

# Application for a Permit to Use Surface Water



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

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant Information

NAME FOXGLOVE PROPERTIES LLC / DOMAINE SERENE VINEYARDS & WINERY, INC. RICHARD RAMAKERS, OPERATIONS AND FACILITIES SUPERINTENDANT			PHONE (HM)
PHONE (WK) 503-864-4600 x 238	CELL	FAX 503-864-4500	
ADDRESS 6555 NE HILLTOP LANE			
CITY DAYTON	STATE OR	ZIP 97114	E-MAIL * RICH@DOMAINESERENE.COM

### Organization Information

NAME FOXGLOVE PROPERTIES, LLC / DOMAINE SERENE VINEYARDS & WINERY, INC.			PHONE 503-8644600	FAX 503-864-4500
ADDRESS 6555 NE HILLTOP LANE			CELL	
CITY DAYTON	STATE OR	ZIP 97114	E-MAIL *	

### Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

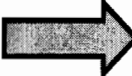
AGENT / BUSINESS NAME STUNTZNER ENGINEERING & FORESTRY LLC BILL FLATZ, PE CWRE			PHONE 503-357-5717	FAX 503-357-5698
ADDRESS 2137 19 <sup>TH</sup> AVENUE			CELL 503-939-8381	
CITY FOREST GROVE	STATE OR	ZIP 97116	E-MAIL * BILLFLATZ@STUNTZNER.COM	

Note: Attach multiple copies as needed

\* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

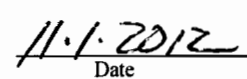
### By my signature below I confirm that I understand:

- 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.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- 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 cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

 I (we) affirm that the information contained in this application is true and accurate.

  
Applicant Signature

  
Print Name and title if applicable

  
Date

Applicant Signature

Print Name and title if applicable

Date

App. No. <u>S07852</u>	For Department Use	Date
Permit No. _____		

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**SECTION 2: PROPERTY OWNERSHIP**

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

Yes

There are no encumbrances.

This land is encumbered by easements, rights of way, roads or other encumbrances.

*\*\*Note: Access easements and right of way exist, but will not interfere with irrigation.*

No

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 irrigation and/or domestic use only (ORS 274.040).

Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (attach additional sheets if necessary).

\_\_\_\_\_

**SECTION 3: SOURCE OF WATER**

**A. 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: Quarry Pond

Tributary to: No-Name Creek to Willamette River

(The Quarry Pond is Application R-87791, Permit R-14968, issued 7-19-12.)

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).

**B. Applications to Use Stored Water**

Do you, or will you, own the reservoir(s) described in item 3A 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 3A 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.

**SECTION 4: WATER USE**

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	USE	PERIOD OF USE	AMOUNT
Quarry Pond	Irrigation	March 1 – Oct. 31	11 <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
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

**For irrigation use only:**

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: 6.9 Acres                      Supplemental: 57.9 Acres

List the Permit or Certificate number of the underlying primary water right(s):

App. G-13117, Per. G-11841. App. G-15136, Per. G-13896. App. G-17473, Per. G-16900.

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 11.0

Note: See attached spreadsheet listing irrigation acres and theoretical irrigation of the areas.

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- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: N/A
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

N/A

## SECTION 5: WATER MANAGEMENT

### A. Diversion and Conveyance

What equipment will you use to pump water from your source?

Pump (give horsepower and type): 15 hp submersible.

Other means (describe): \_\_\_\_\_

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

Pump will be placed into pond. Underground pipe will be installed to convey the water to both the existing Winery Hill Vineyard irrigation system and the proposed Triple Crown Vineyard irrigation system.

### B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

For the vineyards the irrigation method will be either drip lines or hand watering.

For the landscaping the irrigation method will be landscape type turf, shrub and drip zones on automatic control systems along with individual tower impact sprinklers.

### C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

The amount of water is limited to the capacity of the Quarry Pond. The owner needs this water to allow the winery to conserve the ground water. As stated in Oregon Administrative Rules 690-330-0040 (3): "If requested by the applicant, a permit may be issued which describes a surface water source as supplemental to a groundwater right and shall provide that, in the interest of conserving the groundwater supplies, the supplemental right may be exercised at time when water is available from the surface water supply."  
We specifically request this permit be issued as described above allowing use of the surface water when available.

In years past the ground water became problematic in use for the winery, when the wells are working to hard to irrigate and the water is also needed for winery operations the quality of the water declines. The quality of the water is critical to the winery. By using the Quarry Pond water to reduce the ground water use for irrigation the owner hopes to keep the ground water quality high and avoid any future problems with the winery operations.

Because of past problems with the water quality the owner already has worked hard to prevent waste. The vineyard and winery are already following these procedures:

1. The landscape irrigation is set up and controlled by a professional landscape company who are required to use minimal water while keeping the grounds attractive for visitors from all over the world.
2. The vineyards are not watered every year, the grape vines only get watered when specifically directed by the wine maker, the winemaker specifies exactly how much water to apply to each vine. The vines are either hand watered or plastic manifolds are set up at the end of the rows and 5 to 6 vine rows are set up with 1/2" hdpe drip lines giving each vine a single emitter. The manifolds are connected with hand lines and are run for the required times to deliver the specified water to each plant.

The water diverted will be measured using meters. The meters will be in the existing pump house on Winery Hill and in the proposed pump house at the Triple Crown Vineyard.

There will be no damage to public uses of surface waters. The Quarry Pond fills with rainwater runoff during the winter, using this water during the irrigation season does not affect any other surface water.

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## SECTION 6: RESOURCE PROTECTION

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: screen to protect pump.

*This pond is isolated in an old rock quarry, there is no waterway or streamside area, there are no fish in the pond. The intake will be screened to protect the pump from debris.*

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

*This pond is an old rock quarry, there is no riparian or streamside areas.*

- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe: There are no plans to use equipment in the pond. When the water level is down the owner intends to try and seal the rock fill to stop a slow leak in the pond. This will be done at the end of the irrigation season when the water level is as low as possible. The aquatic life is minimal, generally only frogs and some sparse grasses.

- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe: The owner will try to prevent erosion and contamination of waste or chemical products to protect his sensitive grapes from any hazardous contamination.

The above questions were answered as completely as possible although these issues should not be applicable in this case because there is no waterway or streamside area involved.

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**SECTION 7: PROJECT SCHEDULE**

Date construction will begin: 3-1-13.

Date construction will be completed: 10-1-18

Date beneficial water use will begin: 4-1-13

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**SECTION 8: WITHIN A DISTRICT**

Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

**SECTION 9: REMARKS**

Use this space to clarify any information you have provided in the application.

As stated earlier in this application the applicant requests that the permit be written to specify that the supplemental water may be used when available in the interest of preserving the groundwater supplies.

The use on the Winery Hill Vineyard will begin next year because the vineyard and irrigation system is in place.

The primary right on Triple Crown are wells that are being drilled this year. The vineyard, landscaping and associated buildings will not be completed for years. This application includes supplemental irrigation of 27 acres on the Triple Crown Vineyard. The claim for this application will have to wait until the construction of that vineyard is complete and the water has been applied from either the primary or supplemental source. This is why we are asking for 5 years to complete the application of water.

Please see the attached:

- An application map meeting the departments criteria.
- The application fee of \$1,075 per OWRD fee calculator on line.
- Land use information form. This form was obtained from the planning department when this project first started, some changes have taken place since that time. The land use form does not include the primary irrigation, did not include all the tax lots as 'use' areas, and the potential volume of the pond is 11 acre feet not 10 acre feet as listed on the form. These differences are minor and should not effect the permit, if there are any questions concerning this we assume that a call to the planning department would satisfy your questions since their only concern is if the land use is suited to the zoning, that has not changed.
- A copy of the deeds to the 6 tax lots included in the Foxglove Properties / Domaine Serene Vineyards and Winery and a small scale copy of the replat of portions of breyman orchards for clarity of deeds.
- A copy of the letter to authorize agents for water rights from Kenneth L. Evanstad dated 2-9-12.
- A spreadsheet copy of irrigation areas and theoretical water use from the pond.
- A schematic diagram of the Foxglove Properties / Domaine Serene irrigation system. This shows both the existing system for the Winery Hill Vineyards and the proposed Triple Crown Vineyards.

# 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

Applicant: FOXGLOVE PROPERTIES <sup>First</sup> ATTN RICH RAMAKIERS  
OPERATIONS & FACILITIES SUPER.  
 Mailing Address: 6555 N.E. HILLTOP LANE  
DAYTON OR 97114 Daytime Phone: 503-864-4600  
City State Zip

## 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:
35	3W	33		300,318 319	EF-80	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	AG
35	3W	33		318	EF-80	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	AG
35	3W	33		315,316 320	EF-80	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	AG
						<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:

YAMHILL 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     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: 10 AC-FT     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:

PERMIT TO USE QUARRY POND WATER FOR SUPPLEMENTAL IRRIGATION.

**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.


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Until a change is requested, all tax statements shall be sent to:  
Foxglove Properties  
6701 Evenstad Dr.  
Maple Grove, MN 55369

After recording return to:  
Bradley V. Timmons, PC  
PO Box 2350  
The Dalles, OR 97058

Consideration: \$1,880,000.00

OFFICIAL YAMHILL COUNTY RECORDS  
REBEKAH STERN DOLL, COUNTY CLERK



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\$20.00 \$10.00 \$11.00

\$41.00

TRUSTEES' DEED

Howard J. Timmons, Jr. and Craig J. Timmons, Trustees of the Hazel E. Timmons Trust, U.T.A. dated April 22, 1987, Grantor, conveys to Foxglove Properties, LLP, a Minnesota limited liability partnership, Grantee, the following described real property:

Lot 4, REPLAT OF PORTIONS OF BREYMAN ORCHARDS, County of Yamhill, State of Oregon.

SUBJECT TO AND EXCEPTING:

1. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
2. Easements, or claims of easement, not shown by the public records: reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
3. Any encroachment (of existing improvements located on the subject land onto adjoining land or existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
4. Rights of the public in and to that portion lying within streets, roads and highways.

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- 5. Roadway, as set forth in Deed, including the terms and provisions thereof,  
 From: Roy S. Richardson and Florence Y. Richardson, husband and wife  
 To: Earl Namitz and Maggie I. Namitz, husband and wife  
 Recorded Date: June 3, 1936  
 Recording Number: Book 111, Page 349, Deed Records  
 For: Roadway, being 24 feet in width  
 Affects: Lot 4 and is shown as "Platted Road" on the recorded plat herein.
  
- 6. Easements, as disclosed by Deed, including the terms and provisions thereof,  
 From: Howard J. Timmons and Hazel Timmons, husband and wife  
 To: Craig J. Timmons and Vicki Timmons, husband and wife  
 Recorded Date: December 14, 1971  
 Recording Number: Film Volume 87, Page 1157, Deed and Mortgage Records  
 For: Ingress, egress and water pipeline
  
- 7. Easement and conditions, as disclosed by Deed, including the terms and provisions thereof,  
 From: Howard J. Timmons, Jr. and Craig J. Timmons, Trustees of the Hazel E. Timmons Trust, U.T.A., dated April 22, 1987  
 To: Craig J. Timmons and Vickie Timmons, husband and wife  
 Recorded Date: June 27, 2008  
 Recording Number: 200811141  
 For: Ingress and egress

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FURTHER SUBJECT TO AND EXCEPTING the right of Craig Timmons and Vickie Timmons, and their successors, to the shared use of the existing spring and water system located on Lot 4 conveyed herein, which shared use shall serve a single residence located on adjacent real property presently owned by Craig and Vickie Timmons and a single residence located on Lot 4 conveyed herein, and shall be used in accordance with the easement granted in the deed recorded in Yamhill County, Oregon Deed Records on December 14, 1971 as volume 87, page 1159.

The true consideration for this conveyance stated in terms of dollars is \$1,880,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE

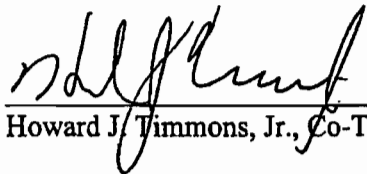
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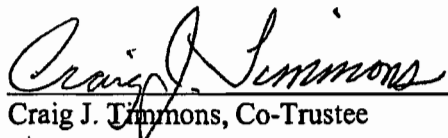
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PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

DATED: January 27, 2009.

  
Howard J. Timmons, Jr., Co-Trustee

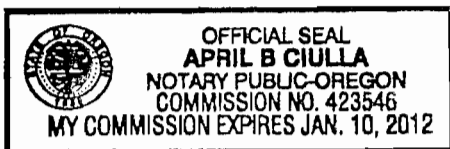
  
Craig J. Timmons, Co-Trustee

STATE OF OREGON            )  
  ) ss.  
County of YAMHILL        )  
  
January 27, 2009.

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Personally appeared the above named Howard J. Timmons, Jr., as Co-Trustee of the Hazel E. Timmons Trust, U.T.A., dated April 22, 1987, and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me: APRIL B. CIULLA



  
Notary Public for Oregon

S-87852

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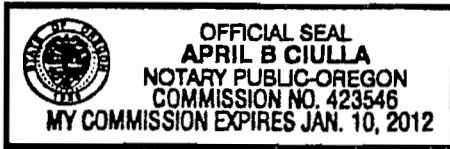
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STATE OF OREGON            )  
  ) ss.  
County of Yamhill            )

January 27, 2009.

Personally appeared the above named Craig J. Timmons, as Co-Trustee of the Hazel E. Timmons Trust, U.T.A., dated April 22, 1987, and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me: APRIL B. CIULLA



April B. Ciulla  
Notary Public for Oregon

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GRANTOR'S NAME:  
David B. Kahn

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318  
319

GRANTEE'S NAME:  
Foxglove Properties, LLP, a Minnesota Limited  
Liability Partnership

SEND TAX STATEMENTS TO:  
Foxglove Properties, LLP, a Minnesota Limited  
Liability Partnership  
6701 Evenstad Drive  
Maple Grove, MN 55369

AFTER RECORDING RETURN TO:  
Foxglove Properties, LLP, a Minnesota Limited  
Liability Partnership  
6701 Evenstad Drive  
Maple Grove, MN 55369

Escrow No: 3626001557-TTPOR36

OFFICIAL YAMHILL COUNTY RECORDS  
JAN COLEMAN, COUNTY CLERK



\$31.00

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\$10.00 \$10.00 \$11.00

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**STATUTORY WARRANTY DEED**

David B. Kahn, Grantor, conveys and warrants to

Foxglove Properties, LLP, a Minnesota Limited Liability Partnership, a Minnesota Limited Liability Partnership, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Yamhill, State of Oregon:

Lots 1, 2 and 3, REPLAT OF PORTIONS OF BREYMAN ORCHARDS, County of Yamhill, State of Oregon.

**Subject to and excepting:**

Roadway, as set forth in Deed recorded June 3, 1936 in Book 111, Page 349; Easement as shown on the recorded plat.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$1,600,000.00. (See ORS 93.030)

DATED: May 27, 2008

David B. Kahn by *[Signature]*  
David B. Kahn His Att in fact  
S-87852

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AMERICAN ASSURANCE COMPANY

TZ 2:5  
+ 316  
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**WARRANTY DEED**  
(Statutory Form)

**GRANTOR:** Laurent-Perrier U.S. Inc. a Delaware Corporation as to Parcel 1.  
Laurent-Perrier Estates of Oregon, Inc., a Delaware Corporation as to Parcel 2.  
CONVEYS AND WARRANTS TO  
Foxglove Properties, a Minnesota General Partnership.  
as Purchasers.

**GRANTEE:**

the following described real property free of encumbrances except as specifically set forth herein:

See Attached Legal Description hereby attached and made a part of this instrument.

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THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

The true and actual consideration for this transfer stated in terms of dollars is \$ 525,000.00 . However, if the actual consideration consists of or includes other property or other value given or promised, such other property or value was part of the / the whole of the (indicate which) consideration.

If grantor is a corporation, this has been signed by authority of the Board of Directors.

**GRANTOR:** Laurent-Perrier, US., Inc, a Delaware Corporation as to Parcel 1  
Laurent-Perrier Estates of Oregon, Inc., a Delaware Corporation as to Parcel 2

**DATED:** October 2, 1998

Signature of Officer: \_\_\_\_\_  
Title of Officer: \_\_\_\_\_

Until a change is requested, all tax statements shall be sent to the following address:

Following address:

STATE OF OREGON, County OF CLATSOP  
Date: \_\_\_\_\_  
Personally appeared: JEAN CHRISTOPHE JOUFFRE, who being sworn, stated that he is the FINANCE CONTROLLER of grantor corporation and that this instrument was voluntarily signed and sealed on behalf of the corporation. Before Me:  
Elizabeth Gourlay, Consul  
NOTARY PUBLIC FOR OREGON  
MY COMMISSION EXPIRES: \_\_\_\_\_

STATE OF OREGON, County OF CLATSOP  
Date: 10/2/98  
Personally appeared: JEAN CHRISTOPHE JOUFFRE, who being sworn, stated that he is the FINANCE CONTROLLER of grantor corporation and that this instrument was voluntarily signed and sealed on behalf of the corporation. Before Me:  
Elizabeth Gourlay, Consul  
NOTARY PUBLIC FOR OREGON  
MY COMMISSION EXPIRES: \_\_\_\_\_

(DON'T USE THIS SPACE:  
RESERVED FOR RECORDING  
LABEL IN COUNTIES WHERE USED.)

Recorded in Yamhill County, Oregon

NOTARY SEAL

NOTARY SEAL

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14-98

TL 315 + 316  
2/3

EXHIBIT "A"

PARCEL 1:

A tract of land in the West Half of Section 33, Township 3 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, being more particularly described as follows:

Beginning at a point which bears South 06° 18' East 1655.80 feet from the Northwest corner of said Section 33, being on the West line of Breyman Orchard, thence running East 1319.88 feet; thence south 14° 38' 42" East 917.93 feet; thence South 44° 49' 57" East 215.87 feet; thence South 00° 02' 07" West 330.00 feet to the South line of Lot 54, Breyman Orchards; thence along the South line thereof, West 1033.00 feet; thence North 17° 37' East 180.00 feet; thence North 03° 22' West 373.56 feet; thence South 70° 59' West 614.46 feet; thence North 06° 18' West 1030.96 feet to the point of beginning.

TOGETHER WITH a non-exclusive 30 foot easement along the line of that property described in Bargain & Sale deed recorded in Film Volume 234, Page 400, Deed and Mortgage Records, Yamhill County, Oregon.

TOGETHER WITH a non-exclusive easement for road and utility purposes over the following described tract:

A strip of land 60 feet in width being 30 feet each side of the following described center line: Beginning at a point on the West line of County Road No. 82, that is West 50 feet and South 01° 05' West 257.4 feet from the Northeast corner of Lot 59, Breyman Orchards; thence West 444.43 feet; thence Northwesterly 301.58 feet along the arc of a 191 foot radius curve right through a central angle of 90° 28' (chord bears North 44° 45' West 271.21 feet); thence North 00° 28' East, 64.60 feet to the North line of Lot 58 in said Breyman Orchards.

PARCEL 2:

A tract of land in the West Half of Section 33, Township 3 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, being more particularly described as follows:

Beginning at a point which bears South 06° 18' East 210.30 feet from the Northwest corner of said Section 33; and running thence South 89° 18' East 964.80 feet; thence South 79° 34' East 149.44 feet; thence South 14° 38' 42" East 1455.14 feet; thence West 1319.88 feet; thence North 06° 18' West 1455.50 feet to the point of beginning.

TOGETHER WITH a non-exclusive easement for road and utility purposes over the following described tract:

A strip of land 60 feet in width being 30 feet each side of the following described center line: Beginning at a point on the West line of County Road No. 82, that is West 50 feet and South 01° 05' West 257.4 feet from the Northeast corner of Lot 59, Breyman Orchards; thence West 444.43 feet; thence Northwesterly 301.58 feet along the arc of a 191 foot radius curve right through a central angle of 90° 28' (chord bears North 44° 45' West 271.21 feet); thence North 00° 28' East, 64.60 feet to the North line of Lot 58 in said Breyman Orchards.

SUBJECT TO:

1. Taxes for the fiscal year 1998-99, a lien in an amount to be determined, but not yet payable.

2. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land and in addition thereto a penalty may be levied if notice of disqualification is not timely given.

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JL 315+316

3/3

4. 30 foot non exclusive roadway easement along the East line of Parcel 1 as disclosed by instrument recorded July 19, 1989 in Film Volume 234, Page 400, Microfilm Records, Yamhill County, Oregon.

5. Covenants and restrictions, but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicap persons.

Recorded: June 14, 1990 in Film Volume 244, Page 1246, Microfilm Records of Yamhill County

Affects: Parcel 1

6. Covenants and restrictions, but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicap persons.

Recorded: March 7, 1990 in Film Volume 241, Page 748, Microfilm Records of Yamhill County

Affects: Parcel 2

Surrender, Termination and Cancellation of a portion of the above covenants and restrictions by instrument recorded July 8, 1997 as Instrument No. 199711014, Microfilm Records, Yamhill County, Oregon.

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The purpose of this survey is to replot portions of Breymen Orchards Subdivision as described within the conditions an above hereon. The bounds of bearings were derived from GPS observations about Yamhill County GPS Control Point #13, and related the published convergence angle of 1.49 52". Found monuments were 1988, 1997, 1971, 1961, and Yamhill County Clear Corner were used as found.

NOTES

- 1) This monument is described in Plan Volume 87, Page 1157, Parcel 2, Yamhill County Deed Records, but this bearing has been changed in the plan to read: N 11° 10' 00" W 1157.89 ft.
- 2) The monument described in Plan Volume 87, Page 1157, Parcel 3, Yamhill County Deed Records, no width is specified, otherwise it is described as follows: N 11° 10' 00" W 1157.89 ft. from the SW Corner of Lot 46; otherwise it is described as follows: (see Note 1) 330 ft. from the SW corner of Lot 46; otherwise it is described as follows: (see Note 2) 330 ft. from the SW corner of Lot 46.

LEGEND

- = monument found, both to O.L. down, in good condition unless otherwise stated. Chain used if known.
- = 'NEWBERG L.S. 2028'
- ⊙ = iron cap monument (as described)
- ⊕ = iron cap monument (as described)
- ① = Breymen Orchards Plat
- ② = CSP-9108
- ③ = CSP-9721
- ④ = Record Data for cadastral measurement and right of way per Parcel 3 in Vol 87, PG 1157, no width is specified, see Note 2



**BREYMAN ORCHARDS FOR: Hazel E. Timmons Trust**

Location: Sections 33 and 34 T. 3 S., R. 3 W., WM., Yamhill County, OR  
 Tax Lot: 3333-300  
 Date: 18 May, 2004  
 Docket: R-01-04

**SURVEYORS CERTIFICATE**

I, John Newberg, do hereby certify that I have carefully surveyed and marked with proper monuments the land shown hereon and the boundary of which is described as follows:

The survey was made with the following conditions: 1. The survey was made with a Leica 301 Total Station. 2. The survey was made with a Leica 301 Total Station. 3. The survey was made with a Leica 301 Total Station.

Line Table for all boundary 'Downport' as located and record closed distances

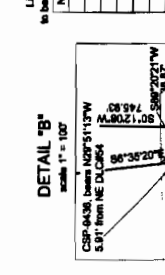
LINE DISTANCE	BEARING	
L1	227.00	N 9° 02' 00" E
L2	227.41	N 1° 10' 00" E
L3	190.00	N 1° 10' 00" E
L4	190.00	N 1° 10' 00" E
L5	251.97	N 1° 10' 00" E
L6	252.25	N 1° 10' 00" E
L7	301.22	N 1° 10' 00" E
L8	301.01	N 1° 10' 00" E

Line Table for 30' wide easement (Easement and North-south Margin) to benefit Lot 1

LINE DISTANCE	BEARING	
L1	178.11	N 10° 00' 00" E
L2	198.15	S 89° 44' 30" W
L3	325.97	N 1° 10' 00" E
L4	218.00	N 1° 10' 00" E
L5	301.00	N 1° 10' 00" E

Line Table for 60' wide easement in both east and west (see Vol 87, PG 1157)

LINE DISTANCE	BEARING	
L1	325.90	S 89° 28' 30" W
L2	319.50	S 70° 00' 00" W
L3	181.70	S 81° 30' 00" W
L4	282.50	S 80° 11' 00" W
L5	430.67	S 72° 40' 00" W
L6	190.00	S 87° 10' 00" W
L7	248.83	S 85° 30' 00" W
L8	146.10	S 62° 31' 33" W
L9	283.00	S 71° 00' 00" W



**Newberg**  
**Surveying**  
 Scale: 1" = 300'

REGISTERED PROFESSIONAL LAND SURVEYOR  
 OREGON  
**JOHN G. NEWBERG**  
 Renewal due 31 December 2004

**Newberg Surveying, Inc.**  
 1206 NE Evans  
 Madras, OR 97128  
 (503)-774-4742 (871)-237-6962 Cell  
 newberg@clark.com

This is an exact copy of the Original Plat.

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John G. Newberg, P.L.S. 2038

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REPLAT OF PORTIONS OF  
BREYMAN ORCHARDS FOR:  
*Hazel E. Timmons Trust*

Location: Sections 33 and 34 T. 3 S., R. 3 W., WM.,  
Yamhill County, OR  
Tax Lot: 3333-300  
Date: 18 May, 2004

DECLARATION

Know all men by these presents that the Hazel E. Timmons Trust, represented by Craig J. Timmons and Howard J. Timmons, Jr., Trustee, declares they are the owners of the lands shown on the attached map and more particularly described therein and that they have duly and lawfully subdivided the same and have established portions of Breyman Orchards Subdivision to the lots, and are creating an access and utility easement to Lot 1 as shown hereon.

*Craig J. Timmons*  
Howard J. Timmons, Jr., Trustee

ACKNOWLEDGEMENT

State of Oregon )  
County of Yamhill ) s.s.  
This is to certify that on this 4 day of June, 2004, before me, a notary public for the State of Oregon, in the County of Yamhill, did personally appear Craig J. Timmons, and Howard J. Timmons, Jr. in the capacity shown in the above owner's statement and who are personally known to me to be the identical individuals as those named in the above instrument and who acknowledged to me that they executed the same freely and voluntarily.

*Shirley G. Dehann*  
Notary Public for the State of Oregon  
My commission expires 8-6-05



APPROVALS:

Approved this 18th Day of June, 2004  
*William D. Stille*  
Yamhill County Public Works Director

Approved this 18th Day of June, 2004  
*John J. Stille*  
Yamhill County Planning Director

Approved this 18th Day of June, 2004  
*John J. Stille*  
Yamhill County Planning Director

Approved this 6 Day of Oct., 2004  
*John G. Baker*  
Yamhill County Commissioner

Approved this 16 Day of Oct., 2004  
*John G. Baker*  
Yamhill County Commissioner

CERTIFICATE OF COUNTY CLERK

OFFICIAL, YAMHILL COUNTY RECORDER  
JON COLEMAN, COUNTY CLERK

200420440 17:35:12 PM 10/06/2004  
\$68.00  
\$48.00 \$10.00 \$10.00

Pursuant to O.R.S. 92.065,  
Taxes have been paid or bond  
posted in full.

*John G. Baker*  
Yamhill County Tax Collector

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*John G. Baker*  
OREGON  
JON G. BAKER  
No. 12345  
Renewable 31 December 2004

Newberg Surveying, Inc.  
1205 NE Evans  
Multnomah, OR 97128  
(503)-474-4743 (877)-232-1586 Cell  
(503)-474-3782 Fax newberg@nsi-llc.com

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**DOMAINE SERENE**

*Exquisite Oregon Pinot Noir and Chardonnay*

*Vineyards of the Domaine*

MARK BRADFORD • GRACE • CÔTE SUD • GOLD EAGLE • CLOS DU SUD • ÉTOILE • FLEUR DE LIS • WENRY HILL • JERUSALEM HILL

**TO:** Whom it may concern  
Oregon Water Resources Department  
725 Summer Street NE  
Salem, OR 97301

**SUBJECT:** Assigning authorized agent(s).

We request that the Oregon Water Resources Department accept either the signature of our Operations and Facilities Superintendent, Richard Ramakers, or our Director of Finance and Accounting, Arthur Weiner, in regard to Foxglove Properties LLP and Domaine Serene Vineyards and Winery Inc. for all water rights issues.

Correspondence to be addressed:

Attn: Rich Ramakers  
Operations and Facilities Superintendent  
6555 NE Hilltop Lane  
Dayton, OR 97114

  
\_\_\_\_\_  
Kenneth L. Evenstad

2/9/12  
Date

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President, Domaine Serene Vineyards and Winery, Inc.

General Partner, Foxglove Properties, LLP

**STUNTZNER ENGINEERING**

**Domaine Serene, Quarry Pond Surface Water Application Calculations.**

Irrigation Area calculations:

	Primary	Supplemental	
<b>Winery Hill</b>			
landscaping		4.3	
vineyard	6.9	26.6	
<b>Triple Crown</b>			
landscaping		4.0	
vineyard		23.0	
<b>Totals</b>	<b>6.9</b>	<b>57.9</b>	
			<b>Grand Total 64.8 ac</b>
landscape total =	8.3		
Vineyard total =	56.5		

<b>Vineyard, theoretical annual water use estimate.</b>	
<b>*Note: not all the vineyard is watered each year and wells may be used not just the pond water, this calculated a theoretical maximum if the total vineyard would be irrigated using only the pond, given the following assumptions.</b>	
Assume winemaker specifies each vine to receive	2 gallons
Assume number of times watered	4 times
Each vine receives	8 gallons
one vine each (5'x7' spacing)	35 square feet
effective watering rate	0.229 gal/sqft
effective watering rate	0.031 cft/sqft
effective watering rate	0.367 inches/sqft
<b>Vineyard Total</b>	<b>56.5 acres</b>
<b>Total water used for Vineyard</b>	<b>1.7 acre * ft</b>

<b>Landscape, estimated annual water use.</b>	
Existing Landscape on Winery Hill	4.3 ac
Approx. Landscape on Triple Crown Vineyard	4.0 ac
<b>Total landscaping</b>	<b>8.3 ac</b>
Approx. current Landscape use	1.50 ac*ft/ac
<b>Estimated Total Landscape water</b>	<b>12.5 ac*ft</b>
Assume approx. 3/4 of landscape water from pond	9.3 ac*ft

<b>Total estimated use, vineyard &amp; landscape</b>	<b>11.0 ac*ft</b>
--	-------------------

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TELEPHONE (503) 357-5717  
CELL (503) 939-8381  
FAX (503) 357-5698  
billflatz@stuntzner.com

2137 19<sup>TH</sup> Avenue  
FOREST GROVE, OREGON 97116

COOS BAY - FOREST GROVE - DALLAS

**TO:** Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301

December 4, 2012

**SUBJECT:** **Application for surface water right,  
Foxglove Properties, LLC / Domaine Serene Vineyards & Winery, Inc.**

To whom it may concern:

Please find enclosed: our map, application, supplemental forms, supporting information and the fee to apply for a surface water permit to use the stored water from the quarry pond (app. R-87791, permit R-14968)

Kerry Kavanagh was the case worker for the pond application and if she is available for this application it should be easier since she is familiar with the site.

As stated in the application we request that this permit be written to allow use of the supplemental water when it is available to conserve ground water, per OAR 690-330-0040 (3).

Ken and Grace Evanstad are partners in Foxglove Properties, LLP. Ken and Grace Evanstad are officers and founders of Domaine Serene Vineyards and Winery. Ken and Grace would like the water rights to be handled by the Operations and Facilities Superintendent Richard Ramakers, or the Director of Finance and Accounting, Aurthur Weiner. Please find attached a letter from Kenneth Evanstad assigning Richard Ramakers and Aurthur Weiner as authorized agents for all Domaine Serene water rights.

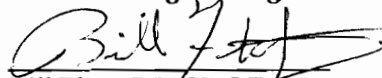
## INDEX

<b>Application for a Permit to use Surface Water.</b>	P. <u>  3  </u>
Land use information form.	P. <u>  8  </u>
<b>Supporting Information</b>	
Copies of deeds for Domaine Serene / Foxglove Properties.	P. <u> 11 </u>
Reduced copy of Replat of Portions of Breyman Orchards .	P. <u> 19 </u>
Copy of letter from Ken Evanstad authorizing signatures	P. <u> 21 </u>
Spreadsheet copy of irrigation areas and theoretical water use.	P. <u> 22 </u>
Schematic diagram of Domaine Serene / Foxglove Properties water system.	P. <u> 23 </u>

Please call if you have any questions or need any further information. I am available on my cell phone at most any time, 503-939-8381.

Sincerely,

**Stuntzner Engineering & Forestry, LLC**

  
Bill Flatz, PE, CWRE

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# Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

## Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: source of water requested
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: resource protection (N/A)
- SECTION 7: project schedule
- SECTION 8: within a district (N/A)
- SECTION 9: remarks

### Attachments:

- 
- Land Use Information Form with approval and signature (*must be an original*) or signed receipt
  - 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.
  - Fees - Amount enclosed: \$ 1,075  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.

### Provide a map and check that each of the following items is included:

- 
- Permanent quality and drawn in ink
  - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
  - North Directional Symbol
  - Township, Range, Section, Quarter/Quarter, Tax Lots
  - Reference corner on map
  - Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
  - Indicate the area of use by Quarter/Quarter and tax lot clearly identified
  - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
  - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
  - Other:

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Date \_\_\_\_\_

(For staff use only)



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

**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**

- SECTION 1: \_\_\_\_\_
- SECTION 2: \_\_\_\_\_
- SECTION 3: \_\_\_\_\_
- SECTION 4: \_\_\_\_\_
- SECTION 5: \_\_\_\_\_
- SECTION 6: \_\_\_\_\_
- SECTION 7: \_\_\_\_\_
- SECTION 8: \_\_\_\_\_
- SECTION 9: \_\_\_\_\_
- Land Use Information Form \_\_\_\_\_
- 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.
- Fees \_\_\_\_\_

**MAP**

- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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