

# 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		PHONE (HM)	
PHONE (WK)	CELL	FAX	
ADDRESS			
CITY	STATE	ZIP	E-MAIL *

### Organization

NAME ABG OREGON VINEYARDS, LLC, ATTN: BRANDON ACKLEY		PHONE 425-446-3326	FAX
ADDRESS 600 UNIVERSITY STREET, SUITE 902			CELL
CITY SEATTLE	STATE WA	ZIP 98101	E-MAIL * BRANDON@ACKLEYBEVERAGE.COM

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

AGENT / BUSINESS NAME GSI WATER SOLUTIONS, INC. ATTN: KIMBERLY GRIGSBY		PHONE 541-257-9004	FAX
ADDRESS 1600 SW WESTERN BOULEVARD, SUITE 240			CELL
CITY CORVALLIS	STATE OR	ZIP 97333	E-MAIL * KGRIGSBY@GSIWS.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**

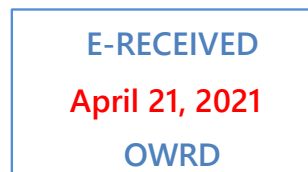
Applicant Signature

**Brandon Ackley, President**  
Print Name and Title if applicable

4/9/21  
Date

## SECTION 2: PROPERTY OWNERSHIP

For Department Use: App. Number: \_\_\_\_\_



**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.

- 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).*

N/A

**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. **(Please see Attachment B)**

**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: Effie’s Pond	Tributary to: Stag Hollow Creek
TRSQQ of POD: T2S R4W Sec. 35 NW SE	
Source 2:	Tributary to:
TRSQQ of POD:	

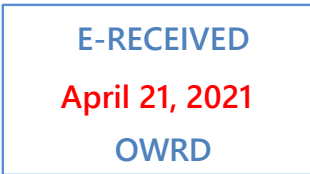
If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name). **(Please see Attachment D: Permit R-15458)**

**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.)

For Department Use: App. Number: \_\_\_\_\_



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.

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

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/](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.

For Department Use: App. Number: \_\_\_\_\_

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- 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.

**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:**

N/A

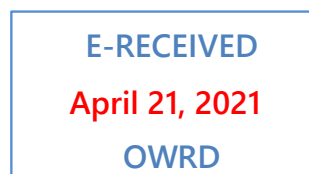
**Statewide - OAR 690-033-0330 thru -0340**

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.

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**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
Effie's Pond	Irrigation	March 1 – Sept. 30	9.11 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

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

Primary: 116.8 Acres                      Supplemental: 0 Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):

N/A

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 9.11 af

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

**SECTION 6: WATER MANAGEMENT**

**A. Diversion and Conveyance**

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

- Pump (give horsepower and type): 25-hp pump
- Other means (describe): \_\_\_\_\_

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

Stored water will be diverted from Effie's Pond and conveyed via PVC piping to the place of use.

**B. Application Method**

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

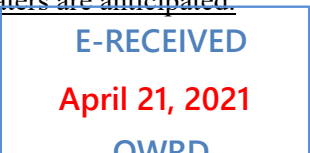
Water will be applied to vineyards via a drip irrigation system.

**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.

Water will be applied using a drip irrigation system. The Applicant will only irrigate when necessary to promote ideal fruit production. The use of stored water will be measured if required by OWRD. Construction is not anticipated to occur near riparian or aquatic environments, and no discharge to surface water is contemplated. No adverse effects to public uses of surface waters are anticipated.

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## 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: If the design of the diversion requires fish screening or bypass, the Applicant will install fish screening and/or provide bypass that complies with all applicable state and federal requirements.
- 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: During any construction, excavation or clearing of banks will be kept to a minimum. Any necessary removal/fill permits or other state or federal authorizations will be obtained.
- 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: No operation of equipment in water during construction is expected. Any in-water work conducted will occur in compliance with the applicable in-water work periods. Use of water under this permit will not require operating equipment in a water body.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe planned actions: Water will be applied via a drip irrigation system to prevent erosion.
- 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: Within 5 years of permit issuance  
 b) Date construction will be completed: Within 5 years of permit issuance  
 c) Date beneficial water use will begin: Within 5 years of permit issuance

## 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 N/A	Address	
City	State	Zip

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**SECTION 10: REMARKS**

Use this space to clarify any information you have provided in the application. (*Attach additional sheets if necessary*).

The Applicant also holds Permit G-18532, which authorizes irrigation of the same place of use as this application. Permit G-18532 is deficient in that it limits the use of water for irrigation to 70.0 acre-feet per year for 116.8 acres (standard duty of 2.5 acre-feet per acre would be 292 acre-feet). This application is requesting the use of up to 9.11 acre-feet of stored water for irrigation of the same acreage to improve flexibility and operational efficiency of the Applicant's water sources. The Applicant will be able to put water to beneficial use on the entire place of use because the crop being irrigated is grapes, which do not require much water, and because the Applicant uses an efficient drip irrigation system.

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# Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

## Include this checklist with the application

**Check that each of the following items is included.** The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Resource Protection
- SECTION 8: Project Schedule
- SECTION 9: Within a District
- SECTION 10: Remarks

### Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt. **(Attachment A)**
- 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. **(Attachment B)**
- Fees - Amount enclosed: \$ **1,390**  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- Map that includes the following items: **(Attachment C)**
  - Permanent quality and drawn in ink
  - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
  - North Directional Symbol
  - Township, Range, Section, Quarter/Quarter, Tax Lots
  - Reference corner on map
  - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
  - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
  - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
  - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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**Attachment A**  
**Land Use Information Form**  
Surface Water Permit Application – ABG Oregon Vineyards, 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



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

Applicant(s): ABG Oregon Vineyards, LLC; Attn: Brandon Ackley

Mailing Address: 600 University Street, Suite 902

City: Seattle State: WA Zip Code: 98101 Daytime Phone: 425-446-3326

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>2S</u>	<u>4W</u>	<u>35</u>	<u>NE-1/4</u>	<u>101</u>	<u>EF-80</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>2S</u>	<u>4W</u>	<u>35</u>	<u>NW-1/4</u>	<u>101 &amp; 603</u>	<u>EF-80</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>2S</u>	<u>4W</u>	<u>35</u>	<u>SW-1/4</u>	<u>101, 601 &amp; 603</u>	<u>EF-80</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>2S</u>	<u>4W</u>	<u>35</u>	<u>SE-1/4</u>	<u>101 &amp; 601</u>	<u>EF-80</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>3S</u>	<u>4W</u>	<u>2</u>	<u>NWNE</u>	<u>601</u>	<u>EF-80</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>

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) \_\_\_\_\_

Estimated quantity of water needed: 9.11   
 cubic feet per second   
 gallons per minute   
 acre-feet

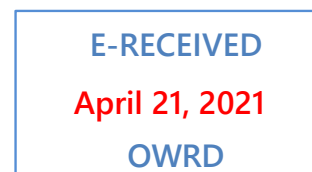
Intended use of water:  Irrigation   
 Commercial   
 Industrial   
 Domestic for \_\_\_\_\_ household(s)  
 Municipal   
 Quasi-Municipal   
 Instream   
 Other \_\_\_\_\_

Briefly describe:

The Applicant is proposing to use stored water from an existing reservoir for additional water supply for a vineyard.

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

See bottom of Page 3. →



# For Local Government Use Only

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

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 402.02 (A)
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

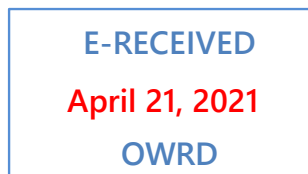
Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Stephanie Armstrong Title: Senior Planner  
 Signature: [Signature] Phone: 503.434.7516 Date: 4/15/21  
 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: \_\_\_\_\_



Attachment B  
Property Legal Description  
Surface Water Permit Application – ABG Oregon Vineyards, LLC

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FIRST AMERICAN TITLE 3168624



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

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

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

THIS SPACE RESERVED FOR RECORDER'S USE

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

By \_\_\_\_\_

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

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify  
that the instrument identified herein was recorded in the Clerk  
records.

Brian Van Bergen - County Clerk

### STATUTORY WARRANTY DEED

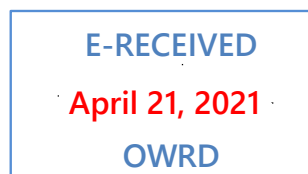
**Lesley L. Cummins, Trustee, or her successor in trust, under the Lesley L. Cummins Revocable Living Trust dated July 17, 2001 and any amendments thereto, Grantor, conveys and warrants to ABG Oregon Vineyards, LLC, an Oregon limited liability company, Grantee, the following described real property free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

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

**Subject to:**

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

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







**EXHIBIT A**

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

**PARCEL 1:**

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

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

**PARCEL 2:**

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

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

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APN: 16663

Statutory Warranty Deed  
- continued

File No.: 1032-3168624 (LB)

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

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# Attachment C Application Map

Surface Water Permit Application – ABG Oregon Vineyards, LLC

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Attachment D  
Permit R-15458

Surface Water Permit Application – ABG Oregon Vineyards, LLC

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STATE OF OREGON  
COUNTY OF YAMHILL  
PERMIT TO STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ABG OREGON VINEYARDS LLC  
600 UNIVERSITY ST SUITE 902  
SEATTLE WA 98101

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

APPLICATION FILE NUMBER: R-88858

SOURCE OF WATER: RUNOFF AND AN UNNAMED STREAM, TRIBUTARY TO STAG HOLLOW CREEK

STORAGE FACILITY: EFFIE'S POND

THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 18.0 FEET

MAXIMUM VOLUME: 9.11 ACRE-FEET

PURPOSE OR USE OF THE STORED WATER: MULTIPLE PURPOSE

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: DECEMBER 1 THROUGH MAY 31

DATE OF PRIORITY: AUGUST 10, 2020

DAM LOCATION/POINT OF DIVERSION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 W	WM	35	NW SE	2160 FEET NORTH AND 2190 FEET WEST FROM SE CORNER, SECTION 35

THE AREA TO BE SUBMERGED BY THE RESERVOIR:

Twp	Rng	Mer	Sec	Q-Q
2 S	4 W	WM	35	NW SE

**1. Water Use Measurement, Recording, and Reporting Condition:**

- A. The Director may require the permittee to install a staff gage that measures the entire range and stage between full reservoir level and dead-pool level in the reservoir. If no dead-pool, the gage must measure the full depth of the reservoir. If the Director notifies the permittee to install a staff gage, the permittee shall install such device within the period stated in the notice. Once installed, the permittee shall maintain the device in good working order and shall allow the watermaster access to the device.



B. The Director may require the permittee to keep and maintain a record of the volume of water stored, and may require the permittee to report water-storage on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.

C. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

**2. Riparian Condition:**

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.

**3. Water Quality Condition:**

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.

**4. Fish Screen/By-Pass Condition:**

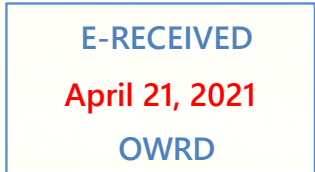
The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream 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.

**5. Fishway Condition:**

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

**6. Agricultural Water Quality Management Area Rules Condition:**

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





7. The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.
8. The permittee shall pass all live flow outside the storage season described above.
9. The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.
10. This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.

#### STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
3. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
4. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
5. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
6. The permitted volume of water shall be stored within five years of the date of permit issuance. If additional time is needed, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
7. Within one year after storage of water, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.
8. The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir capacity is equal to or greater than 9.2 acre-feet.

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9. If no secondary permit exists and the reservoir capacity is less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:
- a. the dimensions of the reservoir;
  - b. the maximum capacity of the reservoir in acre-feet; and
  - c. a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

Issued DEC 11 2020



Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

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**Water Solutions, Inc.**

*Via electronic mail*

April 21, 2021

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

RE: Water Use Permit Application for Use of Stored Water – ABG Oregon Vineyards, LLC

Dear Ms. Mucken:

GSI Water Solutions, Inc. (GSI), is submitting the enclosed application for a permit to use stored water on behalf of ABG Oregon Vineyards, LLC. The applicant is requesting a permit to use up to 9.11 acre-feet of stored water from Effie's Pond for irrigation of 116.8 acres of vineyard. ABG Oregon Vineyards is the owner of Effie's Pond and the holder of Permit R-15458, which authorizes the storage of up to 9.11 acre-feet of water in the pond. The applicant also holds an existing permit to irrigate the same acreage using groundwater (Permit G-18532); however, this permit is deficient in rate and volume. The enclosed application is intended to improve flexibility and operational efficiency of the Applicant's water sources.

The permit application fee will be mailed to OWRD after we receive the temporary number for this application. The fee was calculated as follows:

\$520 – Base application fee (Expedited Secondary process)

\$350 – \$35 per AF or fraction thereof x 10 = \$350

\$520 – Permit recording fee

Total = \$1,390

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

Sincerely,

A handwritten signature in cursive script that reads "Kimberly Grigsby".

Kimberly Grigsby  
Principal Water Resources Consultant

CC: Brandon Ackley, ABG Oregon Vineyards, LLC

Enclosures: Permit Application

