



**SCHWABE, WILLIAMSON & WYATT**  
ATTORNEYS AT LAW

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JUL 24 2008

WATER RESOURCES DEPT  
SALEM, OREGON

Equitable Center, 530 Center St., NE, Suite 400, Salem, OR 97301 | Phone 503.540.4262 | Fax 503.399.1645 | www.schwabe.com

**MARTHA O. PAGEL**

**Admitted in Oregon and Washington**

**Direct Line: Salem 503-540-4260; Portland 503-796-2872**

**E-Mail: mpagel@schwabe.com**

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July 24, 2008

**BY HAND DELIVERY**

Tim Wallin  
Manager, Water Rights Section  
Oregon Water Resources Department  
725 Summer St NE Ste A  
Salem, OR 97301-1271

Re: Application for Use of Surface Water (Stored Water) for LeCep II  
(Anne Amie Vineyard)  
Our File No.: 107164/120593

Dear Tim:

Enclosed please find an Application for a Permit to Use Surface Water (secondary use of stored water) to be filed on behalf of our clients, LeCep II (Anne Amie Vineyard). Also enclosed is a check in the amount of \$565 for the application and recording fees (Base fee of \$250, plus recording fee \$300, plus \$15 for up to 10 acre-feet of stored water). The proposed source of water is an existing reservoir at the vineyard, as authorized under permits R-8186 and R-14527. The proposed secondary use of water is for irrigation, as further described in the application materials.

I will be the contact person for this application, as indicated on the application form. The form and map were prepared by Gary Ball, Ball Engineering and Surveying. If you have questions or need any additional information, please feel free to contact either Gary or me.

Portland, OR 503.222.9981 | Salem, OR 503.540.4262 | Bend, OR 541.749.4044  
Seattle, WA 206.622.1711 | Vancouver, WA 360.694.7551 | Washington, DC 202.488.4302

PDX/107164/120593/MOP/2793530.1

Tim Wallin  
July 24, 2008  
Page 2

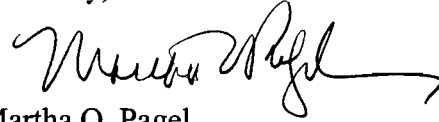
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SALEM, OREGON

Thank you for your assistance.

Sincerely,



Martha O. Pagel

MOP:kdo  
Enclosure

cc: Mr. Floyd I. Aylor (w/encl.)  
Mr. John M. Ekman (w/encl.)  
Gary L. Ball, PE, PLS, CWRE (w/encl.)





Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem Oregon 97301-1266  
 (503) 986-0900  
 www.wrd.state.or.us

# Application for a Permit to Use Surface Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

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## 1. APPLICANT INFORMATION

### A. Applicants

WATER RESOURCES DEPT  
SALEM, OREGON

Applicant: \_\_\_\_\_  
First Last

Mailing Address: \_\_\_\_\_

\_\_\_\_\_  
City State Zip

Phone: \_\_\_\_\_  
Home Work Other

\*Fax: \_\_\_\_\_ \*Email Address: \_\_\_\_\_

### B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of Organization: Le Cep II \*\*Contact

Name and Title of Person Applying: Floyd Aylor, Columbia Empire Farms Inc

Mailing Address or Organization: 31461 NE Bell Road

Sherwood OR 97140  
City State Zip

Phone : 503-538-2156  
Day Evening

\*Fax: \_\_\_\_\_ \*Email Address: \_\_\_\_\_

\*Optional \*\* Martha O. Pagel, Schwabe Williamson & Wyatt  
 530 Center St NE, Ste 400, Salem, OR 97301  
 Phone: 503.540.4260; Fax: 503.796.2900; mpagel@schwabe.com

For Department Use		
App. No. _____	Permit No. _____	Date _____

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2. SOURCE AND PROPERTY OWNERSHIP

A. The 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:

Source 1:	<u>Unnamed Reservoir</u>	Tributary to:	<u>Hawn Creek</u>
Source 2:	_____	Tributary to:	_____
Source 3:	_____	Tributary to:	_____
Source 4:	_____	Tributary to:	_____

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).

T-9087 (Permit R-8186) and Permit R 14527
---

B. Applications to Use Stored Water

Complete this section if any source listed in item 2A above is stored water.

Do you, or will you, own the reservoir(s) described in item 2A above?

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

If all sources listed in item 2A 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.

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### C. Property Ownership

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

Yes (Please check appropriate box below then skip to section 3 'Water Use')

There are no encumbrances

This land is encumbered by easements, rights of way, roads or other encumbrances  
(please provide a copy of the recorded deed(s) )

No (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

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

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

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.

List the names and mailing addresses of all affected landowners.

### 3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

#### A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: \_\_\_\_\_
- If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**

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**B. Amount of Water**

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	Type of use	Amount
Unn. Res.	Irrigation	8.0 <input type="radio"/> cfs <input type="radio"/> gpm <input checked="" type="radio"/> af
		<input type="text"/> <input type="radio"/> cfs <input type="radio"/> gpm <input type="radio"/> af
		<input type="text"/> <input type="radio"/> cfs <input type="radio"/> gpm <input type="radio"/> af
		<input type="text"/> <input type="radio"/> cfs <input type="radio"/> gpm <input type="radio"/> af

**C. Period of Use**

Indicate the time of year you propose to use the water: March 1 - October 31

*(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1-October 31.)*

If you will be applying water to land, indicate the total number of acres where water will be applied or used: 25.0

*(This number should be consistent with your application map.)*

**4. WATER MANAGEMENT**

**A. Diversion**

What method will you use to divert water from the source?

Pump (give horsepower and pump type): 1 hp centrifugal

Head-gate (give dimensions): \_\_\_\_\_

other means (describe): \_\_\_\_\_

**B. Monitoring**

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

Weir

Meter

Periodic Sampling

other means (describe): Use limited to amount stored in reservoir

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### C. Transport

How will you transport water to your place of use?

Ditch or canal (give average width and depth):

Width \_\_\_\_\_ Depth \_\_\_\_\_

Is the ditch or canal to be lined?  Yes  No

Pipe (give diameter and total length):

Diameter 2 inches Length 2580 feet

other, describe: water pumped to storage tank

### D. Application/Distribution Method

What equipment will you use to apply water to your place of use?

Water applied to individual grape vines by gravity pipes from 300 gal tractor tank. Landscaping around winery will use traditional sprinkler system using a small pump from the storage tank.

Irrigation or land application method (check all that apply):

- Flood  High pressure sprinkler  Low pressure sprinkler  
 Drip  Water Cannons  Center pivot system  
 Hand Lines  Wheel Lines  
 Siphon tubes or gated pipe with furrows  
 other, describe: gravity lines from portable tank on tractor

Distribution method

- Direct pipe from source  In-line storage (tank or pond)  Open Canal

### E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Water applied to individual grape plants. Landscaping irrigation kept to a minimum.

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## 5. RESOURCE PROTECTION

### A. Protection Practices

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 to prevent uptake of fish and other aquatic life. Describe planned actions:

- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions:

- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe:

- Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe:

Application rates limited to prevent runoff.

- Other:

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6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: September 1, 2008

Proposed date construction will be completed: October 1, 2012

Proposed date beneficial water use will begin: October 1, 2013

7. REMARKS

*If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.*

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

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## 9. SIGNATURE

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 packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:



Signature of Applicant (If more than one applicant, all must sign.)



Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

**WRD on the web:**

[www.wrd.state.or.us](http://www.wrd.state.or.us)

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Oregon Water Resources Department

FORM I
FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

[X] Primary [ ] Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 25.0 Acres

Secondary: \_\_\_\_\_ Acres

List the permit or certificate number of the primary water right: No. \_\_\_\_\_

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- 1. GRAPES [X] Full season [ ] Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)
2. LANDSCAPING [X] Full season [ ] Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)
3. \_\_\_\_\_ [ ] Full season [ ] Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)
4. \_\_\_\_\_ [ ] Full season [ ] Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

8.0 acre-feet

(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- [ ] Daily during daytime hours [ ] Daily during nighttime hours
[X] Two or three times weekly during daytime [ ] Two or three times weekly during nighttime
[ ] Weekly, during daytime hours [ ] Weekly, during nighttime hours
[ ] Other, explain: \_\_\_\_\_

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**Exhibit "A"**

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

**PARCEL I:**

A portion of that certain tract of land in the Daniel Johnson Donation Land Claim No. 74 in Section 35 and 36, Township 3 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, described in that certain Contract of Sale to Richard D. Kimball and Marla J. Kimball, recorded in Film Volume 120, Page 1982 and 1983, Deed and Mortgage Records of Yamhill County, Oregon, said portion being more particularly described as follows:

Beginning at a one inch iron pipe at the Southeast corner of said Kimball tract and running along the East line thereof, being also the East line of the D. Johnson Claim, North 01°08'40" West 617.79 feet to a 5/8 inch iron rod; thence South 89°55' West 5295.37 feet to a 5/8 inch iron rod on the Easterly right of way of County Road No. 204; thence along said right of way South 06°01'20" East 30.16 feet to a 5/8 inch iron rod; thence North 89°55' East 701.83 feet to a 5/8 inch iron rod; thence South 587.72 feet to a 5/8 inch iron rod on the South line of said Kimball tract, being also the North line of that certain tract of land described in Deed to Elton Kessel, et ux, recorded in Film Volume 14, Page 465, Deed and Mortgage Records of Yamhill County, Oregon; thence along said line North 89°55' East 4602.73 feet to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to Lloyd M. Adams, et ux, by Deed recorded July 10, 1980 in Film Volume 152, Page 441, Deed and Mortgage Records, which is more particularly described as follows:

Beginning at the Southeast corner of that certain tract of land conveyed to Lloyd Adams, et ux, by Deed recorded February 2, 1979 in Film Volume 136, Page 1925, Deed and Mortgage Records of Yamhill County, Oregon, said point being a 5/8 inch iron rod on the North line of that certain tract of land described in Deed to Elton Kessel, et ux, recorded in Film Volume 14, Page 465, Deed and Mortgage Records (said point bears North 89°55' East 1027.36 feet from a one inch iron pipe at the Northwest corner of said Kessel tract); thence North along the East line of said Adams tract, 587.72 feet to a 5/8 inch iron rod; thence 89°55' East 148.25 feet to a 5/8 inch iron rod; thence South 587.72 feet to a 5/8 inch iron rod; thence South 89°55' West 148.25 feet to the point of beginning.

SUBJECT TO AND TOGETHER WITH an easement for ingress, egress and utilities over the following described tract of land:

A strip of land 60.00 feet wide, lying 30.00 feet on each side of the following described centerline: Beginning at the Northwest corner of the above described tract of land and running along the North line of said tract of land, North 89°55' East 3885.18 feet to a 5/8 inch iron rod and the terminus of said easement.

Tax Parcel Number: R3436-900

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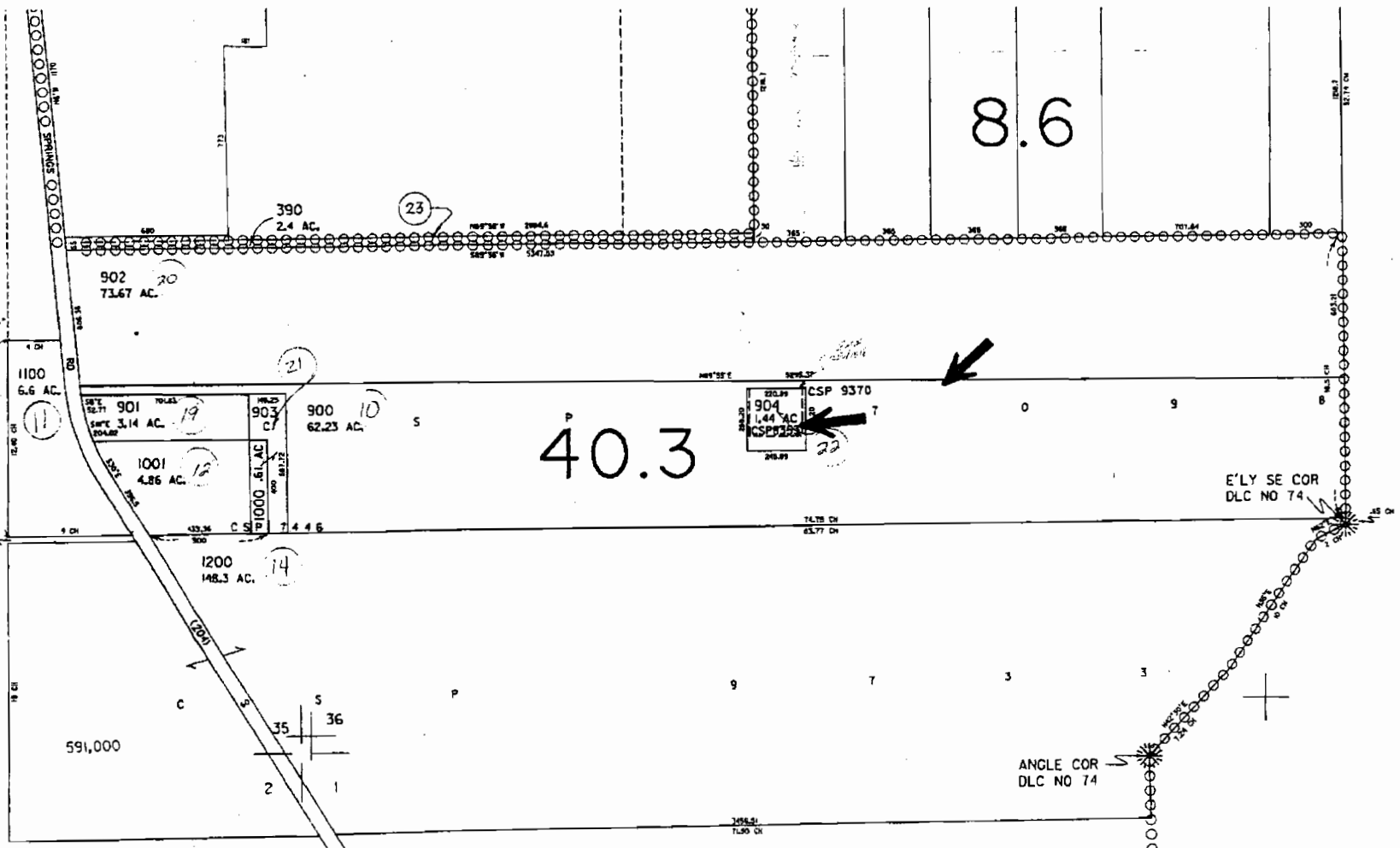
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REVISED 6-8-95

SEE MAP 3 4 35

SEE MAP 3 3 31

SEE MAP 4 4 01



This map is furnished to help you  
 understand your property. It is not a survey  
 and the company assumes no liability  
 for errors.  
 First American Title  
 538-7361



the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: COLUMBIA EMPIRE FARMS - ANNE AMIE VINEYARDS - ATTN FLOYD AYLOR

Mailing Address: 31461 NE BELL ROAD

City: SHERWOOD State: OR Zip: 97140 Day Phone: 503-538-2156

This application is related to a Measure 37 claim.  Yes  No

**A. Land and Location**

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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:
3 S	4 W	35/36*	SESE	900	AG/FORESTRY EF-80	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	IRR
3 S	4 W	35/36*	SESE	903	AG/FORESTRY EF-80	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	IRR
3 S	4 W	35/36*	SESE	1000	AG/FORESTRY EF-80	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	IRR
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

\* NOTE: RESERVOIR IS LOCATED IN SESE SEC 35. BUT TL'S ARE SEC 36 TL'S

List all counties and cities where water is proposed to be diverted, conveyed, or used. YAMHILL COUNTY

**B. Description of Proposed Use**

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

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

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

Estimated quantity of water needed: 8.0  cubic feet per second  gallons per minute  acre-feet

Intended use of water:  Irrigation  Commercial  Industrial  Domestic for \_\_\_\_\_ household(s)  
 Municipal  Quasi-municipal  Instream  Other \_\_\_\_\_

Briefly describe: STORED WATER IS TO BE USED FROM A PERMITTED RESERVOIR FOR IRRIGATION USE FOR GRAPE VINES AND LANDSCAPING

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

**Receipt for Request for Land Use Information**

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WATER RESOURCES DEPT  
SALEM, OREGON

State of Oregon  
Water Resources Department

**Please check the appropriate box below and provide the requested information**

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 402 of the Y.C.70

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)  
**If approvals have been obtained but all appeal periods have not ended, check "Being pursued".**

Type of Land-Use Approval Needed (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
		<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 Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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Name: Stephanie Armstrong Title: Planner  
 Signature: [Signature] Phone: 503-434-7514 Date: 7-3-08  
 Government Entity: Tamhill County

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

**Receipt for Request for Land Use Information**

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Applicant name: \_\_\_\_\_ WATER RESOURCES DEPT-  
 SALEM, OREGON

# Water Rights Information Query Results

	Contacts	Application	Permit	Certificate	Claim	Decree	Transfers	Status
<a href="#">Select</a>	OWNER: LLOYD ADAMS ROUTE 1 BOX 29A CARLTON, OR 97111	R60810	R8186	58449			▸ <a href="#">T9087</a> (Changes this right)	NC

[Help understanding and working with the Water Rights Information System](#)

Download: [Point of diversion data](#), [Place of use data](#), [Stakeholder data](#)

[Return to WRIS Query](#)



STATE OF OREGON  
COUNTY OF YAMHILL  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LLOYD M. ADAMS  
ROUTE 1, BOX 29A  
CARLTON, OREGON 97111

confirms the right to store the waters of AN UNNAMED STREAM, a tributary of HAHN CREEK, APPROPRIATED UNDER PERMIT 45200, for the purpose of IRRIGATION AND STOCK.

The right to store these waters has been perfected under Reservoir Permit R-8186. The date of priority is SEPTEMBER 26, 1980. The amount of water entitled to be stored each year under such right is not more than 1.0 ACRE FOOT, BEING 0.7 AF FOR IRRIGATION AND 0.3 AF FOR STOCK.

The reservoir is located as follows:

SE 1/4 SE 1/4  
AS PROJECTED WITHIN DLC 74  
SECTION 35  
TOWNSHIP 3 SOUTH, RANGE 4 WEST, W.M.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described.

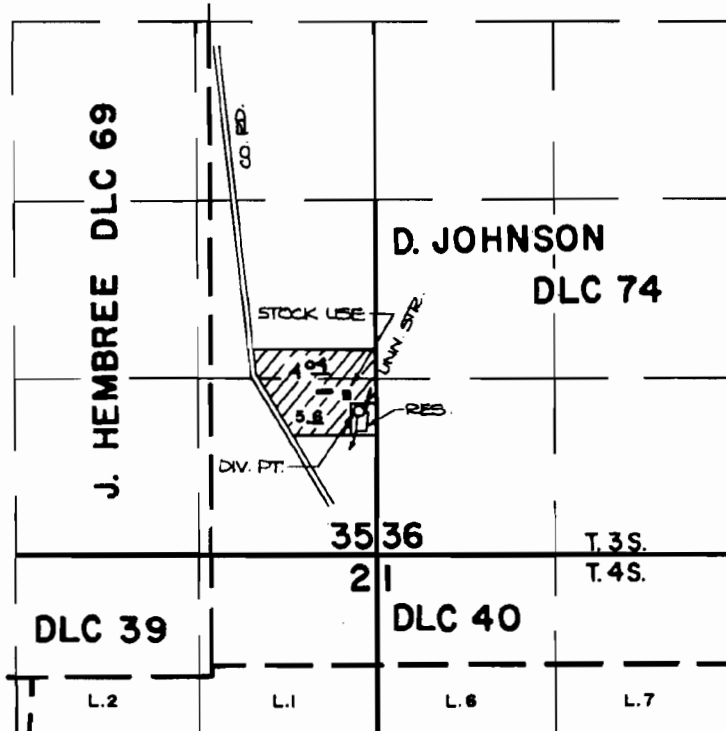
WITNESS the signature of the Water Resources Director, affixed this date NOVEMBER 28, 1988.

/s/ WILLIAM H. YOUNG  
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 58449

R-60810

# T.3 & 4S., R.4W., W.M.



THE DIV. PT. IS LOCATED 1060 FT. N. AND 100 FT. W. FROM THE S.E. CORNER OF SECTION 35.



SCALE: 4" = 1 MILE

## FINAL PROOF SURVEY UNDER

R-60810                      R-8186  
Application No. 60811... Permit No. 45200.....  
IN NAME OF

**LLOYD M. ADAMS**

Surveyed JULY 9, 1984, by P. Proctor

# Water Rights Information Query Results

	Contacts	Application	Permit	Certificate	Claim	Decree	Transfers	Status
<a href="#">Select</a>	OWNER: COLUMBIA EMPIRE FARMS 31461 NE BELL RD SHERWOOD, OR 97140	R86957	R14527					NC

[Help understanding and working with the Water Rights Information System](#)

Download: [Point of diversion data](#), [Place of use data](#), [Stakeholder data](#)

[Return to WRIS Query](#)

STATE OF OREGON  
COUNTY OF YAMHILL

PERMIT TO CONSTRUCT A RESERVOIR AND STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

COLUMBIA EMPIRE FARMS  
31461 NE BELL RD  
SHERWOOD OR 97140

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

APPLICATION FILE NUMBER: R-86957

SOURCE OF WATER: UNNAMED STREAM, TRIBUTARY TO HAWN CREEK

STORAGE FACILITY: A RESERVOIR

MAXIMUM VOLUME: 7.0 ACRE FEET

DATE OF PRIORITY: August 3, 2007

PURPOSE OR USE: MULTIPLE PURPOSE

WATER MAY BE APPROPRIATED DURING THE PERIOD: OCTOBER 1 THROUGH JULY 31

**Dam Location/Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 S	4 W	WM	35	SE SE	1060 FEET NORTH AND 100 FEET WEST FROM SE CORNER, SECTION 35

**The Area To Be Submerged:**

Twp	Rng	Mer	Sec	Q-Q
3 S	4 W	WM	35	SE SE

Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order, and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use 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. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

The permittee shall pass all live flow outside the storage season described above.

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.

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 used for out-of-reservoir purposes, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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 Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

#### **STANDARD 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. 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.
3. 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.
4. 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.
5. This permit does not allow unauthorized inundation of property not under the ownership of the permit holder.
6. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2012.

7. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.
8. 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.
9. If no secondary permit exists and the reservoir capacity is less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:
  - a. the dimensions of the reservoir;
  - b. the maximum capacity of the reservoir in acre-feet; and
  - c. a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

Issued DECEMBER 13, 2007.

*E. Timothy Ward*

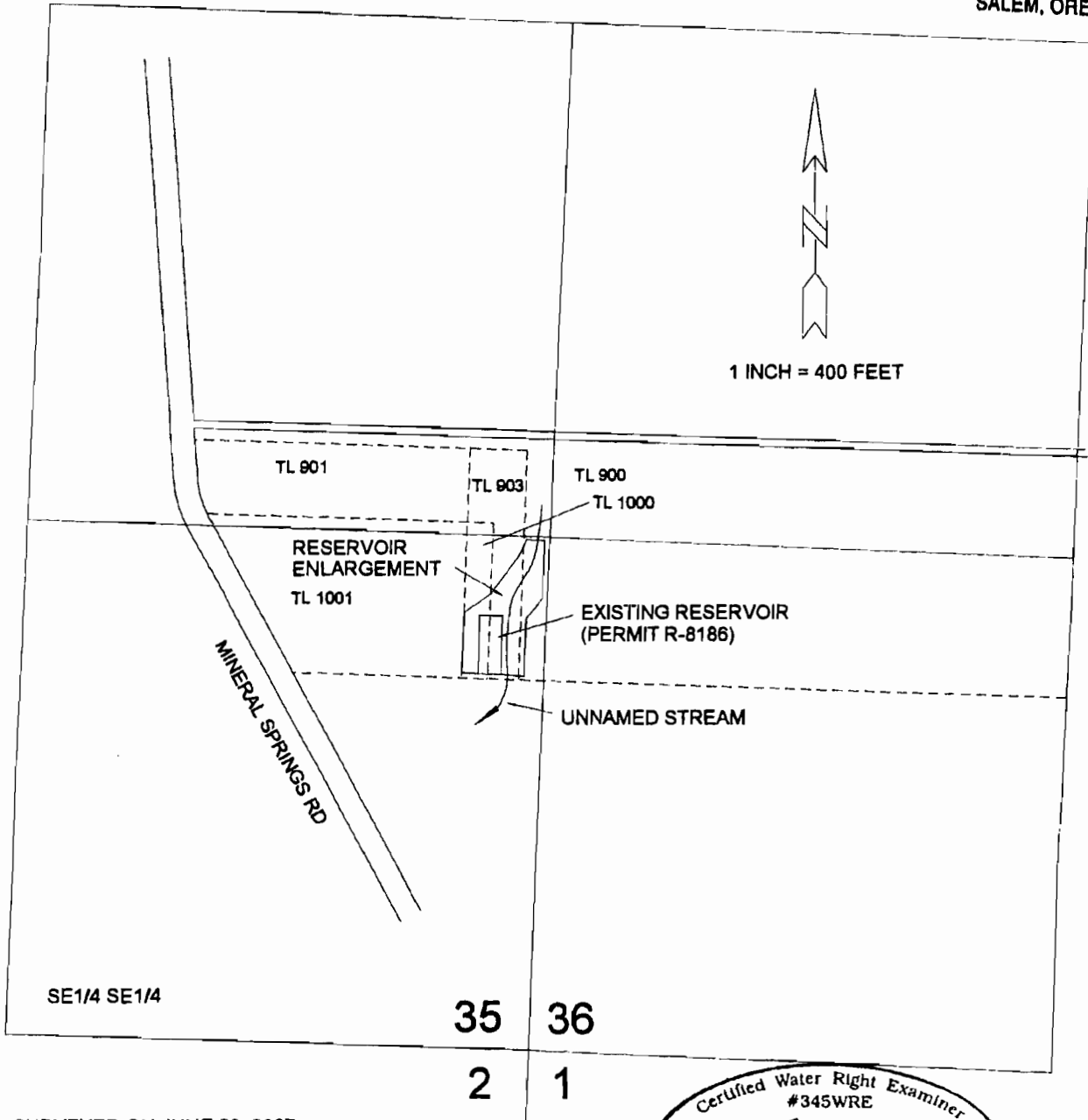
for Phillip C. Ward, Director  
Water Resources Department

**RESERVOIR PERMIT APPLICATION MAP  
FOR ANNE AMIE VINEYARDS  
LOCATED IN DLC 74 AND  
SECTION 35, T 3 S, R 4 W, W.M.**

**RECEIVED**

16 03 2007

WATER RESOURCES DEPT  
SALEM, OREGON



SURVEYED ON JUNE 29, 2007  
BALL ENGINEERING AND SURVEYING  
LA CENTER, WASHINGTON

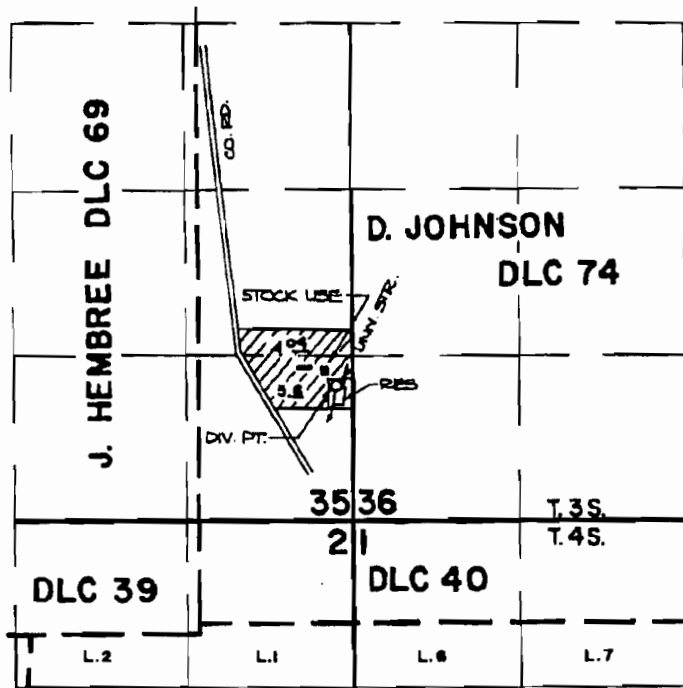
THIS MAP IS NOT INTENDED TO PROVIDE  
LEGAL DIMENSIONS OR LOCATIONS OF  
PROPERTY OWNERSHIP LINES.

Certified Water Right Examiner  
#345WRE  
*Gary L. Ball*  
Gary L. Ball  
May 18, 1993  
STATE OF OREGON

RENEWAL DATE: 12/31/2007

appno R 86957

T.3 & 4S., R.4W., W.M.



THE DIV. PT. IS LOCATED 1060 FT. N. AND 100 FT. W. FROM THE S.E. CORNER OF SECTION 56.



SCALE: 4" = 1 MILE

**FINAL PROOF SURVEY**  
UNDER

R-60810                      R-8186  
Application No. 60811... Permit No. 45200.....  
IN NAME OF

..... **LLOYD M. ADAMS** .....

Surveyed JULY 9, 1984, by P. Anglin.....

appno R 86957 - for reference