

Application for a Permit to Store Water in a Reservoir

Alternate Review (ORS 537.409)



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.oregon.gov/OWRD

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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME EVAN KARP / DOMAINE SERENE VINEYARDS & WINERY			PHONE (HM)
PHONE (WK) 503-864-4600	CELL		FAX
ADDRESS 6555 NE HILLTOP LANE			
CITY DAYTON	STATE OR	ZIP 97114	E-MAIL * EVAN@DOMAINESERENE.COM

Organization

NAME DEEPWATER C&D PROPERTIES, LLC / DOMAINE SERENE V&W			PHONE 503-864-4600	FAX
ADDRESS 6555 NE HILLTOP LANE			CELL	
CITY DAYTON	STATE OR	ZIP 97114	E-MAIL *	

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

AGENT / BUSINESS NAME BILL FLATZ / STUNTZNER ENGINEERING & FORESTRY			PHONE 503-357-5717	FAX
ADDRESS 2318-B PACIFIC AVENUE			CELL 503-939-8381	
CITY FOREST GROVE	STATE OR	ZIP 97116	E-MAIL * BILLFLATZ@STUNTZNER.COM	

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

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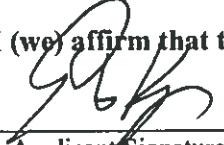
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By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally store water until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

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

	EVAN T. KARP	11/24/2020
Applicant Signature	Print Name and Title if applicable	Date
Applicant Signature	Print Name and Title if applicable	Date

SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoir name:	Pinnacle Reservoir				
Source*:	Runoff	Tributary:	Hess Creek / Willamette River		
County:	Yamhill				
Quantity:	12 Acre-Feet [length x width x depth / 43,560]				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	3 S	3 W	28	SW/SW	1001
Maximum Height of Dam:	9.9 feet. If excavated write "zero feet."				

* 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, an unnamed stream, or spring. The pond will fill from runoff from near the top of the drainage basin above Hess Creek in the Dundee hills.

SECTION 3: WATER USE

Indicate the proposed use(s) of the stored water: Multipurpose use

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: stock water, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.

SECTION 4: PROPERTY OWNERSHIP

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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SECTION 5: ENVIRONMENTAL IMPACT

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Channel: Is the Reservoir: in-stream or off channel?

Wetland: Is the project in a wetland? YES NO unknown

Existing: Is this an existing reservoir? YES NO

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

Fish Habitat: Is there a fish habitat upstream of the proposed structure? YES NO unknown

If YES, how much? _____ miles.

Existing: 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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SECTION 6: WITHIN A DISTRICT

Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

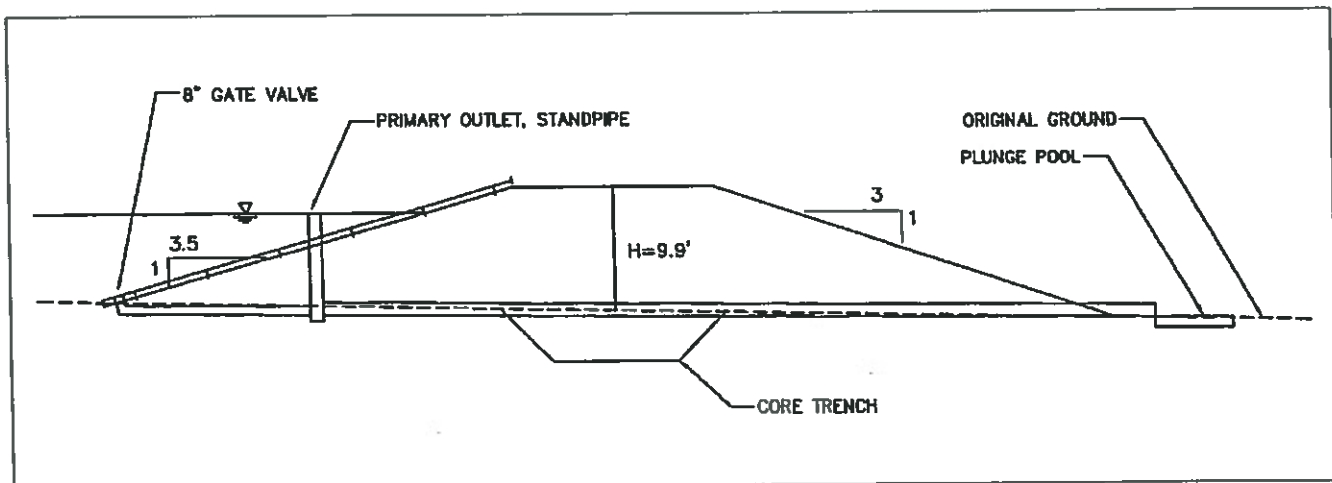
Irrigation District Name: N/A		Address:	
City:	State:	Zip:	

SECTION 7: DESCRIPTION

Provide a short 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.

A small dam will be constructed near the top of a small pass between two hills in the Dundee hills at the top of the Hess Creek drainage basin. The winter runoff will naturally flow into the reservoir. A stand pipe will pass overflow when the reservoir is full. An 8 inch pipe with gate valve will allow draining the pond for maintenance or emergency.

If the diversion involves a dam, use this space below 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).



Watermaster Alternate Reservoir Application Review Sheet

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 Water Resources 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))

Applicant's Name Chris Ramsey / Domaine Serene 3 S 3W Sec 28 SWSW		
1. Does the proposed reservoir have the potential to injure existing water rights? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Explain:		
2. Can conditions be applied to mitigate the potential injury to existing water rights? <input type="checkbox"/> YES <input type="checkbox"/> NO Explain: NA		
3. Is water available for the proposed reservoir? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
4. If yes, during what period? Beginning: End: Willamette WAB says available yearround Attach a WARS printout at 50% exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c))		
5. Did you meet with staff from another agency to discuss this application? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
Who:	Agency:	Date:
Who:	Agency:	Date:

Watermaster Name: Joel Plahn

Watermaster Signature: Joel Plahn Date: 10/1/2020

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NOTE: This completed form must be returned to the applicant

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.

Oregon sensitive species (Coastal Cutthroat Trout) are present in Hess Creek. The proposed use could diminish physical habitat and alter the flow regime to which fish are naturally adapted. These changes could negatively affect their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed water use may 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

ODFW Signature: 

Print Name: Jason Brandt

ODFW Title: SW Hydro Coordinator

Date: 11/2/20

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 type here through type here.

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.

Applicant Name: Domaine Serene Vineyards & Winery

ODFW Review

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.

- fishway:** 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 type here 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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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266503-986-0900
www.oregon.gov/OWRD

NAME CHRIS RAMSEY / DOMAINE SERENE VINEYARDS & WINERY			PHONE (HM)		
PHONE (WK) 503-864-4600 / 1202		CELL		FAX	
ADDRESS 6555 NE HILLTOP LANE					
CITY DAYTON		STATE OR	ZIP 97114	E-MAIL* CHRIS@DOMAINESERENE.COM	

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:
3 N	3 W	28	SW/SW	1001	F-80, EF-80, PWS	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Vineyard
_____	_____	_____	_____	_____	_____	<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

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 for pond

Estimated quantity of water needed: 12
 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 and Multi-Use

Briefly describe:

Owners intend to build a small dam, store runoff water and use some water for irrigation in the vineyard.

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

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 402.02 + 401.02 of the UCO
- 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
		<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: Stephanie Armstrong Title: Senior Planner
 Signature: [Signature] Phone: 503-434-7516 Date: 12/2/20
 Government Entity: Yamhill County

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



Receipt for Request for Land Use Information

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

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After recording return to:
Deepwater C&D Properties, LLC
1230 Peachtree St. NE, Suite 1500
Atlanta, GA 30309

Until a change is requested all tax
statements shall be sent to the
following address:
Deepwater C&D Properties, LLC
1230 Peachtree St. NE, Suite 1500
Atlanta, GA 30309

File No.: 1031-2988216 (MWG)
Date: March 09, 2018

THIS SPACE RESERVED FOR RECORDER'S USE

Yamhill County Official Records	201804144
DMR-DDMR	03/23/2018 01:18:00 PM
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

Mid-Valley Resources, Inc., a corporation, Grantor, conveys and warrants to Deepwater C&D Properties, LLC, a Delaware 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:
See attached Exhibit "B"

The true consideration for this conveyance is **\$zero dollars**. However, the actual consideration consists of other value given or promised which is the whole of the consideration. (Here comply with requirements of ORS 93.030)

FIRST AMERICAN TITLE 2988216

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 22 day of March, 2018.

Mid-Valley Resources, Inc., an Oregon corporation

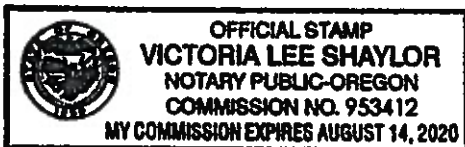
By: [Signature]
Name: Steven J. Zika
Title: Authorized Signer

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STATE OF Oregon)
County of ~~Yamhill~~ Washington) WLS)ss.

This instrument was acknowledged before me on this 22nd day of March, 2018 by Steven J. Zika as Authorized Signer of Mid-Valley Resources, Inc., on behalf of the corporation.

Victoria J. Shaylor



Notary Public for Oregon
My commission expires:

EXHIBIT A

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

Part of the BREYMAN ORCHARDS in Yamhill County, Oregon, described as follows:

BEGINNING at the Northwest corner of Lot 1 of said BREYMAN ORCHARDS; thence South 00°32' West along the West line of said Lot, 1211.8 feet to the Southwest corner thereof; thence South 88°40' East, 943.8 feet to angle corner of Lot 19 and South 6°18' East, 36 feet from the corner of Sections 28, 29, 32 and 33 of Township 3 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon; thence South 6°18' East, 210.3 feet; thence South 89°18' East, 964.8 feet; thence South 79°34' East, 1395.9 feet; thence South 81°45' East, 647.8 feet; thence South 00°36' West, 650.2 feet to a point North 00°36' East, 497 feet from the corner of Lots 32, 33, 43, and 44; thence South 89°24' East, 1125.8 feet to a point 35 feet North and 40 feet East of a spring now there; thence South 00°36' West, 406.2 feet; thence South 89°24' East, 1516.1 feet to a corner in fence on the East line of BREYMAN ORCHARDS; thence North 1° East, 2801 feet to an iron pipe at the Northeast corner of said BREYMAN ORCHARDS; thence North 89°14' West, along the North line of said BREYMAN ORCHARDS tract, 6625.2 feet to the point of beginning.

EXCEPTING THEREFROM Lots 8, 9, 10, 11, 12 and 13 of BREYMAN ORCHARDS.

ALSO FURTHER EXCEPTING THEREFROM a tract of land in Sections 28 and 33 of Township 3 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

BEGINNING at the Northeast corner of Lot 7 of BREYMAN ORCHARDS; thence South 89°53'41" West, 1378.10 feet along the North line of BREYMAN ORCHARDS, which is also the North line of the Henry Hill Donation Land Claim to an iron rod on a curve concave to the Southwest having a radius of 465.0 feet; thence Southeasterly 178.26 feet along said curve (chord = South 52°58'30" East, 177.17 feet) to the end of said curve; thence South 41°59'30" East, 140.31 feet; thence South 37°00' East, 121.87 feet to the beginning of a curve concave to the Northeast having a radius of 586.41 feet; thence Southeasterly 133.79 feet along said curve (chord = South 43°32' East, 133.50 feet); thence South 50°04' East, 202.79 feet to the beginning of a curve concave to the Southwest having a radius of 411.64 feet; thence Southeasterly 259.28 feet along said curve (chord = South 32°01'20" East, 255.02 feet); thence South 13°58'40" East, 313.65 feet; thence South 07°41' East, 170.50 feet to the beginning of a curve concave to the East having a radius of 260.91 feet; thence Southeasterly 154.46 feet along said curve (chord = South 24°38'30" East, 152.21 feet); thence South 41°36' East, 144.19 feet to a curve concave to the Northeast, having a radius of 296.62 feet; thence Southeasterly 103.93 feet along said curve (chord = South 51°38'20" East, 103.40 feet); thence South 61°40'40" East, 165.28 feet to the beginning of a curve concave to the Southwest, having a radius of 330.43 feet; thence Southeasterly 196.38 feet (chord = South 44°39' East, 193.50 feet); thence South 27°37'30" East, 117.82 feet to an iron rod that is South 0°21'53" West, 281.73 feet from the Southeast corner of Lot 14 of BREYMAN ORCHARDS; thence North 00°21'53" East, 281.73 feet to the Southeast corner of said Lot 14; thence North 00°21'53" East, 1576.42 feet along the East line of Lots 14 and 7 to the point of beginning.

TOGETHER WITH that permanent non-exclusive easement for right of way, including the terms and provisions thereof, as described in instrument recorded February 16, 1978 in Film Volume 126, Page 1752, Deed and Mortgage Records, Yamhill County, Oregon.

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Exhibit "B"

1. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
2. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land pursuant to O.R.S. 321.358 to 321.372. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last five (5) or lesser number of years in which the land was subject to the special land assessment.
3. Easement, including terms and provisions contained therein:
Recording Information: September 10, 1951 in Film Volume 168, Page 42, Deed and Mortgage Records
In Favor of: Portland General Electric Company
For: Right of Way
4. Easement, including terms and provisions contained therein:
Recording Information: February 08, 1963 in Film Volume 28, Page 91, Deed and Mortgage Records
In Favor of: Portland General Electric Company
For: Right of Way
5. Easement, including terms and provisions contained therein:
Recording Information: February 16, 1978 in Film Volume 126, Page 1752, Deed and Mortgage Records
In Favor of: Publishers Paper Co., a Delaware corporation
For: Right of Way
6. Encroachment as disclosed CSP 8721
7. An easement reserved in a deed, including the terms and provisions thereof;
Recorded: September 29, 1989
Recording Information: Film Volume 236, Page 1674, Deed and Mortgage Records
From: Smurfit Newsprint Corporation, a Delaware corporation
To: C. Calvert Knudsen and Julia Lee Knudsen, husband and wife
For: Roadway
8. Easement, including terms and provisions contained therein:
Recording Information: September 29, 1989 in Film Volume 236, Page 1680, Deed and Mortgage Records
In Favor of: Smurfit Newsprint Corporation, a Delaware corporation
For: Right of Way
9. Matters arising out of, or from, Case CV110139 Yamhill County Circuit Court, State of Oregon.

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Business Registry Business Name Search

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Business Entity Data

09-16-2020
16:58

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1313093-95	FLLC	ACT	DELAWARE	04-10-2017	04-10-2021	
Entity Name	DEEPWATER C&D PROPERTIES, LLC					
Foreign Name						

[New Search](#)

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS			
Addr 1	1230 PEACHTREE STREET NE SUITE 1500				
Addr 2					
CSZ	ATLANTA	GA	30309	Country	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	04-10-2017	Resign Date	
Of Record	003292-27	C T CORPORATION SYSTEM				
Addr 1	780 COMMERCIAL ST SE STE 100					
Addr 2						
CSZ	SALEM	OR	97301	3465	Country	UNITED STATES OF AMERICA

Type	MAL	MAILING ADDRESS			
Addr 1	1230 PEACHTREE STREET NE SUITE 1500				
Addr 2					
CSZ	ATLANTA	GA	30309	Country	UNITED STATES OF AMERICA

Type	MEM	MEMBER			Resign Date	
Name	HOWARD	RUBIN TRUSTEE				
Addr 1	225 SOUTH SIXTH ST					
Addr 2	SUITE 2800					
CSZ	MINNEAPOLIS	MN	55402	Country	UNITED STATES OF AMERICA	

Type	MEM	MEMBER			Resign Date	
Name	EVAN	KARP				
Addr 1	6555 NE HILLTOP LANE					
Addr 2						
CSZ	DAYTON	OR	97114	Country	UNITED STATES OF AMERICA	

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[New Search](#)



How would you like to enter your Location?

- Latitude/Longitude in Decimal Degrees (ex: Latitude: 45.0123 degrees, Longitude: -121.5321 degrees)
- Latitude/Longitude in Decimal Minutes (ex: 45 degrees, 27.567 minutes)
- Latitude/Longitude in Degrees, Minutes, Seconds (ex: 45 degrees, 37 minutes, 28 seconds)
- By Address (ex: 725 Summer ST NE Salem, OR 97301)
- By Public Land Survey (Township 1S, Range 3E, Section 5, NE Quarter/Quarter of SW Quarter)

Latitude: 45.275

Longitude: -123.070

[Find Location](#)

Location

Latitude/Longitude: 45.275, -123.07

OR Lambert X,Y: 650866.2, 1295255

[View Location on Google Maps](#)

Public Land Survey (TRSQQ)

Meridian: WM

Township/Range/Section: 3.00S-3.00W-28

Quarter/Quarter: SW-SW

Political Features

County: Yamhill

OWRD Region: NW

Watermaster District: 22

DEQ Region: n/a

ODFW Region: Northwest Region

ODFW District: NWW-D-Coast Range Unit

Hydrologic Features

Basin: Willamette

Water Availability Basin: WILLAMETTE R > COLUMBIA R - AB MOLALLA R (182)

Priority WAB Name: WILLAMETTE R ab MOLALLA R (OWRD: Poor, ODFW: Poor) (182)

Groundwater Features

Groundwater Restricted Area: n/a

Other Features

4D Rules Apply: Rules apply

Division 33 Ruleset(s): Lower Columbia; STATEWIDE

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Water Availability Analysis

WILLAMETTE R > COLUMBIA R - AB MOLALLA R
WILLAMETTE BASIN

Water Availability as of 9/29/2020

Watershed ID #: 182 ([Map](#))
Date: 9/29/2020

Exceedance Level: 80%
Time: 2:07 PM

[Water Availability](#)

[Limiting Watersheds](#)

[Complete Water Availability Analysis](#)

Water Availability

Select any Watershed for Details

	Nesting Watershed Order	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
Select	1	WILLAMETTE R> COLUMBIA R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Select	2	WILLAMETTE R> COLUMBIA R- AB MOLALLA R	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

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Water Availability Analysis

Detailed Reports

WILLAMETTE R > COLUMBIA R - AB MOLALLA R
WILLAMETTE BASIN

Water Availability as of 9/29/2020

Watershed ID #: 182 ([Map](#))

Date: 9/29/2020

Exceedance Level: 80%

Time: 2:07 PM

Water Availability Calculation	Consumptive Uses and Storages	Instream Flow Requirements	Reservations
Water Rights	Watershed Characteristics		

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	21,400.00	2,300.00	19,100.00	0.00	1,500.00	17,600.00
FEB	23,200.00	7,480.00	15,700.00	0.00	1,500.00	14,200.00
MAR	22,400.00	7,260.00	15,100.00	0.00	1,500.00	13,600.00
APR	19,900.00	6,910.00	13,000.00	0.00	1,500.00	11,500.00
MAY	16,600.00	4,250.00	12,300.00	0.00	1,500.00	10,800.00
JUN	8,740.00	1,970.00	6,770.00	0.00	1,500.00	5,270.00
JUL	4,980.00	1,800.00	3,180.00	0.00	1,500.00	1,680.00
AUG	3,830.00	1,650.00	2,180.00	0.00	1,500.00	684.00
SEP	3,890.00	1,390.00	2,500.00	0.00	1,500.00	999.00
OCT	4,850.00	752.00	4,100.00	0.00	1,500.00	2,600.00
NOV	10,200.00	888.00	9,310.00	0.00	1,500.00	7,810.00
DEC	19,300.00	970.00	18,300.00	0.00	1,500.00	16,800.00
ANN	15,200,000.00	2,250,000.00	13,000,000.00	0.00	1,090,000.00	11,900,000.00

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Oregon Water Resources Department
Alternate Reservoir Application

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

Today's Date: Friday, September 25, 2020

Base Application Fee.		\$410.00
Proposed Dam Height in feet.	9.9	
Proposed Reservoir volume in Acre Feet.	12	\$420.00
Subtotal:		\$830.00
Permit Recording Fee. ***		\$520.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$1,350.00

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Alternate Use Reservoir Application

For:
Domaine Serene Vineyards & Winery
and
Deepwater C & D Properties, LLC

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INDEX

Application Form, 3 pages ,	page 1
Watermaster Alternate Reservoir Review Sheet, 1 page,	page 4
ODFW Alternate Reservoir Review Sheet, 4 pages,	page 5
OWRD Land Use Information Form, 2 pages,	page 9
Statutory Warranty Deed, 4 pages,	page 11
Secretary of State Business Registry Printout, 1 page,	page 15
OWRD Location Information Lookup printout, 1 page,	page 16
OWRD Water Availability Analysis printout, 1 page,	page 17
OWRD Water Availability Analysis printout, 1 page,	page 18
OWRD Alt. Reservoir Application Estimated cost of permit, 1 page,	page 19

Produced for: Domaine Serene Vineyards & Winery:
By: Stutzner Engineering & Forestry
2318-B Pacific Avenue
Forest Grove, OR 97116
Office phone 503-357-5717
billflatz@stutzner.com



TELEPHONE (503) 357-5717
FAX (503) 357-5698
EMAIL: nickblundon@stuntzner.com

2318-B Pacific Avenue
Forest Grove, Oregon 97116

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Oregon Water Resources Department
725 Summer Street NE, Ste. A
Salem, OR 97301-1266

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December 7, 2020

DEC 09 2020

Application for an Alternate Pond Permit.

OWRD

To Whom It May Concern:

An Application for an Alternate Process Pond Permit to store water has been completed for Domaine Serene Winery and Deepwater C & D Properties, LLC.

You will find the following enclosed:

1. A check in the amount of \$1,350.00 to pay the statutory review fee for an alt. pond application.
2. The completed application map.
3. The completed and signed application for an alternate pond
4. Attachments attached to the application:
 - Watermaster alternate reservoir review sheet.
 - ODFW alternate reservoir review sheet.
 - OWRD Land use compatibility statement from Yamhill County Planning.
 - Statutory Warranty Deed.
 - Secretary of state business registry printout.
 - OWRD location information lookup printout.
 - OWRD Water availability analysis printout.
 - OWRD Water availability calculation printout.
 - OWRD Alternate reservoir application fee printout.

If you have any questions on this submitted material, please contact:

Bill Flatz

Office: 503-357-5717

Cell: 503-939-8381

Email: billflatz@stuntzner.com

Sincerely,

Bill Flatz – PE, CWRE

Stuntzner Engineering & Forestry, LLC.