



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: ABG Oregon Vineyards, LLC Attn: Brandon Ackley

Mailing Address: 600 University Street, Suite 902

Seattle WA 98101

City State Zip

Phone: 425-446-3326

Home Work Other E-Mail Address*: brandon@ackleybeverage.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.)

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2. AGENT INFORMATION

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

Agent: Kimberly Grigsby

Mailing Address: 1600 SW Western Boulevard, Suite 240

Corvallis OR 97333

City State Zip

Phone: 541-257-9004

Home Work Other 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: Effie's 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: Run-off and intermittent stream Tributary to: Stag Hollow Creek

C. County in which diversion occurs: Yamhill

App. No. _____	For Department Use	Date _____
	Permit No. _____	

D. Reservoir Location - See map in Attachment A

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
2S	4W	35	NWSE	00101

E. Dam: Maximum height of dam: 18 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 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). See Attachment B

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

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? _____ 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.

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Note: The proposed reservoir will be located at the top of an intermittent stream. It appears unlikely that there is fish habitat above this area.

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 proposed reservoir is to be located on an unnamed, intermittent stream that is tributary to Stag Hollow Creek. The source of water for the reservoir will be runoff impounded behind the dam.

The pond will be excavated and the dam will be constructed using native fill. Fill will be placed in maximum lifts of 6 feet with a sheep's foot compactor, to at least 92% of maximum density, and within 4% of optimum moisture. All fills will be keyed in and topsoil will be placed back on completed cuts and fills.

The pond will cover an area of 1.07 acres and will store 9.11 acre feet at maximum capacity. The top of the dam on the downstream side of the catch basin will be 18 feet in height at its tallest point. The top of the dam will be 276 feet above see level and the water level at maximum capacity will be 275 feet above see level.

Water will be stored from December through May. Outside of the storage season, any live flow present will be passed through a toe drain out fall at the base of the dam.

See Attachment C for schematics of the pond and dam.

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).

See Attachment C for schematics of the pond and dam.

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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

5/22/20
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. **See Attachment A.**
 - The map must meet map requirements to be accepted.
 - Included a land use form or receipt stub signed by a local planning official. **See Attachment D**
 - Included a check payable to Oregon Water Resources Department for the appropriate amount.

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: ABG Oregon Vineyards 2S 4W Sec 35 TL 101

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

Explain:

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

If YES, which conditions are recommended:

No conditions needed.

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: Joel Plahn Date: 5/26/2020

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

NOTE: This completed form must be returned to the applicant

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name: ABG Oregon Vineyards
 Address: 600 University Street, Suite 902, Seattle, WA 98101
 Phone/Email: 425-446-3326/brandon@ackleybeverage.com
 Reservoir Name: Effie's Pond
 Source: Run-off, intermittent stream
 Basin Name: North Yamhill/Yamhill
 Twp Rng Sec QQ: 2S 4W 35 NWSE

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Volume (AF): 9.11 OWRD
 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) 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 June through November 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

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)

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.

ESA-listed fish (spring Chinook Salmon and winter steelhead) and state sensitive species (Coastal Cutthroat Trout and Pacific Lamprey) are present in the North Yamhill River during the period of impact. Instream flows to fulfill C72586 for aquatic life are not being met partially or wholly during the period of impact. Based on parameters assessed by ODFW, instream flows are currently below those essential to support the biological needs of an existing fishery resource during June-November. The proposed use will diminish physical habitat and alter the flow regime to which fish are naturally adapted, negatively affecting their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed use would impair or be detrimental to an existing fishery resource and/or their habitat without appropriate conditions and/or mitigation.

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)

See applicable conditions selected from "Menu of Conditions" on next page

Without appropriate conditions and/or mitigation, a further reduction in flow or alteration of habitat from the proposed water use will impair or be detrimental to an existing fishery resource. Water is only available to support biologically necessary flows at the POD and/or downstream during December-May. ODFW recommends the season of use be restricted to coincide with this period or the proposed use be mitigated prior to issuance of a Proposed Final Order for any use outside of this period. 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), as outlined below, to compensate for any potential impact from the proposed use.

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 WRD caseworker to schedule a consultation with ODFW concerning the recommended Mitigation Obligation if questions arise.

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Recommended Mitigation Obligation

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If the applicant chooses to pursue water use during June-November when biologically necessary flows are not met, ODFW recommends the applicant provide water-for-water mitigation that is available within the mitigation reach and **legally protected and maintained as an instream water right** for the life of the permit and subsequent certificate, as outlined below.

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

- plus a net benefit (for Habitat Category 2)

Applicant Name: ABG Oregon Vineyards

ODFW Review

B) Months (when biological flows are not met during the proposed season of use): June-November

C) Location of Mitigation (based on the Habitat Category):

within the watershed **at or above** the point of impact

at or above the point of impact 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: list species here

D) Additional comments: type here

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.

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ODFW Signature: 

Print Name: Jason Brandt

ODFW Title: SW Hydro Coordinator

Date: 7/9/20

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

Revised 10/4/12; reformatted 5/12/20

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MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020

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Use this menu to identify appropriate conditions to be included in the permit:

Agricultural Water Quality Management Area Rules: The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.

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 December through May.

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.

Bypass Flows: Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:

- 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
- 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.

Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.

The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.

Construction Activities: For construction activities (clearing, grading, excavation, staging, and stockpiling) that will disturb one or more acres and may discharge to state waters, the permittee is required to obtain from DEQ a 1200-C NPDES Stormwater Construction Permit prior to project construction.

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

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.

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 type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

In-Water or Riparian Construction: For in-water or riparian construction, permittee may be required to obtain additional permits from the Oregon Department of State Lands, the U.S. Army Corps of Engineers, and the DEQ Section 401 certification program prior to construction. The applicant must contact these agencies to confirm requirements.

In-Water Work: Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of July 15-Sept 30 unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.

Live Flow: Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.

Off-Channel Stored Water Releases: The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.

On-Channel Reservoir: The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.

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.

Water Quality: All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not 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. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.

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.

wetland: The permittee must submit an offsite determination request to the Oregon Department of State Lands (DSL) to determine the need for a wetland delineation prior to disturbance or development of the point of diversion and/or diversion of water.

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.

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From: MUCKEN Alyssa M * WRD [<mailto:Alyssa.M.Mucken@oregon.gov>]

Sent: Thursday, July 30, 2020 3:34 PM

To: Adam Sussman <asussman@gsiws.com>

Cc: MUCKEN Alyssa M * WRD <Alyssa.M.Mucken@oregon.gov>

Subject: FW: Reservoir Application - agency review comments

Hi Adam, the Water Resources Department will omit the Reservoir Operations Plan condition. That condition was discussed amongst the agencies more than a year ago, and it was determined it wasn't appropriate to recommend for a variety of reasons.

The live flow condition is already a standard condition in reservoir permits, although what you see here is worded slightly different. OWRD will use its current language regarding passing live flow outside the storage season.

The agencies – ODFW, DEQ, and OWRD – have agreed to simply notify applicants of other permitting requirements, such as those administered by DEQ (1200-C) and DSL (wetlands), and in-water work (ODFW). Our approach has been to include an informational letter that is included with any permit issued for a reservoir application. Our approach has not been to condition a water use permit pending the approval of these other permitting processes, or as a way to demonstrate proof to the satisfaction of the Department.

I think the best option to keep this application moving along is to submit it with this review, and include a copy of this correspondence. Please let me know when the application is filed, so we can assign this ABG app with the same caseworker that is currently processing their pending applications.

Alyssa Mucken

Water Rights Section Manager
Oregon Water Resources Department
503-986-0891

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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

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Applicant(s): ABG Oregon Vineyards, ATTN: Brandon Ackley

Mailing Address: 600 University Street, Suite 902

City: Seattle

State: WA

Zip Code: 98101

Daytime Phone: 425-446-3326 **OWRD**

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>2S</u>	<u>4W</u>	<u>35</u>	<u>NWSE</u>	<u>00101</u>	<u>EFU 80</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Storage</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

Yamhill County

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) Run-off and intermittent stream

Estimated quantity of water needed: 9.11 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 Multipurpose Storage

Briefly describe:

ABG Oregon Vineyards is proposing to construct a reservoir for multipurpose 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

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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 2435-101

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 402 of the Yambhill County Zoning Ordinance
- 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.

Name: Kenneth P. Friday Title: P. D.
 Signature: *Kenneth P. Friday* Phone: 508 434-7516 Date: 5/26/2020
 Government Entity: Yambhill 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: _____

FIRST AMERICAN TITLE 3168624



After recording return to:
ABG Oregon Vineyards, LLC
600 University Street, Suite 902
Seattle, WA 98101


Until a change is requested all tax
statements shall be sent to the
following address:
ABG Oregon Vineyards, LLC
600 University Street, Suite 902
Seattle, WA 98101

File No.: 1032-3168624 (LB)
Date: March 04, 2019

THIS SPACE RESERVED FOR RECORDER'S USE

I hereby certify that this is a true and correct copy of the original.
First American Title Company of Oregon

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By 

Yamhill County Official Records	201902597
DMR-DDMR	03/04/2019 03:14:00 PM
Stn=3 SUTTONS	
5Pgs \$25.00 \$11.00 \$5.00 \$60.00	\$101.00

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

Lesley L. Cummins, Trustee, or her successor in trust, under the Lesley L. Cummins Revocable Living Trust dated July 17, 2001 and any amendments thereto, Grantor, conveys and warrants to ABG Oregon Vineyards, LLC, an Oregon limited liability company, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. 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 **\$Alternative form of consideration. This Deed is being recorded to effect a property line adjustment as approved by Yamhill County Planning Department under Lot Line Adjustment Docket No. L-03-19. This conveyance is made solely as an adjustment of common boundary between adjoining properties and does not create a separate parcel that can be conveyed independently of adjacent land.** (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 4 day of March, 2019.

Lesley L. Cummins, Trustee, or her successor in trust, under the Lesley L. Cummins Revocable Living Trust dated July 17, 2001 and any amendments thereto

Lesley L. Cummins
Lesley L. Cummins, Trustee

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STATE OF Oregon)
County of Yamhill)ss.
)

This instrument was acknowledged before me on this 4 day of March, 2019 by Lesley L. Cummins as Trustee of Lesley L. Cummins, Trustee, or her successor in trust, under the Lesley L. Cummins Revocable Living Trust dated July 17, 2001 and any amendments thereto, on behalf of the Trust.

[Signature]



Notary Public for Oregon
My commission expires: 5-13-2019

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File No.: 1032-3168624 (LB)

APN: 16663

Statutory Warranty Deed
- continued

EXHIBIT A

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

PARCEL 1:

A tract of land located in Section 35, Township 2 South, Range 4 West and Section 2, Township 3 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, being more particularly described as follows:

COMMENCING at an iron rod marking the southeast corner of that tract of land described to LAUGHLIN ROAD RANCH, LLC., recorded April 5, 2002 in Instrument No. 200207043, Deed Records of Yamhill County, Oregon, being a point on the west margin of Laughlin Road; thence North 38°39'43" East 40.72 feet to a point on said west margin and the POINT OF BEGINNING; thence North 62°05'45" West 280.96 feet; thence North 27°49'14" East 797.17 feet; thence North 54°44'47" West 1492.75 feet; thence North 62°53'00" West 360.79 feet; thence South 26°48'03" West 915.97 feet to a point on the north line of that tract of land described in deed to VANDEGRIFT recorded March 23, 2001 in Instrument No. 200104133, Deed Records of Yamhill County, Oregon; thence North 62°53'00" West 486.85 feet to a corner on said north line; thence North 14°48'25" East 1102.44 feet to a corner in the east line of that tract of land described as Property No. 5, Parcel 1 in deed to DECREVEL recorded September 9, 2004 in Instrument No. 200418667, Deed Records of Yamhill County, Oregon; thence North 00°44'35" East 1302.32 feet along said east line to the northwest corner of Parcel 1 of that tract of land described in deed to LAUGHLIN ROAD RANCH, LLC., recorded February 23, 2010 in Instrument No. 201002494, Deed Records of Yamhill County, Oregon; thence South 62°44'52" East 1002.33 feet to the northerly northeast corner of said Parcel 1; thence South 27°37'35" West 1162.20 feet to a corner in the east line of said Parcel 1; thence South 62°05'00" East 1023.44 feet the most easterly corner of said Parcel 1, being a point on the south line of Parcel 1 of last said LAUGHLIN ROAD RANCH, LLC tract; thence South 62°05'00" East 583.88 feet to the southeast corner of said Parcel 2; thence South 62°05'00" East 910.22 feet to an iron rod marking the northeast corner of the first said LAUGHLIN ROAD RANCH, LLC tract, being a point on the west margin of said Laughlin Road; thence South 30°05'22" West 845.89 feet to an iron rod set at an angle in said westerly margin; thence South 38°39'43" West 301.85 feet to the POINT OF BEGINNING.

PARCEL 2:

A tract of land in Section 35, Township 2 South, Range 4 West, Yamhill County, Oregon, and being more particularly described as follows:

Beginning at an iron pipe at the northwest corner of that tract of land described in deed from CHRISTINA M. AVILA to LAUGHLIN ROAD RANCH, LLC and recorded in Instrument No. 200207043, Yamhill County Deed Records, said point also being an angle corner in the easterly line of that tract of land described in deed from JENSEN to JENSEN HOLDINGS, LLC and recorded in Instrument No. 200220312; thence North 62°04'15" West 1023.44; thence North 27°38'20" East 1162.20 feet to an iron rod; thence North 00°03'45" East 1897.15 feet to the southwest corner of that tract of land described in deed from THE BERNARD AND RONNI LACROUTE REVOCABLE INTER VIVOS TRUST to LAUGHLIN-RED HILLS, LLC and

APN: 16663

Statutory Warranty Deed
- continued

File No.: 1032-3168624 (LB)

recorded in Instrument #200403350; thence South 64°14'42" East 2486.89 feet along the south line of said tract to an iron pipe; thence South 27°38'20" West 2933.72 feet to an iron pipe; thence North 62°04'15" West 583.88 feet to the point of beginning.

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August 6, 2020

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

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Dear Ms. Mucken,

I am submitting the enclosed "alternate reservoir" storage permit application on behalf of ABG Oregon Vineyards. The application requests to store up to 9.11 acre-feet of runoff and surface flow from an unnamed intermittent stream, tributary to Stag Hollow Creek. Also enclosed is the application fee in the amount of \$1,280.

\$410 - Base Fee

\$350 - Rate Fee of \$35/acre-foot or fraction (10AF)

\$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 black ink that reads "Kimberly Grigsby". The signature is written in a cursive, flowing style.

Kimberly Grigsby
Principal Water Resources Consultant

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

Exhibit Map for: ABG Oregon Vineyards, LLC

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Location: Section 35 T. 2 S., R. 4 W., WM.,
Section 2 T. 3 S., R. 4 W., WM.,
Yamhill County, OR

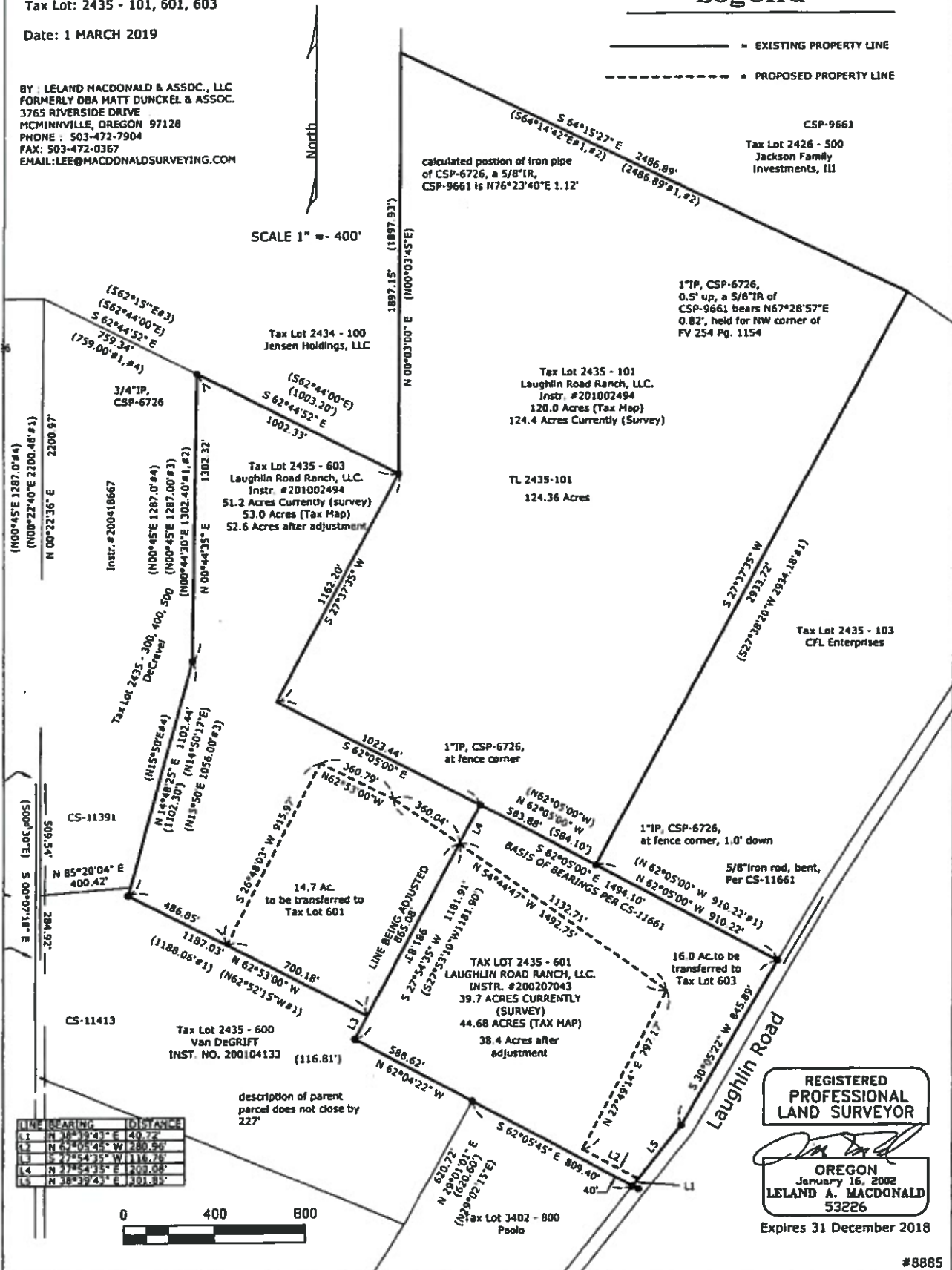
Tax Lot: 2435 - 101, 601, 603

Date: 1 MARCH 2019

BY: LELAND MACDONALD & ASSOC., LLC
FORMERLY DBA MATT DUNCKEL & ASSOC.
3765 RIVERSIDE DRIVE
MCMINNVILLE, OREGON 97128
PHONE: 503-472-7904
FAX: 503-472-0367
EMAIL: LEE@MACDONALDSURVEYING.COM

Legend

-  EXISTING PROPERTY LINE
-  PROPOSED PROPERTY LINE



LINE	BEARING	DISTANCE
L1	N 77°41' E	40.72'
L2	N 69°05'45" W	280.90'
L3	S 77°54'35" W	116.70'
L4	N 27°54'35" E	200.08'
L5	N 38°32'43" E	101.85'



**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Leland A. MacDonald

OREGON
January 16, 2002
LELAND A. MACDONALD
53226

Expires 31 December 2018

POND

1" = 60'-0"



POND
POND
WATE
TOP C
HEIGI
HEIGI

3/2'-0"

3/10'-0"

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PRELIMINARY,
NOT FOR
CONSTRUCTION

ABG Oregon Vineyards, LLC
Montinore
LAUGHLIN ROAD
YAMHILL, OR 97148

Project No: 19088
Date: 12/10/19

Sheet No
C1.02

Sheet Ref

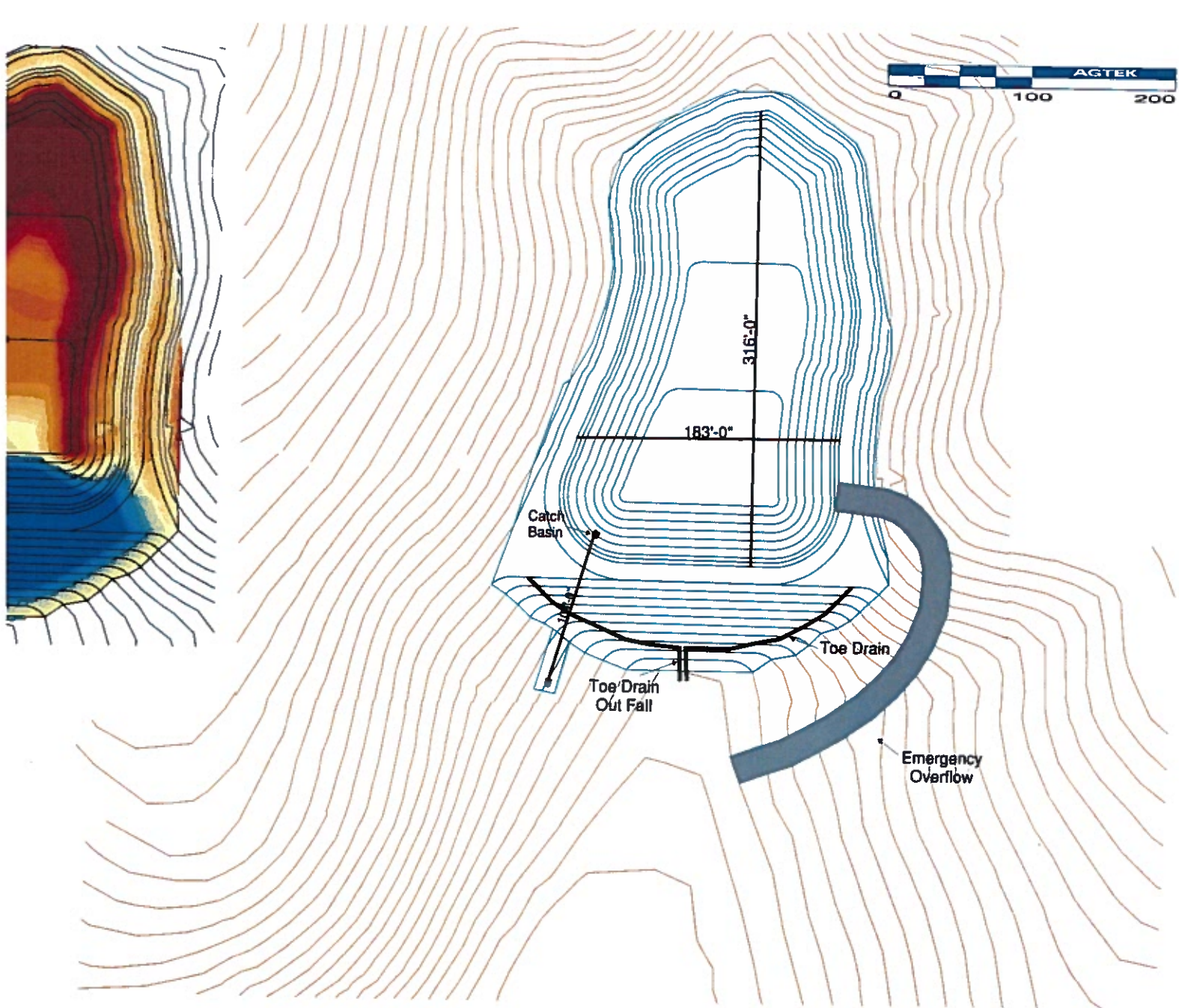
Sheet Issue

Soderstrom
Architects

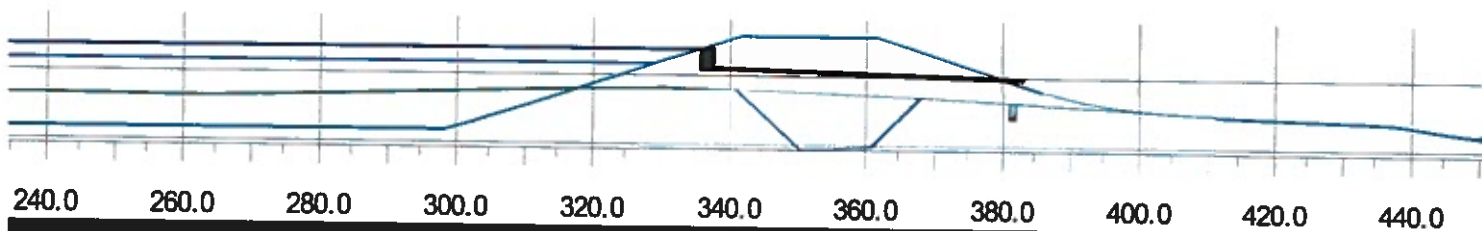
Ferar
Wine & Spirits Studio

1200 NW Nello Parkway, Suite 410
Portland, OR 97209

T 503-228-5617 | F 503-227-8584 | sdra.com



SUBGRADE vs. STRIPPED



CUT/FILL MAP



Pihl Excavating
41660 NW Sunset Highway
Banks, Oregon 97106

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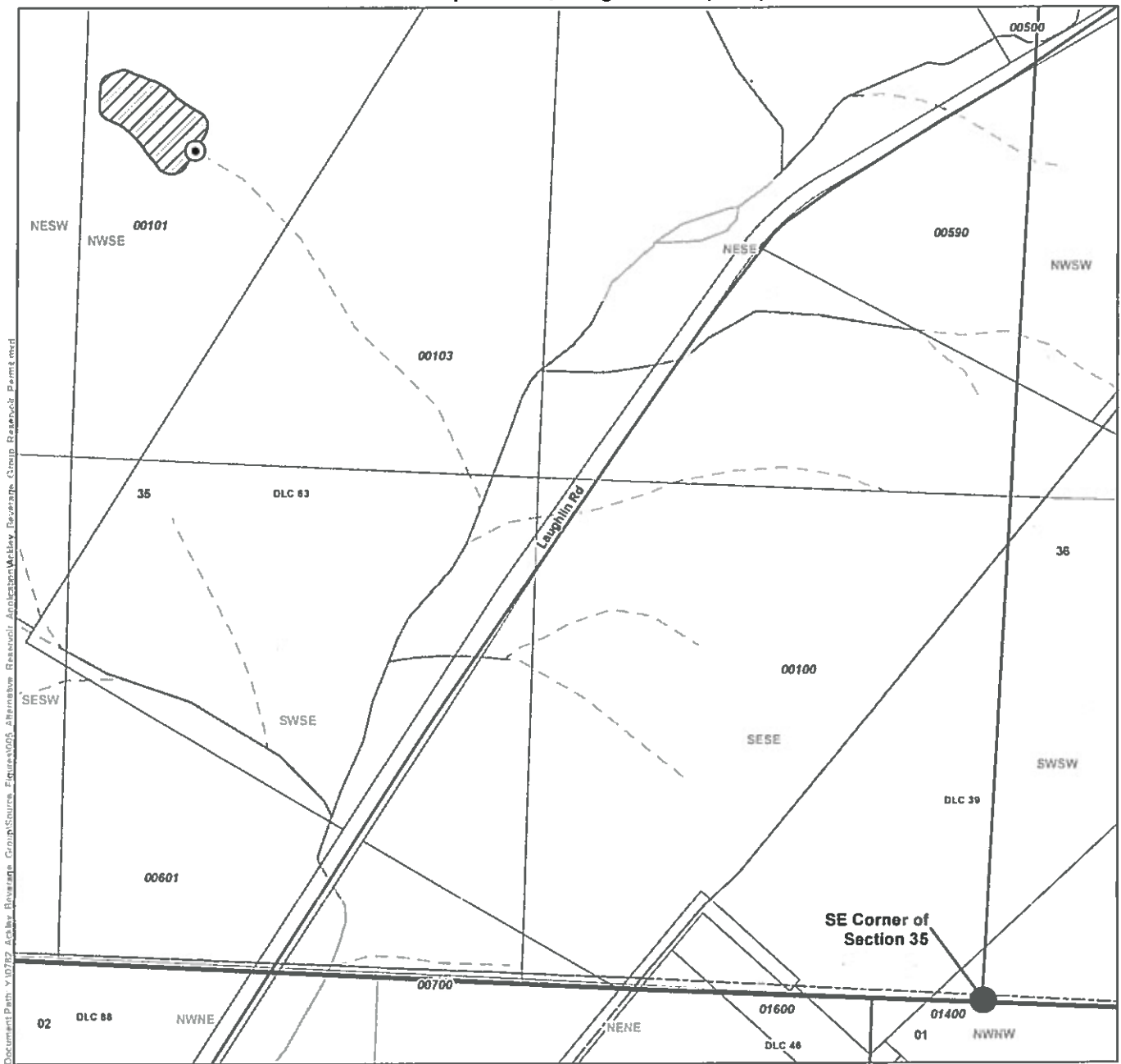
AUG 10 2020

OWRD

Application for a Permit to Store Water in a Reservoir in the Name of Ackley Beverage Group

Yamhill County, Oregon

Township 2 South, Range 4 West (W.M.)



LEGEND

- Dam
- Place of Use (POU)
- Tax Lot
- Government Lot (GL)
- Donation Land Claim (DLC)
- Railroad
- Road
- Watercourse
- Waterbody

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: May 5, 2020

Data Sources: ESRI, OWRD, BLM, Yamhill Co, OGIC

DAM LOCATION DESCRIPTION

Located 2,180 feet North and 2,190 feet East from the SW corner of Section 35, Township 2 South, Range 4 West (W.M.)

