

Certificate Checklist for Qualifying Reservoirs

Under ORS 537.409(10)(11) (COBU by Permittee for "Alternative Reservoirs")

(Must be less than 9.2 acre feet)

File No. R- 87105

File Marked X

Date Rec'd. 12/1/2020

Claim Logged _____

Reviewer CM

Peer Review _____

Intake Checklist

Does a secondary permit exist for use of water under this permit at the time of this submittal?

YES NO (If "Yes", this self certification cannot be accepted. The Claim must be prepared by a CWRE for both the reservoir and the secondary use permit.)

Are reservoir dimensions included? YES NO

Signed by all permittees? YES NO (Must be signed by all permittees. If not, Assignment may be needed).
(assignment submitted w/ claim.)

Was a map included? YES NO (Must Identify Location of the Reservoir)

Processing Notes and Conclusions

The Claimed maximum capacity of the reservoir in acre feet is: _____

The Permitted capacity of the reservoir in acre feet is: _____

Is this reservoir located within an "Area of Interest"? YES NO

Identified Party _____

Current Ownership Check:

Does the County Assessor indicate that there is a new landowner? YES NO

(If new owners, indicate name and mailing address below)

Issue: PROPOSED (If fewer acre feet were developed than were permitted)

CERTIFICATE # _____

**CLAIM OF
BENEFICIAL USE
for Reservoirs storing less than
9.2 acre-feet permitted under
ORS 537.409**



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

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A fee of \$200 must accompany this form.
The Claim will be returned if the fee is not included.

This form may be completed by the permit holder of record if:

- 1) The permit was issued under the authority of ORS 537.409; and
- 2) No secondary permit exists for the use of water stored in the reservoir; and
- 3) The developed capacity of the reservoir is less than 9.2 acre-feet; and
- 4) The water was stored by the date required in the permit; and

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A separate form shall be completed for each permit.

This form must be submitted to the Water Resources Department within one year of storage of water in the reservoir.

Please type or print in dark ink. If the data provided is found to contain errors or omissions, it may be returned. The Department may require the submittal of additional information.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

**SECTION 1
GENERAL INFORMATION**

File Information:

APPLICATION # R- 87165	PERMIT # R- 14683
---------------------------	----------------------

Applicant Information:

APPLICANT NAME Hyland Vineyards, Inc	PHONE NO. Ext 102 503 476 0203	ADDITIONAL CONTACT NO. 503 583 0536 Mobile
ADDRESS 20980 NE Niederberger Road		
CITY Dundee	STATE OR	ZIP 97115
E-MAIL gwene@wwineco.com		

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**SECTION 2
 RESERVOIR INFORMATION**

Reservoir Dimensions and Capacity:

AVERAGE LENGTH	AVERAGE WIDTH	AVERAGE DEPTH	MAXIMUM CAPACITY IN ACRE-FEET
56'	68'	7.5	66

To determine capacity in acre-feet use for the above table, use the following calculation:

$$\text{Acre-feet} = \frac{(\text{Average Length})(\text{Average Width})(\text{Average Depth})}{43,560}$$

**SECTION 3
 MAP**

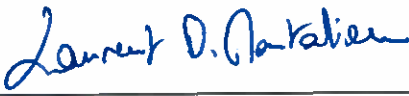


Attach a map identifying the reservoir location. If the water right application map accurately reflects the location of the reservoir, you may attach a copy of it. Otherwise, you must submit a map meeting the standards of OAR 690-310-0050, which are attached.

Preparation of the map by a Certified Water Rights Examiner is not required for this type of permit, but may be submitted.

**SECTION 4
 SIGNATURE**

This Claim of Beneficial Use must be signed by each permit holder of record.

By my signature, I certify that the information contained herein is true and correct to the best of my knowledge.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Laurent Montalieu	Owner	9/21/20
	Danielle Andrus	Owner	9/21/20
	John Niemeyer FBO John and Ginger Niemeyer Foundation	president owner	9/21/20

(Please DO NOT submit this page.)

MAP REQUIREMENTS - OAR 690-310-0050

(1) Each application shall be accompanied by a map or drawing which shall be considered a part of the application.

(2) Maps submitted with water use applications shall meet the following criteria:

(a) The application map, which is made part of the record, shall be of permanent quality and drawn in ink or otherwise printed in an indelible form with sufficient clarity so as to be easily reproduced;

(b) Maps shall be drawn on good-quality paper. If the map is larger than 11 inches by 17 inches, four copies must be submitted or the map must be drawn on tracing linen, tracing vellum or mylar;

(c) All maps shall be drawn to a standard, even scale of not less than 4 inches = 1 mile. All maps must include the scale to which the map is drawn and a north directional symbol.

(3) A platted and recorded subdivision map, deed description survey map or county assessor may be submitted as the application map if all of the required information is clearly shown.

(4) Each copy of the map shall show clearly each of the following requirements that apply to the proposed appropriation:

(a) The location of each diversion point, well, or dam by reference to a recognized public land survey corner. The locations may be shown by distance and bearing or by coordinates (distance north or south and distance east or west from the corner);

(b) The location of main canals, ditches, pipelines, or flumes;

(c) The location of the place where water is to be used identified by tax lot, township, range, section and nearest quarter-quarter section along with a notation of the acreage of the proposed place of use, if appropriate. The Department also shall accept any locational coordinate information that the applicant may wish to provide, including latitude and longitude as established by a global positioning system. If for irrigation, the area to be irrigated in each quarter-quarter of a section shall be indicated by shading or hachuring and the number of acres in each quarter-quarter section, donation land claim, government lot or other recognized public land survey lines indicated.

STATE OF OREGON

COUNTY OF POLK

PERMIT TO CONSTRUCT A RESERVOIR AND STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

OLSEN AGRICUTLURE
8930 SUVER RD
MONMOUTH OR 97361

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

APPLICATION FILE NUMBER: R-87105

SOURCE OF WATER: RUNOFF, TRIBUTARY TO LUCKIAMUTE RIVER

STORAGE FACILITY: VIRIDIAN RESERVOIR

MAXIMUM VOLUME: 9.19 ACRE FEET

DATE OF PRIORITY: MARCH 3, 2008

WATER MAY BE APPROPRIATED DURING THE PERIOD: NOVEMBER 1 THROUGH JUNE 30

USE: MULTIPLE PURPOSE

Dam Location/Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	5 W	WM	26	NE SE	64	400 FEET SOUTH AND 990 FEET EAST FROM NW CORNER, SMITH COLLINS DLC 64

The Area To Be Submerged:

Twp	Rng	Mer	Sec	Q-Q	DLC
9 S	5 W	WM	26	NE SE	64

Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a staff gage or other suitable measuring device(s) as approved by the Department. If the Director notifies the permittee to install a measuring device(s), the permittee shall install such devices within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the devices in good working order and shall allow the Watermaster access to the devices. The Director may provide an opportunity for the permittee to submit alternative measurement procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

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

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

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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.

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

STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
3. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
4. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
5. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.
6. 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 due to reduced flows.
7. If the volume of the completed reservoir is 9.2 acre feet or more and a dam is used to impound the water, the height of the dam shall be less than 10.0 feet.
8. Construction shall be completed and up to the permitted volume of water shall be stored within five years of the date of permit issuance.

9. Within five years of permit issuance, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.
10. The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir capacity is equal to or greater than 9.2 acre-feet.
11. If no secondary permit exists and the reservoir capacity is less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:
 - a. the dimensions of the reservoir;
 - b. the maximum capacity of the reservoir in acre-feet; and
 - c. a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

Issued DECEMBER 4, 2008.



for Phillip C. Ward, Director
Water Resources Department

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WATER RIGHTS APPLICATION MAP

T9S, R5W, WM

S 25, Taxlot 400 (also in S 26)

S 36, Taxlot 300 (also in S 35)

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POLK COUNTY, OR

WILLAMETTE RIVER BASIN



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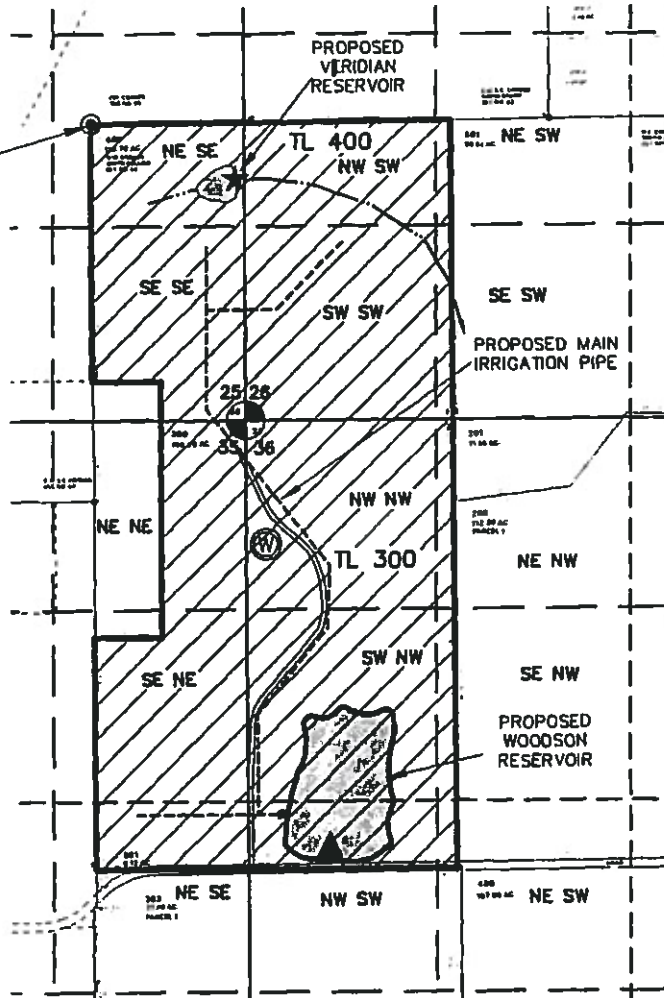
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NW corner
Smith Collins
DLC 64

IRRIGATION ACREAGE		
SEC. 25	NE SE	17.3 AC
	SE SE	29.5 AC
	TOTAL -	46.8 AC
SEC. 26	NW SW	22.0 AC
	SW SW	40.0 AC
	NE SW	1.7 AC
	SE SW	3.6 AC
	TOTAL -	67.3 AC
SEC. 35	NE NE	17.4 AC
	SE NE	29.5 AC
	NE SE	11.1 AC
TOTAL -	58.0 AC	
SEC. 36	NW NW	40.0 AC
	NE NW	3.6 AC
	SW NW	40.0 AC
	SE NW	3.9 AC
	NW SW	14.0 AC
NE SW	1.4 AC	
TOTAL -	102.9 AC	
TOTAL IRRIGATED AC 275.0		



- ⊙ Well is 2900 ft south and 1210 ft east of NW corner Smith Collins DLC 64
- ▲ Woodson Point of Diversion is 5000 ft south and 1650 ft east of NW corner Smith Collins DLC 64.
- ★ Veridian Point of Diversion is 400 ft south and 990 ft east of NW corner Smith Collins DLC 64

----- Proposed main irrigation pipe (approx. location-system not designed)



Potential irrigation area

..... Unnamed intermittent stream

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WATER RESOURCES DEPT
SALEM, OREGON

Note: The proposed winery is NW of the well, but not constructed yet.



THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

1320 0 660 1320



1 inch = 1320 ft.

MAP BASE:
ASSESSOR MAPS 9S 5 36,
& 9S 5 25

Project: 307-2-135
Drawing: 30721350A-Mulkey Res.WR.dwg
By: CVB/WPK
Checked by: EAU
Date: 2-11-08

Handwritten note: a...la D 0710C

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

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THIS PERMIT IS HEREBY ISSUED TO

OLSEN AGRICULTURE
14115 DEARMOND RD
MONMOUTH, OR 97361-9746

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

APPLICATION FILE NUMBER: G-17017

SOURCE OF WATER: A WELL (POLK 52721) IN BERRY CREEK BASIN

PURPOSE OR USE: COMMERCIAL USE, POND MAINTENANCE OF VIRIDIAN RESERVOIR (CONSTRUCTED UNDER PERMIT R-14683) AND WOODSEN RESERVOIR (TO BE CONSTRUCTED UNDER APPLICATION R-87103), AND IRRIGATION OF 275.0 ACRES

MAXIMUM RATE: 0.036 CUBIC FOOT PER SECOND

PERIOD OF USE:

- COMMERCIAL USE - SEPTEMBER 1 THROUGH NOVEMBER 30
- POND MAINTENANCE - MARCH 1 THROUGH SEPTEMBER 30
- IRRIGATION USE - MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MARCH 3, 2008

WELL LOCATION: NWNW, SECTION 36 (DLC 64), T9S, R5W, W.M.; 2900 FEET SOUTH AND 1210 FEET EAST FROM NW CORNER, SMITH COLLINS DLC 64

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

COMMERCIAL USES

- NE ¼ SW ¼
- NW ¼ SW ¼
- SW ¼ SW ¼
- SE ¼ SW ¼

IRRIGATION

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NE ¼ SW ¼ 1.7 ACRES
NW ¼ SW ¼ 22.0 ACRES
SW ¼ SW ¼ 40.0 ACRES
SE ¼ SW ¼ 3.6 ACRES
SECTION 25

COMMERCIAL USES

NE ¼ SE ¼
SE ¼ SE ¼

POND MAINTENANCE

NE ¼ SE ¼

IRRIGATION

NE ¼ SE ¼ 17.3 ACRES
SE ¼ SE ¼ 29.5 ACRES
SECTION 26

COMMERCIAL USES

NE ¼ NE ¼
SE ¼ NE ¼
NE ¼ SE ¼

IRRIGATION

NE ¼ NE ¼ 17.4 ACRES
SE ¼ NE ¼ 29.5 ACRES
NE ¼ SE ¼ 11.1 ACRES
SECTION 35

COMMERCIAL USES

NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼

IRRIGATION

NE ¼ NW ¼ 3.6 ACRES
NW ¼ NW ¼ 40.0 ACRES
SW ¼ NW ¼ 40.0 ACRES
SE ¼ NW ¼ 3.9 ACRES
NE ¼ SW ¼ 1.4 ACRES
NW ¼ SW ¼ 14.0 ACRES

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POND MAINTENANCE

SW ¼ NW ¼

NW ¼ SW ¼

SECTION 36

TOWNSHIP 9 SOUTH, RANGE 5 WEST, W.M.

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Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the meter in good working order.
- B. The permittee shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- C. The permittee shall allow the watermaster access to the meter; provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The reference water level shall be determined by data collected under Application LL-1102. This measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction

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Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

At the time of certification, the total rate allowed for pond maintenance may be reduced, in accordance with Departmental standards, so as to be commensurate with the certified volume(s) of the reservoir(s).

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~~STANDARD CONDITIONS~~

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Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well(s) shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

If the riparian area is disturbed in the process of developing a point of appropriation, 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 downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued July 8, 2010

E. Timothy Ward

for Phillip C. Ward, Director
Water Resources Department

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WATER RIGHTS APPLICATION MAP

T9S, R5W, WM

S 25, Taxlot 400 (also in S 26)

S 36, Taxlot 300 (also in S 35)

OLSEN AG - MULKEY HILL

POLK COUNTY, OR

WILLAMETTE RIVER BASIN

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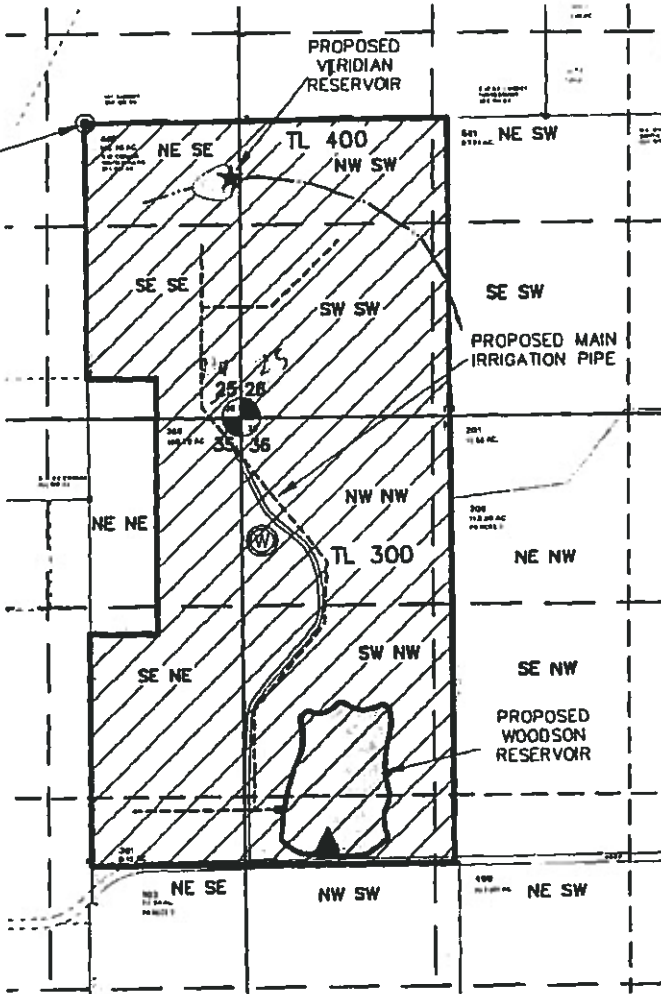
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NW corner
Smith Collins
DLC 64

IRRIGATION ACREAGE		
SEC. 25	NE SE	17.3 AC
	SE SE	29.5 AC
	TOTAL -	46.8 AC
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	SE NE	29.5 AC
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SEC. 36	NW NW	40.0 AC
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	SW NW	40.0 AC
	SE NW	3.9 AC
	NW SW	14.0 AC
	NE SW	1.4 AC
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TOTAL IRRIGATED AC		275.0



- ⊙ Well is 2900 ft south and 1210 ft east of NW corner Smith Collins DLC 64
- ▲ Woodson Point of Diversion is 5000 ft south and 1650 ft east of NW corner Smith Collins DLC 64.
- ★ Viridian Point of Diversion is 400 ft south and 990 ft east of NW corner Smith Collins DLC 64

----- Proposed main irrigation pipe (approx. location-system not designed)



Potential irrigation area

--- Unnamed intermittent stream

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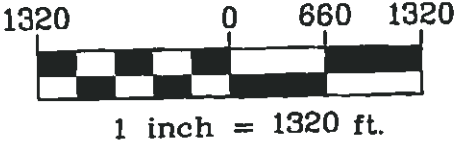
MAR 03 2008

WATER RESOURCES DEPT
SALEM, OREGON

Note: The proposed winery is NW of the well, but not constructed yet.



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MAP BASE:
ASSESSOR MAPS 9S 5 36,
& 9S 5 25

Project: 307-2-135
Drawing: 30721350A-Mulkey Res.WR.dwg
By: CVB/WPK
Checked by: EAU
Date: 2-11-08

ADD 10 G-17017

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