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

Application for a Permit to
Store Water
in a Reservoir
(Alternate Review)

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than
9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to
you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that
are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

Applicant: Appassionata Vineyard Properties, LLC Attn: Clifford Robben
First Last

Mailing Address: 20501 S. Tranquility Lane

Oregon City OR 97045
City State Zip

Phone: Home Work Other
503-432-3420

Fax: E-Mail Address\*: clifford.robben@drloosen.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: GSI Water Solutions, Inc. Attn: Kimberly Grigsby
First Last

Mailing Address: 1600 SW Western Boulevard, Suite 240

Corvallis OR 97333
City State Zip

Phone: Home Work Other
541-257-9004

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

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

3. LOCATION AND SOURCE

A. Reservoir Name: Appassionata Reserve Reservoir

B. Source: Provide the name of the water body or other source from which water will be diverted, and the name
of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.
Source: run-off and rainwater Tributary to: Chehalem Creek

C. County in which diversion occurs: Yamhill

App. No. For Department Use Permit No. Date

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**D. Reservoir Location**

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
3S	3W	2	SENE	501

**E. Dam:** Maximum height of dam: 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: 1.85      Acre-feet =  $\frac{\text{Average Length} \times \text{Average Width} \times \text{Average Depth}}{43,560}$

**4. WATER USE**

Indicate the proposed use(s) of the stored water. **NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.** If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.

Multipurpose use

**5. PROPERTY OWNERSHIP**

Please provide a copy of the recorded deed(s). **Please see Attachment E**

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:

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**6. ENVIRONMENTAL IMPACT**

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

N/A

**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 existing pond currently collects rainwater from the rooftops of adjacent buildings on the property. Rainwater is collected from the gutters and downspouts at the winery and tasting room and directed into the existing pond via an 8-inch diameter pipe. The Applicant intends to expand the reservoir, and to store sheet run-off as well as rainwater from the rooftops. The proposed earthfill dam will be 8 feet in height and a minimum of 12 feet in width. An outlet pipe with a minimum 4-inch diameter and a valve will be installed at the base of the reservoir to pass any inflow outside of the storage season, and to allow the reservoir to be fully drained, if needed. See the site plan in Attachment F for additional information regarding the design of the proposed reservoir.

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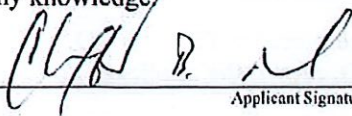
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If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means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

Please see site plans and dam cross-sections in Attachment F.

### 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

11/17/2020  
Date

**Before you submit your application be sure you have:**

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number. See Attachment C
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official. See Attachment D
- Included a check payable to Oregon Water Resources Department for the appropriate amount. Check for \$1,000 is attached

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**Alternate Reservoir Application Completeness Checklist**

This is the checklist used by WRD staff

Application \_\_\_\_\_ County \_\_\_\_\_  
 Priority Date \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Taxlot \_\_\_\_\_  
 Use \_\_\_\_\_ Caseworker \_\_\_\_\_  
 Amount (AF) \_\_\_\_\_ Watermaster \_\_\_\_\_

**Minimum Requirements (ORS 537.409)**

- Landowner Name, Mailing Address and Telephone Number.**
- Source and tributary listed. NO WELLS-MUST HAVE GW APP TO USE A WELL AS A SOURCE**
- Reservoir Location-** Township, Range, Section, Quarter Quarter, Taxlot
- Dam height, if applicable**
- Total Quantity of Storage Requested:** \_\_\_\_\_
- Proposed Use of the water.** Cannot accept application for use of this stored water at the same time (E2)
- Property ownership indicated?** If applicant does not own all the land is the affected landowner's name and mailing address listed? (Including: lands not owned by applicant, upon which the source is located **OR** that are crossed by the diversion works. This includes any roads or rights-of-way.)
- Environmental Impact** section completed?
- Application signed by the landowner(s)?** All parties noted as applicants must sign the application.  
*Must be an original "wet" signature.*
- Acceptable map \*\* Indicates requirements of standards set forth by the Commission and causes fatal flaw if not provided by the applicant.**
  - Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)\*
  - Scale of the Map, even scale such as 1" = 400', 1" = 1000', or 1" = 1320' \*\*
  - Reference corner on map
  - North Directional Symbol \*\*
  - 1/4's clearly identified
  - Reservoir clearly identified \*\*
  - Dam or POD (If off channel) Location coordinates referenced to a government landsurvey corner\*  
If no dam, use coordinates to center of reservoir.\*\*
- Completed Watermaster review sheet signed and dated by Watermaster.**
  - Will the reservoir injure an existing water right?  YES  NO
  - If YES, can conditions be applied to mitigate the injury?  YES  NO **If NO, return the application.**
  - Did the watermaster determine when water is available for the proposed use?  YES  NO
  - The Watermaster review sheet must have been completed within the last 6 months.*
  - If the watermaster determined that water is NOT available, return the application.**
- Completed ODFW review sheet signed and dated by ODFW representative.**
  - Will the reservoir pose a significant detrimental impact to an existing fishery resource?  YES  NO
  - If YES, can conditions be applied to mitigate the impact?  YES  NO **If NO, return the application.**
  - The ODFW review sheet must have been completed within the last 6 months.*
- Completed Land-Use Form or receipt signed by the appropriate planning department official enclosed?**
  - Does the use on land-use form match the proposed use on the application? Must be an original "wet" signature within the last 12 months.*
- Provide a Legal Description** of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance to meet this requirement.

Fees enclosed?      Print page from fee calculator  
**Total Paid \$** \_\_\_\_\_      **Total Fees \$** \_\_\_\_\_  
 Completeness Check by: \_\_\_\_\_      Date: \_\_\_\_\_      *Revised 2017-8-4*

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## Attachment A

# Watermaster Review Sheet

Alternate Reservoir Application – Appassionata Vineyard Properties, LLC

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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: Appassionata Vineyard Properties, LLC    3S, 3W, 2, SENE, TL 501

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

Explain:    injury could occur if water is captured when it is not available per OWRD water availability records

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


If YES, which conditions are recommended: limit the season to Sep - Jul (exclude Aug)

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

Who:    Agency:    Date:

Who:    Agency:    Date:

Watermaster printed name: Jeana Eastman, NW Region Assistant Watermaster

Watermaster signature:                       Date: 12/18/20

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: Appassionata Vineyard Properties, LLC ATTN Clifford Robben

Address: 20501 S. Tranquility Lane, Oregon City, OR 97045

Phone/Email: 503-432-3420; Clifford.robben@drloosen.com



Reservoir Name: Appassionata Reserve Reservoir

Volume (AF): 1.85 AF

Source: Run-off

Basin Name: Chehalem Creek

in-channel

Twp Rng Sec QQ: 3S 3W 2 SENE

off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

**This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) staff.**

1) Is the proposed project and AO<sup>1</sup> off channel?..... YES\*  NO  
(if yes then proceed to #4; if no then proceed to #2)

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

2) Is the proposed project or AO located where NMF<sup>2</sup> are or were historically present?..... YES  NO  
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

a. Is there an ODFW-approved fish-passage plan?..... YES  NO

b. Is there an ODFW-approved fish-passage waiver or exemption?..... YES  NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... YES  NO

*Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)*

Any diversion or appropriation of water for storage during the period July 1-October 31 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

<sup>1</sup> 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)

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

of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

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


ESA-listed fish (winter steelhead and spring Chinook Salmon) and sensitive species (Coastal Cutthroat Trout) are present in Chehalem Creek during the period of impact. Available information shows flows downstream in Chehalem Creek are currently, wholly, or partially below those essential to support the biological needs of an existing fishery resource during July-October 31. The proposed use may diminish physical habitat and alter the flow regime to which fish are naturally adapted, negatively affecting their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed use would impair or be detrimental to an existing fishery resource and/or their habitat without appropriate conditions and/or mitigation.

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

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

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

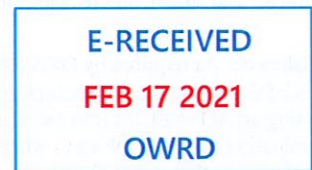
Water is only available to support biologically necessary flows at the POD and/or downstream during November 1-June 30. ODFW recommends the season of use be restricted to coincide with this period or the proposed use be mitigated prior to issuance of a Proposed Final Order for any use outside of this period. Without appropriate mitigation and/or conditions, a further reduction in flow or alteration of habitat from the proposed water use outside this period will impair or be detrimental to an existing fishery resource. If the applicant is interested in pursuing mitigation, please contact ODFW for further information concerning appropriate conditions and a Mitigation Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations) to compensate for any potential impact from the proposed use. Mitigation is often complicated, time consuming, and expensive, and may include, but is not limited to, actions such as replacing the proposed amount of water through purchasing or transferring an existing water right.

ODFW Signature: 

Print Name: Jason Brandt

ODFW Title: SW Hydro Coordinator

Date: 2/11/21



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

**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 November through June.

**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: Appassionata Vineyard Properties, LLC

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.

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

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

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

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

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

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

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

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

**Water Quality:** All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.

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

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

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

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Attachment D  
Land Use Information Form

Alternate Reservoir Application – Appassionata Vineyard Properties, LLC

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# Land Use Information Form



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



## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

# Land Use Information Form

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

Applicant(s): Appassionata Vineyard Properties, LLC, Attn: Clifford Robben

Mailing Address: 20501 S. Tranquility Lane

City: Oregon City State: OR Zip Code: 97045 Daytime Phone: 503-432-3420

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>3S</u>	<u>3W</u>	<u>2</u>	<u>SENE</u>	<u>501</u>	<u>EF-20</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Multipurpose storage</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

Yamhill County

## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water   
  Water Right Transfer   
  Permit Amendment or Ground Water Registration Modification  
 Limited Water Use License   
  Allocation of Conserved Water   
  Exchange of Water

Source of water:  Reservoir/Pond     Ground Water     Surface Water (name) run-off to unnamed tributary to Chehalem Creek

Estimated quantity of water needed: 1.85     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 Multi-purpose storage

Briefly describe:

Run-off and rainwater will be stored in a reservoir for multiple purposes such as irrigation and fire protection.

**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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# 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:	
		<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: Kenneth P. Friday Title: P. D.  
 Signature: *Kenneth P. Friday* Phone: 503 434-7516 Date: 11/23/2020  
 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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Attachment E  
Recorded Deed

Alternate Reservoir Application – Appassionata Vineyard Properties, LLC

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RECORDING REQUESTED BY:  
Fidelity National Title Company of Oregon

GRANTOR'S NAME:  
Arthur G Friesz and Donna J Friesz

GRANTEE'S NAME:  
Appassionata Vineyard Properties, LLC, an  
Oregon limited liability company

SEND TAX STATEMENTS TO:  
Appassionata Vineyard Properties, LLC, an  
Oregon limited liability company  
20501 S Tranquillity Lane  
Oregon City, OR 97045

AFTER RECORDING RETURN TO:  
Appassionata Vineyard Properties, LLC  
20501 S Tranquillity Lane  
Oregon City, OR 97045

Escrow No: 20090013395-FTPOR39

R3302 00501

17150 NE Hillside Drive  
Newberg, OR 97132

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

### STATUTORY WARRANTY DEED

Arthur G Friesz and Donna J Friesz, Grantor, conveys and warrants to

Appassionata Vineyard Properties, LLC, an Oregon limited liability company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Yamhill, State of Oregon:

A tract of land in Section 1 and 2, Township 3 South, Range 3 West of the Willamette Meridian in Yamhill County, described as follows:

BEGINNING at a point on the West line of the George Nelson Donation Land Claim in Section 2, Township 3 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, said point being 1608.97 feet South from the Northwest corner thereof, and also being the Southwest corner of that tract conveyed to J.D. Pierce, et ux., by deed recorded February 10, 1966 in Film Volume 50, Page 671, Deed and Mortgage Records; thence East along the South line of said Pierce tract a distance of 1624.4 feet, more or less, to the Northeast corner of tract 5 conveyed to R.L. Walker Farms, Inc., an Oregon corporation, by deed recorded August 3, 1973 in Film Volume 95, Page 1282, Deed and Mortgage Records; thence South along the East line of said Walker Farm tract, 1072 feet; thence West parallel with the South line of the said Pierce tract, 1624.4 feet, more or less, to the West line of the George Nelson Donallon Land Claim, thence North along the West line of the said Donation Land Claim, 1072 feet to the point of beginning.

**Subject to and excepting:**

The land has been claswsified as Farm and/or Forest, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties; Rights of the public to any portion of the Land lying within the area commonly known as Hillside Drive;

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. 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.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$1,100,000.00. (See ORS 93.030)

DATED: \_\_\_\_\_

\_\_\_\_\_  
Arthur G Friesz

\_\_\_\_\_  
Donna J Friesz

State of OREGON

COUNTY of \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_\_\_

by \_\_\_\_\_.

\_\_\_\_\_, Notary Public - State of Oregon

My commission expires: \_\_\_\_\_

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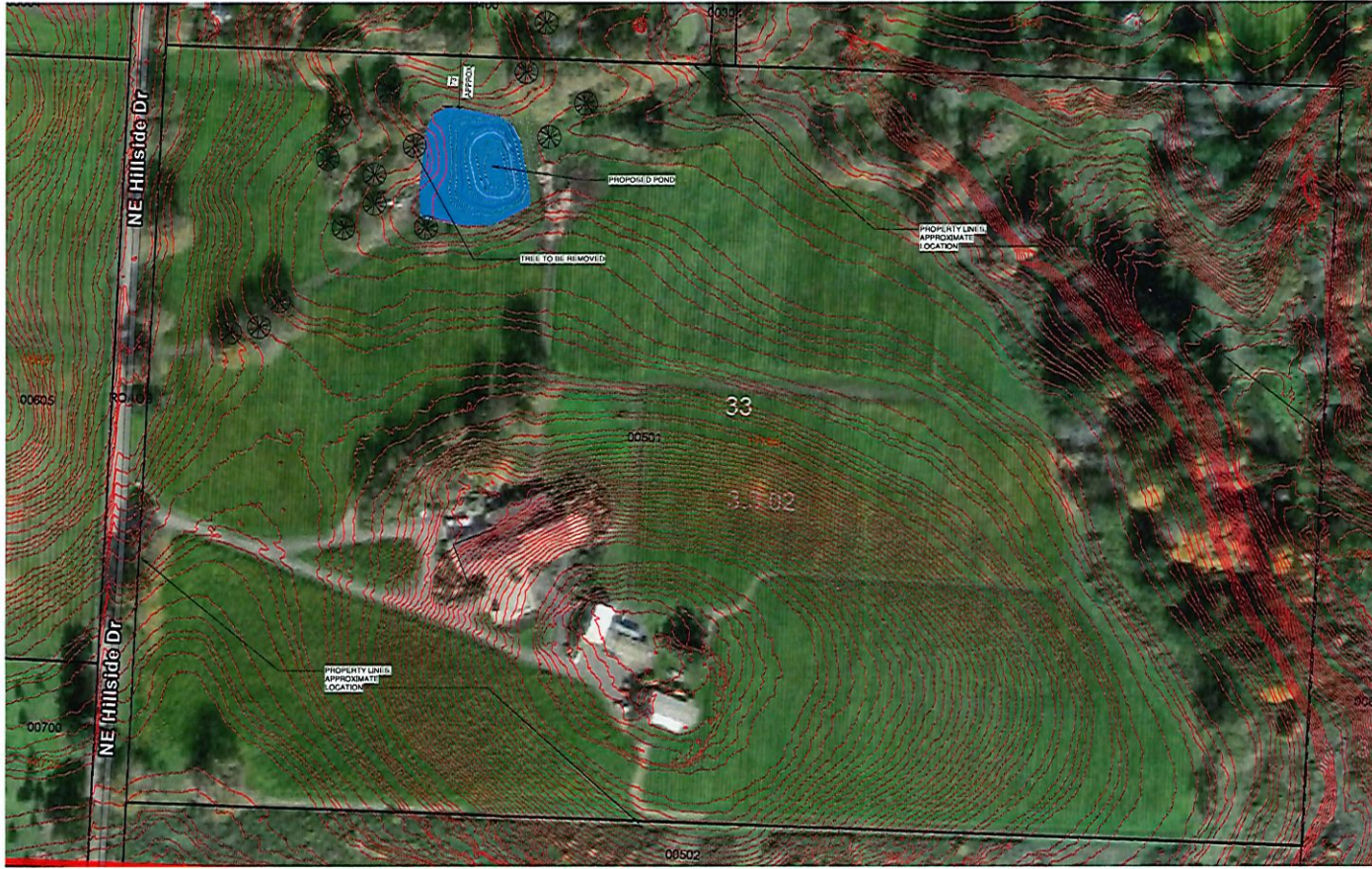
## Attachment F Site Plans

Alternate Reservoir Application – Appassionata Vineyard Properties, LLC

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SHEET SIZE: 11' x 17'

10/15/2020 3:46:43 PM



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OVERALL SITE PLAN ① ⊕  
 1" = 80'-0"

VAN LOON  
 DESIGN  
 5507 SW IDAHO ST  
 PORTLAND, OR 97221

NOT FOR CONSTRUCTION

APPASSIONATA PROPOSED POND  
 17150 NE Hillside Dr  
 Newberg, OR 97132  
 APPASSIONATA

REVISION LIST  
 DATE DESC

ISSUE DATES

PROJECT #: DXX-XXX

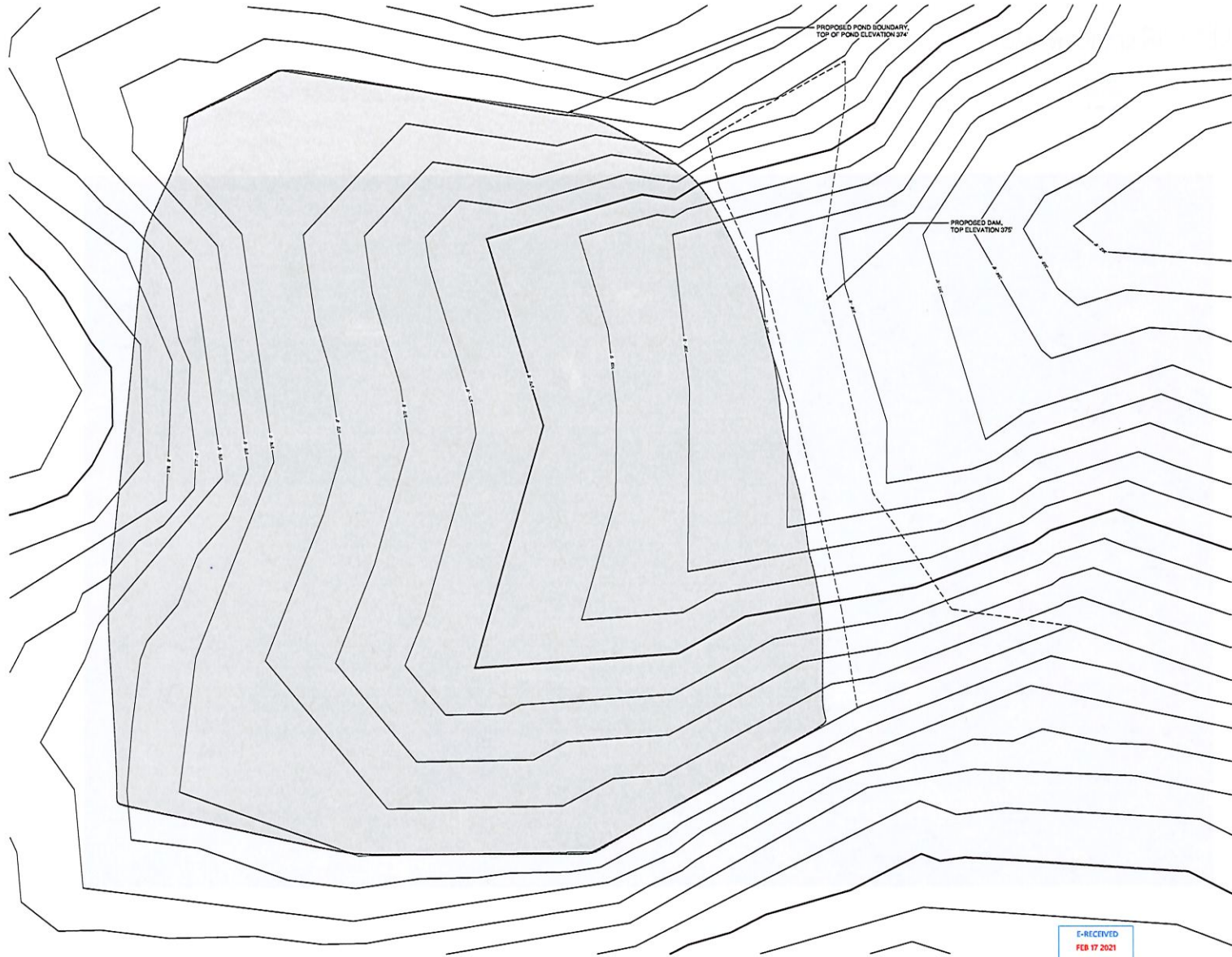
A001

SITE PLAN

SCHEMATIC DESIGN

SHEET SIZE: 24" x 36"

10/15/2020 3:46:49 PM



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EXISTING GRADING

1" = 10'-0"



VAN LOON  
 DESIGN  
 5507 SW IDAHO ST.  
 PORTLAND, OR 97221

NOT FOR CONSTRUCTION

APPASSIONATA PROPOSED POND

17150 NE Hillside Dr  
 Newberg, OR 97132  
 APPASSIONATA

REVISION LIST  
 # DATE DESC.

ISSUE DATES

PROJECT #: DXX-XXX

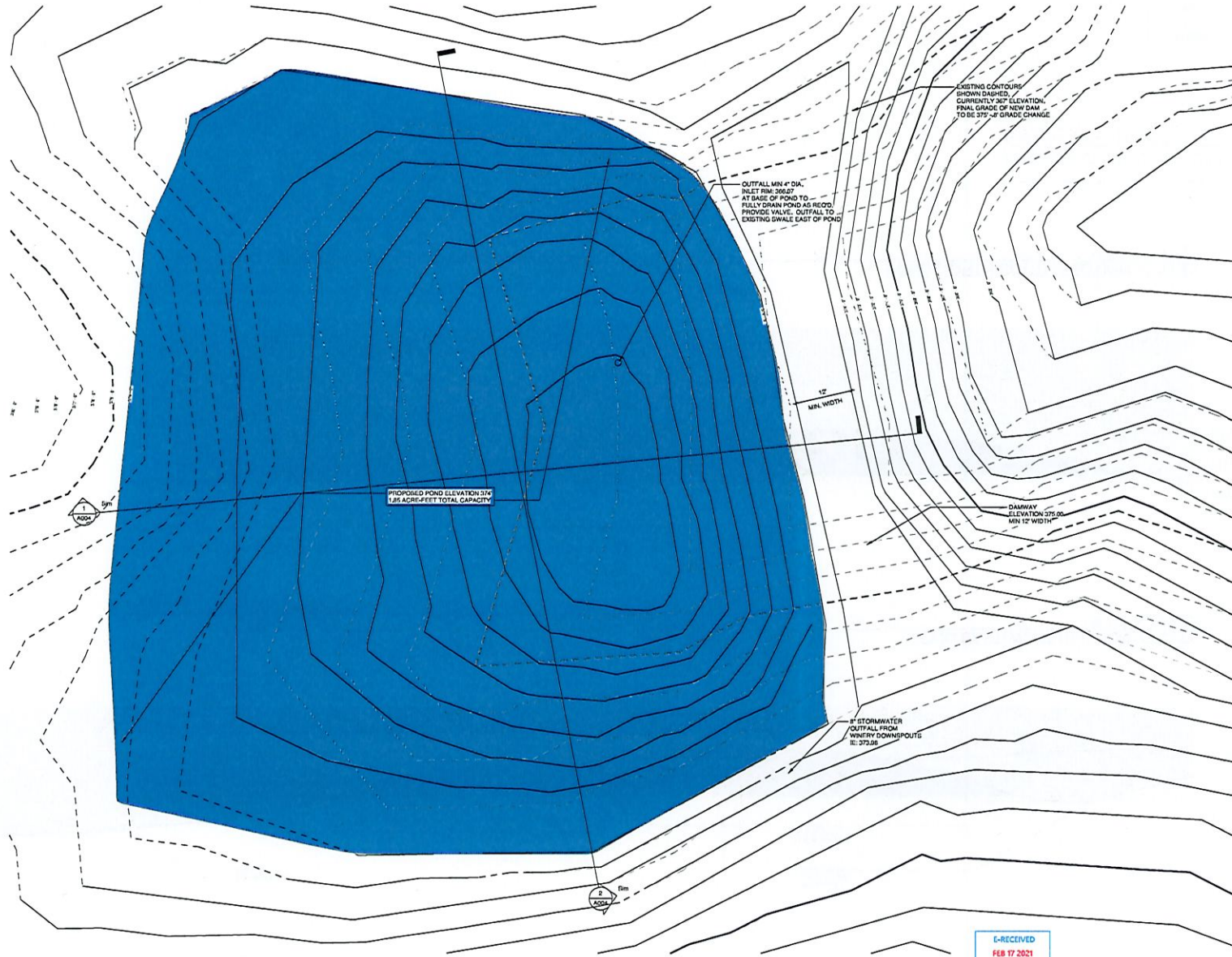
A002

EXISTING GRADE

SCHEMATIC DESIGN

SHEET SIZE: 24" x 36"

10/15/2020 3:45:55 PM



VAN LOON  
DESIGN  
5507 SW IDAHO ST  
PORTLAND, OR 97221

NOT FOR CONSTRUCTION

APPASSIONATA PROPOSED POND  
17150 NE Hillside Dr  
Newberg, OR 97132  
APPASSIONATA

REVISION LIST  
DATE DESC.

ISSUE DATES

PROJECT #: DXX-XXX

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PROPOSED POND 1 1  
1" = 10'-0"

A003

PROPOSED POND

SCHEMATIC DESIGN

SHEET SIZE: 24" x 36"

VAN LOON  
DESIGN  
5507 SW IDAHO ST  
PORTLAND, OR 97221

NOT FOR CONSTRUCTION

APPASSIONATA PROPOSED POND  
17150 NE Hillside Dr  
Newberg, OR 97132  
APPASSIONATA

REVISION LIST  
# DATE DESC.

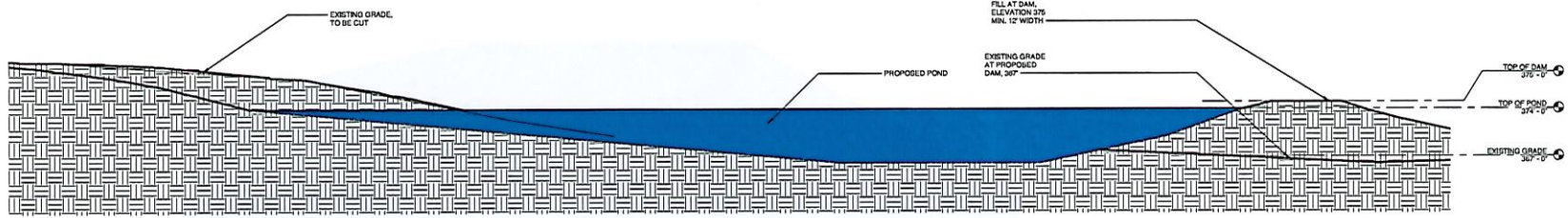
ISSUE DATES

PROJECT #: DXX-XXX

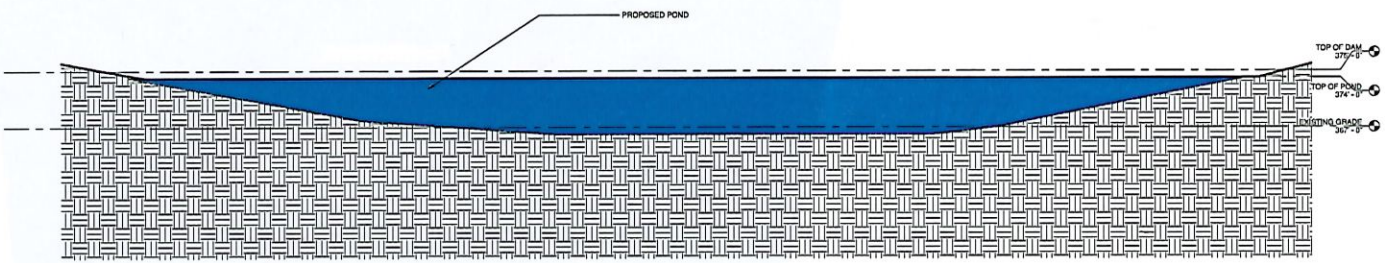
A004

PROPOSED FIRE  
POND SECTIONS

SCHEMATIC DESIGN



POND EAST-WEST SECTION 1  
1/8" = 1'-0"



POND NORTH-SOUTH SECTION 2  
1/8" = 1'-0"

POND VOLUME CALCULATIONS

Phase/Event	Start	End	Volume
PROPOSED POND	1/1/2021	12/31/2021	100,000
EXISTING POND	1/1/2021	12/31/2021	50,000
NET VOLUME			50,000

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TRANSMITTAL

**To:** Cory Middleton, OWRD  
**Address:** 725 Summer St. NE Suite A  
**From:** Kim Grigsby, GSI Water Solutions, Inc.

**Attachments:** Fees enclosed regarding Reference Number CM-8

**Date:** February 22, 2021

Date	Number of Copies	Description
2/22/2021	1	Check for \$1,000 from Appassionata Vineyard Properties, LLC (CM-8)



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Via Email

February 17, 2021

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

**RE: Application for a Permit to Store Water in a Reservoir, in the name of Appassionata Vineyard Properties**

Dear Ms. Mucken:

On behalf of Appassionata Vineyard Properties, LLC, GSI Water Solutions, Inc. is filing the enclosed Application for a Permit to Store Water in a Reservoir under the Alternate Review process. The application requests to store up to 1.85 acre-feet of water from November 1 through June 30 for multipurpose use.

The permit application fee of \$1,000 will be mailed to OWRD after we receive the temporary number for this application. The fee was calculated as follows:

\$410 - Base application fee  
\$ 70 - \$35 per AF or fraction thereof x 2 = \$70  
\$520 - Permit recording fee

Total = \$1,000

If you have any questions regarding this application, you can reach me at 541-257-9004.

Sincerely,

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

Kimberly Grigsby  
Principal Water Resources Consultant

Enclosures: Application for a Permit to Store Water in a Reservoir (Alternate Review)