



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Application for a Permit to
Store Water
in a Reservoir
(Standard Review)

Standard Review Process (ORS 537): You must use this form for any reservoir
storing more than 9.2 acre-feet and with a dam more than 10 feet high.

Use a separate form for each reservoir

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, insert "n/a". 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

1. APPLICANT INFORMATION

Applicant: Fern Creek Vineyards, LLC c/o Premier Pacific Vineyards

Mailing Address: Mr. Matt McKamey, 4 Financial Plaza, P.O. Box 3989

Napa CA 94558
City State Zip

Phone: N/A 707-224-6565 N/A
Home Work Other

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

*Optional Information

I(We) make application for a permit to construct a reservoir and store the following described
waters of the State of Oregon. The name of the reservoir is Fern Creek Reservoir

2. SOURCE OF WATER for the proposed use: Unnamed intermittent stream
a tributary of Cooper Creek

Is the proposed use an enlargement of an existing dam/reservoir? [] YES [x] NO

If the reservoir is not in channel of a stream, state how it is to be filled: In the channel of an
unnamed intermittent stream.

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For Department Use
App. No. R87120 Permit No. Date

3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 45 feet above streambed or ground surface at the centerline of the crest of the dam.

Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved prior to storage of water.

The dam will be (check one): Earthfill Concrete Flash board Other

If "other" give description: _____

4. PRIMARY OUTLET WORKS

Describe the location and the dimensions of the outlet conduit through the dam: _____

Minimum 8" diameter corrugated metal pipe gated at the upstream end.

NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.

5. EMERGENCY SPILLWAY

Describe the location and the dimensions of the spillway channel: _____

Around the right end of the dam. Dimensions to be determined in the final design.

6. THE USE(s) of the impounded water will be: Irrigation of vineyards, cover crops, reservoir maintenance, fire protection and wildlife.

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7. **THE AMOUNT OF WATER** to be stored is: 180 acre-feet.

The area submerged by the reservoir, when filled, will be 5 acres.

8. PROJECT SCHEDULE: (List **Month** and **Year**)

Proposed date construction work will begin: May 2009

Proposed date construction work will be completed: Oct. 2011

Proposed date water use will be completed: Oct. 2010

9. PROPERTY OWNERSHIP

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

Yes (Skip to section 10)

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 an easement permitting access to lands not under my ownership.

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

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

* Attach additional sheet(s) if necessary.

10. 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 reservoir location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

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

2137 19th Avenue
Forest Grove, OR 97116

COOS BAY - FOREST GROVE - DALLAS - BROOKINGS

July 21, 2008

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

Re: Fern Creek Vineyards, LLC; Amendment to WR Applications; R-87120, S-87121

Dear Mr. Plahn:

We are submitting this letter on behalf of Fern Creek Vineyards, LLC (c/o Premier Pacific Vineyards) to amend the above referenced water rights applications. Because of geological considerations, the proposed location for *Fern Creek Reservoir* needs to be moved from the location near the south property line as shown in the original applications to the central location indicated on the revised *Water Rights Application Map*. A copy of this revised map is attached.

Due to this proposed change, another point of diversion (POD) will be needed for pumping irrigation water out of the reservoir while the original POD will remain near the south property line to collect live flow water and for filling the reservoir. We have enclosed a check for \$200.00 to cover the application fee associated with this POD. Another amendment to the application is that the maximum dam height at the centerline of the dam will not exceed 25 feet due to the new proposed location. The dam side slopes and the minimum conduit sizes remain the same as documented on the preliminary dam design cross section submitted with the original water rights applications.

Please contact us with any questions or comments. Thanks.

Sincerely,
Stuntzner Engineering & Forestry, LLC

William Kness, PE, PLS

Cc: Mr. Matt McKamey, PPV

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)*

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 checked="" 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 checked="" 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.

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.

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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.

Order No. 026854P
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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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