



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem Oregon 97301-1271  
 (503) 986-0900  
 www.wrd.state.or.us

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FEB 26 2016

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

WATER RESOURCES DEPT  
 SALEM, OREGON

Standard Review Process (ORS 537): You must use this form for any reservoir storing more than 9.2 acre-feet and with a dam more than 10 feet high.

Use a separate form for each reservoir. However, to obtain authorization for multiple reservoirs, multiple forms may be combined into one application if filed at the same time.

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml)

1. APPLICANT INFORMATION

Applicant: PATTERSON NURSERY SALES, INC.  
First Last

Mailing Address: P.O. Box 99

BORING OR 97009  
City State Zip

Phone: 503-668-6000 503-519-2902  
Home Work Other

Fax: \_\_\_\_\_ E-Mail Address\*: alan@pattersonnurserysales.com

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

I(We) make application for a permit to construct a reservoir and store the following described waters of the State of Oregon. The name of the reservoir is PATTERSON LAGOON #2.

2. SOURCE OF WATER for the proposed use: NURSERY WASTEWATER,  
 a tributary of EAGLE CREEK

Is the proposed use an enlargement of an existing dam/reservoir? Yes  No

If the reservoir is not in channel of a stream, state how it is to be filled:  
A COMPLETE DRAINAGE SYSTEM ON OVER 200 ACRES OF PATTERSON NURSERY IS COLLECTED AND CHANNELLED BY UNDERGROUND PIPELINES TO THE LAGOON.

For Department Use		
App. No. <u>R-8885</u>	Permit No. _____	Date _____

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Last updated: 3/12/2014

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**3. DAM HEIGHT AND COMPOSITION**

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The maximum height of the structure will be 2 feet above streambed or ground surface at the centerline of the crest of the dam.

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including dam height, width, crest width and surface area.

*Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved prior to storage of water.*

The dam will be (check one): Earthfill Concrete Flash board Other

If "other" give description: A 2' COMPACTED EARTH BERM SURROUNDS THE TOTALLY EXCAVATED LAGOON, WHICH IS FULLY LINED TO PREVENT LEAKAGE

**4. PRIMARY OUTLET WORKS**

Describe the location and the dimensions of the outlet conduit through the dam:

NO OUTLET CONDUIT. LAGOON IS EQUIPPED WITH A PUMP INSTALLATION TO DELIVER WATER TO NURSERY AREAS OR TO LAGOON #1 (PERMIT R-11353)

*NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.*

**5. EMERGENCY SPILLWAY**

Describe the location and the dimensions of the spillway channel:

NONE - ALL INFLOW/OUTFLOW IS CONTROLLED.

**6. THE USE(s) of the impounded water will be:**

YEAR AROUND NURSERY USE ON 16.5 ACRES.

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7. THE AMOUNT OF WATER to be stored is: 33.0 acre-feet.

The area submerged by the reservoir, when filled, will be 36 acres.

## 8. PROJECT SCHEDULE: (List Month and Year)

Proposed date construction work will begin: UPON APPROVAL

Proposed date construction work will be completed: WITHIN 5 YEARS FROM APPROVAL

Proposed date water use will be completed: " " " "

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) NO

## 9. PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

Yes (Please check appropriate box below then skip to section 10)

There are no encumbrances

This land is encumbered by easements, rights of way, roads or other encumbrances (please provide a copy of the recorded deed(s))

~~No~~ (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or an easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

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.

List the names and mailing addresses of all affected landowners:

CHARLES & LINDA BONNER (T.L. 2703) - P.O. Box 151, EAGLE CREEK, OR 97022

## 11. WITHIN A DISTRICT N/A

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

Irrigation District Name	Address	
City	State	Zip

R-00105

**11. MAP REQUIREMENTS** The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section and quarter/quarter section of the proposed reservoir location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

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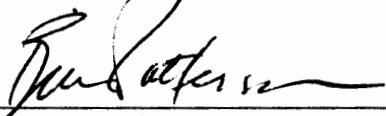
**12. SIGNATURE**

By my signature below I confirm that I understand:

WATER RESOURCES DEPT  
SALEM, OREGON

- 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 packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get 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 canceled.
- 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 get water to which they are entitled.

I certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

Applicant: 

BILL PATTERSON

2/22/16

Signature (If more than one applicant, all must sign.)

Date

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

- Answer each question completely.
- Attach a legible map that includes township, range, section, quarter/quarter and tax lot.
- Include a Land Use Information Form or receipt stub signed by a local official.
- Include the legal description of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance policy to meet this requirement.
- Include a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

R-88185

# Land Use Information Form



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

Applicant: Patterson Nursery Sales, Inc.  
First Last

Mailing Address: P.O. Box 99

Boring OR 97009 Daytime Phone: 503-519-2902  
City State Zip

## A. Land and Location

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

Township	Range	Section	¼¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
25.	4E.	31	31B	800		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
			N½SW¼	2703		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
			"	2700		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Clackamas

## B. Description of Proposed Use

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

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

Source of water:  Reservoir/Pond   
 Ground Water   
 Surface Water (name) Waste & Seepage from Nursery

Estimated quantity of water needed: 33  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 Operations

Briefly describe:

Storage and use of water collected below the root zones of nursery plants on over 200 acres of established nursery plus additional 16.5 acres of new ground.

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

See bottom of Page 3. →

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# For Local Government Use Only

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

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

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): ZDO SECTION 401.04
- 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."**

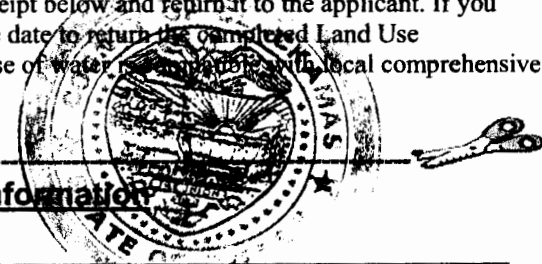
Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>RECEIVED</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	FEB 26 2016	<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
	WATER RESOURCES DEPT SALEM, OREGON	<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.

Farm / Nursery uses allowed. NOT FOR MARIJUANA PRODUCTION.

Name: MARSHA FRETZIS Title: SR. PLANNER  
 Signature: [Signature] Phone: 503 742 4500 Date: 2/22/16  
 Government Entity: CLATSOP COUNTY

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is consistent with local comprehensive plans.



**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

R-8105

October 12, 2015

Water Resources Department  
725 Summer St N.E., Suite A  
Salem, Or 97301

Dear Sirs,

Charles and Linda Bonner, owners of Tax Lot 2703, T2S, R4E, SEC 31, do hereby grant permission to Patterson Nursery Sales, Inc, to apply for a Water Right permit for Nursery use on approximately 7 to 9 acres of land that we are considering leasing to them.

Patterson Nursery Sales will be responsible for all costs involved to obtain the permit as well as the cost to develop and maintain the irrigation system.

Sincerely,

Charles Bonner

*Charles Bonner (by Linda Bonner)*

Linda Bonner

*Linda Bonner*

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EXHIBIT (A)

TL 2703

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A tract of land in Section 31, T.2S., R.4E., of the W.M., in the County of Clackamas and State of Oregon, being a portion of the Philip Foster D.L.C. No.'s 37 and 47, described as follows:

Beginning South 60°31' West 1522.21 feet along the Northwesterly line of said claim, from the Southeasterly corner of the Joseph Church D.L.C. No. 39, as disclosed by a land survey dated April 1975; thence South 60°31' West along the Foster Claim Line, 714.52 feet to an iron 3/4 inch iron pipe for the most Northerly corner of that tract of land conveyed to Herman J. Friedrich, et ux, recorded October 9, 1944, in Book 332, page 656, Deed Records; of which is disclosed by a land survey filed with the County Survey as P.S. No. 5674; thence along the Easterly boundary of said Friedrich tract, as follows: South 28°45'20" East, 535.86 feet to an iron pipe found; thence South 72°30'40" East 459.90 feet to an iron pipe found at the Southwesterly corner of that tract of land sold by contract to L. Wayne Hinkle, et ux, recorded August 31, 1970 as Recorder's Fee No. 70-17322, Film Records and the true point of beginning of the tract of land herein to be described; thence continuing along the Easterly boundary of the Friedrich tract as follows: South 70°36'33" West, 192.10 feet to a peg with tack; thence South 47°05'55" East to a peg with tack; at the most Easterly corner of the Friedrich tract; thence leaving the Friedrich tract, along the top of a bank, on connecting lines, which lies 4.00 feet Southerly measured at right angles thereto, parallel with the courses of the following described traverse line, the angle corners, of which are marked, by a peg with a tack; Beginning at the most Easterly corner of the Friedrich tract thence along the traverse line as follows: South 39°27'42" East 172.70 feet; thence South 28°32'50" East, 196.60 feet; South 06°17'03" East 169.40 feet; South 62°30'48" East 170.40 feet (passing over a peg with tack, 7.40 feet back) to the Northwest boundary of Lot 10, FOSTER ACRES, a recorded Plat; thence leaving the traverse line, Northeasterly along the boundary of Lot 10, FOSTER ACRES, 273.50 feet more or less as measured from the mentioned line on the top of the bank, to an existing fence line; thence North 29°47'20" West along the existing fence line, 970.63 feet, more or less, to an iron rod in the Southeasterly line of the Hinkle tract; thence South 60°31' West along the Southeasterly line of the Hinkle tract 500.00 feet to the true point of beginning.

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EXHIBIT II

TL. 2700

PARCEL IV

Part of the Philip Foster DLC No. 37 located in Section 31, T. 2s., R.4E. W.M. Clackamas County Oregon described as follows:

Beginning at the Northwest corner of a tract described in Book "L" Page 237, Deed Records, Clackamas County, said corner being S. 61° 15' W 1089.40 feet from a stone marked J.L.B. in the center of the Milwaukie and Foster Road and being the Southwest corner of the land owned by Chester Jaques; thence along the Southwesterly line of said Book "L" Page 237 S. 29° 30' E. 1155.00 feet to the most Northerly corner of Lot 9, Foster Acres, a duly recorded plat; thence along the Northwesterly line of said Lot 9 and the Northwesterly line of Lot 10, said plat, S. 60° 11' W 1403.18 feet, more or less, to the most Easterly corner of a tract described in Film Jacket 76-1771, Deed Records, Clackamas County; thence along the Northeasterly line of said tract and along an existing fence line N. 29° 47' 20" W. 1386.60 feet, more or less, to the most Easterly corner of a tract described in Film Jacket 70-17323, deed records Clackamas County; thence along the Southeasterly line of a tract described in Book 610, page 527, Deed Records of Clackamas County and parallel to the Northwesterly line of said Foster DLC N. 61° 15' E to the place of beginning. (43.25 acres, more or less)

TOGETHER WITH the right of ingress and egress for road purposes over westerly 60 feet of the following described property in PARCEL VI.

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