

Application for a Permit to Use Surface Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME RED HILLS FARM,, LLC (ATTN: JASON TOSCH)			PHONE (HM) 503-726-6603
PHONE (WK) 503-864-3404 EXT. 8037	CELL		FAX
ADDRESS PO Box 189			
CITY DAYTON	STATE OR	ZIP 97114	E-MAIL * JASON@STOLLERWINEGROUP.COM

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Organization

NAME		PHONE	FAX
ADDRESS		CELL	
CITY	STATE	ZIP	E-MAIL *

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

AGENT / BUSINESS NAME KARINA NORDAHL (OTAK INC.)		PHONE 503-415-2313	FAX 503-415-2304
ADDRESS 808 SW 3 RD AVE. STE. 800		CELL	
CITY PORTLAND	STATE OR	ZIP 97204	E-MAIL * KARINA.NORDAHL@OTAK.COM

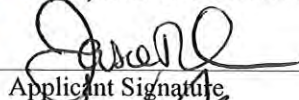
Note: Attach multiple copies as needed

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

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I receive 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 receive water to which they are entitled.

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


Applicant Signature

JASON TOSCH
Print Name and Title if applicable

1/14/2021
Date


Applicant Signature

Wayne Marshall
Print Name and Title if applicable
Manager

1/29/21
Date

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

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- ☒ YES, there are no encumbrances.
- ☐ YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- ☐ NO, I have a recorded easement or written authorization permitting access.
- ☐ NO, I do not currently have written authorization or easement permitting access.
- ☐ NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- ☐ NO, because water is to be diverted, conveyed, and/or used only on federal lands.

Affected Landowners: List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

Legal Description: You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

Source 1: Reservoir BR-A	Tributary to: Little Hell's Canyon Creek/Cedar Creek
TRSQQ of POD: 3S2W11B301	
Source 2:	Tributary to:
TRSQQ of POD:	

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in Section 3A above?

- ☒ Yes. ☐ No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)

If *all* sources listed in Section 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

☐ By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

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SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

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This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:
https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0801.

Upper Columbia - OAR 690-033-0115 thru -0130

Is the POD located in an area where the Upper Columbia Rules apply?

☐ Yes ☒ No

If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.

- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

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Lower Columbia - OAR 690-033-0220 thru -0230

Is the POD located in an area where the Lower Columbia rules apply?

☒ Yes ☐ No

If yes, you are notified that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, provide the following information (the information must be provided with the application to be considered complete).

☐ Yes ☒ No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

Statewide - OAR 690-033-0330 thru -0340

Is the POD located in an area where the Statewide rules apply?

☒ Yes ☐ No

If yes, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve "no loss of essential habitat of threatened and endangered (T&E) fish species," or "no net loss of essential habitat of sensitive (S) fish species." If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

SECTION 5: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Reservoir BR-A	Irrigation	April through October	3.8 ☐ cfs ☐ gpm ☒ af
Reservoir BR-A	Fire Control	Year-round for emergency use only	☐ cfs ☐ gpm ☒ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: 100 Acres Supplemental: _____ Acres

If Supplemental Acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): _____

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 3.8

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: _____
- If the use is **mining**, describe what is being mined and the method(s) of extraction: _____

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SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

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

- ☒ Pump (give horsepower and type): 2 x 7.5 HP submersible pumps controlled by individual VFD's
☐ Other means (describe): _____

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

A 9.8-foot berm will be constructed upstream of Little Hells Canyon Creek to retain overland runoff inside the reservoir. An outflow structure and pipe system will be installed through the proposed berm for controlled releases of the stored water when needed.

During the winter, overland runoff will be collected in the reservoir until the overflow structure is engaged. Flows entering the reservoir that exceed its capacity will flow through a riser located approximately 1 foot below the top of berm. An outlet pipe will connect the riser structure to a manhole structure inside the berm, which will outfall through another pipe to the downstream side of berm to the upper end of the stream. A secondary outlet pipe installed from the bottom of the reservoir and connect to the manhole, will have a gate valve to be operated when the reservoir needs to be drained, either for permitting or maintenance purposes.

B. Application Method

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

Surface Water — Page 5

For Department Use: App. Number: _____

Rev. 06-18

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

Methods used to determine irrigation requirements include best management practices and LIVE certified sustainable viticulture practices. Measurements are taken by equipment to determine evapotranspiration (Et), negative water potential, and soil moisture. Water is then delivered at a rate of vine consumption with Et, negative water potential, and soil moisture taken into account. This method of "reduced deficit" irrigation ensures that water is not wasted and minimizes impacts to the surface water due to overwater erosion.

SECTION 7: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources:

- ☐ Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.
Describe planned actions: _____
- ☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.
Describe planned actions and additional permits required for project implementation: 1200-C will be implemented during construction. Post construction, the riparian and streamside areas will be projected not be disturbed.
- ☒ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe planned actions and additional permits required for project implementation: Post construction, no equipment will be operated within the stream.
- ☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: A permanent cover crop will be planted on all the disturbed areas post construction. Winter cover crops will also be planted in the vineyards where water use will begin in the spring.
- ☐ List other federal and state permits or contracts to be obtained, if a water right permit is granted.

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: September of 2020
b) Date construction will be completed: October of 2020
c) Date beneficial water use will begin: April of 2021

SECTION 9: WITHIN A DISTRICT

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

Irrigation District Name	Address	
City	State	Zip

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application. (*Attach additional sheets if necessary*).
Land Use Information Form and property description attached within Water Right Application for Storage in a Reservoir, permit #R-88695

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D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
3S	2W	11	B	301

E. Dam: Maximum height of dam: 9.8 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: 3.80 Acre-feet = $\frac{(\text{Average Length})(\text{Average Width})(\text{Average Depth})}{43,560}$

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) ☐ Yes ☒ No

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.

This application is for Multipurpose Use.

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5. PROPERTY OWNERSHIP

Please provide a copy of the recorded deed(s).

Do you own all the land where you propose to divert, transport, and use water?

☒ **Yes** (please check appropriate box below then skip to section 5)

☒ There are no encumbrances

☐ This land is encumbered by easements, right of way, roads of way, roads or other encumbrances

☐ **No** (Please check the appropriate box below)

☐ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

Red Hills Farm, LLC, PO Box 189 , Dayton, OR 97114

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6. ENVIRONMENTAL IMPACT

- A. Channel:** Is the reservoir: ☒ in-stream or ☐ off channel?
- B. Wetland:** Is the project in a wetland? ☒ Yes ☐ No ☐ Don't know
- C. Existing:** Is this an existing reservoir? ☐ Yes ☒ No
If yes, how long has it been in place? _____ 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.

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.

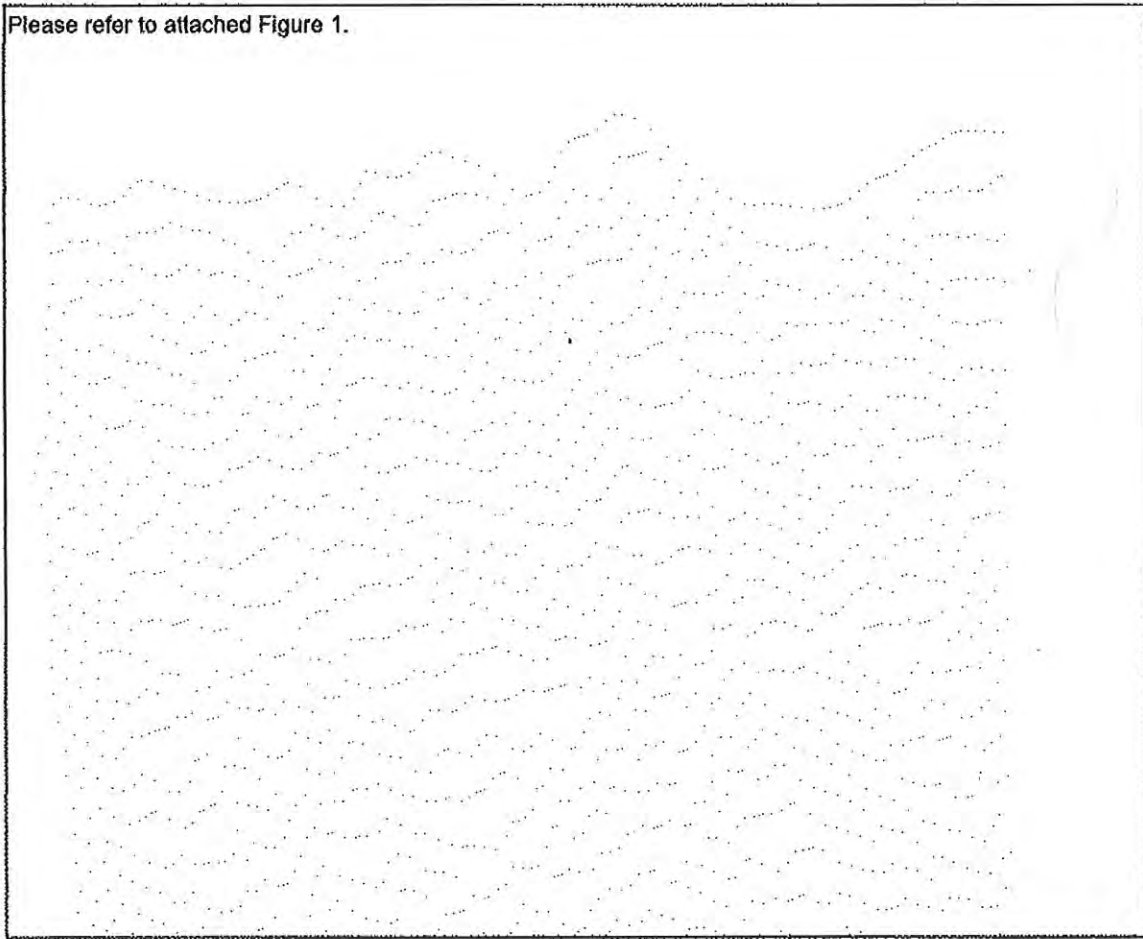
The proposed Bell Road project site is a 120-acre property (3 tax lots) on Chehalem Mountain along Bell Road between Sherwood, OR and Newberg, OR. The property is located on the edge of Washington County. A small stream called Little Hells Canyon Creek originates on site just south of Bell Road and flows south to Little Hells Canyon Road. The creek eventually flows to Highway 99W and discharges to Cedar Creek. The Applicant wishes to pursue permitting and construction of a small earthen berm and reservoir within an existing depression to intercept surface water in the winter and store it for summer use.

A 9.8-foot berm will be constructed upstream of Little Hells Canyon Creek to retain surface water runoff inside the reservoir. The storage volume available inside the proposed reservoir will be approximately 3.80 ac-ft. Figure 1 (attached) shows the location and footprint of the proposed reservoir in relation to Little Hells Canyon Creek. An outflow structure and pipe system will be installed through the proposed berm to allow for controlled release of stored water when needed.

During the winter, surface water will be collected in the reservoir until the overflow structure is engaged. Flows entering the reservoir that exceed its capacity will flow through a riser located approximately 1 foot below the top of the berm. An outlet pipe will connect the riser structure to a manhole structure inside the berm, which will outfall through another pipe to the downstream side of the berm to the upper end of the stream. A secondary outlet pipe with flap gate will be installed at the bottom of the reservoir and will also connect to the manhole structure in the berm. This secondary outlet will be available for operation in the event that the pond needs to be drained, either for permitting or maintenance purposes.

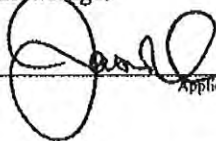
If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

Please refer to attached Figure 1.



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

12/21/2018
Date

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

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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:

Red Hills Farm LLC

1) Does the proposed reservoir have the potential to injure existing water rights?

☒ NO

☐ YES

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Explain: reservoir would be filled by runoff.

2) Can conditions be applied to mitigate the potential injury to existing water rights?

☒ NO

☐ YES

If YES, which conditions are recommended:

3) Did you meet with staff from another agency to discuss this application?

☒ NO

☐ YES

Who:

Agency:

Date:

Who:

Agency:

Date:

Watermaster signature:

Jake Carls

Date:

12/26/18

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/Address/Phone/Email: Red Hills Farm, LLC , PO Box 189, Dayton, OR 97114
503-726-6603
Jason@stollerfamilyestate.com

Reservoir Name: Reservoir BR-A Source: Overland Runoff & Seepage Volume (AF): 3.8 acre-feet

Twp Rng Sec QQ: 3S 2W 11 B Basin Name: Cedar Creek 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) District staff.

1) Is the proposed project and AO¹ off channel? YES X NO
(if yes then proceed to #4; if no then proceed to #2)

2) Is the proposed project or AO located where NMF² are or were historically present?..... YES X 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?.....X YES NO
Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

X Any diversion or appropriation of water for storage during the period May 1 through November 30 poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

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

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If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?
NO (explain) X YES (select from Menu of Conditions on next page)

wq: **Comments from DEQ. Pond releases:** Permittee shall not release off-channel stored water into waters of the state, unless under emergency situations. Permittee shall comply with OAR 340-041 and ensure that water-quality standards are not violated by releases from storage. The reservoir will discharge water when full and water exits the overflow.

Water Quality: 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. The container yard and banks of the reservoir will be graveled to prevent erosion.

Prohibited Activities: Permittee may not cause pollution to any waters of the state, or place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means, per ORS 468B.025(1). The use may be restricted if the Department of Environmental Quality notifies the Water Resources Department that the permittee fails to meet corrective actions associated with the violation.

Period of Use: Water withdrawal is limited to the period: *December 1 through April 30.*

ODFW Signature: Ben Walczak Print Name: Ben Walczak

ODFW Title: Assistant District Fish Biologist Date: 10-08-18

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

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

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

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

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

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

fishdiv33: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

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

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

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

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

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

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

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

b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

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

riparian: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

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

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

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

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Oregon Water Resources Department
725 Summer Street NE, Suite A

OWRD

Application for a Permit to

Store Water in a Reservoir

(Alternate Review)

STORAGE PERMIT
GRADED, CONSTRUCTION
IN PROCESS

JASON TOLLER

USE FOR REFERENCE

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LAND USE FORM
WITHIN

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may use this form for any reservoir storing less than
dam less than 10 feet high.

Form for each reservoir

is found to be incomplete or inaccurate, we will return it to
with a "n/a". A summary of review criteria and procedures that
is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

PERSONAL INFORMATION

Dayton _____ OR _____ 97114
City State Zip
Phone: 503-726-6603 _____ 503-864-3404 Ext. 8037
Home Work Other

Fax: _____ E-Mail Address*: Jason@stollerfamilyestate.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.)

2. AGENT INFORMATION

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

Agent: Ashley _____ Cantlon _____
First Last
Mailing Address: Otak, Inc., 808 SW 3rd Ave. Ste. 300
Portland _____ OR _____ 97204
City State Zip
Phone: 503-415-2306 _____ 503-287-6825
Home Work Other

Fax: _____ E-Mail Address*: ashley.cantlon@otak.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: Reservoir BR-A

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 & seepage Tributary to: Cedar Creek

C. County in which diversion occurs: Washington County

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

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Applicant: Jason Tosch
First Last

Mailing Address: Chehalem, Inc., 31190 NE Veritas Lane

Newberg OR 97132 Daytime Phone: (503)726-6603
City State Zip

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:
3S	2W	11	B	301	AF-20	☒ Diverted	☐ Conveyed	☒ Used	Agriculture
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

Washington

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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) _____

Estimated quantity of water needed: 3.80 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

A reservoir will be constructed in a depression upstream of Little Hells Canyon Creek. A 10-foot tall berm will be constructed to retain surface water runoff inside the reservoir. The storage volume available inside the proposed reservoir will be approximately 3.80 ac-ft. An outflow structure and pipe system will be installed through the proposed berm to allow for controlled release of stored water when needed.

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. →

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QWRD

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): _____.
- ☒ 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:	
Type II DHA Alteration	S 344, 421, 422, 410, 426 (WASH. CO. COMMUNITY DEV. CODE)	☐ Obtained ☐ Denied	☐ Being Pursued ☒ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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.

- Reservoir Permit required from District 18 Water Master
 - Grading Permit required prior to ground-disturbing activities
 * - Land Use Approval from Washington County for DHA Alteration prior to any activities on site

Name: MAITREYEE SINHA Title: ASSOCIATE PLANNER
 Signature: M. Sinha Phone: 503-846-3835 Date: 10-30-2018
 Government Entity: WASHINGTON COUNTY, LAND USE & TRANSPORTATION

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: _____

Bell Road Project Site Legal Description:

The West sixty (60) acres of the West one-half of the Northwest Quarter of Section 11, Township 3 South, Range 2 West, W.M., Washington County, Oregon, SUBJECT TO rights of the public in any portion within roads, easements, restrictions and conditions of public record.

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Ashley Cantlon

From: Ben Walczak <Ben.Walczak@state.or.us>
Sent: Thursday, November 08, 2018 8:43 AM
To: Ashley Cantlon
Subject: RE: Alternative Reservoir Project Sites

Ashley,

That came from some stock language DEQ put in. I ask DEQ for water quality comments as I am not a water quality expert. If I remember correctly that sentence was specific to another alt res and not yours so it should be removed. Please ask Joel what he recommends. It might be easier for me to resubmit, which I would be happy to do, I should have caught that.

Ben

From: Ashley Cantlon [mailto:ashley.cantlon@otak.com]
Sent: Monday, November 05, 2018 3:03 PM
To: Ben Walczak <Ben.Walczak@state.or.us>; PLAHN Joel M <Joel.M.PLAHN@state.or.us>
Cc: Tom Murtagh <Tom.Murtagh@state.or.us>; 18911 <18911@otak.com>; 18784A <18784A@otak.com>
Subject: RE: Alternative Reservoir Project Sites

Good afternoon Ben,

I hope this email finds you well. I wanted to find out if you've had a chance to consider my question about the container yards that were mentioned in the forms that you sent back to us. I highlighted the phrase in each form to help jog your memory – the question is: Under the Water Quality conditions there is reference to the container yard and requirements for the banks of the reservoir to be graveled. Can you clarify what a container yard is? Is there flexibility on the pond surfacing in case we preferred to plant or seed a portion of it?

Thanks!
Ashley

Ashley Cantlon | Water Resources Engineer | Project Manager
Otak, Inc.

Direct: 503.415.2306
Ashley.Cantlon@otak.com



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From: Ashley Cantlon
Sent: Monday, October 29, 2018 4:28 PM
To: 'Ben Walczak' <Ben.Walczak@state.or.us>; 'joel.m.plahn@wrdd.state.or.us' <Joel.M.Plahn@state.or.us>
Cc: 'Tom Murtagh' <Tom.Murtagh@state.or.us>; 18911 <18911@otak.com>; 18784A <18784A@otak.com>
Subject: RE: Alternative Reservoir Project Sites

Good afternoon, Ben,

I wanted to touch base with you again regarding the questions that I had on the application reviews for our projects (below). Joel clarified the first two questions for me (thank you, Joel) that the window in which the reservoir can be filled is between November 1 and June 30, and that there is little concern if water happens to drain into the reservoir during the summer months via overland runoff. Joel, please correct me if I misstated anything.

The 3rd question is still up in the air, and I was wondering if you might be able to provide an answer when you have a moment.

Thank you for your consideration,
Ashley

Ashley Cantlon | Water Resources Engineer | Project Manager
Otak, Inc.

Direct: 503.415.2306
Ashley.Cantlon@otak.com



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From: Ashley Cantlon
Sent: Tuesday, October 09, 2018 4:47 PM
To: 'Ben Walczak' <Ben.Walczak@state.or.us>; joel.m.plahn@wrdd.state.or.us <Joel.M.Plahn@state.or.us>
Cc: Tom Murtagh <Tom.Murtagh@state.or.us>; 18911 <18911@otak.com>; 18784A <18784A@otak.com>
Subject: RE: Alternative Reservoir Project Sites

Good afternoon, Ben,

We do have a couple of follow up questions for you on these application reviews.

1. The ponds that we're proposing to construct would be intended for multiple uses, though primarily irrigation. Based on the dates that you've identified, it looks like water can be stored for Ridgecrest, for instance, between November 1 and June 30, however this is also listed as the allowable withdrawal date. I wanted to verify that "withdrawal" means withdrawal from the stream, and not withdrawal from the reservoir for use. Is this correct?
2. Our ponds are both located at the upper end of their respective streams, which means that they are located in a depression and intercept runoff uphill of where the definition of the streams begin. How can the client demonstrate that he won't be violating the conditions if, for example, a rain event occurs in August during the time that the client wishes to irrigate, water flows into the pond via sheet flow prior to flowing into the stream. Does this mean that a certain amount of water needs to be released? How can the client make sure that they remain in compliance if water ends up in the pond during the restricted months?
3. Under the Water Quality conditions there is reference to the container yard and requirements for the banks of the reservoir to be graveled. Can you clarify what a container yard is? Is there flexibility on the pond surfacing in case we preferred to plant or seed a portion of it?

Thank you for your consideration,
Ashley

Ashley Cantlon | Water Resources Engineer | Project Manager
Otak, Inc.

Direct: 503.415.2306
Ashley.Cantlon@otak.com





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From: Ben Walczak <Ben.Walczak@state.or.us>
Sent: Monday, October 08, 2018 1:10 PM
To: Ashley Cantlon <ashley.cantlon@otak.com>; joel.m.plahn@wrd.state.or.us <Joel.M.Plahn@state.or.us>
Cc: Tom Murtagh <Tom.Murtagh@state.or.us>; ben.walczak@state.or.us
Subject: RE: Alternative Reservoir Project Sites

Ashley,

Attached are the completed ODFW Alternate Reservoir Application Reviews. Please feel free to contact me if you have questions or concerns,

Ben

From: Ashley Cantlon [<mailto:ashley.cantlon@otak.com>]
Sent: Friday, October 05, 2018 12:56 PM
To: Ben Walczak <Ben.Walczak@state.or.us>
Subject: RE: Alternative Reservoir Project Sites

Good afternoon Ben,

I thought I would check back to find out if you had been able to take a look at the materials I sent over last week. Let me know if you have any questions as you perform your review.

Thanks!
Ashley

Ashley Cantlon | Water Resources Engineer | Project Manager
Otak, Inc.

Direct: 503.415.2306
Ashley.Cantlon@otak.com



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From: Ben Walczak <Ben.Walczak@state.or.us>
Sent: Friday, September 28, 2018 3:46 PM
To: Ashley Cantlon <ashley.cantlon@otak.com>
Subject: RE: Alternative Reservoir Project Sites

Ashley,

I received them. I will try to take a look at them late next week or early the following week. I'm in a meeting from Monday-Thursday next week. Please feel free to remind me,

Ben

From: Ashley Cantlon [<mailto:ashley.cantlon@otak.com>]
Sent: Friday, September 28, 2018 12:48 PM

To: Ben Walczak <Ben.Walczak@state.or.us>
Subject: RE: Alternative Reservoir Project Sites

Hi Ben,

I wanted to check back with you to make sure that you received the email with attachments.

Thanks!
Ashley

Ashley Cantlon | Water Resources Engineer | Project Manager
Otak, Inc.

Direct: 503.415.2306
Ashley.Cantlon@otak.com



Please consider the environment before printing this email

From: Ben Walczak <Ben.Walczak@state.or.us>
Sent: Thursday, September 27, 2018 8:28 AM
To: Ashley Cantlon <ashley.cantlon@otak.com>
Subject: FW: Alternative Reservoir Project Sites

Ashley,

Could you please resend me the email with the attachments that you provided Tom with originally? I will try and take a look at these in the next week or so.

Ben

From: Tom Murtagh
Sent: Wednesday, September 26, 2018 5:20 PM
To: Ben Walczak <Ben.Walczak@coho2.dfw.state.or.us>
Subject: FW: Alternative Reservoir Project Sites

Ben – any chance you can take a look? I can pick up on Tuesday when I get back in .

Tom Murtagh
District Fish Biologist
ODFW
17330 SE Evelyn Street
Clackamas, OR 97015
(W) 971-673-6044; (C) 971-678-4871
tom.murtagh@state.or.us

From: Ashley Cantlon <ashley.cantlon@otak.com>
Sent: Wednesday, September 26, 2018 11:31 AM
To: Tom.Murtagh@state.or.us
Cc: 18784A <18784A@otak.com>; 18911 <18911@otak.com>
Subject: RE: Alternative Reservoir Project Sites

Good morning, Tom,

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I hope this email finds you well. I thought I would check in with you again to find out if you've been able to consider the work that we're planning to do on these two sites. Please let me know if there is anything I need to clarify, or information that might be missing based on the files that I sent previously.

Thanks!
Ashley

Ashley Cantlon | Water Resources Engineer | Project Manager
Otak, Inc.

Direct: 503.415.2306
Ashley.Cantlon@otak.com



Please consider the environment before printing this email

From: Ashley Cantlon
Sent: Thursday, August 30, 2018 3:10 PM
To: 'Tom.Murtagh@state.or.us' <Tom.Murtagh@state.or.us>
Cc: 18784A <18784A@otak.com>; 18911 <18911@otak.com>
Subject: Alternative Reservoir Project Sites

Hello Tom,

I've attached a plan and profile view and .kmz file for each of the sites that I mentioned over the phone. The Ridgecrest pond will be located on a vineyard in Yamhill county (see P18911_Sheets POND P&P (1).pdf) and the Bell Road pond will be located on a vineyard in Washington County (POND_P&P_FOR_GEOTECH_UPDATE.pdf).

We will be applying for water rights to construct these two reservoirs and also to withdraw water from them in our initial applications.

We are also planning to make improvements to the stream on only the Bell Road pond site inserting bioengineered woody debris to help stabilize the channel.

Please let me know if you have questions regarding either of these sites.

Thanks!
Ashley



Ashley Cantlon, PE, ENV SP | Water Resources Engineer | Project Manager
808 SW Third Ave., Suite 300 | Portland, OR 97204
Direct: 503.415.2306 | Main: 503.287.6825
Ashley.cantlon@otak.com | www.otak.com



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CHEHALEM

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Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266

RE: Red Hills Farm, LLC Water Rights Applications

Dear Water Rights Reviewer,

Included in this packet are two (2) distinct Surface Water Right applications for Red Hills Farm LLC, a land holding company owned by William H Stoller founder of the Stoller Wine Group and Stoller Family Estate. Of the applications, one is to be sited in Washington County district 18. The other sited in Yamhill county district 22. Each of these water rights applications are associated with Alternate Reservoir Permits granted for construction which began in 2020. Copies of these Storage Permit applications with completed Land Use Forms are included as references to their corresponding water right applications. I wish to state it was assumed that the Land Use Forms signed by each of the district Watermasters will suffice as a component to the current rights applications.

Please find included payments for the associated fees in the form of two (2) checks. Note that Stoller Family Estate is paying for the Red Hills Farm LLC water rights application fees.

Please do not hesitate to call or email if questions or concerns must be address regarding these applications.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Tosch", with a stylized flourish extending from the end.

Jason Tosch
Vice President of Vineyard Operations
Stoller Wine Group
Email: jason@stollewinegroup.com
Cell 503-726-6603



phone: 503.864.3404
mailing: PO BOX 189, DAYTON, OR 97114
winery: 16161 NE MCDUGALL RD, DAYTON, OR 97114
STOLLERFAMILYESTATE.COM



Oregon Water Resources Department
Stored Water Only Applications - Expedited Secondary

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Today's Date: Thursday, January 14, 2021

Base Application Fee.		\$520.00
Acre feet of Stored Water to be diverted.	3.8	\$140.00
Subtotal:		\$660.00
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		\$1,180.00

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