

October 7, 2011

Oregon Department of Water Resources
Water Rights Section
725 Summer Street NE, Suite A
Salem, Oregon 97301

Re: Water Rights Applications
Polk County Tax Lot 7.3.7 00208
3285 Gibson Road
Salem OR

I authorize Jeanne Boatwright and Corbey Boatwright, CWRE, to be my agents with regards to various water rights on the above referenced parcel.



Craig Williams, manger
X NOVO, LLC
1551 Oak Avenue
St. Helena California, 94574

ph: 707-479-1233

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WATER RIGHTS SECTION
SALMON DIVISION

ORIGINAL IN
FILE G-17495
(associated, G-17494)

R-87769



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

base 300
 9af 225
 \$525

Application for a Permit to Store Water in a Reservoir

(Alternate Review)

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate application 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: X NOVO, LLC Craig Williams, manager
First Last

Mailing Address: 1551 Oak Avenue
St. Helena California 94574
City State Zip

Phone: _____ 707-479-1233 _____
Home Work Other

*Fax: _____ *E-Mail Address: cwilliams@netwiz.net
**optional information*

2. AGENT INFORMATION

The agent is authorized to represent the applicant in all matters relating to this application.

Agent: Jeanne Boatwright
First Last

Mailing Address: Boatwright Engineering, Inc 2613 12th Street SE
Salem Oregon 97302
City State Zip

Phone: _____ 503-363-9225 _____
Home Work Other

*Fax: 503-363-1051 *E-Mail Address: jeanne@boatwrightengr.com
**optional information*

3. LOCATION AND SOURCE

A. Reservoir Name: X NOVO Reservoir

B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.
 Source: Surface Run-off Tributary to: Unnamed Tributary of Winslow Gulch

C. County in which diversion occurs: Polk

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App. No. <u>R-87769</u>	For Department Use
Permit No. _____	Date _____

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
7S	3W	7	NW-NE	7.3.7.00208

E. Dam: Maximum height of dam: 14.8 feet. If excavated, write "zero feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 9.0

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) Yes No

4. WATER USE

Indicate the proposed use(s) of the stored water. **NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.** If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.

MULTIPURPOSE

5. 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 5)

There are no encumbrances

This land is encumbered by easements, right of way, roads 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). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

6. ENVIRONMENTAL IMPACT

A. Channel: Is the reservoir in-stream or off channel? Yes No not in-stream

B. Wetland: Is the project in a wetland? Yes No Don't know

C. Existing: Is this an existing reservoir? Yes No

If yes, how long has it been in place? _____ years.

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 JB 11-28-11

R-87769

D. Fish Habitat: Is there fish habitat upstream of the proposed structure? Yes No Don't know
If yes, how much? _____ miles.

E. Partnerships: Have you been working with other agencies? Yes No

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

7. DESCRIPTION

Provide a description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

An earthen dam will be constructed across a small swale in an existing farmed field. The seasonal surface run-off will collect in the reservoir pool, which will be partially excavated to obtain material for the dam structure. The construction will include a spillway and an outlet gate. The outlet gate can be cracked open, if necessary, to pass live flow outside of the storage season. However, since the upstream area of the basin is upland and there is no defined channel, out of season flow is not anticipated.

The irrigated area will be underlain with a farm tile collection system which will return excess water to the storage reservoir for recycling to reapplication.

* The reservoir will also hold water collected from the farm tile system during the allowed storage season under a separate groundwater application.

All irrigation will be applied by means of a drip system to minimize demand.

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R-87769

If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

See Attached Sheets:
Proposed Dam
Dam & Reservoir Cross Section

8. SIGNATURE

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.

Juanna Boatwright, agent
Landowner Signature

November 20, 2011
Date

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

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FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$300. In addition, there is a fee of \$25 per acre-foot or fraction thereof. Example: 0.3 AF= \$325; 1.5 AF= \$350; 20.0 AF= \$800; 30.0 AF= \$1050. Plus a permit recording fee of \$400 (this fee is refunded if no permit is issued).

R-87769

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: X NOVO, LLC 1551 Oak Ave St Helena CA 94574
 Agent: % Jeanne Boatwright, Boatwright Engineering Inc. 2613 12th St SE, Salem, OR 97302
503-363-9225 jeanne@boatwrightengr.com

Reservoir Name: XNOVO Reservoir Source: Surface Run-off Volume (AF): 9.0

Twp Rng Sec QQ: 7S 3W 7 NW-NE Basin Name: Winslow Gulch in-channel off-channel *

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.

- 1) Is the proposed project and AO¹ off channel? YES NO
 (if yes then proceed to #4; if no then proceed to #2)
- 2) Is the proposed project or AO located where NMF² are or were historically present?..... YES NO *MR*
 (if yes then proceed to #3; if no then proceed to #4)
- 3) If NMF are or were historically present:
- a. Is there an ODFW-approved fish-passage plan?..... YES NO
 - b. Is there an ODFW-approved fish-passage waiver or exemption?..... YES NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

- 4) Would the proposed reservoir pose any other significant detrimental impact to an existing fishery resource?..... YES NO

Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

- Any diversion or appropriation of water for storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.
- This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635-412-0005 (32)

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If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?
 NO (explain) YES (select from Menu of Conditions on next page)

ODFW Signature: Steve R. Mamoyac Print Name: Steve Mamoyac
ODFW Title: District Fish Biologist Date: 11-4-11

NOTE: This completed form must be returned to the applicant.

Revised 8/2/11

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WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

The review of alternate reservoirs is limited to these criteria only.

Application #: R- Applicant's Name: X Novo LLC

1) Does the proposed reservoir have the potential to injure existing water rights? NO YES

Explain:

2) Can conditions be applied to mitigate the potential injury to existing water rights? NO YES

If YES, which conditions are recommended:

3) Did you meet with staff from another agency to discuss this application? NO YES

Who: Agency: Date:
Who: Agency: Date:

Watermaster signature: *[Signature]* for M. McCord Date: 11-10-11

WRD Contact: Caseworker: Water Rights Division, 503-986-0900 / Fax 503-986-0901

NOTE: This completed form must be returned to the applicant.

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Land Use Information Form



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

RESERVOIR

Applicant(s): X NOVO, LLC Craig Williams, manager

Mailing Address: 1551 Oak Avenue

City: St. Helena

State: CA

Zip Code: 94574

Daytime Phone: 707-479-1233

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. 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:
<u>7S</u>	<u>3W</u>	<u>7</u>	<u>NW-NE</u>	<u>208</u>	<u>AG/EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Storage</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<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, and/or used or developed:

Polk County

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
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

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

Estimated quantity of water needed: 9.0
 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:

Water will be collected from surface run-off during the allowed storage season for use as irrigation of a vineyard
Aesthetics, wildlife, agricultural use, recreation

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

See bottom of Page 3. →

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R-87769

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 the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): PCZO 136.030(A)
- Land uses to be served by the 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

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.

For agricultural use only on subject property. Not to be a water district.

Name: Jackson Hite Title: Planner Trainee
 Signature: *[Signature]* Phone: 503-623-9237 Date: 11/22/11
 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.



Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____



SEARCH [input] [Go]

Water Resources Department

Permit to Appropriate Surface Water for Storage - Alternate Reservoir Application

For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.

Today's Date: Monday, November 28, 2011

Base Application Fee for Storage of Surface Water.		\$300.00
Proposed Dam Height in feet.	14.8	
Proposed Reservoir volume in Acre Feet.	9.0	\$225.00
Permit Recording Fee. ***		\$400.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$925.00

→ to be paid upon permit/FO issuance

[Return to Fee Calculator Options page](#)

[OWRD Fee Schedule](#)

Fee Calculator Version: B20090701

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