



November 12, 2019

Alyssa Mucken
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: "Alternate Reservoir" Storage Permit Application in the name of Sandan, LLC - North Pond

Dear Ms. Mucken;

I am submitting the enclosed "alternate reservoir" storage permit application on behalf of Sandan, LLC. The application requests to store up to 9.11 acre-feet of surface water and groundwater to be appropriated from three wells, runoff, and unnamed springs. (Please note that a separate groundwater application is being filed to authorize the appropriation of the groundwater to be stored.) Water will be stored in the North Pond.

The application includes completed reviews by the local watermaster (Joel Plahn) and the ODFW District Fish Biologist. (Please note that the email correspondence included in Attachment E provides clarification of ODFW's review.) Also enclosed is the required application fee of \$1,280, which was calculated as follows:

\$ 410 - Base Fee
\$ 350 - Rate Fee of \$35/acre-foot for 10 acre-feet
\$ 520 - Permit Recording Fee
Total = \$1,280

If you have any questions about the enclosed materials, please contact me at 541-257-9004.

Sincerely,

A handwritten signature in blue ink that reads "Kimberly Grigsby".

Kimberly Grigsby
Principal Water Resources Consultant

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Enclosures: "Alternate Reservoir" Storage Permit Application
Check for application fee in the amount of \$1,280



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: Sandan, LLC Attn: Emily Everett
First Last
 Mailing Address: 10280 NE Oak Springs Farm Rd
 Carlton OR 97111
City State Zip
 Phone: 503-816-3969
Home Work Other

Fax: _____ E-Mail Address*: _____

* 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: GSI Water Solutions, Inc. Attn: Kimberly Grigsby
First Last
 Mailing Address: 1600 SW Western Blvd. Suite 240
 Corvallis OR 97333
City State Zip
 Phone: 541-257-9004
Home Work Other

Fax: _____ E-Mail Address*: kgrigsby@gsiws.com

* 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: North Pond

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: Runoff, springs, and 3 wells Tributary to: Chehalem Creek

C. County in which diversion occurs: Yamhill

App. No. <u>R-00779</u>	For Department Use	Date _____
Permit No. _____		

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
3 S	3 W	19	NW-SE	300

E. Dam: Maximum height of dam: 15.1 feet. If excavated, write "zero feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 9.11 AF Acre-feet = $\frac{(\text{Average Length})(\text{Average Width})(\text{Average Depth})}{43,560}$

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

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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:

N/A

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6. ENVIRONMENTAL IMPACT

- A. Channel:** Is the reservoir: in-stream or off channel?
- 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? N/A years.
- D. Fish Habitat:** Is there fish habitat upstream of the proposed structure? Yes No Don't know
If yes, how much? N/A miles.
- E. Partnerships:** Have you been working with other agencies? Yes No
Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

7. 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

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 Applicants are requesting to store water in the North Reservoir from the following sources: water diverted from springs and runoff near the planned reservoir, and groundwater appropriated from three wells (Wells 1, 2 & 3). (A separate groundwater permit application was filed to authorize the appropriation of groundwater for storage.) The location of conveyance piping and other reservoir-related structures are shown on the enclosed application map, and cross sections of the proposed dam are provided in Attachment C. The planned reservoir is off-channel, so no live-flow will need to be passed outside of the storage season.


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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).

- Water sourced from existing "spring"
 - o Water inflow to pond via 12" storm pipe from spring
 - o Pipe at spring to include diversion structure to divert excess flows from entering pond
- Water outflow: water pumped from pond via 3" pipe to east pond
- Water Use: Irrigation & Potable Water including vine irrigation, produce farm, ornamental landscape, winery building, event center, residents, tasting room
- Pond storage: 9.11 acre-ft
- Surface area at high water elevation: 40,005 SF
- Overall pond depth: 20 ft
- Dam height (earthfill): 15.1' maximum above existing ground surface
- Emergency spillway to existing public culvert in NE Abbey Road; 0.5' deep x 15.0' wide; constructed of class 100 riprap at spillway crest followed by grass spillway and class 100 riprap at base; designed for 25-year storm event
- Overflow diversion trench wraps pond to prevent overland flow from

9. SIGNATURE

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


 Applicant 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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Attachment A
Legal Description of Property

Application for Permit to Store Water in a Reservoir – Sandan, LLC: North Pond

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After recording return to:
Daniel P. Wilkens and Sandra Wilkens
10000 NE Oaks Spring Farm Rd
Carlton, OR 97111

Until a change is requested all tax
statements shall be sent to the
following address:
Daniel P. Wilkens and Sandra Wilkens
10000 NE Oaks Spring Farm Rd
Carlton, OR 97111

File No.: 1032-2894721 (jg)
Date: June 27, 2017

FIRST AMERICAN TITLE 2894721

THIS SPACE RESERVED FOR RECORDER'S USE

Yamhill County Official Records	201715824
DMR-DDMR	10/02/2017 09:48:00 AM
Stn=3 SUTTONS	
4Pgs \$20.00 \$11.00 \$5.00 \$20.00	\$56.00
I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Brian Van Bergen - County Clerk	

STATUTORY WARRANTY DEED

John A. Stuart, Trustee of the Stuart 1991 Trust U/T/A dated March 15, 2002, Grantor, conveys and warrants to **Sandan, LLC as to Parcel 1 and Daniel P. Wilkens and Sandra Wilkens, as tenants by the entirety, as to Parcel 2**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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

See attached Exhibit A.

Subject to:

1. The **2017-18** Taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$10.00 and other good and valuable consideration.**
(Here comply with requirements of ORS 93.030)

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EXHIBIT A

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

PARCEL 1:

A part of the James Scott Donation Land Claim Notification No. 1426, Claim No. 50 in sections 19 and 30, Township 3 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, and BEGINNING at the Northwest corner of the T.J. Hubbard Donation Land Claim, said corner being an angle corner on the South boundary of the James Scott Donation Land Claim; thence North 207.90 feet to angle corner of said Scott Claim; thence North 85° West along the South boundary of said Scott Claim, 517.02 feet to a point in the center of County Road No. 208; thence North 14°02' East along the center of said County Road, 921.62 feet to a stake; thence North 11°36' East along center of said County Road, 447.34 feet to angle in road; thence North 16°02' East along center of said road, 409.93 feet to angle in road; thence North 20°08' East along center of said road, 487.95 feet to angle in road; thence North 21°28' East along center of said road, 646.48 feet to intersection of center lines of County Road No. 208 and Market Road No. 11; thence South 28°59' East along center of Market Road, 2474.60 feet to angle in road; thence South 02° 13' East along center of said road, 877.15 feet to a point on the South boundary of said Scott Claim; thence West along South boundary of said Claim, 1533.62 feet to the PLACE OF BEGINNING.

EXCEPTING THEREFROM a 2 Acre tract of land being more particularly described as follows:

Beginning at the re-entrant corner on the south boundary of the James Scott DLC #50, said corner being North 00° 14' 01" West 207.98 feet from the Northwest corner of the T.J. Hubbard Donation Land Claim No. 52; thence South 84° 28' 55" East 30.00 feet to an iron rod; thence North 20° 52' 52" East 65.22 feet to an iron rod at the beginning point of a curve to the left; thence 78.38 feet along a 70.00 foot radius curve, concave to the southwest, chord bearing North 11° 11' 50" West 74.35 feet to an iron rod at the point of reverse curvature; thence 52.87 feet along a 70.00 foot radius curve, concave to the northeast, chord bearing North 21° 38' 16" West 51.62 feet to an iron rod; thence North 51.01 feet to an iron rod; thence North 84° 28' 55" West 163.64 feet to an iron rod; thence South 05° 31' 05" West 50.00 feet to an iron rod; thence North 84° 28' 55" West 50.00 feet to an iron rod; thence South 05° 31' 05" West 49.99 feet to an iron rod; thence North 84° 28' 55" West 275.01 feet (passing an iron rod at 244.42 feet) to the center of Oak Springs Farm Road (Market Road 208); thence South 16° 44' 41" West 133.37 feet along the center of Oak Springs Farm Road to the intersection with the South boundary of the James Scott Donation Land Claim #50; thence South 84° 28' 55" East 517.18 feet along said south boundary to the place of beginning.

NOTE: This legal description was approved under Yamhill County Planning File No. L-04-17

PARCEL 2:

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Beginning at the re-entrant corner on the south boundary of the James Scott DLC #50, said corner being North 00° 14' 01" West 207.98 feet from the Northwest corner of the T.J. Hubbard Donation Land Claim No. 52; thence South 84° 28' 55" East 30.00 feet to an iron rod; thence North 20° 52' 52" East 65.22 feet to an iron rod at the beginning point of a curve to the left; thence 78.38 feet along a 70.00 foot radius curve, concave to the southwest, chord bearing North 11° 11' 50" West 74.35 feet to an iron rod at the point of reverse curvature; thence 52.87 feet along a 70.00 foot radius curve, concave to the northeast, chord bearing North 21° 38' 16" West 51.62 feet to an iron rod; thence North 51.01 feet to an iron rod; thence North 84° 28' 55" West 163.64 feet to an iron rod; thence South 05° 31' 05" West 50.00 feet to an iron rod; thence North 84° 28' 55" West 50.00 feet to an iron rod; thence South 05° 31' 05" West 49.99 feet to an iron rod; thence North 84° 28' 55" West 275.01 feet (passing an iron rod at 244.42 feet) to the center of Oak Springs Farm Road (Market Road 208); thence South 16° 44' 41" West 133.37 feet along the center of Oak Springs Farm Road to the intersection with the South boundary of the James Scott Donation Land Claim #50; thence South 84° 28' 55" East 517.18 feet along said south boundary to the place of beginning.

TOGETHER WITH an access and utility easement of variable width, the exterior boundary being more particularly described as follows:

Beginning at a point on the west margin of Abbey Road (Market Road 11), said point being North 61° 23' 35" East 1705.07 feet from the Northwest corner of the Thomas J. Hubbard Donation Land Claim No. 52; thence North 88° 21' 46" West 1265.43 feet; thence 84.11 feet along a 100.00 foot radius curve, concave to the southeast, chord bearing South 67° 32' 32" West 81.65 feet; thence South 43° 26' 51"* West 145.65 feet; thence 71.00 feet along a 100 foot radius curve, concave to the southeast, chord bearing South 23° 06' 25" West 69.52 feet; thence South 02° 45' 59" West 213.95 feet to an iron rod at the northeast corner of the above described 2.0 Acre tract; thence North 84° 28'* 55" West 50.06 feet along the north boundary of said 2.0 Acre tract; thence North 02° 45' 59" East 211.62 feet; thence North 13° 40' 45" East 194.83 feet; thence South 88° 21' 46" East 90.00 feet; thence North 47° 06' 42" East 102.66 feet; thence South 88° 21' 46*" East 55.00 feet; thence South 01° 38' 14" West 10.00 feet; thence South 88° 21' 46" East 70.00 feet; thence North 01° 38* 14** East 3.00 feet; thence South 88° 21' 46" East 1070.00 feet; thence 94.68 feet along a 45.00 foot radius curve, concave to the northwest, chord bearing North 31° 21* 41" East 78.16 feet; thence North 28° 54' 51" West 475.00 feet; thence North 61° 05' 09" East 30.00 feet; thence South 28° 54' 51" East 563.96 feet; thence South 02° 15' 17" East 56.64 feet to the place of beginning.

NOTE: This legal description was approved under Yamhill County Planning File No. L-04-17

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Attachment D

Watermaster Alternate Reservoir Application Review Sheet
Application for Permit to Store Water in a Reservoir – Sandan, LLC: North Pond

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WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

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

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

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

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

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

Application #: R- Applicant's Name: Sandan LLC North POND 3S 3W Sec 19

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

Explain: This review is only considering the source as runoff and a spring. Use of water from wells will require a Ground Water Right.

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

If YES, which conditions are recommended:

Water Use Measurement, Recording, and Reporting Condition:

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 shall 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;

C. The permittee shall keep a complete record of the volume of water stored each month, and shall submit a report which includes water-storage measurements to the Department annually (or more frequently as may be required by the Director).

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

Who: Agency: Date:

Who: Agency: Date:

Watermaster printed name: Joel Plahn

Watermaster signature:  Date: 7/1/2019

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

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NOTE: This completed form must be returned to the applicant

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Attachment E

ODFW Alternate Reservoir Application Review Sheet
Application for Permit to Store Water in a Reservoir – Sandan, LLC: North Pond

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Sandan LLC

10280 NE Oak Springs Farm Rd, Carlton, OR 97111 503-816-3969

Reservoir Name: North Pond Source: Runoff, spring, wells, tributary to Chehalem Creek

Volume (AF): 9.11 Twp Rng Sec QQ: T3S R3W S19 Basin Name: Willamette

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.

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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)

*Based on available information, the proposed use does not appear to involve instream structures that would create or maintain an artificial obstruction. However, if the applicant creates or maintains an artificial obstruction to fish passage for the proposed use, the applicant will need to address Oregon's fish passage laws.

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 July 1st - October 31st 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.

Fish present near the location of the proposed use or otherwise impacted by the proposed use include Cutthroat Trout (a sensitive species).

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

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

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If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

OWRD NO (explain) YES (select from Menu of Conditions on next page)

Available information shows flows within the impacted reach are currently wholly or partially below those essential to support the biological needs of fish and/or the proposed use will otherwise impact habitat or ecological functions important to fish. Chehalem Creek is already water quality limited for temperature (year-round) and for dissolved oxygen (January 1st -May 15th). The proposed use may diminish physical habitat and alter the flow regime to which fish are naturally adapted, negatively impacting their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed water use will impair or be detrimental to fish and/or their habitat without appropriate mitigation. ODFW recommends the applicant submit, to the application caseworker at WRD, a Mitigation Proposal that fulfills the Mitigation Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations) outlined below, and other recommended conditions, to compensate for any potential impact from the proposed use. To meet the goals outlined in ODFW's Mitigation Policy, ODFW recommends the mitigation provided be available within the mitigation watershed and **legally protected and maintained** for the life of the permit and subsequent certificate.

ODFW's Recommended Conditions:

- 1) **Wetland:** To protect beneficial uses, the Oregon Department of Fish and Wildlife recommends the applicant submit an offsite determination request to the Oregon Department of State Lands (DSL) to determine the need for a wetland delineation. The offsite determination will identify waters of this state that are subject to regulation and authorization requirements of the Removal-Fill Law (ORS 196.800 to 196.990) that may be needed prior to disturbance or development of the point of diversion.
- 2) **In-Water Work:** To protect beneficial uses, the Oregon Department of Fish and Wildlife (ODFW) recommends any in-water work related to development of the proposed use be conducted during July 15 – September 30 unless an alternate time period is approved by ODFW.
- 3) **Pond construction:** Permittee must construct the pond off channel.
- 4) **Pond releases:** Permittee shall not release off-channel stored water into waters of the state unless under emergency situations. For routine maintenance, the Permittee shall land apply stored water or provide treatment prior to releasing it and may only release instream November through March. Permittee shall treat released water to comply with OAR 340-041 and ensure that water-quality standards are not violated by releases from storage.
- 5) **Water Quality and Prohibited Activities:** The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water-quality standards. Permittee may not cause pollution of any waters of the state, or place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means, per ORS 468B.025(1). If the Department of Environmental Quality determines that pollution of waters of the state is occurring, DEQ shall notify OWRD of the violation and the water right may be restricted if the permittee fails to implement corrective actions as directed by the Department of Environmental Quality.
- 6) **Agricultural Water Quality Management Area Rules:** Permittee must comply with basin-specific Agricultural Water Quality Management Area Rules in OAR 603-095. Livestock management and cropping must protect riparian areas on the property, allowing site capable vegetation along streams to establish and grow to provide the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff. Active management of livestock and/or a livestock exclusion fence is needed to protect riparian areas and provide the required functions.
- 7) The applicant shall contact DEQ (541-686-7930) to determine if a 1200 C permit is required for construction.
- 8) The applicant will need to contact the U.S. Army Corps of Engineers for confirmation that Removal/Fill regulatory requirements are met for new impoundments. Contact the USACE by email at PortlandRegulatory@usace.army.mil or by phone 503-808-4373.

ODFW's Recommended Mitigation Obligation:

ODFW recommends the applicant submit, to the application caseworker at WRD, a Mitigation Proposal that fulfills the Mitigation Obligation outlined below (consistent with the goals and standards of OAR 635-415-0025; ODFW Habitat Mitigation Recommendations), as well as other recommended conditions. ODFW recommends the Proposal include an assessment of options using the following actions listed in order of priority:

- (1) avoiding the impact altogether,
- (2) minimizing the impact by limiting the degree or magnitude of the action,
- (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment,
- (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action and by monitoring and taking appropriate corrective measures, and
- (5) compensating for the impact by replacing or providing comparable substitute resources or environments.

ODFW recommends the applicant contact the caseworker to schedule a consultation with the local ODFW Fish Biologist concerning the recommended Mitigation Obligation if questions arise.

Reservoir Uses

ODFW recommends the applicant provide water-for-water mitigation, as outlined below.

A) Water Quantity: 9.11 AF (AF; equals amount requested)

B) Months (when biologically-necessary flows are not met during the period of impact): July-October

C) Location of Mitigation:

- within the watershed **at or above** the point of diversion
- at or above the point of diversion is preferred, but may occur within the watershed of the impacted population(s)
- within the watershed of the impacted population(s)
- benefitting the impacted population(s) and/or higher priority species:

D) Additional comments: ODFW recommends water-for-water mitigation be provided in Chehalem Creek.

In lieu of providing "water-for water", ODFW's Habitat Mitigation Policy allows the applicant the option of providing mitigation through a habitat restoration project that recreates similar habitat structure and function to that existing prior to the development action. If the applicant is interested in pursuing this option, please contact the local ODFW Fish Biologist for further information.

ODFW Signature:  Print Name: Monica Blanchard

ODFW Title: Assistant District Fish Biologist – NWWD Date: 8/22/19

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

Revised 10/4/12

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Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

fishpass: As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

fishself: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

fishapprove: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishdiv33: 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 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishmay: Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a The period of use has been limited to _____ through _____.

b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

b58 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. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

futile call: The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the _____ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

riparian: 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 635-415, shall be followed.

wq: The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

fence: The stream and its adjacent riparian area shall be fenced to exclude livestock.

blv: Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

Trevor Grandy

From: Monica R Blanchard <Monica.R.Blanchard@state.or.us>
Sent: Tuesday, August 27, 2019 8:39 AM
To: Adam Sussman
Cc: Trevor Grandy; Tom.Murtagh@state.or.us
Subject: RE: Sandal, LLC: Abbey Road - Alternate Reservoirs

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Adam,

That is exactly correct. That mitigation language is only if you were to store water between July 1- October 31st. Otherwise, water is available in the basin and can be stored. I am in the office all day today. Feel free to call with any additional questions. Thanks for asking for clarification.

Cheers,

Monica Blanchard
Assistant District Fish Biologist
North Willamette Watershed District
Oregon Department of Fish and Wildlife
17330 SE Evelyn St | Clackamas, OR 97015
Cell: 971.712.4172 | Office: 971.673.2040

From: Adam Sussman [mailto:asussman@gsiws.com]
Sent: Monday, August 26, 2019 9:14 AM
To: Monica R Blanchard <Monica.R.Blanchard@state.or.us>
Cc: Trevor Grandy <tgrandy@gsiws.com>; Tom.Murtagh@state.or.us
Subject: FW: Sandal, LLC: Abbey Road - Alternate Reservoirs

Hi Monica:

I hope you enjoyed your field work today.

Regarding the attached forms, my understanding is that as long as we are not proposing to appropriate water for storage between July 1 and October 31 (which we are not) that we are good to go. In other words, the text regarding a Mitigation Proposal and water-for-water mitigation only applies if we are proposing to appropriate water for storage between July 1 and October 31 (which we are not). Correct?

We look forward to hearing back.

Sincerely,

Adam

Adam Sussman
Principal Water Resources Consultant
direct: 541.257.9001 | mobile: 541.602.5188

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Attachment F

Land Use Information Form

Application for Permit to Store Water in a Reservoir – Sandan, LLC: North Pond

P-00779

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

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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.

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

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Applicant(s): Sandan, LLC, Attn: Emily Everett

Mailing Address: 10280 NE Oak Springs Farm Rd

City: Carlton

State: OR

Zip Code: 97111

Daytime Phone: 503-816-3969

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>3 S</u>	<u>3 W</u>	<u>19</u>	<u>NW-SE</u>	<u>300</u>	<u>EF-80</u>	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Multipurpose storage</u>
<u>3 S</u>	<u>3 W</u>	<u>19</u>	<u>SE-SW</u>	<u>300</u>	<u>EF-80</u>	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	<u>Multipurpose storage</u>
<u>3 S</u>	<u>3 W</u>	<u>19</u>	<u>SW-SE</u>	<u>300</u>	<u>EF-80</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	<u>Multipurpose storage</u>
_____	_____	_____	_____	_____	_____	<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, Oregon

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) Runoff and unnamed springs

Estimated quantity of water needed: 9.2 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 Storage

Briefly describe:

The Applicant is requesting a permit to store 9.11 acre-feet of runoff, water from an unnamed spring, and groundwater from three existing wells for multiple purpose storage.



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. →

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(A) 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:	
	RECEIVED	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	NOV 15 2019	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OWRD	<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.

APPLICANT ALSO HAS APPROVAL TO OPERATE WINE/ TASTING ROOM, EVENT CENTER, AND BEO BREAKFAST PER DOCKETS SDR-28-18, C-19-17, C-20-17.

Name: LANCE WOODS Title: ASSOCIATE PLANNER
 Signature: [Signature] Phone: (503) 474-7516 Date: 7/12/2019
 Government Entity: TAMHILL COUNTY PLANNING DEPT.

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: _____