

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.wrd.state.or.us

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME PATTERSON NURSERY SALES, INC.		PHONE (HM)	
PHONE (WK) 503-668-6000	CELL 503-519-2902	FAX	
ADDRESS P.O. BOX 99			
CITY BORING	STATE OR	ZIP 97009	E-MAIL * ALAN@PATTERSONNURSERYSALES.COM

Organization Information

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

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

AGENT / BUSINESS NAME STEVEN P. APPLGATE CONSULTING		PHONE 503-362-4040	FAX
ADDRESS 3395 HUCKLEBERRY CT S			CELL
CITY SALEM	STATE OR	ZIP 97302	E-MAIL * STEVE.APPLGESP@GMAIL.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 final order documents will also be mailed.)

RECEIVED

FEB 26 2016

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.
- 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 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 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 get water to which they are entitled.

I (we) affirm that the information contained in this application is true and accurate.

Applicant Signature

Print Name and title if applicable

Date

Applicant Signature

Print Name and title if applicable

Date

S-02106

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.
 - This land is encumbered by easements, rights of way, roads or other encumbrances.
- No
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or 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).
 - Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

Charles & Linda Bonner, Tax Lot 2703, P.O. Box 151, Eagle Creek, OR 97022

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:

- Source 1: Waste & Seepage water from nursery operations Tributary to: Eagle Cr
- Source 2: _____ Tributary to: _____
- Source 3: _____ Tributary to: _____
- Source 4: _____ Tributary to: _____

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

B. Applications to Use Stored Water

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

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

RECEIVED
 FEB 26 2016
 WATER RESOURCES DEPT
 SALEM, OREGON

S-88106

If *all* sources listed in item 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: 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
Nursery Waste/Seepage	Nursery Use	Year Around	2.48 <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

For irrigation use only:

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

Primary: 16.5 Acres Supplemental: _____ Acres

List the Permit or Certificate number of the underlying primary water right(s): N/A

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 82.5

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

RECEIVED

FEB 26 2016

WATER RESOURCES DEPT
SALEM, OREGON

9-88106

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

Pump (give horsepower and type): 2- 30 HP Submersible; plus one 10 Hp booster; equipped with VFD controls. See attached schematic of the proposed diversion works..

Other means (describe): _____

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

Buried 6" mainlines from lagoon to subject properties, buried laterals for solid set low-pressure overhead and drip system covering all 16.5 acres.

B. Application Method

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

Overhead sprinklers with low-pressure spray nozzles and/or drip systems

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.

Buried/ closed leak-free, solid set system; overhead low pressure and drip methods.

SECTION 6: 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 to prevent uptake of fish and other aquatic life.
Describe planned actions: There is no aquatic life in the reservoir or upstream of it.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: N/A

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: N/A

Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Recapture/reuse of all water used on the surrounding nearly 200-acre nursery, as per DEQ standards; no connection with waters of the state.

RECEIVED

FEB 26 2016

WATER RESOURCES DEPT
SALEM, OREGON

2-22186

SECTION 7: PROJECT SCHEDULE

Date construction will begin: begun

Date construction will be completed: within 5 years from permit issuance

Date beneficial water use will begin: within 5 years

SECTION 8: WITHIN A DISTRICT

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 N/A	Address	
City	State	Zip

SECTION 9: REMARKS

Use this space to clarify any information you have provided in the application.

This application accompanies an application to authorize the storage of up to 33 AF of water collected below the root zones of approximately 200 acres of existing nursery operation, channeled to the lagoon #2.

The applicant also requests that, upon approval of permits under these applications, our pending Application #S-88096 be withdrawn and all unearned fees be returned.

RECEIVED

FEB 26 2016

WATER RESOURCES DEPT
SALEM, OREGON

S-88186

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	¼ ¼	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. →

RECEIVED

FEB 26 2016

WATER RESOURCES DEPT
 SALEM, OREGON

S-88106

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): ZDC 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
		<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.

Farm / Nursery uses ALLOWED. NOT FOR MARIJUANA PRODUCTION.

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

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

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Date: _____

RECEIVED

FEB 26 2016

WATER RESOURCES DEPT
SALEM, OREGON



S-08186

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

RECEIVED

FEB 26 2016

WATER RESOURCES DEPT
SALEM, OREGON

5-88106

Bonner
TL 2703

EXHIBIT (A)

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.

81 11814

RECEIVED

FEB 26 2016

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT "A"

Part of the Philip Foster Donation Land Claim in Section 31, Township 2 South, Range 4 of the Willamette Meridian, in the County of Clackamas and State of Oregon and being a part of the secondly described tract in Deed to Deston D. Lake et ux, recorded January 3, 1963, in Book 615, page 682, more particularly described as follows:

Beginning at the Northwest corner of C. Jacques land in the center of Milwaukie Road; thence running Westerly on the Northerly line of said Donation Land Claim to a point 660 feet East of the Northwest corner of said Lake Tract, when measured along said Northerly line; thence Southerly, parallel with the Westerly line of said Lake Tract, 660 feet to the Southeasterly line of said Lake Tract; thence Northeasterly along said Southeast line to the Southwest corner of Jacques; thence Northerly along the center of said road 660 feet to the point of beginning.

*Prop LD
TL 800*

RECEIVED

JUN 10 2015

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

FEB 26 2016

WATER RESOURCES DEPT
SALEM, OREGON

③

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.

RECEIVED

FEB 26 2016

WATER RESOURCES DEPT
SALEM, OREGON

S-88186