

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 N/A		PHONE (HM)		RECEIVED JAN 24 2022 OWRD
PHONE (WK)	CELL	FAX		
ADDRESS				
CITY	STATE	ZIP	E-MAIL *	

Organization

NAME JACKSON FAMILY INVESTMENTS III LLC; DELWARE LIMITED LIABILITY COMPANY		PHONE (707) 535-8502	FAX
ADDRESS C/O JACKSON FAMILY WINES, INC. , 421 AVIATION BLVD.			CELL
CITY SANTA ROSA	STATE CA	ZIP 95403	E-MAIL *

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

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

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the 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

Barbara R. Baake

Print Name and Title if applicable

BARBARA R. BAAKE, CHAIRMAN

Date

JAN 4, 2021

Applicant Signature

Print Name and Title if applicable

Date

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.

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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.

SEE DEED DOCUMENT NO. 2019-011608 & PARTITION PLAT NO. 2005-0022 & ALTA/ACSM LAND TITLE SURVEY

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: A Reservoir	Tributary to: Gibson Gulch
TRSQQ of POD: T7S, R3W, Section 7, SW/SW	
Source 2:	Tributary to:
TRSQQ of POD:	

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

B. Applications to Use Stored Water

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

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

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_trsqg_features/

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

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

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

Yes No

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

If yes,

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

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

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

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

Yes No

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

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

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

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

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:
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
A Reservoir	Multipurpose	March 1 - Oct. 31	9.0 <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: 53.8 Acres Supplemental: N/A 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: 9.0 acre-feet

- 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): 20 HP Cornell VFD
- Other means (describe): N/A

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

Water will be pumped directly from reservoir to 3" diameter PVC irrigation lines which will be buried alongside exiting roads to the application areas.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)
Application of water will be through drip irrigation using one 0.5 gph emitter per vine.

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 requested is to establish and grow grapes, requiring approximately 0.16 acre-feet per acre per year. Water will be applied using drip irrigation, with 1 emitter regulated to 0.5 gph per vine in order to ensure efficient application.

For Department Use: App. Number: _____

SECTION 7: RESOURCE PROTECTION

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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: Per prior communication with ODFW, no screen is required at this time. Refer to attached letter. The applicant will install fish screen if ODFW requires it. The applicant will install screen to protect the pump if ODFW does not require fish screen
- 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: The reservoir is existing, no riparian or streamside disturbance is proposed except for maintenance purposes.
- 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: The reservoir is existing, no major earthwork is expected.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: Drip irrigation will be used. Minimal use of fertilizer.
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.
No additional permits will be required. The reservoir is existing and permitted to store waters of the state.

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: Summer 2022
- b) Date construction will be completed: 2027
- c) Date beneficial water use will begin: 2022

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 N/A	
City N/A	State N/A	Zip N/A

SECTION 10: REMARKS

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

The applicant, Jackson Family Investments III, LLC., has aquired tax lots 1100, 1400, & 1402 of section 7, T7S, R3W. They plan to grow grapes for wine. This property has one associated certificates: R-15118, issued June 25, 2015 with a priority date of February 19, 2015.

In 2019, an assignment was completed, establishing Jackson Family Investments III, LLC as the permit holder of record for R-15118.

In August of 2021 the certificate for the reservoir was issued, 95859, see attachments.

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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.oregon.gov/OWRD

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 groundwater 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.

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NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a **OWRD** 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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JUL 27 2020
POLK COUNTY
COMMUNITY DEVELOPMENT



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

Applicant: JEFFREY KEE
First Last

Mailing Address: 13642 N.W. RIVARVIAN DRIVE
PORTLAND OR 97231 Daytime Phone: 503-939-7939
City State Zip

A. Land and Location

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

Township	Range	Section	1/4	Tax Lot #	Plan Designation (e.g., Rural Residential RR-5)	Water to be:			Proposed Land Use:
75	3W	7	SW SW	1100		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	A6
						<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:

POLK COUNTY

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B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond Ground Water Surface Water (name) _____

Estimated quantity of water needed: 9 AF 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 MULTIPLE USE

Briefly describe:

APPLICATION REVIEW FOR NEW VINEYARD GRAPE PRODUCTION. TO USE WATER STORED UNDER PERMIT R-15116

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): PCZO 128.520(B) Farm Use/Impation *
- 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.

** If there is vegetation removal for the project proposed compliance with PCZO 182.040(E) management plan for conflicting uses within a riparian setback area would be required.*

Name: Eve Adrian Title: Assoc. Planner
 Signature: [Signature] Phone: 503 623 9237 Date: 8/17/2020
 Government Entity: Polk 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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Hi Jeff,

Thanks for giving me the opportunity to visit the reservoir and see the conditions for passage at the site. Based on my observations of the outlet channel of the reservoir in question, it is my opinion that the pond and its outlet does not pose a barrier to upstream or downstream fish passage when the creek is flowing. Oregon Department of Fish and Wildlife therefore would not require a screen, bypass device, or fish ladder as a condition for any permitting. If, in the future, the landowner would want to stock the pond with fish from a private hatchery, a screen across the outlet would be a condition of any ODFW fish transport permit.

Let me know if you have questions or if you need anything further.

Sincerely,

Alex Farrand

Fish Biologist - ODFW
South Willamette District Office
7118 NE Vandenberg Ave.
Corvallis, OR 97330
Ph: 541-757-5239
fax: 541-757-4252

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From: Jeffrey Kee [mailto:jkee@stuntzner.com]
Sent: Friday, May 25, 2018 3:24 PM
To: Alex.Farrand@state.or.us
Cc: ken.kupperman@jfwmail.com
Subject: Brush College Reservoir Visit

Alex, thank you for meeting with us today on site.

The Oregon Water Resources Department water storage permit that is in place for the reservoir is R-15118 and it has a condition that states the reservoir should not pose an artificial obstruction to fish passage without providing a fishway to ensure fish passage.

Based on your inspection today and our discussion, can you provide us with a letter stating that the current design of the reservoir allows for fish passage?

Thanks much, soon,

Jeffrey Kee

Certified Water Rights Examiner/Professional Land Surveyor/Certified Erosion Sediment Control Lead

NOTE: our new location is 2318 Pacific Avenue, Suite B, Forest Grove, Or 97116



Stuntzner Engineering & Forestry LLC

2 36602 AM
MARTIN

AFTER RECORDING, RETURN TO:

Eugene A. Frassetto
Stoel Rives LLP
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205

**UNTIL A CHANGE IS REQUESTED,
SEND ALL TAX STATEMENTS TO:**

Jackson Family Investments III, LLC
c/o Jackson Family Wines, Inc.
421 Aviation Blvd.
Santa Rosa, California 95403
Attn: Tax Department

RECORDED IN POLK COUNTY	2019-011608
Valerie Unger, County Clerk	10/09/2019 11:56:06 AM
REC-WD Cnt=1 Stn=5 K. WILLIAMS	\$116.00
\$30.00 \$11.00 \$10.00 \$60.00 \$5.00	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

ANKERSTJERNE TIMBER, INC., an Oregon corporation, Grantor, hereby conveys and warrants to JACKSON FAMILY INVESTMENTS III, LLC, a Delaware limited liability company, Grantee, the real property described on Exhibit A attached hereto, free of all liens and encumbrances except as listed in on the attached Exhibit A.

The true consideration for this conveyance is \$2,100,000.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

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IN WITNESS WHEREOF, Grantor has executed this Statutory Warranty Deed this 4 day of October, 2019.

GRANTOR:

ANKERSTJERNE TIMBER, INC.

By: [Signature]
Name: Renee Ankerstjerne - Estrada
Title: President

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Lake)
On 10/04/2019 before me, G.S. Williamson, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Renee Ankerstjerne - Estrada
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]
Signature of Notary Public
G. S. Williamson, Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Statutory Warranty Deed Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____

EXHIBIT A
TO
STATUTORY SPECIAL WARRANTY DEED

Land Description

LAND DESCRIPTION AND EXCEPTIONS:

That certain real property (including (a) all buildings (including residential buildings), structures, wells, well-heads, pumps, pump houses, fixtures, and improvements located thereon; (b) all crops grown and growing thereon (including standing and down timber); (c) all entitlements, development licenses and permits; (d) all water rights (including water storage and other rights to access, use and/or apply water); (e) all rights, privileges, appurtenances, and easements thereon or related thereto; (f) all timber, oil, gas, natural gas and other mineral rights on, of or relating thereto) located in the County of Polk, State of Oregon described as follows:

Tract I:

The North Half of the North Half of the East Half of the Hiram Englis and wife Donation Land Claim Nos. 82 and 64- that portion hereby conveyed being located in the Southwest Quarter of Section 7, Township 7 South, Range 3 West, of the Willamette Meridian, all being situated in Polk County, Oregon.

SAVE AND EXCEPT: Beginning at an iron rod on the West line of Section 7, Township 7 South, Range 3 West of the Willamette Meridian in Polk County, Oregon, which bears North 00°11'54" East 683.76 feet from a Polk County Monument marking the Southwest corner of said Section 7, said beginning point being on the North line of that tract of land conveyed to Carl Staats by deed recorded in Volume 119, Page 217, Deed Records for Polk County, Oregon; thence North 00°11'54" East along the West line of said Section, 368.64 feet to an iron rod; thence South 70°37'37" East 1144.79 feet to an iron rod on the North boundary line of Lot 5, Clarkview Fruit Farms in Polk County, Oregon; thence North 89°33'26" West along the North line of said Lot, a distance of 250.98 feet to an iron rod marking the Northwest corner of said Lot 5; thence North 88°54'28" West along the North line of that tract of land conveyed to Basil H. Zell and Opal F. Zell by deed recorded August 29, 1941, in Volume 109, Page 284, Deed Records for Polk County, Oregon, 373.09 feet to an iron rod marking the Northwest corner thereof; thence North 89°44'34" West along the North line of said Staats tract 457.26 feet to the point of beginning.

Tract II:

Beginning at an iron rod on the West line of the Southeast quarter of Section 7, in Township 7 South, Range 3 West of the Willamette Meridian in Polk County, Oregon, marking the Northwest corner of the Irving B. Iverson Tract as per Boundary Line Agreement recorded April 19, 1985, in Volume 186, Page 774, Book of Records for Polk County, Oregon, which point bears North 00°02'50" East 1722.53 feet from the 1/4 corner on the South line of Section 7, thence North 89°01'01" East along said Agreement line 159.24 feet to the true point of beginning; thence North 89°01'01" East continuing along said Agreement line 603.75 feet to an iron rod; thence South 89°00'00" East 220.00 feet to an iron rod; thence South 00°14'36" West 30.00 feet to an iron rod; thence Southwesterly along the arc of a 80.00 foot radius curve to the left (the chord of which bears South 23°37'18" West 146.86 feet) a distance of 186.04 feet to an iron rod; thence South 43°00'00" East 103.83 feet to an iron rod; thence Southeasterly along the arc of a 200.00 foot radius curve to the right (the chord of which bears South 16°30'00" East 178.48 feet) a distance of 185.00 feet to an iron rod; thence Southwesterly along the arc of a 115.00 foot radius curve to the right (the chord of which bears South 67°37'30" West 194.25 feet) a distance of 231.32 feet; thence North 54°45'00" West 149.00 feet; thence North 35°15'00" East 30.00 feet; thence North 54°45'00" West 172.31 feet; thence North 59°45'00" West 534.18 feet to the point of beginning.

TOGETHER WITH a non-exclusive easement for road and roadway purposes: a 60.00 foot wide roadway easement the centerline of which is described as follows:

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Beginning at a point which bears North 00°02'30" East 1728.14 feet and North 89°31'30" West 60.00 feet and South 00°02'30" West 451.97 feet from the Southwest corner of Section 7, Township 7 South, Range 3 West of the Willamette Meridian in Polk County, Oregon; thence South 35°00'00" West 81.49 feet; thence Southwesterly along the arc of a 140.00 foot radius curve to the right (the chord of which bears South 62°30'00" West 129.00 feet) a distance of 134.39 feet; thence West 288.52 feet; thence Southwesterly along the arc of a 100.00 foot radius curve to the left (the chord of which bears South 53°45'00" West 118.26 feet) a distance of 126.54 feet; thence Southwesterly along the arc of a 200.00 foot radius curve to the right (the chord of which bears South 53°51'19" West 237.12 feet) a distance of 253.81 feet; thence North 89°47'22" West 369.37 feet; thence Northwesterly along the arc of a 80.00 foot radius curve to the right (the chord of which bears North 40°23'41" West 121.47 feet) a distance of 137.94 feet; thence North 09°00'00" East 221.58 feet; thence Northwesterly along the arc of a 300.00 foot radius curve to the left (the chord of which bears North 22°30'00" West 313.50 feet) a distance of 329.87 feet; thence North 54°00'00" West 286.32 feet; thence North 89°45'24" West 94.57 feet;

thence Southwesterly along the arc of a 80.00 foot radius curve to the left (the chord of which bears South 23°37'18" West 146.86 feet) a distance of 186.04 feet; thence South 43°00'00" East 103.83 feet; thence Southeasterly along the arc of a 200.00 foot radius curve to the right (the chord of which bears South 16°30'00" East 178.48 feet) a distance of 185.00 feet; thence Southwesterly along the arc of a 115.00 foot radius curve to the right (the chord of which bears South 48°39'19" West 143.67 feet) a distance of 155.17 feet; thence South 83°00'00" West 185.91 feet; thence South 80°00'00" West 295.00 feet; thence Southwesterly along the arc of a 350.00 radius curve to the left (the chord of which bears South 66°30'00" West 163.41 feet) a distance of 164.93 feet; thence South 53°00'00" West 103.05 feet; thence Southwesterly along the arc of a 300.00 foot radius curve to the right (the chord of which bears South 70°30'00" West 180.42 feet) a distance of 183.26 feet; thence South 88°00'00" West 60.89 feet to a point on the West line of the Southeast quarter of said Section 7 and being the point of terminus.

ALSO a second 60.00 foot wide roadway easement the centerline of which is described as follows:

Beginning at a point on the West line of the Southeast quarter of Section 7, Township 7 South, Range 3 West of the Willamette Meridian in Polk County, Oregon, which bears North 00°02'50" East 1692.53 feet from the quarter corner of the South line of said Section 7, said beginning point also being South 00°02'50" West 30.00 feet from the Northwest corner of said Iverson Tract as per Boundary Line Agreement recorded April 19, 1985, in Volume 186, Page 774, Deed Records for Polk County, Oregon; thence North 89°01'01" East parallel with said Agreement line, 151.39 feet; thence South 59°45'00" East 524.49 feet; thence South 54°45'00" East 320.00 feet; thence Southeasterly along the arc of a 115.00 foot radius curve to the left (the chord of which bears South 73°43'11" East 74.77 feet) a distance of a 76.15 feet to its intersection with the centerline of the first described roadway easement.

Tract III:

Beginning at an iron rod which bears North 00°02'30" East 967.50 feet and North 89°47'22" West 2484.59 feet from the Southeast corner of Section 7, Township 7 South, Range 3 West of the Willamette Meridian in Polk County, Oregon, said beginning point also bears North 00°02'30" East 60.00 feet and North 89°47'22" West 2484.59 feet from the Southeast corner of that tract of land conveyed to Irving B. Iverson by instrument recorded in Volume 183, Page 1128, Book of Records for Polk County, Oregon; thence North 89°47'22" West, parallel with the South line of said Iverson Tract, 154.94 feet to an iron rod on the West line of the Southeast quarter of said Section 7; thence North 00°02'50" East along said West line 755.03 feet to an iron rod marking the Northwest corner of said Iverson Tract as per Boundary Line Agreement recorded April 19, 1985 in Volume 186, Page 774, Book of Records for Polk County, Oregon; thence North 89°01'01" East along said Agreement line, 159.24 feet; thence South 59°45'00" East 534.18 feet; thence South 54°45'00" East 172.31 feet; thence South 35°15'00" West 30.00 feet; thence South 54°45'00" East 149.00 feet; thence Southeasterly along the arc of a 115.00 foot radius curve to the left (the chord of which bears South 73°43'11" East 74.76 feet) a distance of 76.15 feet to an iron rod; thence South 83°00'00" West 185.91 feet to an iron rod; thence South 80°00'00" west 295.00 feet to an iron rod; thence Southwesterly along the arc of a 350.00 foot radius curve to the left (the chord of which bears South

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66°30'00" West 163.41 feet) a distance of 164.93 feet to an iron rod; thence South 53°00'00" West 198.20 feet to the point of beginning.

TOGETHER WITH & SUBJECT TO a 60.00 foot wide roadway easement the centerline of which is described as follows:

Beginning at a point which bears North 00°02'30" East 1728.14 feet and North 89°31'30" West 60.00 feet and South 00°02'30" West 451.97 feet from the Southeast corner of Section 7, Township 7 South, Range 3 West of the Willamette Meridian in Polk County, Oregon; thence South 35°00'00" West 81.49 feet; thence Southwesterly along the arc of a 140.00 foot radius curve to the right (the chord of which bears South 62°30'00" West 129.29 feet) a distance of 134.39 feet; thence West 288.52 feet; thence Southwesterly along the arc of a 100.00 foot radius curve to the left (the chord of which bears South 53°45'00" West 118.26 feet) a distance of 126.54 feet; thence Southwesterly along the arc of a 200.00 foot radius curve to the right (the chord of which bears South 53°51'19" West 237.12 feet) a distance of 253.81 feet; thence North 89°47'22" West 369.37 feet; thence

Northwesterly along the arc of a 80.00 foot radius curve to the right (the chord of which bears North 40°23'41" West 121.47 feet) a distance of 137.94 feet; thence North 09°00'00" East 221.58 feet; thence Northwesterly along the arc of a 300.00 foot radius curve to the left (the chord of which bears North 22°33'00" West 313.50 feet) a distance of 329.87 feet; thence North 54°00'00" West 286.32 feet; thence North 89°45'24" West 94.57 feet; thence Southwesterly along the arc of a 80.00 foot radius curve to the left (the chord of which bears South 23°37'18" West 146.86 feet) thence South 43°00'00" East 103.83 feet; thence Southeasterly along the arc of a 200.00 foot radius curve to the right (the chord of which bears South 16°30'00" East 178.48 feet) a distance of 185.00 feet; thence Southwesterly along the arc of a 115.00 foot radius curve to the right (the chord of which bears South 48°39'19" West 143.67 feet) a distance of 155.17 feet; thence South 83°00'00" West 185.91 feet; thence South 80°00'00" West 295.00 feet; thence Southwesterly along the arc of a 350.00 foot radius curve to the left (the chord of which bears South 66°30'00" West 163.41 feet) a distance of 164.93 feet; thence South 53°00'00" West 103.05 feet; thence Southwesterly along the arc of a 300.00 foot radius curve to the right (the chord of which bears South 70°30'00" West 180.42 feet) a distance of 183.26 feet; thence South 88°00'00" West 60.89 feet to a point on the West line of the Southeast quarter of said Section 7 and being the point of terminus.

ALSO a second 60.00 foot wide roadway easement, the centerline of which is described as follows:

Beginning at a point on the West line of the Southeast quarter of Section 7, Township 7 South, Range 3 West of the Willamette Meridian in Polk County, Oregon, which bears North 00°02'50" East 1692.53 feet from the quarter corner of the South line of said Section 7, said beginning point also being South 00°02'50" West 30.00 feet from the Northwest corner of said Iverson Tract as per Boundary Line Agreement recorded April 19, 1985 in Volume 186, page 774, Book of Records for Polk County, Oregon; thence North 89°01'01" East parallel with said Agreement line, 151.39 feet; thence South 59°45'00" East 524.49 feet; thence South 54°45'00" East 320.00 feet; thence Southeasterly along the arc of a 115.00 foot radius curve to the left (the chord of which bears South 73°43'11" East 74.77 feet) a distance of 76.15 feet to its intersection with the centerline of the first described roadway easement.

Tract IV:

Parcel 1, PARTITION PLAT NO. 2005-22, in the County of Polk and State of Oregon.

Together with and subject to a 60 foot wide roadway easement described as follows: Beginning at a point which bears North 00°02'30" East 1728.14 feet and North 89°31'30" West 60.00 feet and South 00°02'30" West 451.97 feet from the Southeast corner of Section 7, Township 7 South, Range 3 West of the Willamette Meridian in Polk County, Oregon; thence South 35°00'00" West 81.49 feet; thence Southwesterly along the arc of a 140.00 foot radius curve to the right (the chord of which bears South 62°30'00" West 129.29 feet) a distance of 134.39 feet; thence West 288.52 feet; thence Southwesterly along the arc of a 100.00 foot radius curve to the left (the chord of which bears South 53°45'00" West 118.26) a distance of 126.54 feet; thence Southwesterly along the arc of a 200.00 foot radius curve to the right (the chord of which bears South 53°51'19" West 237.12 feet) a distance of 253.81 feet; thence North 89°47'22" West 369.37 feet; thence Northwesterly along the arc of a 80.00 foot radius curve to the right (the chord of which bears North 40°23'41" West 121.47 feet) a distance of 137.94 feet; thence

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North 09°00'00" East 221.58 feet; thence Northwesterly along the arc of a 300.00 foot radius curve to the left (the chord of which bears North 22°30'00" West 313.50 feet) a distance of 329.87 feet; thence North 54°00'00" West 286.32 feet; thence North 89°45'24" West 94.57 feet; thence Southwesterly along the arc of a 80.00 foot radius curve to the left (the chord of which bears South 23°37'18" West 146.86 feet) a distance of 186.04 feet; thence South 43°00'00" East 103.83 feet; thence Southeasterly along the arc of a 200.00 foot radius curve to the right (the chord of which bears South 16°30'00" East 178.48 feet) a distance of 185.00 feet; thence Southwesterly along the arc of a 115.00 foot radius curve to the right (the chord of which bears South 48°39'19" West 143.67 feet) a distance of 155.17 feet; thence South 83°00'00" West 185.91 feet; thence South 80°00'00" West 295.00 feet; thence Southwesterly along the arc of a 350.00 foot radius curve to the left (the chord of which bears South 66°30'00" West 163.41 feet) a distance of 164.93 feet; thence South 53°00'00" West 103.05 feet; thence Southwesterly along the arc of a 300.00 foot radius curve to the right (the chord of which bears South 70°30'00" West 180.42 feet) a distance of 183.26 feet; thence South 88°00'00" West 60.89 feet to the point on the West line of the Southeast quarter of Section 7 and being the point of terminus.

Also together with a non-exclusive easement for ingress and egress as disclosed in document recorded July 14, 1981, in Book 158, Page 1568, Book of Records for Polk County, Oregon.

Subject to a 20 foot easement for utility purposes over and across the Easterly 20 feet thereof as reserved in document recorded November 14, 2005, instrument no. 2005-019347.

SUBJECT TO:

1. Real property taxes for the current tax year a lien not yet due and payable. All or part of the property described herein may have been specially assessed under farm or timber deferral. If the land becomes disqualified for such special assessment under the statute, additional taxes and/or penalties and interest may be levied.
2. The property lies within and is subject to the levies and assessments of the Polk Soil and Water Conservation District provided that there are no unpaid assessments due with respect to the property.
3. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
4. Mineral rights reserved in Bk 143/Pg 20, as modified by that certain Surface Use and Access Waiver and Release ("Surface Use Waiver") by Ameritas Life Insurance Corp., successor by merger to the original holder of such rights, which Surface Use Waiver is being recorded following this instrument.
5. Easement, Recorded: July 14, 1981 at Instrument No.: Bor: 158 Page: 1568
6. Matters as contained on Survey Map of Major/Minor Partition, Recorded: July 31, 1985 at Instrument No.: Bor: 188 Page: 897
7. Easement Recorded: August 5, 1985 at Instrument No.: Bor: 188 Page: 1079
8. Easement Recorded: July 1, 1986 at Instrument No.: Bor: 195 Page: 565 and Re-recorded: August 6, 1986 at Instrument No.: Bor: 196 Page: 1008
9. Encroachment over the South line of the property, as disclosed by ALTA/ ACSM Land Title Survey, dated June 21, 2018, revised September 19, 2018, prepared by Northstar Surveying.

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STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

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THIS CERTIFICATE ISSUED TO

JACKSON FAMILY INVESTMENTS III, LLC, A DELAWARE LIMITED LIABILITY COMPANY
C/O JACKSON FAMILY WINES, INC
421 AVIATION BLVD
SANTA ROSA CA 95403

confirms the right to store water perfected under the terms of Permit R-15118. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-88053

SOURCE OF WATER: GIBSON GULCH, TRIBUTARY TO BRUSH COLLEGE CREEK

STORAGE FACILITY: A RESERVOIR

USE: MULTIPLE PURPOSE

MAXIMUM VOLUME: 9.0 ACRE FEET

WATER MAY BE APPROPRIATED AS FOLLOWS: NOVEMBER 1 THROUGH MAY 31

DATE OF PRIORITY: FEBRUARY 19, 2015

Dam Location/Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
7 S	3 W	WM	7	SW SW	82	740 FEET SOUTH AND 2370 FEET WEST FROM NE CORNER, HIRAM ENGLISH DLC 82

The Area Submerged:

Twp	Rng	Mer	Sec	Q-Q	DLC
7 S	3 W	WM	7	NW SW	82
7 S	3 W	WM	7	SW SW	82

Measurement, recording and reporting conditions:

- A. The Director may require the water user to install a staff gage that measures the entire range and stage between full reservoir level and dead-pool level in the reservoir.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

- B. If the Director notifies the water user to install a staff gage, or other suitable measuring device, the water user shall install such devices within the period stated in the notice. Once installed, the water user shall maintain the devices in good working order and shall allow the watermaster access to the devices.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used, and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water-use information, the periods of water use and the place and nature of use of water under the right.
- D. The Director may provide an opportunity for the water user to submit alternative measuring and reporting procedures for review and approval.

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 determined necessary.

Except for bypass flows after diversion and storage allocation has been met, or in case of emergency, the water user shall not release stored water from the reservoir June 1 through October 1, unless it is determined necessary by the Department.

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

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.

The water user 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 water user is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

Notwithstanding that ODFW has made a determination that fish screens are not necessary, the water user may be required in the future to install, maintain, and operate fish-screening devices to prevent fish from entering the diversion.

This right allows an annual appropriation (not to exceed the specified volume). This right 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.

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

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

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

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.

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

The right to store water for the above purpose is restricted to beneficial use at the place of use described.

Issued AUG 06 2021

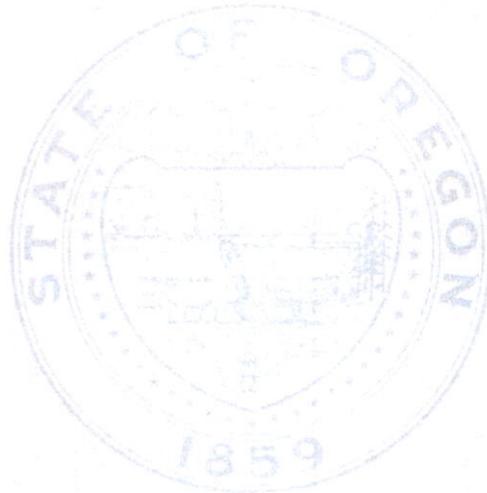


Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

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Oregon Water Resources Department
 Stored Water Only Applications - Expedited Secondary

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Today's Date: Tuesday, November 30, 2021

Base Application Fee.		\$610.00
Acre feet of Stored Water to be diverted.	9	\$369.00
	Subtotal:	\$979.00
Permit Recording Fee. ***		\$610.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$1,589.00

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Attachments for:

Surface Water Application
Jackson Family Wines, Brush College

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Checklist & Processing Information, 2 pages, page 1

OWRD Land Use Information Form, 3 pages, page 3

Email from ODFW biologist Alex Farrand, 1 page, page 6

Deed, 6 pages, page 7

Reservoir certificate 95859, 3 pages, page 13

OWRD application fee calculation printout, 1 page, page 16

Prepared for Jackson Family Wines by:
Stutzner Engineering & Forestry
2318-B Pacific Avenue
Forest Grove, OR 97116
Office phone 503-357-5717
billflatz@stutzner.com

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

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Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- 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.
- Fees - Amount enclosed: \$ \$1589.00
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - 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)

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050. The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$260. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives [public notice](#) of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$410.00 for the applicant and \$810.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate

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TELEPHONE (503) 357-5717
CELL (503) 939-8381
FAX (503) 357-5698
billflatz@stuntzner.com

2318-B Pacific Avenue
FOREST GROVE, OREGON 97116

COOS BAY - FOREST GROVE - JUNCTION CITY

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

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SUBJECT: Surface Water Application Submittal.

January 21, 2022

To Whom it may concern:

Please find enclosed:

- A completed Surface Water Application form.
- A completed Surface Water Application Map
- Surface Water Application Attachments.
- A check for \$1,589 for the statutory review fee.

Please call if you have any questions or need any further information.

Sincerely,
Stuntzner Engineering & Forestry, LLC

A handwritten signature in blue ink that reads "Bill Flatz". The signature is stylized and fluid.

Bill Flatz, PE, CWRE