

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

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.

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 \$260. 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.

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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 \$410.00 for the applicant and \$810.00 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.

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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.

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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
- SECTION 7: project schedule
- SECTION 8: within a district
- SECTION 9: remarks

Attachments:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt. **Attachment A**
- 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. **Attachment B**
- Fees - Amount enclosed: \$ 1,764
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included: **Attachment C**

- 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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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME Sarbanand Enterprises, LLC, Attn: Matt Hoezee		PHONE 661-725-6458	FAX
ADDRESS 786 Road 188			CELL
CITY Delano	STATE CA	ZIP 93215	E-MAIL*

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

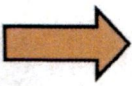
AGENT / BUSINESS NAME GSI Water Solutions, Inc. Attn: Kim Grigsby		PHONE 541-257-9004	FAX
ADDRESS 1600 SW Western Blvd. Suite 240			CELL
CITY Corvallis	STATE OR	ZIP 97333	E-MAIL* kgrigsby@gsiws.com

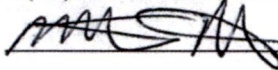
Note: Attach multiple copies as needed

* 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 have not provided my social security number in any of the materials submitted to the Department.

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



Matt Hoezee, Regional Ranch Manager

6-18-18

Applicant Signature

Print Name and title if applicable

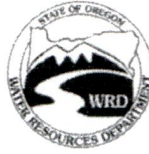
Date

App. No. <u>P-88591</u>	For Department Use Permit No. _____	Date _____
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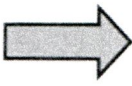
AGENT / BUSINESS NAME GSI Water Solutions, Inc. Attn: Kim Grigsby		PHONE 541-257-9004	FAX
ADDRESS 1600 SW Western Blvd. Suite 240			CELL
CITY Corvallis	STATE OR	ZIP 97333	E-MAIL* kgrigsby@gsiws.com

Note: Attach multiple copies as needed

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- I have not provided my social security number in any of the materials submitted to the Department.



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

Matt Hoezee, Regional Ranch Manager

6-18-18

Applicant Signature

Print Name and title if applicable

Date

App. No. <u>5-88591</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. See Attachment B, for a legal description of the property where water will 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.

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: South Airport Pond #1 Tributary to: South Yamhill River

Source 2: South Airport Pond #2 Tributary to: South Yamhill River

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).

(See Attachment D-Permit R-15271 and Permit R-15272)

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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.)

Revised 7/1/2017
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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
South Airport Pond #1	Irrigation	April 1 to September 30	30 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
South Airport Pond #2	Irrigation	April 1 to September 30	10 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af

For irrigation use only:
 Please indicate the number of primary and supplemental acres to be irrigated.
 Primary: 212.7 Acres Supplemental: _____ Acres
 If supplemental Acres is listed, provide the Permit or Certificate number of the underlying primary water right(s):
N/A
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 40 af

- If the use is **municipal or quasi-municipal**, attach **Form M-N/A**
- 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

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

Pump (give horsepower and type): 40 HP pump on a trailer with a screened suction.

Other means (describe): _____

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

Water will be conveyed through 6" aluminum pipeline to a 6" PVC mainline.

B. Application Method

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

Single line drip irrigation will be installed to irrigate hazelnut trees.

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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 Applicant has calculated that 212.7 acres of hazelnuts will not require more than 40 acre-feet of water during the irrigation season. The water will be used in a manner to prevent waste, and to prevent runoff or damage to aquatic life and riparian habitat.

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SECTION 6: RESOURCE PROTECTION

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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 design of the diversion requires fish screening and/or bypass, the Applicant will install fish screening and/or provide bypass that complies with all applicable state and federal requirements.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: No construction is anticipated because the pump will be on a trailer. During any construction, any excavation or clearing of banks will be kept to a minimum. Any necessary removal/fill permits or other state or federal authorizations will be obtained. 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: No operation of equipment in water is expected. Any in-water work conducted will occur 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 any construction, water quality will be protected by preventing erosion and run-off. Use of water under the permit will not cause erosion or run-off of waste or chemical products.

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: Within 5 years of permit issuance.

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

Date beneficial water use will begin: Within 5 years 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.

Irrigation District Name N/A	Address	
City	State	Zip

SECTION 9: REMARKS

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

The Applicant is requesting a water use permit to use up to a maximum of 30 acre-feet or stored water from South Airport Pond #1 and up to a maximum of up to 10 acre-feet from South Airport Pond #2. The stored water will be used for irrigation of 212.7 acres.

Although the Applicant recognizes that irrigation water rights would typically allow use of more than 40 acre-feet for irrigation of 212.7 acres, this volume can be beneficially used on the entire proposed place of use. The crops to be planted on the requested 212.7 acre place of use are hazelnuts, which do not require much water. The Applicant has calculated that 212.7 acres of hazelnuts will not require more than 40 acre-feet of water during the irrigation season. For these reasons, the Applicant can make full beneficial use of the volume of water requested on the entire requested place of use.

The pump to divert water from the pond will be located on a trailer. The trailer will be moved to convenient locations around the edge of the pond so that water can be diverted from the pond in the most efficient manner.

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Attachment A
Land Use Form

Application for a Permit to Use Stored Water – Sarbanand Enterprises, LLC

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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

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(s): Sarbanand Enterprises LLC

Mailing Address: 768 Rd. 188

City: Delano

State: CA

Zip Code: 93215

Daytime Phone: (661) 725-6458

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>4</u>	<u>4</u>	<u>35</u>		<u>00100</u>		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
See Attached Map									

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Yamhill County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond South Airport Pond # 1 and Pond #2, tributary to South Yamhill River

Ground Water Surface Water (name)

Estimated quantity of water needed: 40 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 requesting a permit to use up to 40 acre feet of stored water from South Airport Pond # 1 and South Airport Pond # 2 for the purpose of 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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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): *Section 402.02 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.

Permitted farm use

Name: *Matt Vogt* Title: *Assistant Planner*
 Signature: *[Signature]* Phone: *503-434-7516* Date: *6/7/2018*
 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.

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Receipt for Request for Land Use Information

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

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Attachment B

Legal Description

Application for a Permit to Use Stored Water – Sarbanand Enterprises, LLC

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Sarbanand Enterprises, LLC
Loan No. 8128200
November 22, 2013
Page 10 of 10

Deed of Trust and Assignment
of Rents
County of Yamhill, and Polk
Description of Real Property

TRACT F ("SOUTH AIRPORT") REVISED

Parcel I:

Beginning at the Northeast corner of the C.B. Hawley Donation Land Claim No. 67 in Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; thence South 17°30' West 48.02 chains; thence North 72°30' West 58.73 chains; thence North 17°30' East .29 of a chain; thence West 4.29 chains to the re-entrant angle on the West line of said Claim; thence North 20°17' East 49.30 chains to the Northwest corner of said Hawley Donation Land Claim; thence South 72°16' East 60.43 chains to the point of beginning.

Parcel II:

United States Government Lots 1 and 2 of Section 36, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon.

EXCEPT that portion of the premises conveyed to Wallace Goodrich by Deed recorded January 27, 1910 in Book 56, Page 236, Deed Records.

{APN R4435 00100}

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Attachment C
Application Map

Application for a Permit to Use Stored Water – Sarbanand Enterprises, LLC

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Attachment D

Permits R-15271 and R-15272

Application for a Permit to Use Stored Water– Sarbanand Enterprises, LLC

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12588-5

STATE OF OREGON
 COUNTY OF YAMHILL
 PERMIT TO STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

SARBANAND ENTERPRISES LLC
 786 RD 188
 DELANO CA 93215

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-88417

SOURCE OF WATER: RUNOFF, TRIBUTARY TO SOUTH YAMHILL RIVER

STORAGE FACILITY: SOUTH AIRPORT POND #1

MAXIMUM VOLUME: 30.0 ACRE-FEET

DATE OF PRIORITY: JUNE 14, 2017

WATER MAY BE APPROPRIATED AS FOLLOWS: NOVEMBER 1 THROUGH JUNE 30

USE: MULTIPLE PURPOSE

Dam Location/Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	4 W	WM	35	NW NE	510 FEET SOUTH AND 2280 FEET WEST FROM NE CORNER, SECTION 35

The Area To Be Submerged:

Twp	Rng	Mer	Sec	Q-Q
4 S	4 W	WM	35	NW NE

Measurement Devices, and Recording/Reporting of Annual Water Storage Conditions:

- A. Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. If no dead-pool, the gage must measure the full depth of the reservoir. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device, provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the volume of water stored, and may require the permittee to report water-storage on a periodic schedule as established by the Director. In addition, the Director may require the permittee to

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report general water-use information, the periods of water use and the place and nature of use of water under the permit.

- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

The permittee shall pass all live flow outside the storage season described above.

The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

The permittee shall not construct, operate, or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife (ODFW) Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

Notwithstanding that ODFW has made a determination that fish screens are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish-screening devices to prevent fish from entering the proposed diversion.

This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.

STANDARD CONDITIONS

1. 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.
2. 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.
3. 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.
4. 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.

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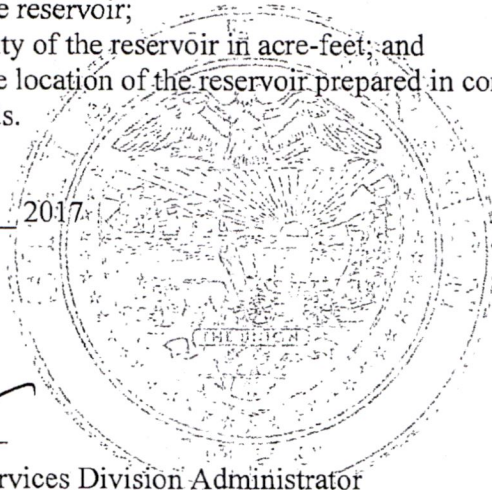
S-88591

5. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.
6. If the volume of the completed reservoir is 9.2 acre feet or more and a dam is used to impound the water, the height of the dam shall be less than 10.0 feet.
7. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
8. The permitted volume of water shall be stored within five years of the date of permit issuance. If additional time is needed, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
9. Within one year after storage of water, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.
10. The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir capacity is equal to or greater than 9.2 acre-feet.
11. If no secondary permit exists and the reservoir capacity is less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:
 - a. the dimensions of the reservoir;
 - b. the maximum capacity of the reservoir in acre-feet; and
 - c. a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

Issued November 21 2017



Dwight French, Water Right Services Division Administrator
for Thomas M. Byler, Director



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13588-5

STATE OF OREGON
 COUNTY OF YAMHILL
 PERMIT TO STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

SARBANAND ENTERPRISES LLC
 786 RD 188
 DELANO CA 93215

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-88418

SOURCE OF WATER: RUNOFF, TRIBUTARY TO SOUTH YAMHILL RIVER

STORAGE FACILITY: SOUTH AIRPORT POND #2

MAXIMUM VOLUME: 10.0 ACRE-FEET

DATE OF PRIORITY: JUNE 14, 2017

WATER MAY BE APPROPRIATED AS FOLLOWS: NOVEMBER 1 THROUGH JUNE 30

USE: MULTIPLE PURPOSE

Dam Location/Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	4 W	WM	35	NW NE	1235 FEET SOUTH AND 1535 FEET WEST FROM NE CORNER, SECTION 35

The Area To Be Submerged:

Twp	Rng	Mer	Sec	Q-Q
4 S	4 W	WM	35	NE NE
4 S	4 W	WM	35	NW NE
4 S	4 W	WM	35	SW NE
4 S	4 W	WM	35	SE NE

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Measurement Devices, and Recording/Reporting of Annual Water Storage Conditions:

- A. Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. If no dead-pool, the gage must measure the full depth of the reservoir. The permittee shall maintain the device in good working order.
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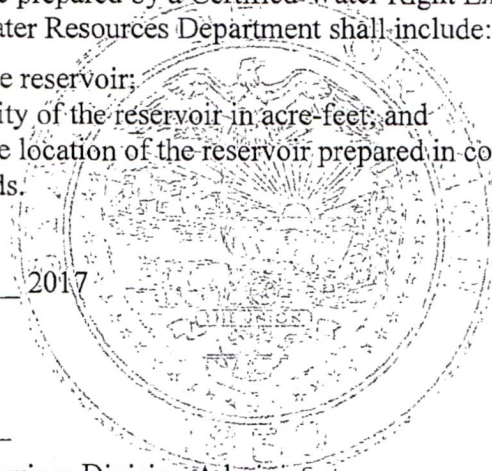
Permit R-15272
JUN 13 2018

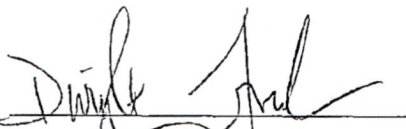
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 - b. the maximum capacity of the reservoir in acre-feet; and
 - c. a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

Issued November 21 2017




 Dwight French, Water Right Services Division Administrator
 for Thomas M. Byler, Director

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Permit R-15272

1358851



June 13, 2018

Dwight French
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Water Use Permit Application for Use of Stored Water – Sarbanand Enterprises, LLC.

Dear Mr. French:

Sarbanand Enterprises, LLC. (Sarbanand) is applying for a permit to use up to 30 acre-feet of stored water from South Airport Pond #1 and up to 10 acre-feet of stored water from South Airport Pond #2 for irrigation of 212.7 acres. Sarbanand is the owner of South Airport Pond #1 and Pond #2 and the holder of Permits R-15271 and R-15272, which authorize the storage in the reservoirs of up to 30 acre-feet and 10 acre-feet of water, respectively.

The Applicant can make full beneficial use of the volume of water requested on the entire requested place of use because the crop to be irrigated is hazelnuts, which require limited amounts of water. Additionally, the applicant will irrigate using drip irrigation.

Enclosed is the required fee of \$1,764, which was calculated as follows:

- \$ 520 – Base Fee
- \$ 724– \$35 per AF x 20 AF (\$700) plus \$1.20 each additional AF x 20 AF (\$24)
- \$ 520 – Permit Recording Fee

Total =\$ 1,764

Please contact me if you have any questions. My number is 541-257-9004.

Sincerely,

Kimberly Grigsby
Supervising Water Resources Consultant

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Enclosures: Water Use Permit Application;
Check for application fee in the amount of \$ 1,764

S-88591



June 19, 2018

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JUN 22 2018

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Edward Gosse
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Water Use Permit Application for Use of Stored Water – Sarbanand Enterprises, LLC.

Dear Mr. Gosse,

On June 13, 2018 Sarbanand Enterprises, LLC. (Sarbanand) mailed the required application fee and application for a permit to use stored water to the Water Resources Department. The application requests the use of up to 30 acre-feet of stored water from South Airport Pond #1 and up to 10 acre-feet of stored water from South Airport Pond #2 for irrigation of 212.7 acres.

Upon receipt of the application, Scott Grew identified that the signature page did not include the title for Matt Hoezee, the signer. Due to this fact, a completeness determination has not yet been made and an application number has not yet been assigned.

Please find the enclosed updated signature page, which includes a title for Matt Hoezee, the signer, and a signature from Matt Hoezee. We understand that the original signature page, in addition to the attached updated signature page fulfills the Department's application requirements.

Please contact me if you have any questions. My number is 541-753-0933.

Sincerely,

A handwritten signature in blue ink that reads "Ingria Jones". The signature is fluid and cursive.

Ingria Jones
Water Resources Consultant

Enclosures: Updated signature page

S-88591



Oregon Water Resources Department
Permit to Appropriate Only Stored Water - Expedited Secondary

- [Main](#)
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- [Return](#)
- [Contact Us](#)

Today's Date: Friday, June 15, 2018

Base Application Fee.		\$520.00
Acre feet of Stored Water to be diverted.	40	\$724.00
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		\$1,764.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

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