

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

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JAN 24 2014

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 (www.oregon.gov/owrd/law.our). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

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2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$200. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$350.00 for the applicant and \$700.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

Application for a Permit to Use Surface Water



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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME		PHONE (HM)	
PHONE (WK)	CELL	FAX	
ADDRESS			RECEIVED BY OWRD JAN 24 2014
CITY	STATE	ZIP	

Organization Information

SALEM, OR

NAME DANDREW WINE LLC		PHONE 206-267-5252	FAX
ADDRESS 1910 FAIRVIEW AVE. E., SUITE 400			CELL
CITY SEATTLE	STATE WA	ZIP 98102	E-MAIL * MIKEW@PRECEPTWINE.COM

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

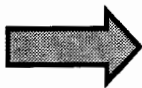
AGENT / BUSINESS NAME GSI WATER SOLUTIONS INC		PHONE 541-753-0745	FAX
ADDRESS 1600 SW WESTERN BLVD, SUITE 240			CELL
CITY CORVALLIS	STATE OR	ZIP 97333	E-MAIL * KGRIGSBY@GSIWS.COM

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.

Mike Will MIKE WILLIAMSON, PRESIDENT/COO 1/13/14
Applicant Signature Print Name and title if applicable Date

Applicant Signature Print Name and title if applicable Date

Revise	App. No. <u>587952</u>	For Department Use Permit No. _____	Date _____
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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.

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*).

N/A

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. (See Attachment 1.)

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SECTION 3: SOURCE OF WATER

JAN 24 2014

A. Proposed Source of Water

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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: South Reservoir/Pond #1 Tributary to: unnamed tributaries to Stag Hollow Creek
- 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).
Certificate 26924 and Permit R-11801 (See Attachment 2.)

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.)

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
South Reservoir (Pond #1)	Supplemental irrigation	March 1 – October 31	5.1 <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: _____ Acres Supplemental: 257.2 Acres
 List the Permit or Certificate number of the underlying primary water right(s): Permit G-16392
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 5.1 af

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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: _____
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

JAN 24 2014

SALEM, OR

JAN 24 2014

SECTION 5: WATER MANAGEMENT**A. Diversion and Conveyance**

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

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Pump (give horsepower and type): A pump will be used to divert water, however, the specific type and specifications of the pump has not yet been determined.

Other means (describe): _____

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

The water will be diverted from the South Reservoir (Pond 1) and piped uphill to the vineyard. The design of the diversion works and conveyance system has not been determined.

B. Application Method

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

The vineyard uses drip irrigation.

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 pump at the pond will be equipped with a flow meter to measure water being diverted, which will record amount of water pumped in an effort to prevent waste. Additionally, the Applicant will conserve water by using drip irrigation.

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: If the diversion requires fish screening, the applicant will install fish screening consistent with applicable requirements of the Oregon Department of Fish and Wildlife.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: Any excavation or clearing of banks during construction will be minimal and will protect the riparian area. Use of water under this permit will not require excavation or clearing of banks.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: Any operation of equipment in the pond during construction will be conducted in compliance with the applicable in-water work periods. Use of water under this permit will not require operating equipment in a water body.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: During construction, water quality will be protected by preventing erosion and run-off. The use of water under this permit will not cause erosion or run-off to the water bodies.

SECTION 7: PROJECT SCHEDULE

Date construction will begin: Within 5 years of the date of permit issuance

Date construction will be completed: Within 5 years of the date of permit issuance

Date beneficial water use will begin: Within 5 years of the date of permit issuance

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. N/A

Irrigation District Name	Address	
City	State	Zip

SECTION 9: REMARKS

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

The Applicant currently holds "secondary" water right certificate 26923 and water use permit S-52267, which authorize the use of water from South Reservoir (Pond #1). The Applicant is willing to voluntarily cancel/voluntarily diminish the portions of these rights related to the use of stored water from South Reservoir (Pond #1) concurrently with the permit requested in this application being issued.

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**Attachment 1
Legal Description**

Application for a Water Use Permit- Dandrew Wine LLC

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RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO

JAN 24 2014

Riddell Williams P.S
1001 Fourth Avenue, Suite 4500
Seattle, WA 98154-1192
Attn: Tim Hogan

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MAIL TAX STATEMENTS TO

OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK

201307125

Dandrew Wine LLC
1910 Fairview Ave. E., Suite 400
Seattle, WA 98102
Attn: Mike Williamson



\$71.00

0041840520130007128000002

06/10/2013 12:08:31 PM

DNM-DDMR Cnt=1 Sine3 SUSH
\$40.00 \$5.00 \$11.00 \$15.00

SPECIAL WARRANTY DEED

Yamhill Vista Vineyards, LLC, a Delaware limited liability company ("Grantor"), hereby conveys and specially warrants to Dandrew Wine LLC, a Washington limited liability company ("Grantee"), the real property described in Exhibit A, attached hereto and incorporated herein by this reference, free of encumbrances created or suffered by Grantor except as specifically set forth in Exhibit B, attached hereto and incorporated herein by this reference.

The true consideration for this conveyance is other consideration.

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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated: May 10, 2013.

784239002v1

NLS 84215-23

FIRE AMERICAN TITLE 1910139 8


IN WITNESS WHEREOF, the undersigned has executed this Special Warranty Deed as of the date first hereinabove written.

YAMHILL VISTA VINEYARDS, LLC, a Delaware limited liability company

By: Meriwether Farms, LLC, a California limited liability company
Its: Sole Member

By: GI Manager L.P., a Delaware limited partnership
Its: Asset Manager

By: GI Manager LLC, a Delaware limited liability company
Its: General Partner

By: 
Name: David Mace
Its: Vice President

STATE OF _____ } ss:
COUNTY OF _____

On _____ before me, _____, a Notary Public, personally
(here insert name and title of the officer)

appeared _____
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature See Attached Certificate

(This area for notary stamp)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Mateo }

On May 8, 2013 before me, M. Cordon Notary Public
Date Here Insert Name and Title of the Officer

personally appeared David E. Male
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature M. Cordon
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Special Warranty Deed - Yarnhill Vineyards LLC + San Bruno, no LLC

Document Date: _____ Number of Pages: 8

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer is Representing: _____

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SALEM, OR

5-87952

EXHIBIT A

Deed

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

PARCEL 1:

LOT 3, SECTION 36, TOWNSHIP 2 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, CONTAINING 40.80 ACRES; THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 3 SOUTH, RANGE 4 WEST, OF THE WILLAMETTE MERIDIAN, CONTAINING 40.30 ACRES; AND THE WEST HALF OF LOT 3 AND ALL OF LOT 4, SECTION 1, TOWNSHIP 3 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, CONTAINING 31.14 ACRES; ALSO A TRACT OF LAND BEGINNING AT THE MOST NORTHERLY NORTHEAST CORNER OF THE HENRY ROBERTS DONATION LAND CLAIM, NOTIFICATION NUMBER 1562, CLAIM NUMBER 47, IN TOWNSHIP 3 SOUTH, RANGE 4 WEST, OF THE WILLAMETTE MERIDIAN IN THE COUNTY OF YAMHILL, STATE OF OREGON; THENCE RUNNING SOUTH 48°20' WEST ON TRUE WEST LINE OF SAID CLAIM 47.735 CHAINS TO IRON PIPE; THENCE SOUTH 37° EAST PARALLEL WITH THE NORTH LINE OF SAID CLAIM 8.84 CHAINS TO IRON PIPE; THENCE NORTH 76°17' EAST 51.78 CHAINS TO STAKE FROM WHICH AN OAK 15 INCHES IN DIAMETER BEARS SOUTH 20° WEST 72 LINKS AND AN OAK 30 INCHES IN DIAMETER BEARS NORTH 54° WEST 122 LINKS; THENCE NORTH 37° WEST ON TRUE NORTH LINE OF SAID HENRY ROBERTS DONATION LAND CLAIM 33.20 CHAINS TO THE PLACE OF BEGINNING, AND CONTAINING 100 ACRES, MORE OR LESS.

ALSO THE FOLLOWING DESCRIBED TRACT OF LAND, TO-WIT: BEGINNING AT A POINT SOUTH 48°20' WEST 38.84 CHAINS FROM THE MOST NORTHERLY NORTHEAST CORNER OF THE DONATION LAND CLAIM OF HENRY ROBERTS, NOTIFICATION NUMBER 1562, CLAIM NO. 47, IN TOWNSHIP 3 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN SAID YAMHILL COUNTY, OREGON, BEING DONATION LAND CLAIM ABOVE NAMED; SAID BEGINNING POINT BEING ON THE TRUE WEST LINE OF SAID CLAIM; THENCE NORTH 41°40' WEST 4.69 CHAINS TO STAKE; THENCE SOUTH 37°34' WEST 10.874 CHAINS TO CORNER IN ROAD; THENCE SOUTH 37° EAST 2.666 CHAINS TO AN IRON PIPE SET FOR THE SOUTHWEST CORNER OF SAID 100 ACRE TRACT ABOVE DESCRIBED, AND ON WEST LINE OF SAID CLAIM; THENCE NORTH 48°20' EAST ON THE WEST LINE OF SAID DONATION LAND CLAIM 10.895 CHAINS TO PLACE OF BEGINNING AND CONTAINING 3.95 ACRES, MORE OR LESS; THE TOTAL ACREAGE BEING 215.90 ACRES, MORE OR LESS.

TAX PARCEL NUMBER: R3401-1100, R2436-1000, R3401-100

PARCEL 2:

TWO TRACTS OF LAND IN THE ABRAHAM H. ROBERTS DONATION LAND CLAIM NO. 39 IN TOWNSHIP 2 SOUTH, RANGE 4 WEST, OF THE WILLAMETTE MERIDIAN AND NO. 46 IN TOWNSHIP 3 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, DESCRIBED AS FOLLOWS:

TRACT 1

BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF AND SOUTH 50° EAST 14.66 CHAINS FROM THE NORTHWESTERLY CORNER OF SAID DONATION LAND CLAIM; THENCE SOUTH 50° EAST 64.36 RODS TO A STONE; THENCE SOUTH 51°15' WEST 126.00 RODS; THENCE SOUTH 44° WEST 41.40 RODS TO A STONE; THENCE NORTH 50° WEST 42.70 RODS; THENCE SOUTH 44° WEST 12 RODS; THENCE NORTH 50° WEST 40 RODS; THENCE NORTH 44° EAST 12 RODS; THENCE SOUTH 46° EAST 37.50 RODS; THENCE NORTH 44° 37' EAST 167.72 RODS TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM A TWELVE FOOT STRIP OF LAND CONVEYED BY GEORGE C. ROBISON TO MORAN HENDRICKS BY DEED RECORDED MARCH 15, 1905, IN BOOK 47, PAGE 421, DEED RECORDS.

AND EXCEPTING THEREFROM THE FOLLOWING PARCEL CONVEYED BY JOHN A. JOHNSON TO FREDRICK P. PLEWS:

BEING A PART OF THE ABRAHAM H. ROBERTS DONATION LAND CLAIM NO. 39 IN TOWNSHIP 2 SOUTH, RANGE 4 WEST, OF THE WILLAMETTE MERIDIAN AND NO. 46 IN TOWNSHIP 3 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF AND SOUTH 50° EAST 14.66 CHAINS FROM THE NORTHWESTERLY CORNER OF SAID DONATION LAND CLAIM; THENCE SOUTH 50° EAST 64.36 RODS TO A STONE; THENCE SOUTH 51°15' WEST 126 RODS; THENCE SOUTH 44° WEST 41.40 RODS TO A STONE; THENCE NORTH 50° WEST 42.70 RODS, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 44° WEST 12 RODS; THENCE NORTH 50° WEST 40 RODS; THENCE NORTH 44° EAST 12 RODS; THENCE SOUTH AND EAST TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM A TWELVE FOOT STRIP OF LAND CONVEYED BY GEORGE C. ROBISON TO MORAN HENDRICKS BY DEED RECORDED MARCH 15, 1935, IN BOOK 47, PAGE 421, DEED RECORDS.

TAX PARCEL NUMBER: R2436-1400

TRACT 2

BEGINNING ON THE EAST LINE OF SAID CLAIM AT A POINT NORTH 48° EAST 75 CHAINS FROM THE SOUTHEAST CORNER OF SAID CLAIM; THENCE NORTH 45°52' WEST 11.86 CHAINS; THENCE NORTH 51°15' EAST 27.50 CHAINS TO THE NORTH LINE OF SAID ROBERTS CLAIM; THENCE SOUTH 50° EAST 9.75 CHAINS TO THE NORTHEAST CORNER OF SAID CLAIM; THENCE SOUTH 48° WEST 28 CHAINS TO THE PLACE OF BEGINNING.

ALSO A STRIP OF LAND 20 FEET WIDE IN SAID CLAIM RUNNING SOUTH 48° WEST ALONG THE EAST SIDE OF THE A. H. ROBERTS DONATION LAND CLAIM, FROM THE ABOVE POINT OF BEGINNING TO A POINT WHERE IT JOINS THE COUNTY ROAD.

TAX PARCEL NUMBER R2436-1500

PARCEL 3:

LOT NUMBERED 2 OF SECTION NO. 1 IN TOWNSHIP 3 SOUTH, RANGE 4 WEST, OF THE WILLAMETTE MERIDIAN, IN YAMHILL COUNTY, STATE OF OREGON, ACCORDING TO THE GOVERNMENT SURVEY THEREOF.

SAVE AND EXCEPTING THEREFROM THAT PORTION CONVEYED BY I.P. BUSBEE, ET UX, TO S.H. ROBINSON, ET UX, BY DEED RECORDED JUNE 30, 1911, IN BOOK 61, PAGE 176, DEED RECORDS OF YAMHILL COUNTY, OREGON.

TAX PARCEL NUMBER: R3401-300

PARCEL 4:

A PART OF THE A.H. ROBERTS DONATION LAND CLAIM NO. 46 IN TOWNSHIP 3 SOUTH OF RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID ROBERTS CLAIM THAT IS SOUTH 48° WEST 28.00 CHAINS FROM THE MOST EASTERLY NORTHEAST CORNER OF SAID CLAIM, SAID PLACE OF BEGINNING BEING THE MOST SOUTHERLY CORNER OF A 30 ACRE TRACT CONVEYED BY WARD W. DAVIS TO JOHN A. JOHNSON AND WIFE BY DEED RECORDED AUGUST 27, 1951 IN BOOK 162, PAGE 600, DEED RECORDS; THENCE NORTH 45°52' WEST 11.86 CHAINS TO THE MOST WESTERLY CORNER OF SAID JOHNSON TRACT; THENCE SOUTH 51°15' WEST 4.00 CHAINS TO THE MOST NORTHERLY CORNER OF A 45 ACRE TRACT CONVEYED BY JAMES H. ROBERTS ET AL, TO RHODA J. MCCOY BY DEED RECORDED SEPTEMBER 19, 1904, IN BOOK 46, PAGE 35, DEED RECORDS; THENCE SOUTH 44°08' WEST 27.99 CHAINS; THENCE SOUTH 35°50' WEST 9.02 CHAINS; THENCE SOUTH 41°12' EAST 5.45 CHAINS TO THE CENTER OF THE COUNTY ROAD AT THE MOST WESTERLY CORNER OF A 3.95 ACRE TRACT CONVEYED BY THE RECEIVER OF THE OREGON

WASHINGTON JOINT STOCK LAND BANK OF PORTLAND TO JOHN A. JOHNSON AND WIFE, BY DEED RECORDED AUGUST 28, 1945 IN BOOK 130, PAGE 402, DEED RECORDS; THENCE NORTH 37°00' EAST 10.87 CHAINS TO A STONE; THENCE SOUTH 42°00' EAST 4.89 CHAINS TO THE EASTERLY LINE OF SAID ROBERTS CLAIM; THENCE NORTH 48°00' EAST ALONG THE EASTERLY LINE OF SAID CLAIM 30.96 CHAINS TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM A 20 FOOT ROADWAY CONVEYED BY WARD W. DAVIS TO JOHN A. JOHNSON AND WIFE BY DEED RECORDED AUGUST 27, 1951 IN BOOK 162, PAGE 600, DEED RECORDS.

TAX PARCEL NUMBER: R3401-1200

PARCEL 5:

THE EAST ONE-HALF OF GOVERNMENT LOT NO. 3 IN SECTION 1, TOWNSHIP 3 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON.

TAX PARCEL NUMBER: R3401-200

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EXHIBIT B

Deed

1. Any encroachment (of existing improvements located on the subject land onto adjoining land or of 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.

2. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.

(Affects Parcels 1, 2, 3, 4)

3. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land pursuant to O.R.S. 321.358 to 321.372. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last five (5) or lesser number of years in which the land was subject to the special land assessment.

(Affects Parcel 5)

4. The county tax roll discloses a mobile home on the herein described premises which is not included in title insurance coverage. Subject to requirements and provisions of O.R.S. 311.280 pertaining to mobile home taxes becoming liens on real property.

5. Rights of the following parties as disclosed on a Schedule of Leases:

- Oregon Residential Lease between Yamhill Vista Vineyards, and Lauren Bisold, dated February 1, 2013.
- An unwritten agreement granting to Brad Fuerst the right to grow, cut and take grass from the pasture on the Property.

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Attachment 2
Certificate 26924 and Permit R-11801
Application for a Water Use Permit – Dandrew Wine LLC

STATE OF OREGON
 COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

This Is to Certify, That JOHN A. JOHNSON & SON
 of Route 2, Yamhill, State of Oregon, has made proof
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of
 2 unnamed streams, tributaries of North Yamhill River, appropriated under
 Application No. 27784, Per. No. 22425,

for the purposes of
 irrigation,
 under Reservoir Permit No. R-1517 of the State Engineer, and that said right to store said
 waters has been perfected in accordance with the laws of Oregon; that the priority of the right
 hereby confirmed dates from October 30, 1952,

that the amount of water entitled to be stored each year under such right, for the purposes afore-
 said, shall not exceed 2.6 acre feet; being 2.3 acre feet in N. res. and 0.3 a.f.
 in S. Res.

The reservoir is located in SE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Roberts DIC #39, Section 36,
 Township 2 South, Range 4 West, W.M. and Lot 3 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 1, Township 3
 South, Range 4 West, W.M.

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WITNESS the signature of the State Engineer, affixed

this date. MAY 6 1960

LEWIS A. STANTON

State Engineer

Recorded in State Record of Water Right Certificates, Volume 19, page 26924

STATE OF OREGON

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COUNTY OF YAMHILL

JAN 24 2014

PERMIT TO STORE THE PUBLIC WATERS

SALEM, OR

THIS PERMIT IS HEREBY ISSUED TO

FRANK F. RAND JR
DOUBLE EAGLE RANCH
PO BOX 277
YAMHILL, OREGON 97148

(503) 357-2029

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: R-72542

SOURCE OF WATER: UNNAMED STREAMS, TRIBUTARIES OF STAG HOLLOW CREEK

STORAGE FACILITY: PONDS #1 & #2, CONSTRUCTED UNDER PERMIT R-1517, TO BE ENLARGED UNDER THIS RIGHT; PONDS #3, AND #4

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-72543, PERMIT 52267, FOR LIVESTOCK WATERING USE, WILDLIFE USE, RECREATION USE AND SUPPLEMENTAL IRRIGATION

VOLUME: 13.30 ACRE-FEET (AF) OF STORED WATER ONLY, BEING 4.80 AF IN POND #1 FOR SUPPLEMENTAL IRRIGATION USE, 0.50 AF IN POND #1 FOR LIVESTOCK WATERING USE, AND 1.00 AF IN POND #1 FOR RECREATION USE, 1.05 AF IN POND #2 FOR SUPPLEMENTAL IRRIGATION USE, 2.45 AF IN POND #2 FOR LIVESTOCK WATERING USE, 1.00 AF IN POND #3 FOR LIVESTOCK WATERING USE, 0.50 AF IN POND #4 FOR LIVESTOCK WATERING USE, AND 2.00 AF IN POND #4 FOR RECREATION USE

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD NOVEMBER 1 THROUGH APRIL 30 OF EACH YEAR

DATE OF PRIORITY: JULY 8, 1992 FOR 11.3 AF IN PONDS #1, #2, #3 AND 4; AUGUST 10, 1992 FOR 2.0 AF IN POND #1

THE TOTAL AREA PROPOSED TO BE SUBMERGED BY THE RESERVOIRS WHEN FULL, IS: POND #1 - 0.83 ACRE; POND #2 - 0.75 ACRE; POND #3 - 0.05 ACRE; POND #4 - 0.08 ACRE.

THE PROPOSED MAXIMUM DEPTH OF WATER IS: POND #1 - 12.0 FEET; POND #2 - 10.0 FEET; POND #3 - 6.0 FEET; POND #4 - 8.0 FEET.

THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED: POND #1 - 17.5 FEET; POND #2 - 10.0 FEET; POND #3 - 6.0 FEET; POND #4 - 10.0 FEET.

Application R-72542 Water Resources Department

PERMIT R-11801

DAM LOCATION: SE 1/4 SW 1/4, SW 1/4 SE 1/4, SECTION 36, T2S, R4W, W.M.;
NW 1/4 NE 1/4, SW 1/4 NE 1/4, SECTION 1, T3S, R4W, W.M.; POND #1 - 820
FEET SOUTH & 2550 FEET WEST, POND #2 - 1270 FEET NORTH & 3150 FEET WEST,
POND #3 - 1600 FEET SOUTH & 1800 FEET WEST, POND #4 - 1225 FEET NORTH &
1700 FEET WEST, ALL FROM THE SE CORNER OF SECTION 36

THE AREAS TO BE SUBMERGED BY THE RESERVOIRS ARE LOCATED AS FOLLOWS:

SE 1/4 SW 1/4
SW 1/4 SE 1/4
SECTION 36
TOWNSHIP 2 SOUTH, RANGE 4 WEST, W.M.

NW 1/4 NE 1/4
SW 1/4 NE 1/4
SECTION 1
TOWNSHIP 3 SOUTH, RANGE 4 WEST, W.M.

Measurement, recording and reporting conditions:

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

The permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion.

SEE NEXT PAGE

JAN 24 2014

PAGE 3
SALEM, OR

The following conditions apply to Pond #1 only.

The dam shall be constructed, operated, and maintained according to the approved plans and specifications dated August 11, 1992, on file with the Water Resources Department.

The outlet gate shall be cycled at least once each year and shall be fully operational. The embankment and spillway shall be kept clear of brush, debris, and burrowing animals.

No water shall be stored until this department receives written certification from the engineer that construction has been completed in accordance with the approved plans and specifications, and written authorization for storage is received from this department.

The structure shall be constructed under the supervision of a registered engineer licensed in Oregon.

No fill shall be placed until excavation of the cutoff trench has been completed in its entirety and approved by the engineer.

A new topographical map and area-capacity curve, prepared by an engineer, must be submitted to this department if earth material is removed from the storage area during construction.

STANDARD CONDITIONS

The following conditions apply to Ponds #1, #2, #3 and #4.

The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Application R-72542 Water Resources Department

PERMIT R-11801

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1999.

Issued May 20, 1996



Martha O. Pagel, Director
Water Resources Department

Application R-72542 Water Resources Department PERMIT R-11801
Basin 02 Volume 12, North Yamhill River & Misc. District 16
MGMT. CODES 2AD, 2AW, 2BD, 2BW, 2CD, 2CW, 2ED, 2EW, 2FD, 2FW, 2GD, 2GW

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Attachment 3
Land Use Information Form
Application for a Water Use Permit – Dandrew Wine LLC

5.87952

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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

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) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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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

Applicant: Dandrew Wine LLC
First Last

Mailing Address: 1910 Fairview Ave. E., Suite 400

Seattle WA 98102 Daytime Phone: 206-267-5252
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:
See Attached Map					EE-80/AFLH	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" 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	
						<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	RECEIVED BY OWRD JAN 24 2014
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SALEM, OR

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: 5.1
 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:

The applicant is proposing to use up to 5.1 acre-feet of water stored in South Reservoir (Pond 1) to irrigate the vineyard on the property.

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. →
 Surface Water/9

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): 402 of the YCZO.

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

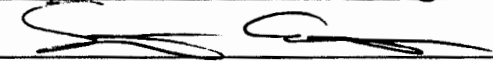
Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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Name: Stephanie Armstrong Title: Associate Planner

Signature:  Phone: 434-7516 Date: 1/17/14

Government Entity: Yamhill 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: _____

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Attachment 4
Proposed Place of Use and Points of Diversion Map
Application for a Water Use Permit – Dandrew Wine LLC
