

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 PATRICK H. AND MARY K. KESSI		PHONE (HM)	
PHONE (WK)	CELL	FAX	
ADDRESS 3330 NW YEON AVE., SUITE #120			
CITY PORTLAND	STATE OR	ZIP 97056	E-MAIL *

Organization

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

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

AGENT / BUSINESS NAME BILL FLATZ / STUNTZNER ENGINEERING & FORESTRY		PHONE 503-357-5717	FAX
ADDRESS 2318-B PACIFIC AVENUE			CELL
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.)

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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

	<u>PATRICK KESSI</u>	<u>2-09-23</u>
Applicant Signature	Print Name and Title if applicable	Date
	<u>Mary Kessi</u>	<u>2-9-23</u>
Applicant Signature	Print Name and Title if applicable	Date

SECTION 2: PROPERTY OWNERSHIP

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

- 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)*

Revocable Living Trust, Fred & Mary Bernet
 51364 Dike Road
 Scappoose OR 97056

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

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

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

Source 1: POD #1	Tributary to: Multnomah Channel
TRSQQ of POD: 3N 1W Sec 19 NW/NE	
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).

N/A

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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 or your intent to file this application, which should have been mailed or delivered to the operator.)

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

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

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

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/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

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

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

Yes No

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

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

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

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

Yes No

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

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

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

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

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

Statewide - OAR 690-033-0330 thru -0340

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

Yes No

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

SECTION 5: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):
 (1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
POD #1	Nursery	Year round	0.52 <input checked="" 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
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.

Primary: 41.82 Acres Supplemental: _____ Acres Nursery Use: 41.82 Acres

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

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 104.55 A-F

- 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

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A. Diversion and Conveyance

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

- Pump (give horsepower and type): 20 hp centrifugal
- Other means (describe):

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

The POD is existing and in use under Permit S-53831. The water will be pumped from the Multnomah Channel through an existing meter, under the existing dike and into the existing Means Nursery bulge. From there the water is released into a canal system. The water will be pumped from one or both of the proposed pumping sites located on the canal system. The pumps will deliver irrigation water to the nursery crops on the hatched areas.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)
 The water will be pumped using an existing POD on the Multnomah Channel. The pump and active fish screen are located on a dock along the channel, the water is pumped up through a meter and under a dike and is delivered to a bulge through buried mainline. The water is then transferred into

a canal system using a canal gate valve at the bulge. The water is pumped from multiple points along the canal system. For this water right there will be three new potential pumping locations. The irrigation equipment types will likely depend on the crops to be planted. The pumps will most likely be centrifugal with screened snorkel in the canal. The most likely irrigation method is aluminum irrigation handlines with impact sprinklers, and or big gun 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.

Irrigation will only take place when required. Any runoff from the nursery use will be reclaimed with the canal system at the nursery and re-used.

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: Existing POD has active fish screen approved by ODFW.

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: No permits or excavations will be required. The POD, buried pipeline, bulge and canal system is existing and most likely a mobile pump system will be used with a snorkel and screen intake system.

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 existing POD has an approved fish screen. The proposed pump sites along the canal system will be screened.

No damage to aquatic live should result.

Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: The existing canal system reclaims any runoff and the water is re-used.

List other federal and state permits or contracts to be obtained, if a water right permit is granted.
No other federal or state permits should be required for this water right.

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: 6/15/23
- b) Date construction will be completed: 9/15/23
- c) Date beneficial water use will begin: 9/15/23

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SECTION 9: WITHIN A DISTRICT

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

Irrigation District Name	Address	
City	State	Zip

SECTION 10: REMARKS

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

The land owners and Means Nursery are applying for this water right in order to grow in-ground nursery crops on the mapped tax lots for long term nursery operations. They are requesting 1/80th of a cfs per acre for a rate, and 2.5 feet for a duty for in-ground nursery. (rate: 0.52 cfs, duty:104.55 acre – feet)

The POD to be used is existing. The Certificate 95238 and the Permit S-53831 both use this POD.

The water will be appropriated when pumped from the existing POD through a fish screen, a meter and 2,900 feet of buried pipe up to the existing bulge in the Means Nursery, located in the NE/SW of section 18, T3N, R1W. The bulge is labeled on the application map.

From the bulge the water is released into an existing canal system. The existing canal system is controlled using canal gates throughout the system. The water will be applied to the nursery areas from the proposed pumping locations along the canals as shown on the application map.

The POD and conveyance system are existing, this permit only adds canal pumping locations and area of irrigation to the existing nursery 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

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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: \$2,110.00
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 \$310. 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 \$480.00 for the applicant and \$950.00 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

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

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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.

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 503-986-0900.

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#192-22-000290-PLNG

Attachment 2: Land Use Information Form

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

#399597

Applicant

NAME STUNTZNER ENGINEERING / BILL FLATZ			PHONE (HM)		
PHONE (WK) 503-357-5717		CELL 503-939-8381		FAX	
ADDRESS 33668 JOHNSON LANDING ROAD					
CITY SCAPPOOSE		STATE OR	ZIP 97056	E-MAIL* BILLFLATZ@STUNTZNER.COM	

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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:
3N	1W	18	NW+SW	1800	PA-80	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Nursery
3N	1W	18	NW	300	PA-80	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Nursery
3N	1W	19	NW	100	PA-80	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Nursery
3N	1W	7	SW	800	PA-80	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Nursery

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

COLUMBIA COUNTY ONLY.

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 Groundwater Registration Modification
- Limited Water Use License
- Allocation of Conserved Water
- Exchange of Water

Source of water: Reservoir/Pond Groundwater Surface Water (name) Multnomah Channel

Estimated quantity of water needed: 1.79 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 Nursery

Briefly describe:

The owners and Means Nursery are applying for a surface water right to irrigate in-ground nursery crops on tax lot 300.

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.

For Local Government Use Only

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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.

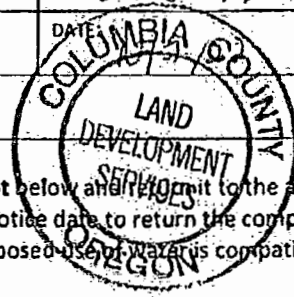
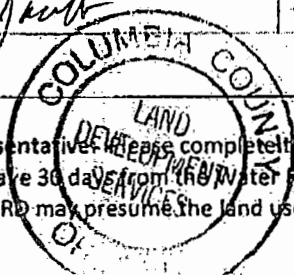
Please check the appropriate box below and provide the requested information

- 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): Section 300 of Zoning Ordinance related to Agriculture uses.
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. (Please attach documentation of applicable land use approvals which have already been obtained. Record of Action/land use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

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

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

NAME: <u>Debrah S. Jacobs</u>	TITLE: <u>Senior Planner</u>
SIGNATURE: <u>Debrah S. Jacobs</u>	PHONE: <u>503-357-7260</u>
GOVERNMENT ENTITY: _____	DATE: _____



Note to local government representatives: If you complete this form or sign the receipt below and permit 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: _____

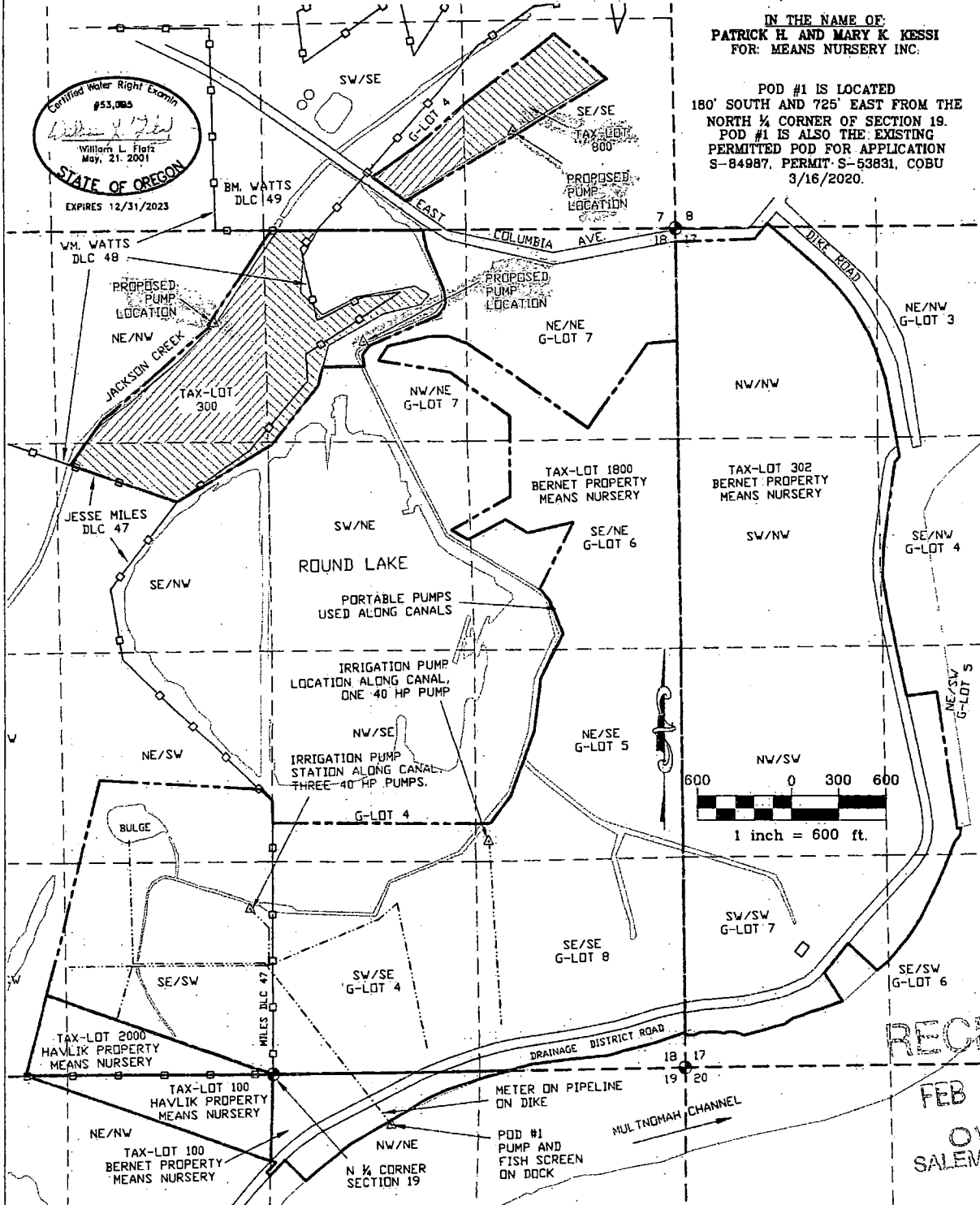
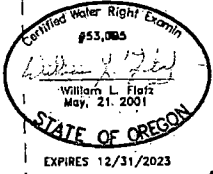
Signature: _____ Phone: _____ Date: _____

SURFACE WATER APPLICATION MAP

LOCATED IN SECTION 18 TAX LOT 300, AND SECTION 7 TAX LOT 800,
TOWNSHIP 3 NORTH, RANGE 1 WEST, W.M. COLUMBIA COUNTY, OREGON.

IN THE NAME OF:
PATRICK H. AND MARY K. KESSI
FOR: MEANS NURSERY INC.

POD #1 IS LOCATED
180' SOUTH AND 725' EAST FROM THE
NORTH 1/4 CORNER OF SECTION 19.
POD #1 IS ALSO THE EXISTING
PERMITTED POD FOR APPLICATION
S-84987, PERMIT S-53831, COBU
3/16/2020.



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LEGEND	
	AREA OF IRRIGATION
	PROPERTY LINES
	DLC LINES
	SECTION LINES
	QUARTER-QUARTER LINES
	GOVERNMENT MONUMENT

Means Nursery, Kessi Property				
Nursery Use, T3N, R1W, W.M.				
SEC	Q-Q	GLOT	DLC	AC
7	SW/SE	4		3.36
7	SE/SE			7.12
18	SE/NW		48	6.11
18	SE/NW			0.39
18	SW/NE			0.01
18	NE/NW		48	14.12
18	NE/NW	7		0.07
18	NW/NE		48	7.94
18	NW/NE	7		2.70
Total Nursery Acres =				41.82

ENGINEERING • LAND SURVEYING
FORESTRY • PLANNING • WATER RIGHTS
JOB# 322047, Means Nursery, KESSI
DRAWING: MEANS NURSERY KESSI SW APP.DWG
DATE: 10-4-22
2318-B PACIFIC AVENUE TEL: (503) 357-5717
FOREST GROVE, OR 97116 FAX: (503) 357-5898



EXAMINERS DISCLAIMER STATEMENT
The preparation of this map was for the purpose of identifying the location of the Water Right only and has no intent to provide dimensions or location of property ownership lines.

COLUMBIA COUNTY, OREGON **2019-03572**
DEED-D
Cnt=1 Pgs=4 KLUGD 05/08/2019 02:39:03 PM
\$20.00 \$11.00 \$10.00 \$60.00 \$5.00 **\$106.00**

I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon,
certify that the instrument identified herein was recorded in the Clerk
records.
Elizabeth E. Huser - County Clerk

After recording return to:

Harry M. Hanna
Sussman Shank LLP
1000 SW Broadway, Suite 1400
Portland, OR 97205-3089

Send all tax statements to:

Patrick H. and Mary K. Kessi
PO Box 10163
Portland, OR 97296

BARGAIN AND SALE DEED

William A. Kessi and Maureen Kessi, as tenants by the entirety, Grantors, convey to Patrick H. Kessi and Mary K. Kessi, as tenants by the entirety, Grantees, the real property situated in the County of Columbia, State of Oregon, more particularly described on the attached Exhibit A ("Property").

Tax Assessor's Parcel Nos. 5208, 28642 and 5321.

The consideration for this transfer is \$0.00. However, the true and actual consideration for this transfer consists of other property or other value given or promised.

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

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2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND
SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

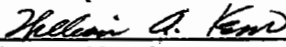
DATED 5-8-19, 2019.

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GRANTORS:

OWHD
SALEM, OREGON



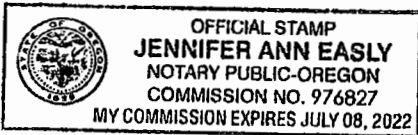
William A. Kessi



Maureen Kessi

STATE OF OREGON)
) ss.
County of Multnomah)

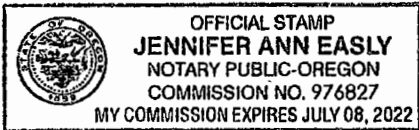
This instrument was acknowledged before me on May 8, 2019 by
William A. Kessi.

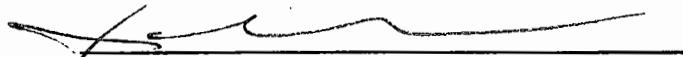



NOTARY PUBLIC FOR OREGON
My Commission Expires: 7/8/2022

STATE OF OREGON)
) ss.
County of Multnomah)

This instrument was acknowledged before me on May 8, 2019 by
Maureen Kessi.




NOTARY PUBLIC FOR OREGON
My Commission Expires: 7/8/2022

*17745-001DEED - COLUMBIA COUNTY 3 LOTS TO PATRICK AND MARY (03148449);1

RECORDED

FEB 15 2023

CLERK OF
SALEM, OREGON

EXHIBIT A

Assessor's Parcel Nos. 5208, 28642 and 5321

A part of the Benjamin M. Watts and William Watts Donation Land Claims in Section 7 and 18, Township 3 North, Range 1 West of the Willamette Meridian, Columbia County, Oregon, and a part of lake survey adjacent thereto, described as follows:

Beginning at a point on the Southerly right of way line of the Honeyman Road, said point being South 20°06' West 437.75 feet and South 64°14' East 2726.25 feet and South 59°32' East 317.93 feet and South 54°50' East 893.63 feet and South 35°10' West 60.0 feet from the West quarter corner of Section 7, Township 3 North, Range 1 West of the Willamette Meridian, Columbia County, Oregon; thence South 15°11' West a distance of 107.73 feet; thence South 51°20' West a distance 213.25 feet; thence South 28°38' West a distance of 294.83 feet; thence South 5°22' West a distance of 223.40 feet; thence South 44°36' East a distance of 197.70 feet; thence North 64°38' East a distance of 243.55 feet; thence North 80°20' East a distance of 371.7 feet; thence South 59°50' East a distance of 101.0 feet; thence South 29°26' West a distance of 84.4 feet; thence South 77°01' West a distance of 247.95 feet; thence South 60°41' West a distance of 396.0 feet; thence South 15°24' West a distance of 269.1 feet; thence South 39°04' West a distance of 455.3 feet; thence South 60°12' West a distance of 698.2 feet to the Southeast corner of the William Watts Donation Land Claim; thence along the South line of said William Watts Donation Land Claim North 70°04' West a distance of 714.4 feet to the center of Santosh Slough; thence along the center of said Santosh Slough as follows: North 37°21' East a distance of 343.0 feet; thence North 49°24' East a distance of 891.16 feet; thence leaving the center of said Santosh Slough North 57°23' West a distance of 13.0 feet; thence North 34°45' East a distance of 954.20 feet; thence North 43°10' East a distance of 342.20 feet to the Southerly right of way line of said Honeyman Road; thence South 54°50' East along the Southerly right of way line of said Honeyman Road a distance of 189.99 feet to the point of beginning.

Beginning at a point which is South 20°06' West 437.75 feet and South 64°14' East 2726.25 feet; South 59°32' East 317.93 feet; South 54°50' East 893.63 feet and South 35°10' West 60.0 feet from the West quarter corner of Section 7, Township 3 North, Range 1 West of the Willamette Meridian, Columbia County, Oregon, said point being the Northwest corner of that certain tract as conveyed to William A. Kessi et ux, by the Watts Estate, recorded April 25, 1947 in Book 93, page 328, Deed Records of Columbia County, Oregon, and being on the Southerly right of way line of Honeyman Road; thence South 15°11' West 107.73 feet; thence South 51°20' West 213.25 feet; thence South 28°38' West 294.83 feet; thence South 5°22' West 223.40 feet; thence South 44°36' East 197.7 feet; thence North 64°38' East 243.55 feet; thence North 80°20' East 371.7 feet; thence South 59°50' East 101.0 feet; thence South 29°26' West 84.4 feet; thence South 77°01' West 247.95 feet; thence South 60°41' West 396.0 feet; thence South 15°24' West 144.75 feet; thence East 196.25 feet to the center line of Scappoose

Drainage District drainage ditch; thence following the center line of said ditch North 27°10' West 55.39 feet; thence North 11°34½' West 68.62; thence North 37°44' East 63.3 feet; thence North 67°17½' East 491.6 feet; thence North 35°16' East 86.4 feet; thence North 4°02' East 75.0 feet; thence North 21°37' West, 290.0 feet; thence North 7°18' West 168.33 feet to the Southerly right of way of the Honeyman Road; thence along the South line of said road North 54°50' West 462.64 feet to the point of beginning.

Beginning at a point on the Northerly right of way line of Honeyman County Road, which point is South 20°06' West 437.75 feet and South 64°14' East 2726.25 feet and South 59°32' East 317.93 feet and South 54°50' East 981.02 feet from the West quarter corner of Section 7, Township 3 North, Range 1 West, of the Willamette Meridian, Columbia County, Oregon; thence North 56°11' East a distance of 375.16 feet; thence North 48°46' East a distance of 395.90 feet; thence North 52°59' East a distance of 696.52 feet to the Southerly right of way line of the Portland-Southwestern Railroad; thence along said Southerly right of way line of said Portland Southwestern Railroad 49°49½' East a distance of 442.52 feet to a point on the Southeasterly line of a tract of land deeded to Watts Estate as recorded in Book 59, page 21, Deed records of Columbia County, Oregon; thence along said Southeasterly line of said tract South 59°42½' West a distance of 1494.39 feet to said northerly right of way line of said Honeyman County Road; thence North 54°50' West a distance of 260.79 feet to the point of beginning.

*17745-001\DEED - COLUMBIA COUNTY 3 LOTS TO PATRICK AND MARY - EXHIBIT A (03148467);1

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SALEM, OREGON



First American

myFirstAm® Recorded Document

BERNET TAX LOTS
1600 + 100

The Recorded Document images are displayed in the subsequent pages for the following request:

State: OR
County: COLUMBIA

Document Number: 4554
Document Date: 20080307

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SALEM, OREGON

Limitation of Liability for Informational Report

IMPORTANT – READ CAREFULLY: THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.

Grantors' Name
Frederick R. Bernet and Mary Ellen Bernet
51364 Dike Road
Scappoose, OR 97056

Grantee's Name
Frederick R. Bernet, Trustee, and
Mary Ellen Bernet, Trustee

After recording, return to:
Frederick R. Bernet, Trustee and
Mary Ellen Bernet, Trustee
51364 Dike Road
Scappoose, OR 97056

Until requested otherwise, send all tax statements to:
Frederick R. Bernet, Trustee and
Mary Ellen Bernet, Trustee
51364 Dike Road
Scappoose, OR 97056

COLUMBIA COUNTY, OREGON 2008-004554
DEED-D
Cnt=1 Pgs=3 HUSERB 05/06/2008 11:50:49 AM
\$15.00 \$11.00 \$10.00 Total:\$36.00



00085522200800045540030038

I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon,
certify that the instrument identified herein was recorded in the Clerk
records.

Elizabeth E. Huser - County Clerk

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OWEN
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BARGAIN AND SALE DEED - STATUTORY FORM

Frederick R. Bernet and Mary Ellen Bernet, Husband and Wife, as tenants by the entirety, **Grantors**, hereby convey (a) an undivided one half (1/2) interest as tenant in common in and to Frederick R. Bernet and Mary Ellen Bernet, co-Trustees of the Frederick R. Bernet Revocable Trust, UTA DTD 3/7/08 and (b) an undivided one half (1/2) interest as tenant in common in and to Mary Ellen Bernet and Frederick R. Bernet, co-Trustees of the Mary Ellen Bernet Revocable Trust UTA DTD 3/7/08, herein collectively, "**Grantees**," in and to all right title and interest of the undersigned in the below described real property situated in Columbia County, Oregon, to-wit:

Parcel 1: Beginning at the quarter section corner between Sections 18 and 19, Township 3 North, Range 1 West of the Willamette Meridian, Columbia County, Oregon; thence South along the West line of Lot 1 of Section 19, a distance of 680 feet to the center line of the road as in existence in November 1930; thence along the center of said road North 50° 01' East a distance of 124.5 feet; thence South 188.5 feet to the meander line of Multnomah Channel and the true point of beginning of the following described property; thence from this point of beginning North a distance of 188.5 feet to the center of said road; thence South 50° 01' West along center of said road a distance of 124.5 feet to West line of Lot 1; thence North a distance of 680.0 feet to the said North quarter corner of said Section 19; thence North 0° 05' West a distance of 1565.5 feet to the Southwest corner of a tract of land described in deed from Clay Dooley, et ux., to Fred Havlik, et ux., recorded January 31, 1952, in Book 113, page 548, Deeds; thence along said tract of land East 1373.83 feet to the center of a drainage ditch; thence along said ditch North 38° 51' East 205.05 feet; thence North 20° 34' East 246.2 feet to a corner of a tract of land described in deed to Clay Dooley, et ux., recorded January 25, 1952, in Book 113, page 520, Deeds; thence along said Dooley tract South 53° 06' East a distance of 80.03 feet; thence South 22° 09' West a distance of 220.8 feet; thence South 31° 03' West a distance of 111.9 feet; thence South 20° 38' West a distance of 132.9 feet; thence South 1° 18' West a distance of 71.1 feet; thence South 32° 57' East a distance of 101.0 feet; thence North 89° 57' 1/2' East a distance of 73.0 feet to a point 16 chains West of

Deed 3 - Collins Place

\\dc03\pro\awdocs\27972.001\166135.doc

the East line of Section 18; thence South 0° 05' East and 16 chains West of said Section line, a distance of 1145.0 feet to an iron pipe; thence South 0° 05' East a distance of 188.0 feet, more or less to the meander line of Multnomah Channel; thence along the said meander line of said Multnomah Channel to the point of beginning.

Parcel 2: Beginning at an iron pipe marking the quarter corner common to Sections 18 and 19, Township 3 North Range 1 West of the Willamette Meridian, Columbia County, Oregon; said point also being the Southeast corner of the Jesse Miles Donation Land Claim; thence North 0° 05' West along the East line of the premises conveyed by Gaylord Shively, et al., to John Havlik, Jr., et ux., by deed recorded June 12, 1945, in Book 77, page 355, Deed Records, a distance of 1716.1 feet; thence North 45° 31 ½' West a distance of 88.3 feet to an iron rod; thence North 86° 18 ½' West a distance of 1030.2 feet along the North line of the property conveyed to said Havliks by said deed to the Northeast corner of the premises conveyed to Barbara Steinfeld by deed recorded July 31, 1946, in Book 87, page 471, Deed Records; thence South 14° 25 ½' West a distance of 1368 feet along the East line of the property conveyed to Barbara Steinfeld by said deed; thence South 70° 02 ½' East a distance of 1521 feet to the point of beginning.

Subject to the following

1. Rights of the public in roads and highways.
2. The premises herein described are within and subject to the statutory powers of Scappoose Drainage District.
3. Easement for power lines, including the terms and provisions thereof, from Linnton Securities Company to Portland Electric Power Company, recorded February 25, 1930, in Book 50, page 192, Deed Records.
4. Right of way and easement agreement, including the terms and conditions thereof, from Linnton Securities Company, to Scappoose Drainage District, recorded March 22, 1937, in Book 60 page 218, Deed Records.
5. Right of Way and Easement, including the terms and provisions thereof to build ditches, drains, embankments, power lines, etc., together with right of ingress and egress as granted by Wm. A. Reddaway and Ethel M. Reddaway to Scappoose Drainage District, by instrument recorded June 4, 1938, in Book 62, page 513, Deed Records.
6. Right of Way and Easement, including the terms and provisions thereof to build and construct levees, canals, etc., from Linnton Securities Company to Scappoose Drainage District, recorded June 6, 1939, in Book 64, page 280, Deed Records.
7. Right of Way for County Road, 10 to 20 feet in width, from Linnton Securities Company to Scappoose Drainage District, recorded June 6, 1939, in Book 64, page 281, Deed Records.
8. Easement, including the terms and provisions thereof, for roadway 20 feet wide along Easterly side of Parcel 2 as reserved in deed from John Havlik, Jr., et ux., to H. G. Palmberg, et ux., recorded September 19, 1946, in Book 88, page 542, Deed Records of Columbia County, Oregon.

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9. A right of way for travel 20 feet in width along the West line of Parcel 1 as conveyed in deed from Clay Dooley, et ux., to Fred Havlik, et ux., recorded January 31, 1952, in Book 113, page 548, Deeds.
10. Easement and Right of Way for electric transmission line, including the terms and provisions thereof given by J. J. Collins to Portland General Electric by instrument recorded November 1, 1963, in Book 153, page 504, Deed Records, Columbia County, Oregon.

TO HAVE AND TO HOLD the said premises unto said Grantee, his heirs and assigns forever. And the said Grantors hereby covenant that they are lawfully seized in fee simple of said premises; that they are free from all encumbrances, except as listed in 1. through 10. above, and that they will warrant and defend the above granted premises against all lawful claims whatsoever, except as above stated.

The true consideration for this conveyance stated in terms of dollars is \$0.00. This Deed is for estate planning purposes.

Dated this 7th day of March, 2008.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 197.352.

Frederick R. Bernet
Frederick R. Bernet

Mary Ellen Bernet
Mary Ellen Bernet

STATE OF OREGON, County of Multnomah) ss.

This instrument was acknowledged before me on 3/7, 2008,
by Frederick R. Bernet
and Mary Ellen Bernet

Carol Goodwin
NOTARY PUBLIC FOR OREGON,
My commission expires: 12/1/11



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OWNED
SALEM, OREGON

Today's Date: Wednesday, November 23, 2022

Base Application Fee.		\$1,090.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	0.52	\$410.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Surface Water points of diversions. **	1	
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	0	
Subtotal:		\$1,500.00
Permit Recording Fee. ***		\$610.00
* the 1st Water Use is included in the base cost. ** the 1st Surface Water point of diversion is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$2,110.00

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FEB 15 2023

LWHD
 SALEM, OREGON



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

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OWRD
SALEM, OREGON

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

SUBJECT: Surface Water Application Submittal.

Date: 02/10/2023

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 \$2,110 for the statutory review fee.

Please call if you have any questions or need any further information. Call 503-939-8381.

Sincerely,