



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.

I. APPLICANT INFORMATION

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SALEM OREGON

A. Individuals

Applicant: N/A
First Last

Mailing address:

City State Zip

Phone: Home Work Other

\*Fax: \*E-Mail address:

B. Organizations

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

Name of organization: Fern Creek Vineyards, LLC c/o Premier Pacific Vineyards

Name and title of person applying: Mr. Matt McKamey

Mailing address of organization: 4 Financial Plaza, P.O. Box 3989

Napa CA 94558
City State Zip

Phone: 707-224-6565 N/A
Day Evening

\*Fax: 707-254-9398 \*E-Mail address: mmckamey@ppvco.com

\* Optional information

For Department Use
App. No. 5-8712 Permit No. Date

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: Unnamed Intermittent Str. Tributary to: Cooper Creek

Source 2: Fern Creek Reservoir Tributary to: Cooper Creek

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). Concurrent reservoir application is being submitted.

**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.)

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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 (Skip to section 3 "Water Use.")
- 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.

N/A

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**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			
Unnamed Intermittent Str.	Irrigation / Reservoir Maintenance	3	<input checked="" type="checkbox"/> cfs	<input type="checkbox"/> gpm	<input type="checkbox"/> af
Fern Creek Reservoir	Irrigation / Fire Protection / Wildlife	180	<input type="checkbox"/> cfs	<input type="checkbox"/> gpm	<input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs	<input type="checkbox"/> gpm	<input type="checkbox"/> af
			<input type="checkbox"/> cfs	<input type="checkbox"/> gpm	<input type="checkbox"/> 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.)*

**D. Acreage**

If you will be applying water to land, indicate the total number of acres where water will be applied or used: 383 acres  
*(This number should be consistent with your application map.)*

**4. WATER MANAGEMENT**

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**A. Diversion**

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

- Pump (give horsepower and pump type): 50 HP electric 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): Staff gage in reservoir.

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TELEPHONE (503) 357-5717  
FAX (503) 357-5698  
EMAIL: billkness@stuntzner.com

2137 19<sup>th</sup> Avenue  
Forest Grove, OR 97116

**COOS BAY - FOREST GROVE - DALLAS - BROOKINGS**

March 18, 2008

Mr. Herb Mosgar  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

Re: Fern Creek Vineyards, LLC; Water Rights Applications; R-87120, S-87121

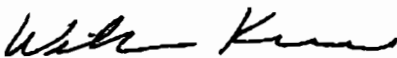
Dear Mr. Mosgar:

We are submitting this letter on behalf of Fern Creek Vineyards, LLC (c/o Premier Pacific Vineyards) to clarify items regarding the above referenced water rights applications. A check for the additional amount owed to the department for application fees is enclosed. The attached spreadsheet documents the fees for these water rights applications. We are requesting that the following edits be made to the applications:

- 1) #6 on page 2 of the reservoir application: Change uses to read "Multipurpose including..."
- 2) #3, B on page 4 of the surface water application: Remove "Fire Protection" and "Wildlife" uses from Fern Creek Reservoir.
- 3) The surface water point of diversion for the unnamed intermittent stream will be the same as the Fern Creek Reservoir point of diversion.
- 4) We have also attached a revised *Water Rights Application Map* that includes Eric Urstadt's CWRE stamp on it.

Please contact us with any questions or comments. Thanks.

Sincerely,  
Stuntzner Engineering & Forestry, LLC

  
William Kness, PE, PLS

Cc: Mr. Matt McKamey, PPV

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**Joel Plahn**

**From:** Bill Kness [billkness@stuntzner.com]  
**Sent:** Monday, April 14, 2008 12:15 PM  
**To:** Joel Plahn  
**Cc:** Matt McKamey; Eric Urstadt  
**Subject:** Premier Pacific Vineyards (PPV) Water Rights Applications: Cooper Creek and Fern Creek

Joel,

Regarding your question on the "Period of Use" in the surface water application for Cooper Creek, PPV intends the *March 1 – October 31* period of use to be for irrigation and for the reservoir maintenance period of use to be *year-round*. This same clarification applies to PPV's Fern Creek surface water application.

Please let us know if you have additional questions regarding these water rights applications. Thanks.

Bill

*Bill Kness, PE  
Stuntzner Engineering & Forestry, LLC  
2137 19th Avenue, Forest Grove, OR 97116  
503-357-5717 (office)  
503-804-3157 (cell)  
503-357-5698 (fax)*

**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 5 inch PVC Length Main irrigation line~one mile (sys. not designed yet)

Other (describe) \_\_\_\_\_

**D. Application/Distribution Method**

What equipment will you use to apply water to your place of use? Drip irrigation for vineyards. Low pressure sprinkler for cover crops.

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

- Flood
- Drip
- Hand lines
- Siphon tubes or gated pipe with furrows
- Other, describe \_\_\_\_\_
- High-pressure sprinkler
- Water cannons
- Wheel lines
- Low pressure sprinkler
- Center pivot system

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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.

Drip irrigation for vineyards will be used only when needed. Sprinklers will be used occasionally only as needed.

\_\_\_\_\_  
\_\_\_\_\_

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: Not applicable--No fish present above proposed dam location as per ODFW field report dated 12/19/2007 (see attached field report).

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: Borrow material to be taken upstream of dam.

Construction area will be seeded and mulched.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: Dam construction will be done in dry season when there is minimal chance of run-off from the site.

Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: Permittee will obtain a 1200-C erosion control permit. Silt fences, straw bale dikes, seeding, mulching and other erosion control measures will be used as needed to minimize erosion.

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: May 2008

Proposed date construction will be completed: Oct. 2015

Proposed date beneficial water use will begin: May 2009

**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.*

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**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.)

2-29-08

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.

**Primary**     **Supplemental**

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

Primary:            383            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. Vineyard crops                     Full season     Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)

2. \_\_\_\_\_                     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:

\_\_\_\_\_ 180 \_\_\_\_\_ 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

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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LUC08-09



# Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; 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) 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: Fern Creek Vineyards, LLC c/o Premier Pacific Vineyards  
Mailing Address: Attn: Matt McKamey, 4 Financial Plaza, P.O. Box 3989  
City: Napa State: CA Zip: 94558 Day Phone: 707-224-6565

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:
8S	5W	16	SWNW	300	FF and FFO	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
8S	5W	21	NWNW	400	FFO	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

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## B. Description of Proposed Use

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

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

Source of water:  Reservoir/Pond     Ground Water     Surface Water (name) Unnamed intermittent stream

Estimated quantity of water needed: 200  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: Construction of reservoir for irrigation of 383 acres of vineyard.

S-87121

**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

## 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 proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 136.030(A)

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: Coren Hale Title: Permit Specialist  
 Signature: *Coren Hale* Phone: 5036239237 Date: 2/20/08  
 Government Entity: Polk 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.

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Order No. 026854P

Page 6

Exhibit "A"

Parcel I:

Parcel 1 of Partition Plat No. 1992-47, in the West 1/2 of Section 16, Township 8 South, Range 5 West of the Willamette Meridian, in Polk County, Oregon.

Parcel II:

Parcel 2 of Partition Plat No. 1992-47 in the West 1/2 of Section 16, Township 8 south, Range 5 West of the Willamette Meridian, in Polk County, Oregon.

Parcel III

Parcel 3 of Partition Plat No. 1992-47 in the West 1/2 of Section 16, Township 8 South, Range 5 West of the Willamette Meridian in Polk County, Oregon.

Parcel IV:

Parcel 1 of Partition Plat No. 91-46 in the East 1/2 of Section 17, Township 8 South, Range 5 West of the Willamette Meridian in Polk County, Oregon.

Parcel V:

Parcel 3 of Partition Plat No. 91-46 in the Northwest one-quarter of Section 21, Township 8 South, Range 5 West of the Willamette Meridian in Polk County, Oregon.

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