



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

Application for a Permit to Store Water in a Reservoir

(Alternate Review)

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

Use a separate form for each reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

Applicant: Airlie Winery c/o Mary Olson
First Last
 Mailing Address: 15305 Dunn Forest Road
Monmouth OR 97361
City State Zip
 Phone: N/A = not applicable 503.838.6013
Home Work Other
 Fax: N/A E-Mail Address*: N/A

* 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.)

2. AGENT INFORMATION

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

Agent: Aspen Rural Land Consulting c/o Eric Urstadt
First Last
 Mailing Address: 39290 NW Murthaugh Road
North Plains OR 97133
City State Zip
 Phone: N/A 971.250.1520 503.647.1919
Home Work Other
 Fax: N/A E-Mail Address*: N/A

* 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.)

3. LOCATION AND SOURCE

A. Reservoir Name: ~~Un-Named Reservoir~~ Airlie Winery Reservoir

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

Source: Un-named Tributary Tributary to: Fuller Creek

C. County in which diversion occurs: Polk

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App. No. <u>R-80432</u>	For Department Use	Date <u>JUL 27 2017</u>
Permit No. _____		SALEM, OR

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
10 S	5 W	6	NA	210

E. Dam: Maximum height of dam: 13 feet. If excavated, write "zero feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 3.7 acre-feet (= 0.75 acres surface area X 5 feet average depth)

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

4. WATER USE

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

"Multipurpose Use" is the proposed use.

5. PROPERTY OWNERSHIP

Please provide a copy of the recorded deed(s).

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

Yes (please check appropriate box below then skip to section 5)

There are no encumbrances

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

No (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

There are no other affected landowners.

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6. ENVIRONMENTAL IMPACT

A. Channel: Is the reservoir: in-stream or off channel? *See Note

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

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

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

D. Fish Habitat: Is there fish habitat upstream of the proposed structure? Yes No Don't know

If yes, how much? None _____ miles. ** See Note

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

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

7. 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 No Irrigation Districts are known in the area.	Address	
City	State	Zip

8. DESCRIPTION

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

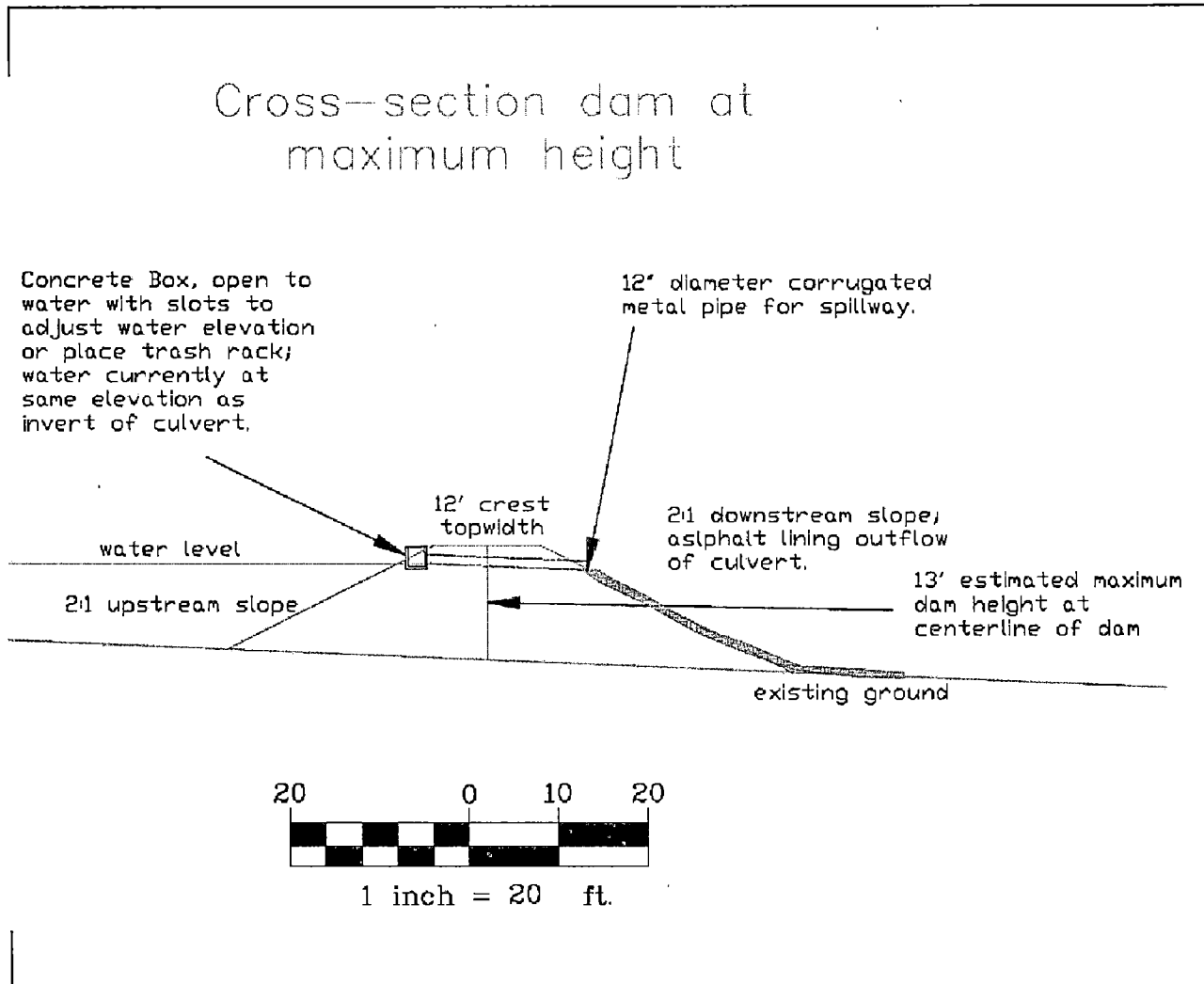
The proposed diversion is an earthen dam that has existed for many years that crosses a natural swale. Live flow can be passed by changing boards in slots in outlet box, or by siphoning or pumping water over or around the dam.

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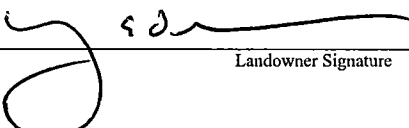
SALEM, OR

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



9. SIGNATURE

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



 Landowner Signature



 Date

Before you submit your application be sure you have:

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

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SALEM, OR

WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

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

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

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

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

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

Application #: R-

Applicant's Name: Airle Winery

1055W 6

1) Does the proposed reservoir have the potential to injure existing water rights?

NO YES

Explain:

2) Can conditions be applied to mitigate the potential injury to existing water rights?

NO YES

If YES, which conditions are recommended:

Limit the fill season to November 1 through May 31. No measurement conditions are needed.

Based on field observations I believe the runoff stops by June and does not begin again until late October.

3) Did you meet with staff from another agency to discuss this application?

NO YES

Who:

Agency:

Date:

Who:

Agency:

Date:

Watermaster signature:



Date:

7-21-17
~~10-30-16~~ SP

WRD Contact:

Crewworker:

Water Rights Division, 503-986-0900 / Fax 503-986-0901

NOTE: This completed form must be returned to the applicant

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SALEM, OR

R-98432

ATTACH "0" - 1/2

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: Mary Olson
First Last

Mailing Address: 15305 Dunn Forest Road

Monmouth Oregon 97361 Daytime Phone: 503.838.6013
City State Zip

*Agent: Eric Urstadt: 971.250.1520

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	1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
T10S	R6W	6	N/A	210	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
						<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: **RECEIVED BY OWRD**

Polk JUL 27 2017

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department: **SALEM, OR**

- 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) Trib to Fuller Creek

Estimated quantity of water needed: 3.0 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for household(s)
 Municipal Quasi-Municipal Instream Other

Briefly describe:

This reservoir and system has existed for many years and this process is being done to get the correct paperwork and permits in order. The reservoir is mainly used to irrigate the vines and some winery landscaping.

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

See bottom of Page 3. →

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LWC 17-64
"D"- 2/2

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): PC20 186.030(A)

Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	RECEIVED BY OWRD	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	JUL 27 2017	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	SALEM, OR	<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.

NO DEVELOPMENT IS PROPOSED IN CONNECTION WITH THIS WATER RIGHTS APPLICATION. IF DEVELOPMENT OCCURS, A MANAGEMENT PLAN COORDINATED WITH GDFW PER PC20 CHAPTER 182 MAY BE NECESSARY.

Name: MARK BEANARD Title: SENIOR PLANNER

Signature: [Signature] Phone: 503-523-9287 Date: JULY 19, 2017

Government Entity: POLK COUNTY

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.



Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

B328P1702

97 JAN 10 PM 4:34

ATTACH "B" - 1/2

WARRANTY DEED (Statutory Form)

GRANTOR: Alice T. Preedy and Larry W. Preedy

CONVEYS AND WARRANTS TO

GRANTEE: Mary E. Olson

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

SEE ATTACHED EXHIBIT "A" WHICH IS MADE A PART HEREOF BY THIS REFERENCE

Key Title Co. 16-11546

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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true and actual consideration for this transfer stated in terms of dollars is \$ 726,000.00. 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.*** (a portion of which is paid to an accomodator as part of an IRC 1031 exchange) If grantor is a corporation, this has been signed by authority of the Board of Directors.

GRANTOR: Alice T. Preedy, Larry W. Preedy

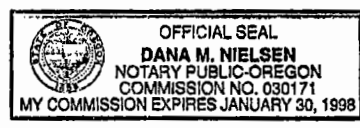
DATED: January 9 1997

Until a change is requested, all tax statements shall be sent to the following address: Mary E. Olson 15305 Dunn Forest Road, Monmouth, OR 97361

STATE OF OREGON, County of POLK ss. Date: January 9 1996 Personally appeared the abovenamed Alice T. Preedy and Larry W. Preedy and acknowledged the foregoing instrument to be their voluntary act and deed. Before me: [Signature] NOTARY PUBLIC FOR OREGON MY COMMISSION EXPIRES: 12/98

STATE OF OREGON, County of ss. Date: Personally appeared, who being sworn, stated that he/she is the of grantor corporation and that this instrument was voluntarily signed and sealed on behalf of the corporation. Before Me: NOTARY PUBLIC FOR OREGON MY COMMISSION EXPIRES:

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



NOTARY SEAL

NOTARY SEAL

AFTER RECORDING RETURN TO:

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JUL 27 2017

K-30 7/92

LINDA DAWSON, COUNTY CLERK SEE NEXT PAGE

R-88932

SALEM, OR

"B"-42

B328P1703

97 JAN 10 PM 4:34

EXHIBIT "A"

Beginning at a point which is North 89° 55' 15" West 2364.33 feet and South 00° 06' 15" West 1330.94 feet from the Northeast corner of the Henry Fuller Donation Land Claim No. 39 in Township 10 South of the Willamette Meridian in Polk County, Oregon; and running thence South 78° 09' 43" West 429.64 feet to a 5/8 " iron rod; thence North 78° 30' 11" West 145.74 feet to a 5/8" iron rod; thence North 42° 29' 30" West 185.61 feet to a 5/8" iron rod; thence South 83° 50' 41" West 722.16 feet to the Easterly right of way line of Polk County Road No. 958 and the Northwest corner of "Parcel C" of that certain minor land partition recorded in Book 137, Page 1573, Polk County Records and also assigned Polk County Survey No 5510; thence South 17° 08' 45" East, along said right of way line, 91.18 feet; thence South 04° 03' 05" East 228.79 feet; thence South 07° 33' 15" West 208.06 feet; thence leaving said right of way line, South 57° 11' 50" East 1331.80 feet to the Northerly right of way line of Polk County Road No. 1052 as realigned; thence Northeasterly, along said right of way line, along the arc of a 1175.92 foot radius curve right (the long chord of which bears North 59° 16' 51" East 64.69 feet) 64.69 feet; thence North 60° 51' 40" East 925.05 feet; thence along the arc of a 2834.79 foot radius curve left (the long chord of which bears North 58° 24' 45" East 242.22 feet) 242.30 feet; thence North 55° 57' 50" East 40.00 feet; thence, leaving said right of way line. North 53° 44' 10" West 1031.32 feet to the point of beginning.

SUBJECT TO:

1. 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.

2. The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.

3. An easement created by instrument, including the terms and provisions thereof,

Dated: March 13, 1909
 Recorded: June 12, 1909, in Book 50, Page 209,
 Deed Records, Polk County, Oregon
 In favor of: John Wienert
 For: Right of Way

4. An easement created by instrument, including the terms and provisions thereof,

Dated: August 2, 1972
 Recorded: November 1, 1972, in Book 36, Page 153,
 Book of Records, Polk County, Oregon
 In favor of: Consumers Power Inc. an Oregon Corporation
 For: Utility transmission and distribution lines

5. An easement created by instrument, including the terms and provisions thereof,

Dated: June 11, 1979
 Recorded: June 14, 1979, in Book 140, Page 315,
 Book of Records of Polk County, Oregon
 In favor of: T.V. Cable, Consumers Power Inc. and Pacific N.W. Bell
 Telephone Co.
 For: Utilities
 Affects: Adjacent to County Road 1052

6. An easement created by instrument, including the terms and provisions thereof,

Dated: August 16, 1979
 Recorded: September 24, 1979, in Book 143, Page 572,
 Book of Records, Polk County, Oregon
 In favor of: Consumers Power Inc., an Oregon Corporation
 For: Electrical, telephone and related transmission and
 distribution lines

7. An easement created by instrument, including the terms and provisions thereof,

Dated: December 21, 1984
 Recorded: January 4, 1985, in Book 184, Page 136,
 Book of Records, Polk County, Oregon
 In favor of: Consumers Power, Inc. an Oregon Corporation
 For: Utility transmission and distribution lines

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SALEM, OR

R-88432

#42480

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Mary Olson, 15305 Dunn Forest Rd, Monmouth, OR 97361
503-838-6013

Reservoir Name: Airlie Winery Reservoir Source: Runoff Volume (AF): 3.7 AF

Twp Rng Sec QQ: _____ Basin Name: Fuller Creek in-channel
 off-channel

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

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

1) Is the proposed project and AO¹ off channel? YES NO
(if yes then proceed to #4; if no then proceed to #2)

2) Is the proposed project or AO located where NMF² are or were historically present? YES NO
(if yes then proceed to #3; if no then proceed to #4)

- 3) If NMF are or were historically present:
- a. Is there an ODFW-approved fish-passage plan?..... YES NO
 - b. Is there an ODFW-approved fish-passage waiver or exemption?..... YES NO

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

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... YES NO
Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

Any diversion or appropriation of water for storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources.
(For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)
If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

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SALEM, OR

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

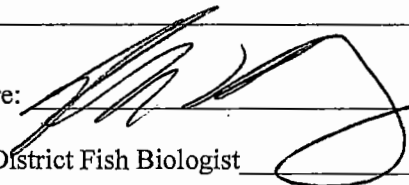
² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

R-8848-2

Lined area for text entry.

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

Lined area for text entry.

ODFW Signature:  Print Name: Elise Kelley _____
ODFW Title: District Fish Biologist _____ Date: 7/21/17 _____

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

Revised 10/4/12

R-88432

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SALEM, OR



Oregon Water Resources Department
 Permit to Appropriate Surface Water for Storage - Alternate Reservoir Application

Main Help
 Return Contact Us

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

Today's Date: Monday, July 31, 2017

Base Application Fee for Storage of Surface Water.		\$410.00
Proposed Dam Height in feet.	13	
Proposed Reservoir volume in Acre Feet.	3.7	\$140.00
Permit Recording Fee. ***		\$520.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$1,070.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

Handwritten initials

2-88432

Aspen

Rural Land Consulting

Water Resources, Water Rights, Land
Surveying, Engineering, Land Use Planning

ERICURSTADT@HOTMAIL.COM
971-250-1520 (MOBILE)

Water Resources Department
Attn: New Water Right Applications
725 Summer Street NE, Ste. A
Salem, OR, 97301

July 18, 2017

Subject: New Applications to Store Water and Use Surface Water

To Whom It May Concern,

Enclosed are an application to store water (alternate process) and an application to use surface water together with the following attachments:

- A. Application Map
- B. Land Deed with Legal Description
- C. ODFW form for storage application
- D. LUCS for storage application
- E. LUCS for surface water application
- F. A check made out to Oregon Water Resources Department for \$2860.00 (= \$920 + \$1940).

Please let me know if there are any concerns or you need any more information.

Respectfully,
Aspen Rural Land Consulting

Eric Urstadt, PE, PLS

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