Application for

Extension of Time for a Water Right Permit (NON-Municipal/ NON-Quasi-Municipal/ NON-Domestic)

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

Criteria for a Permit Extension of Time

The Department can accept requests for an extension of time on permits to (1) complete construction, and/or to (2) apply water to beneficial use. (The request cannot be approved for more than two years from the date of the extension.)

In order to approve a permit extension request the Department must be able to find:

1) **Construction has begun:**

   A. **For Groundwater Permits**
   Construction of the well(s), *authorized by the permit*, began within 5 years of the date the permit was issued.

   B. **For Surface Water or Reservoir Permits**
   Construction of the water system began within 5 years of the date the permit was issued.

The Department will also confirm that:

2) If required, a fish screen, fish passage or fish by-pass device was installed before or prior to diversion of any water. An exception to the need to confirm installation prior to diversion of any water would be a waiver submitted to the Department from ODFW stating that a fish screen, fish passage or fish by-pass device was not required, provided your permit allows for a waiver.

If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

A separate extension application must be submitted for <u>each</u> permit as per OAR 690-315-0020(2).

I, Patterson Real Estate Holdings, LLC & Northwest Farm Credit Services FLCA
NAME OF PERMIT HOLDER *[OAR 690-315-0020(1) and (3)(a)]*

29300 SE Burnett Rd	Eagle Creek	OR	97022
ADDRESS	CITY	STATE	ZIP

503-668-6000
PHONE

Bill@pns.us
E-MAIL ADDRESS

the permit holder of: Application Number G-16238

Permit Number G-15841
[OAR 690-315-0020(3)(b)]

do hereby request that the date by which the water development will be completed and water put to full beneficial use, which time now expires on Month:3 Day: 5 Year: 2026, be extended to Month:3 Day: 5 Year: 2028, *extension of time may be approved for no more than two years from the date the final order is issued *[Section 27, Chapter 282, Oregon Laws 2025]*

I am the permit holder, and may apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension.

Bill Patterson — **Signature**
7/13/26 — **Date**
Bill Patterson — **Printed Name**
Owner — **Title**

The agent below is authorized to represent the applicant in all matters relating to THIS application. BJP — **Permit Holder Initials**

Michael Higgins — **Authorized Agent (Print Agent Name)**
mhigginsrocks@gmail.com — **Agent contact**

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Before submitting your Application for Extension of Time, make sure the following items are included:

- This completed Application for Extension of Time.
- Statutory fee of $1,170
- Signature page (Second page of this Application for Extension of Time).
- Letter granting an agent authority to act on behalf of the permit holder (*if applicable*)
- All supporting documentation and/or evidence referenced in the Application for Extension of Time. (ODFW Fish screen approval or waiver, contract for stored water, etc)

MAIL COMPLETED APPLICATION
along with the Supporting documents and/ or evidence and correct fee to:

Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301

GENERAL TIPS:

- Permit holders of **municipal, quasi-municipal, or domestic water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS.

- Request the amount of time necessary, not to exceed two years, to complete construction of the water project and/or to use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be the final extension of time authorized. ORS 537.230 & 630 *[Section 27, Chapter 282, Oregon Laws 2025]*

- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).

- Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at the State of Oregon, Secretary of State Website. To be granted an extension of time, the Department must make four specific findings; 1) the application is complete, 2) construction of the water system began within the time specified in the permit and applicable statute, 3) there is good cause, and 4) the project can be completed within the time being requested. If the Department cannot make all four findings, the extension of time cannot be approved.

- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).

- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.

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- An Application for an Extension of Time will be reviewed for completeness. A response is required for each item contained in the application. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- **The water right permit**. If needed, a copy of the water right permit can be downloaded from the Department's Website, or, a copy of the permit may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).

- **Previous Applications and Orders.** Copies of previous applications and orders that may inform the completion of the Application for Extension of Time, if available, may be downloaded from the Department's Website. **NOTE: If the document requested is not available on the Department's website, you may submit a Public Record Request to obtain any additional information available in the file.**

- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Questions to complete this application for an Extension of Time
Please see the instruction sheet to help you answer these items.

1. Beginning Construction within required deadlines. OAR 690-315-0020(3)(d)

For Groundwater Permits

Has construction of the point of appropriation (well) authorized under this permit begun?
☒ **Yes** ☐ **No**

Date construction began Month:11 **Day: 25 Year: 1998**

Details of construction and attach documentation: Wells 1, 2, and 5 were drilled and connected to the system between November 1998 and April 2001. Copies of the well logs and Initial Static Water levels were submitted on the first Extension application and are attached again with this application. Wells 3, 4, a replacement well for the #5 well, and an additional well (#7) were drilled and connected to the system between January 2017 and July 2020. Well logs for these wells are attached. Well #5 Replacement was drilled because the original well produced too much sand for our sprinklers and drip system. Well # 7 was drilled to attempt to get closer to the allowed volume under the permit. Well #4 drilled location is not auhtorized under the existing permit and extension, according to OWRD most recent extension application approval (9/5/2025). We will apply for a permit amendment for well #4, the replacmetn well (#5R) and the additional POA (well #7), following approval of an extension. The aproval of the permit amendment will allow to move forward with completeing and submitting the Claim of Beneficial Use.

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For Surface/Reservoir Permit

Has construction of the water system begun? ☐ Yes ☐ No

Date construction began Month: Day: Year:

Details of construction and attach documentation: NA

OAR 690-315-0020(3)(A)(e)(A)

2a. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions included in the permit, or specified in a final order approving a permit amendment or prior extension of time. In the 1st column check the box for each condition (row) identified as relevant. In the 3rd column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4th column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
☒	Installation of a meter/totalizing flow meter	☒ Yes ☐ No	Well totalizing flow meters installed for all alls, last completed on 6/18/2020: Proposed Well (7) CLAC 75843.
☐	Submittal of annual water usage report	☒ Yes ☐ No	Annual
☒	Submittal of static water level measurements in the month required	☒ Yes ☐ No	March, 2026: March 1999 and seven consecutive measurements were reported for wells 1, 2, and 5. Wells 3, 4, 5R, and 7 were drilled after the 7 year timeframe. Levels for these wells were taken annually and can be submitted if required.
☐		☐ Yes ☐ No	NA
☒	Special well construction standards	☒ Yes ☐ No	Cased and sealed to 150 feet minimum when drilled.
☐	Submittal of a monitoring plan	☐ Yes ☐ No	NA

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☒	Well ID tag assigned and installed: 1, 2, 3, 4, 5, 5R, & 7	☒ Yes ☐ No	2020
☒	Other (Specify): Water Level Decline Limits	☒ Yes ☐ No	3/31/2026: decline limits have not been triggered to date.
☐	Other (Specify):	☐ Yes ☐ No	
	Surface Water or Reservoir		
☐	Installation of a meter/ totalizing flow meter	☐ Yes ☐ No	
☐	Submittal of annual water use report	☐ Yes ☐ No	
☐	Installation of a fish screen	☐ Yes ☐ No	
☐	Installation of a fish by-pass device	☐ Yes ☐ No	
☐	Installation of a fish passage	☐ Yes ☐ No	
☐	Installation of an outlet gate/pipe/ conduit	☐ Yes ☐ No	
☐	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	☐ Yes ☐ No	
☐	Submit as-built plans and specification	☐ Yes ☐ No	
☐	Submittal of a letter from an engineer prior to storage	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	

2b. If you have identified that you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

The permit conditions have been complied with. A permit amendment is required for the proposed wells to resolve location discepancies and groundwater roevoew requiremtns. This new extension will allow the permits amendment process to move forward. The approval of the permit amendment and completion of conditions then can apply for a claim of beneficial use, water right certificate.

[OAR 690-315-0020(3)(e)]

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. *Use chronological order.* Itemize each work item, and do not combine multiple work actions in one area. (Planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops ***is not*** *considered work in the development of the water system.* ***Work accomplished under other water rights may not be considered work under this permit.***)

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED *List any work done before the permit was issued – eg. well drilled.*	COST*
12/17/1998	Well 1 drilled. Construction start on the system	$18,485.00
10/1/2002	Wells 1, 2, & 5 completed and put into system use by 2002. Total costs:	$125,355.00
DATE	**WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED *and* PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER**	**COST***

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	List work/actions done during the permitted time period.	
2/10/2005	**Date the permit was signed** - find date above signature on last page of permit.	
	see chart C	
10/1/2009	**Date the permit specified complete application of water to the use shall be made-** all permits contain this date.	
DATE	**WORK ACCOMPLISHED AFTER the date the permit specified complete application of water and prior to any previous extension order** *COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.*	**COST***
	NA	
	Total Cost for Chart-B	**$143,840.00**

*** If exact cost is not known, you must provide your best estimate.**

4. If this is <u>not</u> your 1st Application for Extension of Time request, fill out CHART-C below in addition to CHART-B above. ***Use chronological order.***

CHART-C

DATE	**WORK ACCOMPLISHED <u>DURING</u> THE LAST EXTENSION PERIOD** *List all work done during the last authorized extension period.*	**COST***
10/1/2007	**"Extended From" date for complete application of water used in the most recent Final Order on Extension of Time.**	
10/2/2007	Continued to modify existing distribution lines, install new mainlines and laterals. Finish modifying existing Pond and installed pump system.	$117,288.00
1/1/2009	Rebuild system from Eagle Creek due to flood damage.	$45,326.00
1/20/2017	Drill Replacement well for existing well #5 due to major sand problem, dedicate old #5 well as domestic use only.Install pumps and Flow meters and connect to system.	$90,414.00
10/1/2017	Build 33 acre-feet reclamation /bulge pond with pump system.	$436,444.00
9/30/2019	Drill well #3 install pump and flow meter and connect to system.	$75,721.00
4/15/2020	Drill well #4 install pump and flow meter and connect to system.	$74,979.00
6/18/2020	Drill well #7 install pump and flow meter and connect to system. This well was drilled to try to reach the allowed amount of water approved by the permit for maximum capacity and benefical use.	$80,000.00

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10/1/2021	**"Extended To" date for complete application of water resulting from the most recent Final Order on Extension of Time.**	
DATE	**WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED** *List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.*	**COST***
8/2024	No more construction work was done after the 10/1/2021 date. System being used and updated as needed, maintenance and equipment repairs. New Water Rights Consultant hired summer of 2024.	$5,000.00
	Total Cost of Chart-C	**$925,470**

*** If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]**

5. Cost of project to date: $1,070,000

(The total combined cost from CHART-B and CHART-C) **[OAR 690-315-0020(f)]**

[OAR 690-315-0020(3)(e)(B)]

Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit made to date.

TIP: Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

6. For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):

TIP: Report the rate in the same units of measurement as specified in the permit.

Maximum rate used to date = 1 cfs (cubic feet per second) *or,*

Maximum rate used to date = _____ gpm (gallons per minute) *or,*

Maximum volume of stored water used to date = _____ AF or,

Maximum volume stored annually to date = _____ AF

7. For Ground Water Permit Extensions (e.g. G-XXXX):

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TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

CHART-D

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED: Well Log Number e.g. MORR 50473	IF DRILLED: Well Tag Number e.g. # 27566 or N/A	IF DRILLED: Is the actual drilled location authorized on this permit or on a permit amendment?	IF DRILLED: Maximum instantaneous rate used to date from this well - - under this permit only (CFS or GPM)	IF DRILLED: Is this well authorized or utilized under any OTHER water rights?	IF DRILLED: If yes, provide the Permit, Certificate, or Transfer No.
1	1	Yes ☒ No ☐	CLAC 54178	28524	Yes ☒ No ☐	80 GPM	Yes ☒ No ☐	G-13691 G-15195
2	2	Yes ☒ No ☐	CLAC 56492	44528	Yes ☒ No ☐	80	Yes ☒ No ☐	G-13691 G-15195
3	3	Yes ☒ No ☐	CLAC 75335	132924	Yes ☒ No ☐	100	Yes ☒ No ☐	G-13691 G-15195
4	4	Yes ☒ No ☐	CLAC 75720	137479	Yes ☐ No ☒	70	Yes ☒ No ☐	G-13691 G-15195
5	5	Yes ☒ No ☐	CLAC 56693	44589	Yes ☒ No ☐	70	Yes ☒ No ☐	G-13691 G-15195
NA	5R	Yes ☒ No ☐	CLAC 72846	118532	Yes ☐ No ☒	50	Yes ☐ No ☒	- -
NA	7	Yes ☒ No ☐	CLAC 75843	137486	Yes ☐ No ☒	150	Yes ☐ No ☒	- -
Total instantaneous rate from all wells utilized under this permit*						600 GPM*		

*Total of 600-gpm includes the proposed replacement well (#5R) and APOA (#7)

8. Has a Permit Amendment Application been filed? Yes ☐ No ☒
If yes, identify Transfer No. T-_____

[OAR 690-315-0020(3)(e)(C)]

9. For Irrigation and Nursery Use Permits Extensions

Provide the total number of acres irrigated to date under this permit.

a) Total acres irrigated to date: 55.0

b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres
2005 - 2019	55.0	2020 - 2026	55.0		

c) Provide a copy of the application map identifying the acres irrigated.

d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

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(POD/POA)#1, 2, & 5 Acres55.0 (POD/POA) #1, 2, 3, 4 & 5 Acres55.0

(POD/POA) #_____ Acres_____ (POD/POA) #_____ Acres_____

[OAR 690-315-0020(3)(i)(j)]

10. In the chart below provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2026 - 2028	Request Extension for Permits G 13691, G 15195, and G 15841 and upon approval, submit a Permit Amendment for well #4 location, change POD/POA well (authorized) for Well #5 (CLAC 56693) with one replacement well (#5R) drilled (CLAC 72846) and add POA Well # 7 drilled (CLAC 75843) to the permitted wells. Pending the approval of proposed permit amendments, we will then submit our Claim of Beneficial Use.	$18,500.00
Year:	**Date intend to apply water to full beneficial use under the terms and conditions of this permit.**	
	Total Cost	**$18,500.00**

[OAR 690-315-0020(3)(g)]

11. Estimated remaining cost to complete the project: $18,500.00

(The total cost from CHART-E)

[OAR 690-315-0020(3)(j)]

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: *(List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.)* All construction is complete and now we are requesting an Extension of time to submit Permit Amendment Applications to update the permit for the location authorized for well #4, change the authorized well (#5) for a replacment well (5R) and add POA Well # 7 for approval of the proposed wells to meet the capcity needs for the water delivery system. Once a Transfer is obtained for the permit amendments, we will submit the Claim of Beneficial Use for each permit involved. I would estimate that this can be done by spring of 2028, pending on the Departments time frame for processing and complete review of the applications.

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[OAR 690-315-0020(3)(k)]

13. Justify the time requested to complete the project and/or apply the water to full beneficial use. *(Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.)*

The Extension of time is needed to submit and attain the necessary Permit Amendments to resolve well location for permit authorization (well #4), change one replacement well (5R, CLAC 72846) and add one (APOA) for new well (#7, CLAC 75843) drilled for the Nursery water delivery system. Submission for the Claim of Beneficial Use to be completed upon permit amendment approval.

[OAR 690-315--0020(3)(l)]

14a. Will a denial of the extension result in undue hardship? *(Describe the hardship and the effects.)* Yes, we have made a huge investment in this project and a denial would not let us finish the final steps to complete the Claim process. As stated in our previous extension request, we were suddenly regulated off our primary water source from Eagle Creek in August of 2016. This was the first time we have been shut off since purchasing the property in 1997. As soon as we were regulated off the creek source, we applied and received an extension of time to attempt to improve the production of water from the wells. This also included constructing and connecting well's 3 and 4, replacing well 5, and drilling an additional well 7. The location of well 4 was moved to another location on the property to try to improve it's volume, and the construction of well 7 is the reason we need the extension of time so we can apply for a Permit Amendment and submit our COBU. We can file our Claim of Beneficial Use as soon as we gain approval of the extension and Permit amendment.

The denial of this request combined with the regulation of our primary water source during the time of year we need it the most would be catastophic to our business and result in the potential loss of millions of dollars of nursery stock. The wells were constructed as a supplemental and backup source of water for the time of year we cannot use the Creek source, so the loss of water from the wells along with the loss of the millions of dollars we have invested in the project would cause a tremendous hardship.

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14b. Are there any other reasonable alternatives that exist for meeting your water use needs? *(Explain in detail, consider other potential sources of water, and describe their feasibility)* There is no other source of water in this area beside the Creek source and groundwater. There is no public source in this area. We also constructed Well 6 under Permit G-15842 during this time which could only produce water from the Columbia River Basalt aquifer. This well was drilled to a depth of 3154 ft and only produces 71 GPM. This well cost over a million dollars to construct and failed to produce the water we hoped for.

[OAR 690-315-0020(3)(h)

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? *(Explain in detail, including how much time did this delay the project; list dates.)* Before we began being regulated from our Primary source of water from Eagle Creek, we had considered completing the Beneficial use Claim for only the three wells that we had constructed at that time. After being shut off, we were forced to construct the other wells in an attempt to reach the amount of water authorized by the permit.

[OAR 690-315-0020(3)(h)

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. *(Explain in detail what the unforeseen events were (i.e. health issues, natural disaster) and how much time was spent addressing the unforeseen events. Delays caused by business decisions are not considered unforeseen events)* Before we began being regulated from our Primary source of water from Eagle Creek, we had considered completing the Beneficial use Claim for only the three wells that we had constructed at that time. After being shut off, we were forced to construct the other wells in an attempt to reach the amount of water authorized by the permit. We finished all the work before the completion date from the last extension and had our Water Right consultant, Steve Applegate working on the completion of these steps when he became Ill with cancer and passed away. Unfortunately, this caused us to have to start all over again which is the reason for our need of this extension request.

[OAR 690-315-0020(3)(h)]

17. Describe an additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. *(Provide supporting information for the reason(s) that best fits your circumstances.)*

Construction had been completed during the authorized extension. The additional time will be necessary to file the necesary permit amendments for fix any auhtorized well location discrpeancies and to replace well 5 with the proposed new well (5R) and to propose one additional new well (7). The review the file application documents and the permit time

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constraints will now require an extension of time to allow application of a permit amendments for the proposed wells needed for total water capacity of the updated water delivery system.

[OAR 690-315-0020(3)(m)(n)]

18. Provide any other information you wish OWRD to consider while evaluating your Application for Extension of Time.

We believe that we have proven diligence in both the investment and progress toward completion of this project. We are in the process at this time of finalizing all of our various Water Right Claims and greatly appreciate your consideration in this extension request as we are so close to completion.

[OAR 690-315-0040(2)(f)]

19. Will the income or use of the water project provide a fair and reasonable return on your investment? *(Explain in detail)* The use of water from the wells on this permit is crucial to the survival of the plant material and business each time we are regulated from using the water from the creek. The Eagle Creek regulation has forced us to limit the water use underwater right Certificate 61024 and then change our planting rotation from Spring to Fall thus losing a full season of growth.

[OAR 690-315-0040(4)(d)]

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. *(Who will be effected and how?)* There is a potential nursery lease sale being proposed, which the buyer will need the water rights and wells for its operations and costs being considered.

Attach permit, and documentation to the application

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STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

PATTERSON NURSERY SALES, INC
PO BOX 99
BORING, OR 97009

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

APPLICATION FILE NUMBER: G-16238

SOURCE OF WATER: WELL 1, WELL 2, WELL 3, WELL 4, AND WELL 5 IN EAGLE CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 55.0 ACRES

MAXIMUM RATE: 2.225 CUBIC FEET PER SECOND (CFS), BEING NO MORE THAN 2.225 CFS DURING THE PERIOD DECEMBER 1 THROUGH JUNE 30; 0.545 CFS DURING THE MONTH OF JULY; 0.222 CFS DURING THE MONTH OF AUGUST; 0.162 CFS DURING THE MONTH OF SEPTEMBER; 0.196 CFS DURING THE MONTH OF OCTOBER; AND 0.74 CFS DURING THE MONTH OF NOVEMBER

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: APRIL 30, 2004

WELL LOCATIONS:

WELL 1: NE ¼ SW ¼ (FOSTER DLC 37), SECTION 31, T2S, R4E, W.M.; 2180 FEET SOUTH & 440 EAST FROM SW CORNER, DLC 38
WELL 2: NE ¼ SW ¼ (FOSTER DLC 37), SECTION 31, T2S, R4E, W.M.; 1720 FEET SOUTH & 460 EAST FROM SW CORNER, DLC 38
WELL 3: SE ¼ NW ¼ (FOSTER DLC 37) SECTION 31, T2S, R4E, W.M.; 1320 FEET SOUTH & 320 EAST FROM SW CORNER, DLC 38
WELL 4: SE ¼ NW ¼ (FOSTER DLC 37), SECTION 31, T2S, R4E, W.M.; 950 FEET SOUTH & 160 EAST FROM SW CORNER, DLC 38
WELL 5: SE ¼ NW ¼ (FOSTER DLC 37), SECTION 31, T2S, R4E, W.M.; 560 FEET SOUTH & 10 EAST FROM SW CORNER, DLC 38

The amount of water used for nursery use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for nursery use may be made at any time, during the period of

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allowed use specified above, that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW ¼ NE ¼ 25.6 ACRES
SE ¼ NE ¼ 4.8 ACRES
SE ¼ NW ¼ 9.6 ACRES
NE ¼ SW ¼ 1.0 ACRE
NE ¼ SE ¼ 0.3 ACRE
NW ¼ SE ¼ 13.7 ACRES
ALL AS PROJECTED WITHIN FOSTER DLC 37
SECTION 31
TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained consistent with those standards identified in OAR 690-507-645(1) through (3). The water user shall maintain the meter in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under the permit.

B. The water user shall allow the watermaster access to the meter; provided however, where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.

WELL CONDITIONS

1. The wells shall produce groundwater from no shallower than 150.0 below land surface.

2. Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

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3. A. To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

B. Measurements must be made according to the following schedule:

1) **Before Use of Water Takes Place**
Initial and Annual Measurements
The Department requires the water user to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

2) **After Use of Water has Begun**
Seven Consecutive Annual Measurements
Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

C. All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

1) Identify each well with its associated measurement; and
2) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
3) Specify the method used to obtain each well measurement; and
4) Certify the accuracy of all measurements and calculations submitted to the Department.

D. The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

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1) An average water level decline of three or more feet per year for five consecutive years; or
2) A water level decline of 15 or more feet in fewer than five consecutive years; or
3) A water level decline of 25 or more feet; or
4) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

E. The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

4. The wells shall produce groundwater only from the alluvial groundwater reservoir.

STANDARD CONDITIONS

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

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

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 shall be limited when it interferes with any prior surface or ground water rights.

Complete application of the water to the use shall be made on or before October 1, 2009. If the water is not completely applied before this date, and the water user wishes to continue development under the permit, the water user must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the water user shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued February 10, 2005

Dwight Ladman

Phillip C. Ward, Director
Water Resources Department

ASSIGNMENT OF PERMIT: Pursuant to ORS 537.220, this permit may be assigned to a party other than the water user named hereon, if the land the permit is associated with changes ownership, or if the water user is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at http//www.wrd.state.or.us/, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

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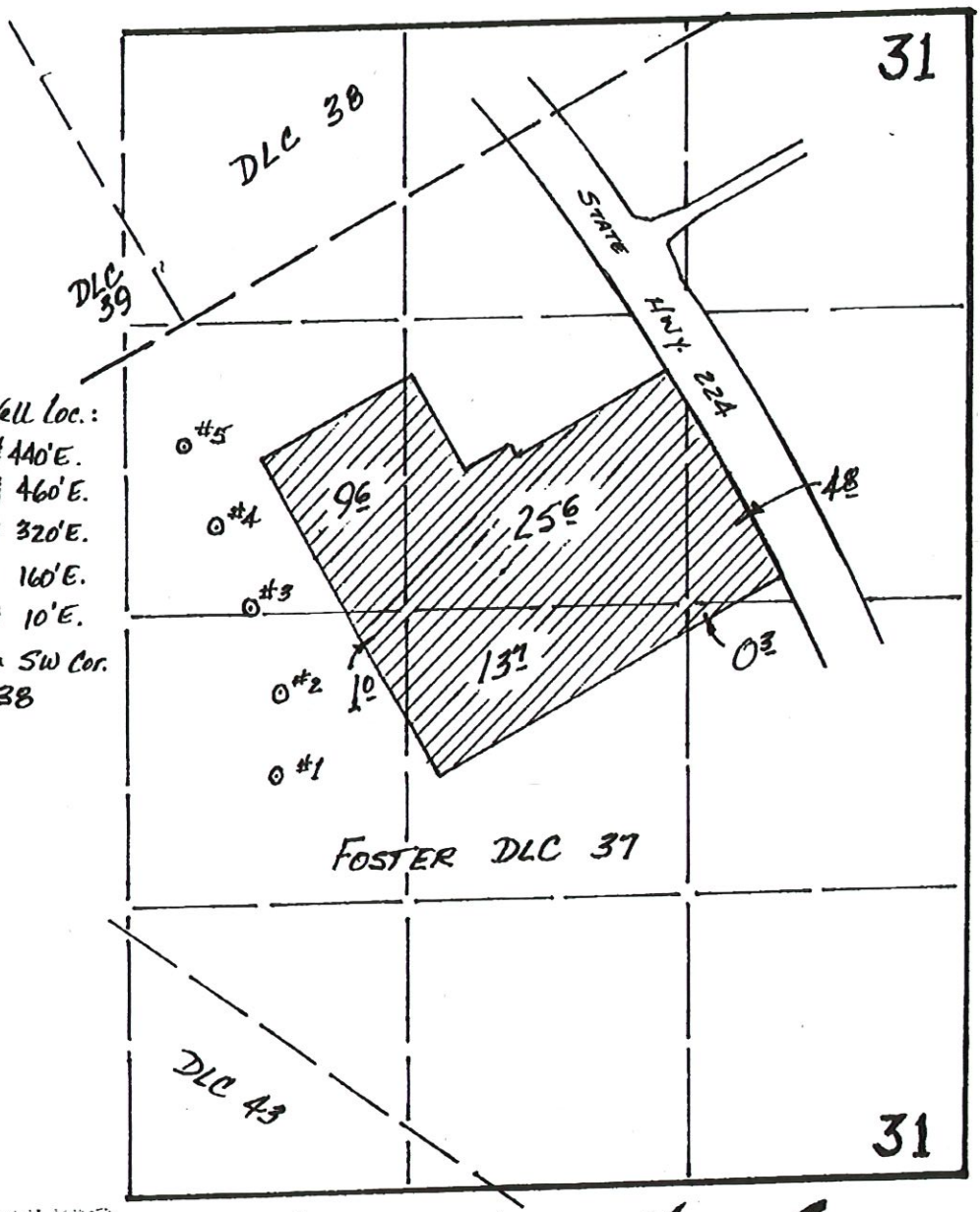
MAILING ADDRESS CHANGES: If the mailing address of the water user named hereon changes, it is important that the Oregon Water Resources Department be informed of the change. Address changes must be submitted in writing with the water user's signature to Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste. A, Salem OR 97301-1271.

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Water users involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

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T.2S., R.4E., W.M.



N

SCALE: 1" = 800'

Proposed Well Loc.:
1- 2180' S. & 440' E.
2 - 1720' S. & 460' E.
3. 1320' S. & 320' E.
4- 950' S. & 160' E.
5 - 560' S. & 10' E.
- all from SW Cor. DLC 38

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Application Map for

Patterson Nursery Sales

app no. G 16238

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