

**CLAIM OF
BENEFICIAL USE
for Reservoir Permits by
CWRE's (not self-certified)**



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:

August 27, 2001

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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>

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>

SECTION 1

GENERAL INFORMATION

1. File Information

APPLICATION # R-84860	PERMIT # (IF APPLICABLE) R-13294	PERMIT AMENDMENT # (IF APPLICABLE)
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2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME James S. Neal & Lisa D. Neal Coeur de Terre Vineyard, LLC		PHONE NO. James S. Neal 503.883.4111 ext. 210	ADDITIONAL CONTACT NO.
ADDRESS 21000 SW Eagle Point Road			
CITY McMinnville	STATE OREGON	ZIP 97128	E-MAIL James S. Neal scott@cdtvineyard.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 holder of record (this may, or may not, be the current property owner)

PERMIT HOLDER OF RECORD James Neal		
ADDRESS 21000 SW Eagle Point Road		
CITY McMinnville	STATE OREGON	ZIP 97128

ADDITIONAL PERMIT HOLDER OF RECORD NA		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection:**September 18, 2025****5. Person(s) interviewed and description of their association with the project:**

NAME	DATE	ASSOCIATION WITH THE PROJECT
James S. (Scott) Neal	March 19, 2025 October 30, 2025	Owner/Permit Holder
Hector Ortega	September 18, 2025	Vineyard Manager

6. County:**Yamhill**

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)):

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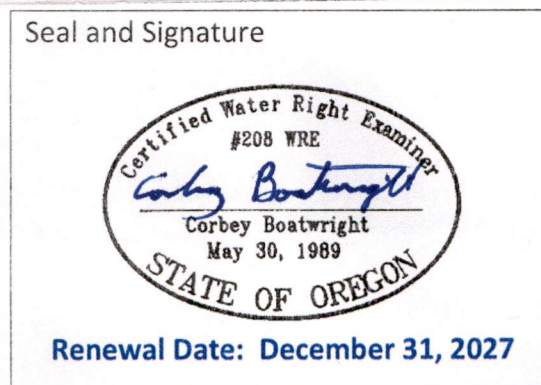
OWNER OF RECORD NA		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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.

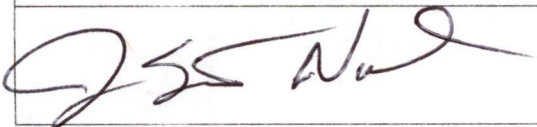


CWRE NAME Corbey Boatwright		PHONE NO. 503.363.9225	ADDITIONAL CONTACT NO.
ADDRESS Boatwright Engineering, Inc. 2613 12th Street SE			
CITY Salem	STATE OREGON	ZIP 97302	E-MAIL corbey@boatwrightengr.com

Permit Holder(s) of Record Signature or Acknowledgement

Each permit or transfer 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
	James S. Neal	Permit Holder	1-20-2026

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SECTION 3 CLAIM DESCRIPTION

1. Reservoir source and, if from surface water, the tributary:

RESERVOIR NAME OR NUMBER	SOURCE	TRIBUTARY
Reservoir	Runoff	Tributary to Muddy Creek

2. Developed use(s), period of use, and acre foot (af) for each use:

RESERVOIR NAME OR NUMBER	USES	SEASON OR MONTHS WHEN WATER WAS APPROPRIATED FOR STORAGE	VOLUME STORED (AF)
Reservoir	Irrigation	December 1 through March 31	Originally 3.9, modified to 1.2 *See #4, below
Total Quantity of Water Stored			Originally 3.9, modified to 1.2 *See #4, below

3. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion to the reservoir:

Water sheet flows overland and enters the north end of the reservoir.

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).

4. Variations:

Was the use developed differently from what was authorized by the permit, permit amendment final order, or extension final order? If yes, describe below. ***YES and NO**

(e.g. "The permit allowed the development of three reservoirs. The permit holder only developed one of the reservoirs." or "The permit allowed for the storage of 9 acre feet of water. The reservoir was developed to hold 5.2 acre feet.")

***The permit allowed for the storage of 1.2 acre-feet of water. The reservoir, as developed, held 3.9 acre-feet of water at the time of my initial visit. The owner did not know what the actual volume was. A consultation with Oregon Dept. of Fish & Wildlife, found that a second water right application to store the additional volume would not be allowed, under their current review program, due to a lack of habitat data in the basin.**

The owner was informed that the horizontal overflow pipe would need to be lowered to reduce the storage volume to that authorized by the permit; which they agreed to do. Boatwright Engineering, Inc. provided the measurement to which the pipe must be lowered, which was based on topographic field survey data collected for the pool area and the pipe. The specific water level, that provides the allowed stored water volume, was calculated based on the contours generated from the survey. A measurement from the existing outlet pipe invert to the invert elevation of the replacement outlet pipe was given to the owner. The permit holder provided photographs, dated November 11, 2025, that show the installation of the new, lowered, outlet pipe in the dam located to the west of the original higher pipe. An aerial drone photo was also included that shows the reduction of the surface area. See Attached photos.

5. Claim Summary:

RESERVOIR NAME OR #	MAXIMUM STORAGE AUTHORIZED BY PERMIT (AF)	MAXIMUM STORAGE DEVELOPED (AF)
Reservoir	1.2 AF	Modified to only store 1.2 AF per #4, above

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SECTION 4

SYSTEM DESCRIPTION

Are there multiple reservoirs?

NO

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

Reservoir

A. Reservoir Location

1. Is the reservoir on-channel?

NO

2. Provide dam outlet location and/or point of diversion(s).

TWP	RNG	MER	SEC	QQ	GLOT	DLC	MEASURED DISTANCES
4S	5W	WM	32	NE-SW	-----	40	3,395' S & 935' W of NW COR COMBS DLC #40

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLOT), and Quarter-Quarters (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 the water from the point(s) of diversion to the reservoir.

1. Is a pump used?

NO

6. Additional notes or comments related to the system:

Water sheet flows overland and enters the north end of the reservoir.

C. 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

D. 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

E. Reservoir

1. Does the reservoir require the submittal of as-built plans and specifications?

NO

If "NO", skip item 2; answer items 3 through 8.

2. Complete the table:

HAVE THE DOCUMENTS BEEN SUBMITTED? YES OR NO	WHEN WERE THE DOCUMENTS SUBMITTED?	HAVE THEY BEEN APPROVED BY THE DEPARTMENT?	NUMBER OF ACRE-FEET STORED
NA			

3. If the reservoir stores less than 9.2 acre-feet of water or if the dam is less than 10 feet in height, and as-built plans and specifications are not required, complete the table and items 4 through 8.

MAXIMUM DEPTH	AVERAGE DEPTH	SURFACE AREA (IN ACRES)	VOLUME (IN ACRE-FEET)
7.5'	5.14'	0.32	1.2

4. Provide reservoir volume calculations:

The reservoir volume was determined by a topographic survey of the pool area to ascertain the volume and the maximum water storage elevation allowed. Boatwright Engineering, Inc. was not involved in the reservoir design and construction. Useful natural ground contours, prior to construction, are not available. The permit holder said that there was a natural sump in the area of the current pool.

James Neal		
Permit R-11294		
VOLUME CALCULATIONS OF WATER STORED		
ELEVATION	AREA (acres)	VOLUME (ac-ft)
376	0	0
377	0.01	0.005
378	0.05	0.04
379	0.13	0.13
380	0.20	0.29
381	0.25	0.52
382	0.28	0.79
383	0.31	1.10
383.5*	0.32	1.20
Elevation, Area, and Volume Data is based on Field Topographic Survey.		
* Invert Elev @ N. end of 8" dia. overflow pipe.		

5. Provide the following information concerning the physical characteristics of the dam:

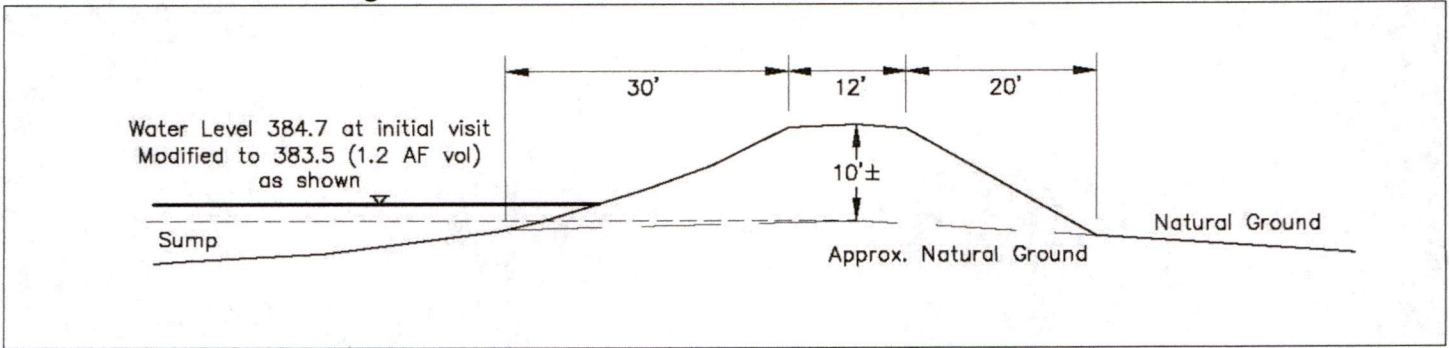
CREST WIDTH (W)	DAM HEIGHT AT CENTERLINE (H)	DISTANCE FROM DOWNSTREAM TOP OF DAM TO DOWNSTREAM TOE (L)	DISTANCE FROM UPSTREAM TOP OF DAM TO UPSTREAM TOE (U)	WATER LEVEL AT INSPECTION	DOWN- STREAM SLOPE	UP-STREAM SLOPE
12'	10' ±	20'	30'±	Initial 384.7 (not full pool) Modified Outlet 383.5	2:1 ±	3:1±

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6. Provide a drawing showing the cross section of the dam at the maximum section indicating details and dimensions. The drawing should be drawn at a standard even scale.



7. Describe the outlet works (size and type of the outlet conduit and location):

There was no outlet pipe installed through the dam when it was constructed. Evacuation can be made by means of the 5 hp irrigation pump and 2" PVC pipe. The pipe has a bypass capable of releasing the water to the downgradient swale. The pipe intake is located at the westerly end of the dam.

Evacuation Calculations:

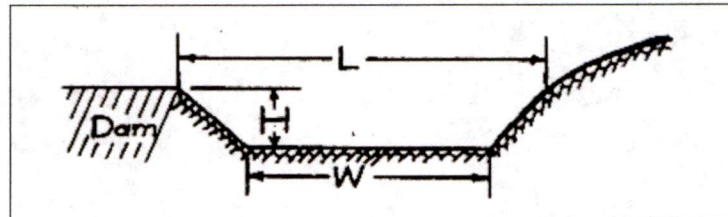
Pump rate 74 gpm. Volume to be evacuated to sump level = 0.1 AF = 4,356 cf = 32,582 gal.

$$\frac{6.6 (5)}{8.2+2+74(2.54)} = 0.167 \text{ cfs} = 74.74 \text{ gpm}$$

$$\frac{32,582}{74.14} = 436 \text{ min} = 7 \text{ hr } 16 \text{ min}$$

8. Describe the emergency spillway (dimensions and location):

BOTTOM WIDTH (W)	TOP WIDTH (L)	SPILLWAY DEPTH (H)
NA	NA	8" dia ABS smooth internal pipe



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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 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 extension final order:

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	July 12, 2002		
BEGIN CONSTRUCTION (A)	July 12, 2003	Per the Water Right Application, the existing pond was constructed prior to the application filing (Priority Date 08-27-2001)	Pond not on Google Earth photo dated 07-29-2000. First available verification of pond construction is Google Earth photo dated 06-15-2003
COMPLETE CONSTRUCTION (B)	October 1, 2006	08-26-2004	Pond constructed and holding water. Evacuation system available. See Google Earth Photo 08-26-2004
COMPLETE APPLICATION OF WATER (C)	October 1, 2006	08-26-2004	Water storage made 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? NO

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? NO

5. Outlet Pipe

a. Is the water user required to install a minimum 8" outlet pipe/conduit? YES*

* The diameter of the outlet pipe is not specified on the permit.

b. Has the outlet pipe been installed? NO

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c. Does the water user have other means to evacuate the reservoir?

YES

DESCRIBE HOW THE WATER USER PLANS TO EVACUATE THE RESERVOIR	HAS THIS PLAN BEEN APPROVED BY THE DEPARTMENT?	BY WHOM?
A 5 hp pump (SW of Reservoir) and 2" dia pipe to evacuate 0.1 AF held above the sump area. See Section 4., Item 7, above, for evacuation calculations.	NO	

6. Fish Screening

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

NO

See attached ODFW Letter

7. 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

See attached ODFW Letter

8. Other conditions required by permit, permit amendment final order, or extension final order

- a. Was the water user required to restore the riparian area if it was disturbed? NO
- b. Was a fishway required? NO
- c. Was submittal of a letter from an engineer required prior to storage of water? NO
- d. Was submittal of a water management and conservation plan required? NO
- e. 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):

NA

SECTION 6 ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Claim of Beneficial Use	Map
Reservoir Pmt R-13294	Google Earth June 15, 2003 photo
Reservoir Pmt R-13294	Google Earth August 26, 2004 photo
Reservoir Photo Mar 19, 2025	Composite Panorama of Pool and Dam
Overflow Modification	Photos dated Nov. 11, 2025 of replacement overflow pipe
Oregon Department of Fish and Wildlife	Letter dated September 8, 2025 from Kevin Stertz, ODFW District Fish Biologist, Re: Fish Screen & By-Pass Requirements

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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.

Yamhill County Survey Record CS-12918, Google Earth photos dated 6-15-2003, 8-26-2004 & 6-18-2024, topographic field survey of the reservoir on September 18, 2025, by Boatwright Engineering, Inc.

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
- ☐ 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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Reservoir Pmt R-13294

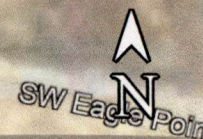
Google Earth June 15, 2003

SW Eagle Point Rd

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Google Earth

Image USDA/FFAC/GEO



800 ft

Reservoir Pmt R-13294

Google Earth August 26, 2004

Google Earth

Image © 2025 Maxar Technologies

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600 ft



MARCH 19, 2025
Top of Dam, looking North
(Panorama Composite)

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11-11-2025 Overflow modified to reduce storage to permitted 1.2 AF.
Original overflow - upper left. Current, lowered, overflow - bottom right.



11-11-2025 Waterline with storage at permitted 1.2 AF.



Oregon

Tina Kotek, Governor

Department of Fish and Wildlife

Fish Division

4034 Fairview Industrial Drive SE

Salem, OR 97302

(503) 947-6201

FAX (503) 947-6202

www.dfw.state.or.us/

September 8, 2025

James and Lisa Neal
21000 SW Eagle Point Rd
McMinnville, OR 97128



Re: Status of Fish Screen and By-Pass Device Requirement for S-53795

To whom it may concern,

The Oregon Department of Fish and Wildlife (ODFW) is submitting this letter regarding the condition for a fish screening and bypass device in permit S-53795 which diverts water from a reservoir permitted under R-13294. The permit allows the water user to submit evidence in writing that ODFW has determined screens and/or passage devices are not necessary. After reviewing the reservoir location and information in permit R-13294 and S-53795, ODFW has determined that there is no current or historic fish habitat and therefore fish screening and bypass device is not necessary for this location.

Although ODFW has determined that fish screening and passage devices are not necessary for S-53795 and R-13294, the permittee shall not stock fish in the associated reservoir without a fish transport permit approved by ODFW. Per ORS 498.222 and OAR 635-007-0600, all persons transporting fish in Oregon need to have a fish transport permit issued by the Oregon Department of Fish and Wildlife (ODFW). **As part of the permitting process, the permittee may need to screen the outlet of the reservoir to ensure that fish cannot escape into public waters.**

Please let me know if you need any additional information or have any further questions.

Sincerely,

Kevin Stertz
ODFW District Fish Biologist

Cc: Katherine Nordholm, Fish Screens and Passage Coordinator, ODFW Salem
Danette Faucera, Water Policy Coordinator, ODFW Salem
Toby Schuyler, Fish Screens Field Coordinator

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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: James & Lisa Neal / Coeur de Terre Vineyard
21000 SW Eagle Point Rd, McMinnville OR 97128

Transaction Type: Claim

Fees Received: \$ 345.00

☐ Cash

☒ Check:

Check No. 9080

Name(s) on Check: Coeur de Terre Vineyard

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: Corie Lovrien

(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.