Williams 1991 Revocable Trust, as Member of X Novo, LLC	9/3/25

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SECTION 3 CLAIM DESCRIPTION

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1. Point of diversion name or number:

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)
DIV PT

2. Point of diversion source and tributary:

POD NAME OR NUMBER	SOURCE	TRIBUTARY
DIV PT	X NOVO Reservoir, constructed under Permit R-14956	Runoff, tributary to Brush College Creek

3. Developed use(s), period of use, and rate for each use:

POD NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
DIV PT	IR	Wine Grapes	Mar 1-Oct 31	5.2 AF
Total Quantity of Water Used				5.2 AF

4. Provide a general narrative description of the distribution works. This description must trace the water system from **each** point of diversion to the place of use:

Water is removed from the reservoir using a 15 Hp pump located at the southeast corner of the pool. Water is transported to the vineyard via a 2" mainline. Application is by drip using 0.5 gph emitters spaced at 48".

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

5. Variations:

Was the use developed differently from what was authorized by the permit, or permit amendment final order? If yes, describe below.

YES

(e.g. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

The permit authorized 31.4 acres of irrigation. 18.1 acres were developed.

6. Claim Summary:

POD NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
DIV PT	9.0 AF (no rate specified)	0.59 CFS	None 5.2 AF (stored water available)	IR	31.4	18.1

SECTION 4

SYSTEM DESCRIPTION

Are there multiple PODs?

NO

If "YES" you will need to copy and complete a separate Section 4 for each POD.

POD Name or Number this section describes (only needed if there is more than one):

DIV PT

A. Place of Use

1. Is the right for municipal use?

NO

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
7S	3W	WM	7	NW-NE	----	----	IR	18.0	0
7S	3W	WM	7	SW-NE	----	----	IR	0.1	0
Total Acres Irrigated								18.1	0

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLOT), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, GLOT, and QQ.

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion to the place of use.

1. Is a pump used?

YES

2. Pump Information:

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Not Available	Not Available	Not Available	Submersible	2"	2"

3. Motor Information:

MANUFACTURER	HORSEPOWER
Not Available	15

4. Theoretical Pump Capacity:

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
15 (VFD)	71 → 60	4'	+36 to -24 - Used 3'	0.59 - Limited by emitter capacity

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5. Provide pump calculations:

At 71 psi $2.54(71) = 180.4'$ head $\frac{15(6.61)}{4+3+180.3} = \frac{99.15}{187.3} = 0.53$ cfs or 238 gpm	At 60 psi $2.54(60) = 152.4'$ head $\frac{15(6.61)}{4+3+152.4} = \frac{99.15}{159.4} = 0.62$ cfs or 279 gpm
System is VFD motor, with pressure reducers on each line reducing the pressure to 30 psi	

6. Measured Pump Capacity (using meter if meter was present and system was operating):

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
System not operating			

Reminder: For pump calculations use the reference information at the end of this document.

7. Is the distribution system piped? YES

8. Mainline Information:

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
2"	2,620'	PVC	Buried

9. Lateral or Handline Information:

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
NA			

10. Sprinkler Information:

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
NA					

Reminder: For sprinkler output determination use the reference information at the end of this document.

11. Drip Emitter Information:

SIZE	OPERATING PSI	EMITTER OUTPUT (GPM)	TOTAL NUMBER OF EMITTERS	MAXIMUM NUMBER USED	TOTAL EMITTER OUTPUT (CFS)
¾ PE	30	0.5 gph (0.0083 gpm)	31,813	31,813	0.59 CFS or 265 gpm

12. Drip Tape Information:

DRIPPER SPACING IN INCHES	GPM PER 100 FEET	TOTAL LENGTH OF TAPE	MAXIMUM LENGTH OF TAPE USED	TOTAL TAPE OUTPUT (CFS)	ADDITIONAL INFORMATION
NA					

13. Pivot Information:

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
NA				

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C. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)?

NO

D. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

NO

E. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

NO

F. Additional notes or comments related to the system:

Drip Emitter Calculations:

$$\frac{0.5 \text{ gal}}{\text{Hr}} \times \frac{\text{Hr}}{60 \text{ min}} \times 31,813 \text{ Emitters} = 265.1 \text{ Gal or } 0.59 \text{ CFS}$$

Per Emitter

This flow is within the two pressures that Stirling Fox stated the system runs at. Accounting for the VFD motor, the 0.59 CFS would be the claim rate.

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SECTION 5

CONDITIONS

All conditions contained in the permit, permit amendment, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Permits and any extension final orders contain any or all of the following dates: the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or permit extension of time:

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	August 18, 2017		
BEGIN CONSTRUCTION (A)	August 18, 2022	September 2017	Installation of the Irrigation system commenced within the limits of the permit.
COMPLETE CONSTRUCTION (B)	August 18, 2022	June 2021	Irrigation system completed on all acres.
COMPLETE APPLICATION OF WATER (C)	August 18, 2022	July 2022	Irrigation applied to all authorized and claimed locations in compliance with all permit conditions.

* MUST BE WITHIN PERIOD BETWEEN PERMIT OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)?

NO

3. Measurement Conditions:

- a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device?

YES

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion.

- b. Has a meter been installed?

YES

c. Meter Information

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Div Pt	Master Meter	8793144	Working	0843860 gallon	2019

If a meter has been installed, items d through f relating to this section may be deleted.

4. Recording and reporting conditions:

- a. Is the water user required to report the water use to the Department?

NO

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5. Fish Screening:

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? **YES**

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

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b. Has the fish screening been installed? **NO**

c. When was the fish screening installed? **Salem, OR**

DATE	BY WHOM
NA	See attached email dated 09-20-2017 from Alex Farrand, Fish Biologist, South Willamette District Office, ODFW, stating that no fish screening or passage is required.

Reminder: If the permit was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.

d. If the diversion **involves a pump** and the **total** diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs) and the permit was issued prior to February 1, 2011:

- Has the self-certification form previously been submitted to the Department? **NA**

If not, go to <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx> complete and attach a copy of the 'ODFW Small Pump Screen Self Certification' form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.

e. If the diversion does **not involve a pump** or the **total** diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted? **NA**

If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.

6. By-pass Devices:

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? **NO**

7. Other conditions required by some permits, permit amendment final orders, or extension final orders:

- a. Was the water user required to restore the riparian area if it was disturbed? **YES**
- b. Was a fishway required? **YES**
- c. Was submittal of a water management and conservation plan required? **NO**

d. Other conditions?

NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s) in the box below. If the condition required the approval of a plan, submit documentation that the plan was approved.

7.a. Restoration of the riparian area – In Compliance. Diversion point is from a constructed, off-channel, reservoir built on farmed land. No riparian area existed prior to development of either the reservoir or the irrigation point of diversion. Therefore, there was no riparian area to be restored.

7.b. Was a fishway required – In Compliance. See attached email dated 09-20-2017 from Alex Farrand, Fish Biologist, South Willamette District Office, ODFW, stating that no fish screening or passage is required.

SECTION 6 ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Claim of Beneficial Use	Claim Map
Jeanne Boatwright email record	Email from Alex Farrand, ODFW, 09-20-2017
Boundary Survey for Craig Williams	Polk County Survey Record, CS 15467, by James S. Heppler, PLS, 10-07-2010

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SECTION 7

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

The point of diversion and meter location for the irrigation were located by field measurements to a 5/8-inch iron rod at the interior angle corner in the south property line. The distance to the 2" aluminum disk at the north ¼ section corner of Section 7, was calculated using Polk County Survey Record CS 15467.

Irrigated areas were located using Google Earth aerial photography dated 07-13-2022

Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☐ Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☒ Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☒ Quarter-Quarters illustrated and named (NE NE, NW NE, etc.)
- ☒ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

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Jeanne Boatwright

From: Alex Farrand <alex.farrand@state.or.us>
Sent: Wednesday, September 20, 2017 1:59 PM
To: Jeanne Boatwright
Subject: RE: Water Right Permit S-55082

Hi Jeanne,

I reviewed the applications and permits you sent me and would agree that in this case (Permits R-14956 and S-55082) and from ODFW's point of view, screens and fish passage would not be required for this pond. It seems clear there never existed any historic channel or habitat for fish to use. Let me know if you need anything more from me besides this e-mailed response.

Cheers,

Alex Farrand
Fish Biologist - ODFW
South Willamette District Office
7118 NE Vandenberg Ave.
Corvallis, OR 97330
Ph: 541-757-5239
fax: 541-757-4252

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From: Jeanne Boatwright [<mailto:jeanne@boatwrightengr.com>]
Sent: Friday, September 15, 2017 3:14 PM
To: Alex Farrand <alex.farrand@state.or.us>
Cc: Craig Williams <cwilliams@netwiz.net>
Subject: Water Right Permit S-55082

Alex,

Our client has 2 water rights in Polk County on Gibson Road off of Brush College Road out of West Salem.

The first is for a small, Alternate Review Reservoir (Application R-87769, Permit R-14956). I have attached the Application and the Permit for this right, both of which have certain areas boxed in red for you to review. You will note that Steve Mamoyac signed off on the ODFW Alternate Reservoir Review Sheet and said there are no native migratory fish now, nor were there any historical instances in this location. Therefore no screens or passage were required for the off channel reservoir.

The second water right is the secondary to use the stored water to drip irrigate the surrounding vineyard (Application S-55082, Permit S-88309). Again, I have attached the Application and the Permit for this right, both of which have certain areas boxed in red for you to review. You will see that the permit, unlike the one for the reservoir, requires a sign off from ODFW regarding the need for fish screens and fish passage. I asked the case worker why this language appeared when the reservoir source had already been deemed to not need screens or passage. I was told that, because the source is a permitted reservoir, the secondary is expedited and they always get the fish language included.

While this seems like a no-brainer, I will need confirmation from you that the screens and passage are not required for the irrigation right from this reservoir, which I am hopeful that you can provide.

I have also included a Google Earth shot from this past July that shows the reservoir and the vineyard, relative to Gibson and Brush College Roads.

Jeanne Boatwright
Boatwright Engineering, Inc.
2613 12th Street SE
Salem, Oregon 97302
ph: 503-363-9225

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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: X NOVO LLC 2265 Boysen Lane
St. Helena, CA 94574

Transaction Type: COBU

Fees Received: \$ 345.00

☐ Cash

☒ Check:

Check No. 3609

Name(s) on Check: X NOVO 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: Sarah Benham
(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.