

Application for a Permit to Use Groundwater



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 | | PHONE (HM) | |
| PHONE (WK) | CELL | FAX | |
| ADDRESS | | | |
| CITY | STATE | ZIP | E-MAIL* |

Organization

| | | | |
|--|-------------|-----------------------|--------------------------------------|
| NAME JACKSON CREEK PROPERTIES, LLC. | | PHONE 503-543-7542 | FAX |
| ADDRESS 33668 JOHNSON LANDING ROAD | | | CELL |
| CITY SCAPPOOSE | STATE OR | ZIP 97056 | E-MAIL* SGREISEN@MEANSNURSERY.COM |

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 503-357-5698 |
| ADDRESS 2318-B PACIFIC AVENUE | | | CELL 503-939-8381 |
| CITY FOREST GROVE | STATE OR | ZIP 97116 | E-MAIL* BILLFLATZ@STUNTZNER.COM |

Note: Attach multiple copies as needed

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

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- 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

JAMES R MEANS MGE
Print Name and Title if applicable

4-8-19
Date

Applicant Signature

Print Name and Title if applicable

Date

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Rev. 08-18

For Department Use: App. Number: G-18819



**Oregon Water Resources Department
Ground Water Application**

- [Main](#)
- [Help](#)
- [Return](#)
- [Contact Us](#)

Today's Date: Tuesday, April 23, 2019

| | | |
|---|-------------|------------|
| Base Application Fee. | | \$1,340.00 |
| Number of proposed cubic feet per second (cfs) to be appropriated. (1 cfs = 448.83 gallons per minute) | 2.33 | \$1,050.00 |
| Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) * | 1 | |
| Number of proposed Ground Water points of appropriation. (i.e. number of wells) (include all injection wells, if applicable) ** | 3 | \$700.00 |
| Permit Recording Fee. *** | | \$520.00 |
| * the 1st Water Use is included in the base cost. ** the 1st Ground Water point of appropriation 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 | | \$3,610.00 |

OWRD Fee Schedule

| |
|----------------------------------|
| |
| Fee Calculator Version B20170117 |

Means Nursery, Jackson Creek Properties LLC, Groundwater Application
~~Barrett Brown, Avventura LLC groundwater application~~ *WRONG*

ATTACHMENTS

INDEX

| | |
|-------------------------------|---|
| Deed Tax Lot 1700, pages | 5 |
| Deed Tax Lot 1800, pages | 5 |
| Deed Tax Lot 200, pages | 4 |
| OWRD Fee calculation printout | 1 |

CLARK Gerald E * WRD

From: CLARK Gerald E * WRD
Sent: Friday, April 19, 2019 10:41 AM
To: 'Bill Flatz'
Subject: RE: Groundwater application mailed yesterday

Bill,

Thank you for the updated document. I will share it with the CSG Group and have them merge it with the application when it arrives.

Gerry

Gerry Clark
Program Analyst, Certificate Section
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0811

From: Bill Flatz [<mailto:billflatz@stuntzner.com>]
Sent: Friday, April 19, 2019 10:20 AM
To: CLARK Gerald E * WRD
Subject: Groundwater application mailed yesterday

Gerry:

Please find attached a corrected index sheet for the attachments for a ground water application for Jackson Creek Properties LLC (Means Nurseries). This was mailed yesterday by certified mail, I assume it will arrive on Monday.

I forgot to change the name, the one sent is for Barrett Brown, Adventura LLC.

I hope this will not cause confusion.

Sincerely,

Bill Flatz - PE, CWRE, CESCL



Office: 503-357-5717
Fax: 503-357-5698
Cell: 503-939-8381
2318-B Pacific Avenue
Forest Grove, Or. 97116

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).*

Note: Tax lots 1700 and 1800 are owned by Jackson Creek Properties, LLC, with James R. Means JR. as agent. Tax lot 200 is owned by James R. Means. All properties are part of the Means Nursery.

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: WELL DEVELOPMENT

| WELL NO. | NAME OF NEAREST SURFACE WATER | IF LESS THAN 1 MILE: | |
|----------|---|-----------------------------------|--|
| | | DISTANCE TO NEAREST SURFACE WATER | ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD |
| 1 | JOY CREEK | 275' | 5' EST. |
| 2 | JOY CREEK | 480' | 10' EST. |
| 3 | UNNAMED DRAINAGE (NEAR LINED RESERVOIR) | 30' | 5' EST. |
| | | | |
| | | | |
| | | | |
| | | | |

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials *(attach additional sheets if necessary).*

THE WELLS ARE EXPECTED TO BE IN HYDRAULIC CONNECTION TO THE SURFACE WATER. WE EXPECT THE SURFACE WATER TO BE CONSIDERED PART OF THE MULTNOMAH CHANNEL AND THAT WATER IS AVAILABLE FOR APPROPRIATION, SEE ATTACHED WATER AVAILABILITY PRINTOUT DATED 2-25-19 FROM THE OWRD WEB SITE.

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SECTION 3: WELL DEVELOPMENT, continued

Total maximum rate requested: 1,044 GPM (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

The table below must be completed for each source to be evaluated or the application will be returned. If this is an existing well, the information may be found on the applicable well log. (*If a well log is available, please submit it in addition to completing the table.*) If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

| OWNER'S WELL NAME OR NO. | PROPOSED | EXISTING | WELL ID (WELL TAG) NO.* OR WELL LOG ID** | FLOWING ARTESIAN | CASING DIAMETER | CASING INTERVALS (IN FEET) | PERFORATED OR SCREENED INTERVALS (IN FEET) | SEAL INTERVALS (IN FEET) | MOST RECENT STATIC WATER LEVEL & DATE (IN FEET) | PROPOSED USE | | | |
|--------------------------|-------------------------------------|--------------------------|--|--------------------------|-----------------|----------------------------|--|--------------------------|---|-------------------|------------------|--------------------------|---------------------------|
| | | | | | | | | | | SOURCE AQUIFER*** | TOTAL WELL DEPTH | WELL-SPECIFIC RATE (GPM) | ANNUAL VOLUME (ACRE-FEET) |
| 1 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | N/A | <input type="checkbox"/> | 16" | +2 TO 120 | 120 TO 150 | 0 TO 20 | N/A | ALLUVIAL SEDIMENT | 150+/- | | |
| 2 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | N/A | <input type="checkbox"/> | 16" | +2 TO 120 | 120 TO 150 | 0 TO 20 | N/A | ALLUVIAL SEDIMENT | 150+/- | | |
| 3 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | N/A | <input type="checkbox"/> | 16" | +2 TO 120 | 120 TO 150 | 0 TO 20 | N/A | ALLUVIAL SEDIMENT | 150+/- | | |
| | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | | | | | | | | | |
| | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | | | | | | | | | |
| | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | | | | | | | | | |
| | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | | | | | | | | | |
| | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | | | | | | | | | |

* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.
 ** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.
 *** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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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 if your proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of appropriation (POA) 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 TRSQQ or the Lat/Long of a POA 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 POA is located, please call the customer service desk at (503) 986-0801.

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

Is the well or proposed well 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, and if the Department determines that proposed groundwater use has the potential for substantial interference with nearby surface waters:

- I understand that the permit, if issued, will not allow use during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that the 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.

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

Is the well or proposed well located in an area where the Lower Columbia rules apply?

Yes No

If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified 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

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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, you will be required to provide the following information, if applicable.

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:
The nursery stock includes containerized plants. The irrigation methods are intended to conserve water (such as drip irrigation), and areas of the nursery have been lined to allow irrigation water to be captured and reused. The nursery is already set up and operating using the existing surface water right, any irrigation runoff is collected and pumped into the lined bulge where the water is reused.

Statewide - OAR 690-033-0330 thru -0340

Is the well or proposed well located in an area where the Statewide rules apply?

Yes No

If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that 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

| USE | PERIOD OF USE | ANNUAL VOLUME (ACRE-FEET) |
|---------|---------------|---------------------------|
| Nursery | Year Round | 465 ac-ft |
| | | |
| | | |

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For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: 93.0 Acres Supplemental: 0.0 Acres

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

Note: This property has a surface water right (app. S-86312, permit S-54252), the claim was submitted in 2017 for 78.3 acres. If the groundwater permit is issued, the surface water use will be diminished to supplemental use.

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 465

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- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: N/A (**Exempt Uses:** Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.)
- If the use is **mining**, describe what is being mined and the method(s) of extraction (*attach additional sheets if necessary*): N/A

SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and type): Submersible Pump. Horse power to be determined at the time of construction. Estimated 20 to 40 hp depending on whether the bulge is used or direct irrigation from the well.
- Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Water will be conveyed from the well pump through buried and above ground mainlines with valves and turnouts. The water may be conveyed directly to the existing bulge.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) (*attach additional sheets if necessary*)

Application will be with a combination of drip, high and low-pressure sprinkler, and hand lines will be used for irrigation depending on the specific plants grown.

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 aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters (*attach additional sheets if necessary*).

The nursery stock includes containerized plants. A flow meter will be installed at each well. The irrigation methods are intended to conserve water (such as drip irrigation), and areas of the nursery will be lined to allow irrigation water to be captured and reused.

SECTION 7: PROJECT SCHEDULE

- Date construction will begin: As soon as permit is issued.
- Date construction will be completed: Oct. 1st 2024
- Date beneficial water use will begin: March 1st 2020 (if first well is completed)

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SECTION 8: RESOURCE PROTECTION

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In granting permission to use water the state encourages, and in some instances requires, careful control of activities that may affect adjacent 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.

- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: This nursery has constructed a bulge to collect any irrigation runoff. The collected runoff is re-used for irrigation thus preventing any run-off of waste or chemical products.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is greater than one acre, applicant should contact the Oregon Department of Environmental Quality to determine if a 1200C permit is required.
Describe planned actions and additional permits required for project implementation: No excavation or clearing of banks will be required to construct these three wells.

Other state and federal permits or contracts required and to be obtained, if a water right permit is granted:
List: No other state or federal permits or contracts will be required to construct these three wells.

SECTION 9: WITHIN A DISTRICT

Check here if the point of appropriation (POA) or place of use (POU) are located within or 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 intent of this application is to have this ground-water as the primary nursery water source. If the groundwater permit will be issued, the surface-water use under Permit S-54252 (Application S-86312) would be diminished to supplemental use.

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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: Well Development
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Project Schedule
- SECTION 8: Resource Protection
- SECTION 9: Within a District
- SECTION 10: Remarks

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: \$ 3,610
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)

Note: In addition to a groundwater application, a standard reservoir application is required to store groundwater in a reservoir. If an applicant proposes to divert water from a reservoir, a surface water application is also required.

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Water-Use Permit Application Processing

1. Completeness Determination

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

2. Initial Review

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

3. Public Notice

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

4. Proposed Final Order Issued

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

5. Public Notice

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

6. Final Order Issued

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

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Land Use Information Form



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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or groundwater registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

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 503-986-0801.

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Land Use Information Form
Page 1 of 3

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

Applicant

| | | | | | |
|---------------------------------------|-------------|--------------|---------------------------------------|--|--|
| NAME MEANS NURSERY, INC. | | | PHONE (HM) | | |
| PHONE (WK) 503-543-7542 | | CELL | FAX | | |
| ADDRESS 33668 JOHNSON LANDING ROAD | | | | | |
| CITY SCAPPOOSE | STATE OR | ZIP 97056 | E-MAIL* SGREISEN@@MEANSNURSERY.COM | | |

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 | 2W | 24 | | 1700 | PA-80 | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | Nursery |
| 3N | 2W | 24 | | 1800 | PA-80 | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | Nursery |
| 3N | 2W | 24 | AC | 200 | PA-80 | <input type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | Nursery |
| | | | | | | <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:
Columbia County.

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) _____

Estimated quantity of water needed: 465
 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:

This a Land Use Compatibility for a water right application to add three wells to an existing nursery.

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.

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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.

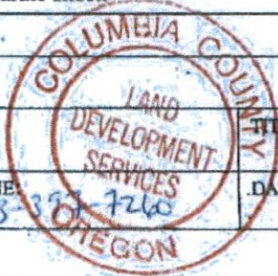
Please check the appropriate box below and provide the requested information

- 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): NR 214 Irrigation permitted in primary Agriculture zone
- 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.

| | | | |
|-------------------|------------------|-------|--------------|
| NAME | Deborah S. Jacob | PHONE | 503-388-7260 |
| SIGNATURE | Deborah S. Jacob | TITLE | Planner III |
| GOVERNMENT ENTITY | Columbia County | DATE | 3/5/19 |



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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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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 - DALLAS - JUNCTION CITY

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

SUBJECT: Application for a ground water right.

April, 18 2019

To whom it may concern:

Please find enclosed:

- One check made out to OWRD for \$3,610 for fees calculated on OWRD web site.
- One complete application for a water right.
- One paper application map 11"x 17" size.
- Attachments.

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

Sincerely,

Stuntzner Engineering & Forestry, LLC

A handwritten signature in blue ink that reads "Bill Flatz". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Bill Flatz, PE, CWRE

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Barrett Brown, Avventura LLC groundwater application

ATTACHMENTS

INDEX

Deed Tax Lot 1700, pages 5

Deed Tax Lot 1800, pages 5

Deed Tax Lot 200, pages 4

OWRD Fee calculation printout 1

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Send Tax Statements To:

Jackson Creek Properties
33187 Kammeyer Road
Scappoose, Oregon 97056

After Recording Return To:

David Brian Williamson
Post Office Box 656
St. Helens, Oregon 97051

STATUTORY QUITCLAIM DEED

DALE E. JOHNSON and E'STELLA JEAN JOHNSON, as co-trustees of the DALE E. JOHNSON TRUST, under agreement dated July 21, 2000; and DALE E. JOHNSON and E'STELLA JEAN JOHNSON, as co-trustees of the E. JEAN JOHNSON TRUST, under agreement dated July 21, 2000 Grantor, releases and quitclaim to JACKSON CREEK PROPERTIES, LLC, an Oregon limited liability company, Grantee, all right, title and interest in and to the real property situated in Columbia County, Oregon described in Exhibit "A", attached hereto, and hereby incorporated in this deed, including all right, title and interest in and to the Easement recorded March 10, 2005 in Fee No. 2005-003218.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true and actual consideration for this conveyance is other value received.

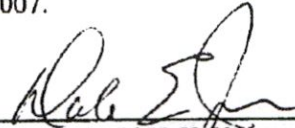
DATED this 3RD day of January, 2007.

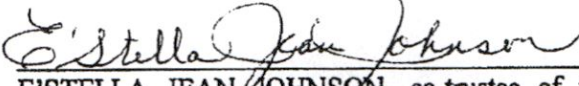
COLUMBIA COUNTY TITLE 2006-01408


COLUMBIA COUNTY, OREGON 2007-000071
DEED-D
Cnt=1 Stn=8 HUSERB 01/04/2007 11:39:28 AM
\$15.00 \$11.00 \$10.00 Total:\$36.00

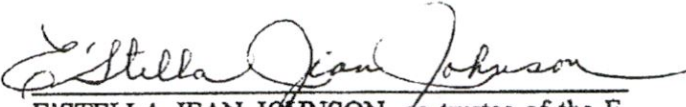


I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon certify that the instrument identified herein was recorded in the Clerk records.
Elizabeth E. Huser - County Clerk


DALE E. JOHNSON, co-trustee of the DALE E. JOHNSON TRUST, Grantor


E'STELLA JEAN JOHNSON, co-trustee of the DALE E. JOHNSON TRUST, Grantor


DALE E. JOHNSON, co-trustee of the E. JEAN JOHNSON TRUST, Grantor


E'STELLA JEAN JOHNSON, co-trustee of the E. JEAN JOHNSON TRUST, Grantor

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Page 1 of 2 APR 22 2019

OWRD

STATE OF OREGON)
) ss.
County of Columbia)

The foregoing instrument was acknowledged before me this 3 day of January, 2007, by Dale E, Johnson, co trustee of the DALE E. JOHNSON TRUST, and co trustee of the E. JEAN JOHNSON TRUST, Grantor




NOTARY PUBLIC FOR OREGON
My Commission Expires: NOV 27 '09

STATE OF OREGON)
) ss.
County of Columbia)

The foregoing instrument was acknowledged before me this 3 day of January, 2007, by E'stella Jean, Johnson, co trustee of the DALE E. JOHNSON TRUST, and co trustee of the E. JEAN JOHNSON TRUST, Grantor




NOTARY PUBLIC FOR OREGON
My Commission Expires: NOV 27 '09

Prepared By: David Brian Williamson
Williamson & Williamson, Attorneys at Law
230 Columbia Blvd., P.O. Box 656
St. Helens, Oregon 97051
Bus: (503) 397-2141, Fax: (503) 397-2144

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Exhibit A

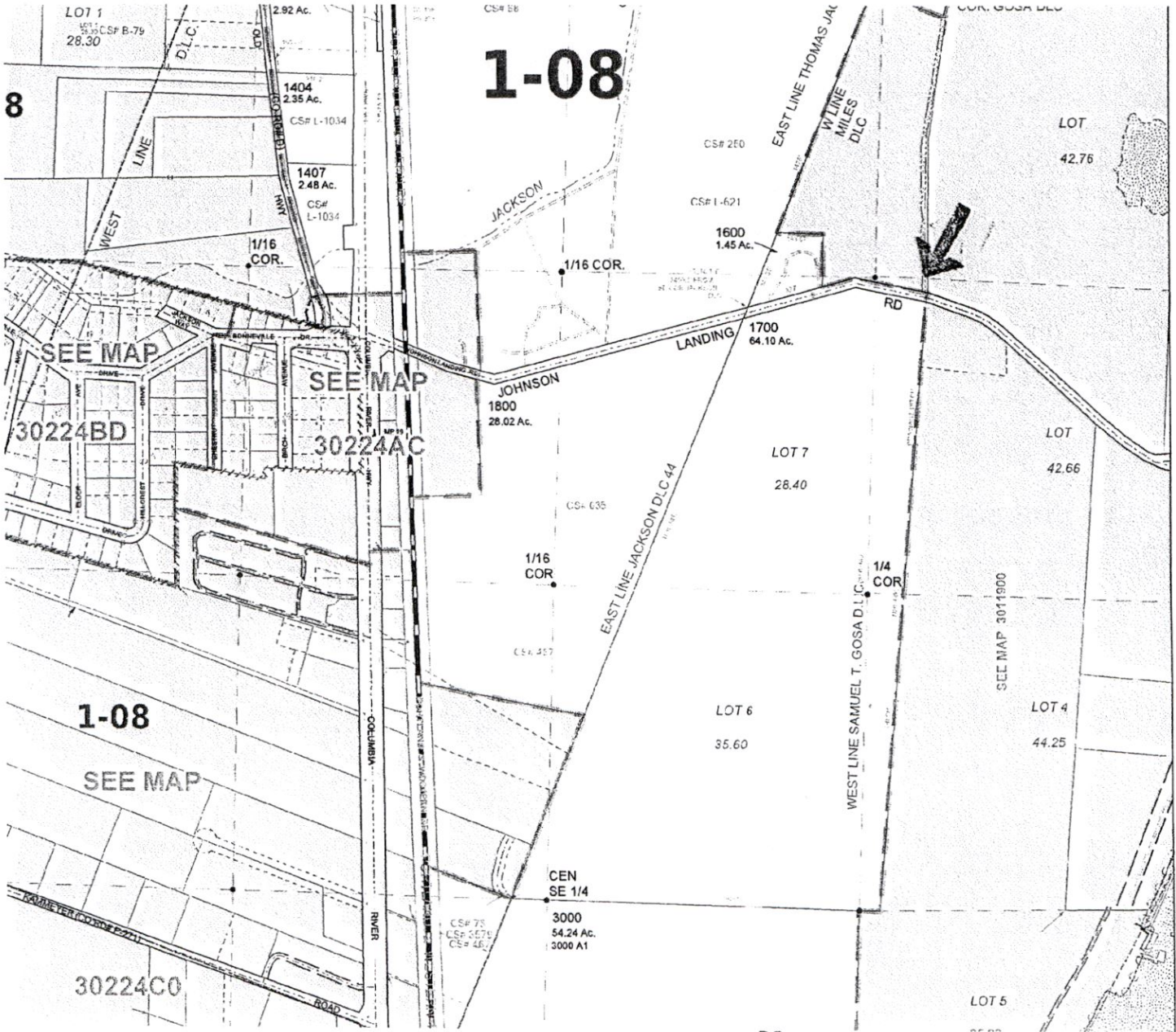
Parcel 1: Beginning at a point in the center of County Road where the same is intersected, by the East line of the T.J. Jackson Donation Land Claim, said point being South $20^{\circ}20\text{-}\frac{1}{2}'$ West 1985.4 feet from the Northeast corner of said Donation Land Claim, located in Section 18, Township 3 North, Range 1 West of the Willamette Meridian, in Columbia County, Oregon; thence from this place of beginning and following the center line of County Road North $73^{\circ}29\text{-}\frac{1}{2}'$ East 480.90 feet; thence South $79^{\circ}52'$ East 301.40 feet to a point over the center of the district drainage ditch; thence leaving road and following center line of said district drainage ditch South $2^{\circ}44\text{-}\frac{1}{2}'$ West, 2481.40 feet to legal subdivision line of section 19; thence along legal subdivision line West 1525 feet, more or less, to an intersection with the East line of the above said T.J. Jackson Donation Land Claim; thence along said East line North $20^{\circ}20\text{-}\frac{1}{2}'$ East 2535 feet, more or less, to the place of beginning, EXCEPTING THEREFROM County Roads.

Parcel 2: Beginning at a point on the East line of the Thomas J. Jackson Donation Land Claim, said point being North $21^{\circ}00'$ East 1550.15 feet from the Southeast corner of said Thomas J. Jackson Donation Land Claim in Section 24, Township 3 North, Range 2 West, Willamette Meridian, Columbia County, Oregon; said point also being the Northeast corner of a tract of land as described in Book 104, page 438, Columbia County Deed Records; thence continuing along the East line of said Jackson Donation Land Claim, North $21^{\circ}00'$ East a distance of 1800.32 feet to the Southerly right of way line of a County Road; thence along the said southerly right of way line of said road, South $73^{\circ}43'$ West a distance of 1094.26 feet; thence North $76^{\circ}19'$ West a distance of 183.66 feet; thence North $67^{\circ}43\text{-}\frac{1}{2}'$ West a distance of 135.0 feet to the Easterly right of way line of the Spokane, Portland & Seattle Railroad; thence along the said Easterly right of way line of the said S.P. & S. Railroad, South $3^{\circ}25'$ East a distance of 1346.35 feet to the Northwest corner of a tract of land as described in deed in said Book 104, page 438, Columbia County Deed Records; thence along the Northerly line of said tract, South $81^{\circ}01'$ East a distance of 646.5 feet to the point of beginning, EXCEPTING THEREFROM that certain tract conveyed to Dale Edward Johnson, et ux., by deed recorded September 22, 1971 in Book 183, page 648, Deed Records.

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1-08

8

SEE MAP

SEE MAP

30224BD

30224AC

1-08

SEE MAP

30224C0



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Columbia County
Title & Escrow Services, Inc
This sketch is furnished to assist
in property location and the compar-

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A-18819

TL-1800

Send Tax Statements To:

Jackson Creek Properties
33187 Kammeyer Road
Scappoose, Oregon 97056

After Recording Return To:

David Brian Williamson
Post Office Box 656
St. Helens, Oregon 97051

STATUTORY QUITCLAIM DEED

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The true and actual consideration for this conveyance is other value received.

DATED this 3RD day of January, 2007.

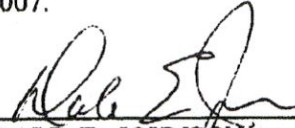
COLUMBIA COUNTY TITLE 2006-01408

COLUMBIA COUNTY, OREGON 2007-000071
DEED-D 01/04/2007 11:39:28 AM
Cnt=1 Stn=8 HUSERB Total:\$36.00
\$15.00 \$11.00 \$10.00





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


DALE E. JOHNSON, co-trustee of the DALE E. JOHNSON TRUST, Grantor


E'STELLA JEAN JOHNSON, co-trustee of the DALE E. JOHNSON TRUST, Grantor


DALE E. JOHNSON, co-trustee of the E. JEAN JOHNSON TRUST, Grantor


E'STELLA JEAN JOHNSON, co-trustee of the E. JEAN JOHNSON TRUST, Grantor

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Page 1 of 2
APR 22 2019

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9-18819

STATE OF OREGON)
) ss.
County of Columbia)

The foregoing instrument was acknowledged before me this 3 day of January, 2007, by Dale E, Johnson, co trustee of the DALE E. JOHNSON TRUST, and co trustee of the E. JEAN JOHNSON TRUST, Grantor




NOTARY PUBLIC FOR OREGON
My Commission Expires: NOV 27 '09

STATE OF OREGON)
) ss.
County of Columbia)

The foregoing instrument was acknowledged before me this 3 day of January, 2007, by E'stella Jean, Johnson, co trustee of the DALE E. JOHNSON TRUST, and co trustee of the E. JEAN JOHNSON TRUST, Grantor




NOTARY PUBLIC FOR OREGON
My Commission Expires: NOV 27 '09

Prepared By: David Brian Williamson
Williamson & Williamson, Attorneys at Law
230 Columbia Blvd., P.O. Box 656
St. Helens, Oregon 97051
Bus: (503) 397-2141, Fax: (503) 397-2144

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Exhibit A

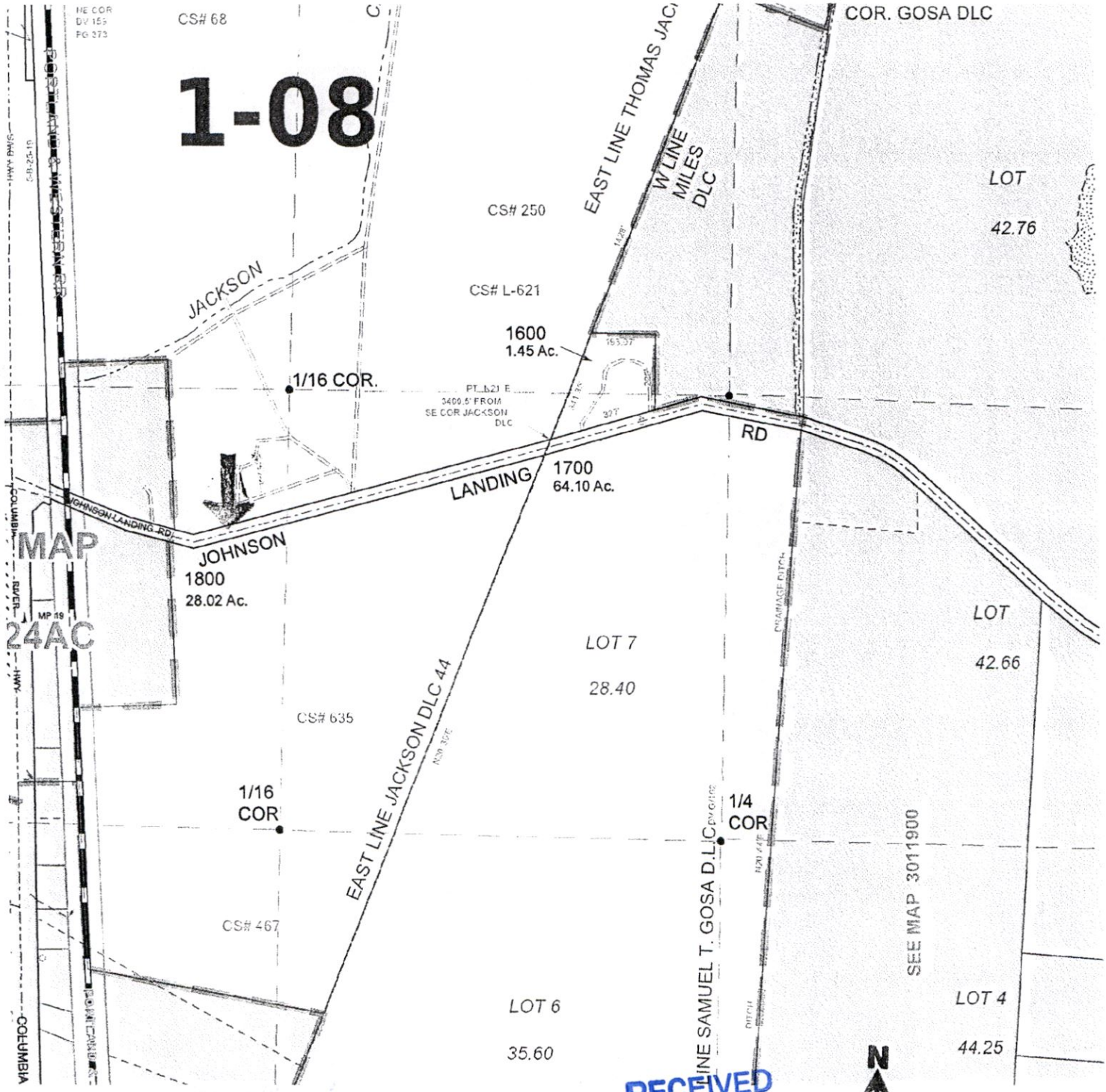
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**COMPLIMENTS OF
Columbia County
Title & Escrow Services, Inc.**
This sketch is furnished to a
property location and the

G-18819

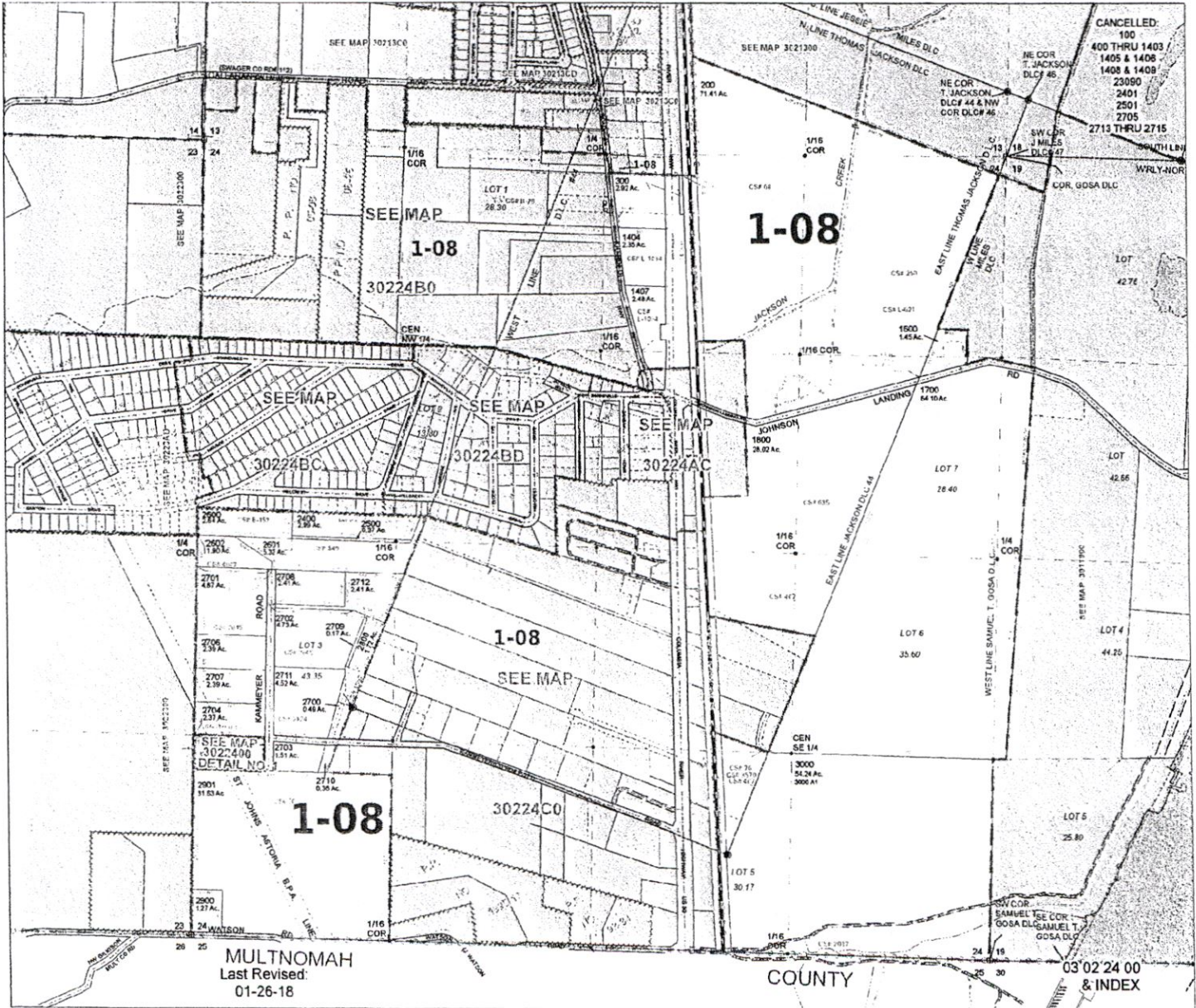
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



SECTION 24 T.3N. R.2W. W.M.
COLUMBIA COUNTY

03 02 24 00
& INDEX

1" = 400'



MULTNOMAH
Last Revised:
01-26-18

COUNTY

03 02 24 00
& INDEX



COMPLIMENTS OF
Columbia County
Title & Escrow Services, Inc.
This sketch is furnished to assist
property location and the assessor's
office files.

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COLUMBIA COUNTY, OREGON 2007-000072
DEED-D
Cnt=1 Stn=8 HUSERB 01/04/2007 11:40:09 AM
\$10.00 \$11.00 \$10.00 Total:\$31.00

After recording return to: (Name, Address, Zip)
James R. Means, Jr.
33499 Kammeyer Road
Scappoose, Oregon 97056
Until requested otherwise, send all tax statements to:
(Name, Address, Zip)
Same as above



00054950200700000720020028

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

SPACE ABOVE RESERVED FOR RECORDER'S USE

**SPECIAL WARRANTY DEED
(Individual Grantor)**

Dale E. Johnson and E'Stella Jean Johnson, as co-trustees of Dale E. Johnson Trust, under Agreement dated July 21, 2000 and Dale E. Johnson and E'Stella Jean Johnson, as co-trustees of the E. Jean Johnson Trust under Agreement dated July 21, 2000, Grantor, conveys and specially warrants to James R. Means Jr., Grantee, the following described real property free of encumbrances created or suffered by the Grantor, except as specifically set forth herein: situated in Columbia County, Oregon, to-wit:

COLUMBIA COUNTY TITLE 2006-01408

See Legal Description attached hereto as Exhibit 'A'

Subject to and excepting: Easements, Restrictions and Reservations of record, if any

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 APPROVED USES, 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.

The true and actual consideration for this conveyance is \$435,000.00. (Here, comply with the requirements of ORS 93.030.)

Dated this 3rd day of January, 2007.

Dale E. Johnson, Trustee

E'Stella Jean Johnson, Trustee

STATE OF Oregon }
County of Columbia } SS.

This instrument was acknowledged before me on this 3rd day of January, 2007 by Dale E. Johnson and E'Stella Jean Johnson, as co-trustees of Dale E. Johnson Trust, under Agreement dated July 21, 2000 and Dale E. Johnson and E'Stella Jean Johnson, as co-trustees of the E. Jean Johnson Trust under Agreement dated July 21, 2000

Before me:

Notary Public for Oregon
My commission expires: NOV 27 '09



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EXHIBIT "A"

BEGINNING at a point on the East line of the Thomas J. Jackson Donation Land Claim, said point being North 21° 00' East 1550.15 feet from the Southeast corner of said Thomas J. Jackson Donation Land Claim in Section 24, Township 3 North, Range 2 West, Willamette Meridian, Columbia County, Oregon, said point also being the Northeast corner of a tract of land as described in Book 104, page 438, Deed Records;

Thence continuing along the East line of said Jackson Donation Land Claim North 21° 00' East a distance of 1800.32 feet to the Southerly right of way line of said road, South 73° 43' West a distance of 1094.26 feet;

Thence North 76° 19' West a distance of 183.66 feet;

Thence North 67° 48' 1/2' West a distance of 135.0 feet to the Easterly right of way line of the Spokane, Portland & Seattle Railroad and the true point of beginning of the tract herein described;

Thence South 67° 48' 30" East along the Southerly line of said County Road, 135.0 feet;

Thence South 76° 19' East continuing along the Southerly line of said County Road 130.0 feet;

Thence South 3° 25' East parallel to the Easterly right of way line of said railroad a distance of 480.0 feet;

Thence South 86° 35' West 265.0 feet, more or less, to the Easterly right of way line of said railroad;

Thence North 3° 25' West along the Easterly right of way line of said railroad to the TRUE POINT OF BEGINNING.

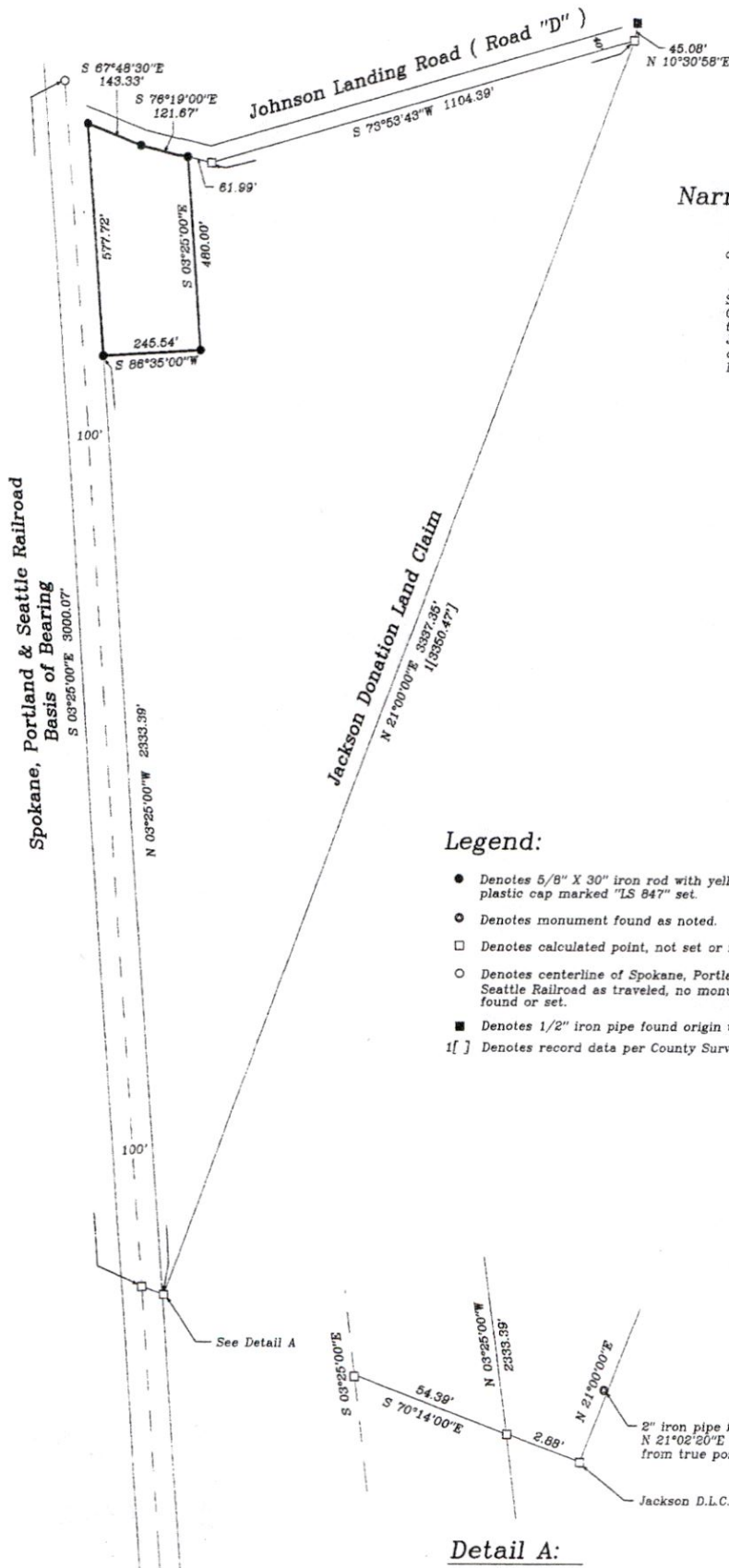
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S925

S925



Narrative:

The purpose of this survey is to establish the corners as described in instrument No. 03-00258.

As a Basis of Bearing I held the centerline of Spokane, Portland & Seattle Railroad as per County Survey No. 467. I also found and tied two monuments on the easterly line of the Jackson DLC as shown hereon. I held the deed calls and established the boundary as shown hereon.

Legend:

- Denotes 5/8" X 30" iron rod with yellow plastic cap marked "LS 847" set.
- Denotes monument found as noted.
- Denotes calculated point, not set or found.
- Denotes centerline of Spokane, Portland & Seattle Railroad as traveled, no monument found or set.
- Denotes 1/2" iron pipe found origin unknown.
- [] Denotes record data per County Survey No. 467.



Scale: 1" = 200'
DF 04068
SF 04068

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PHILIP DEWEY
JULY 12, 1968
847

RENEWAL DATE 12-31-05



Surveyed By
Dewey Surveying
County Courthouse
St. Helens, Oregon 97051
(503) 397-2316

Survey for
Dale & Jean Johnson
in the Southeast Quarter of
Section 24, T.3 N., R.2 W., W.M.
Columbia County, Oregon
August 17, 2005

Detail A:
Scale: Not to Scale

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S265

9-18819

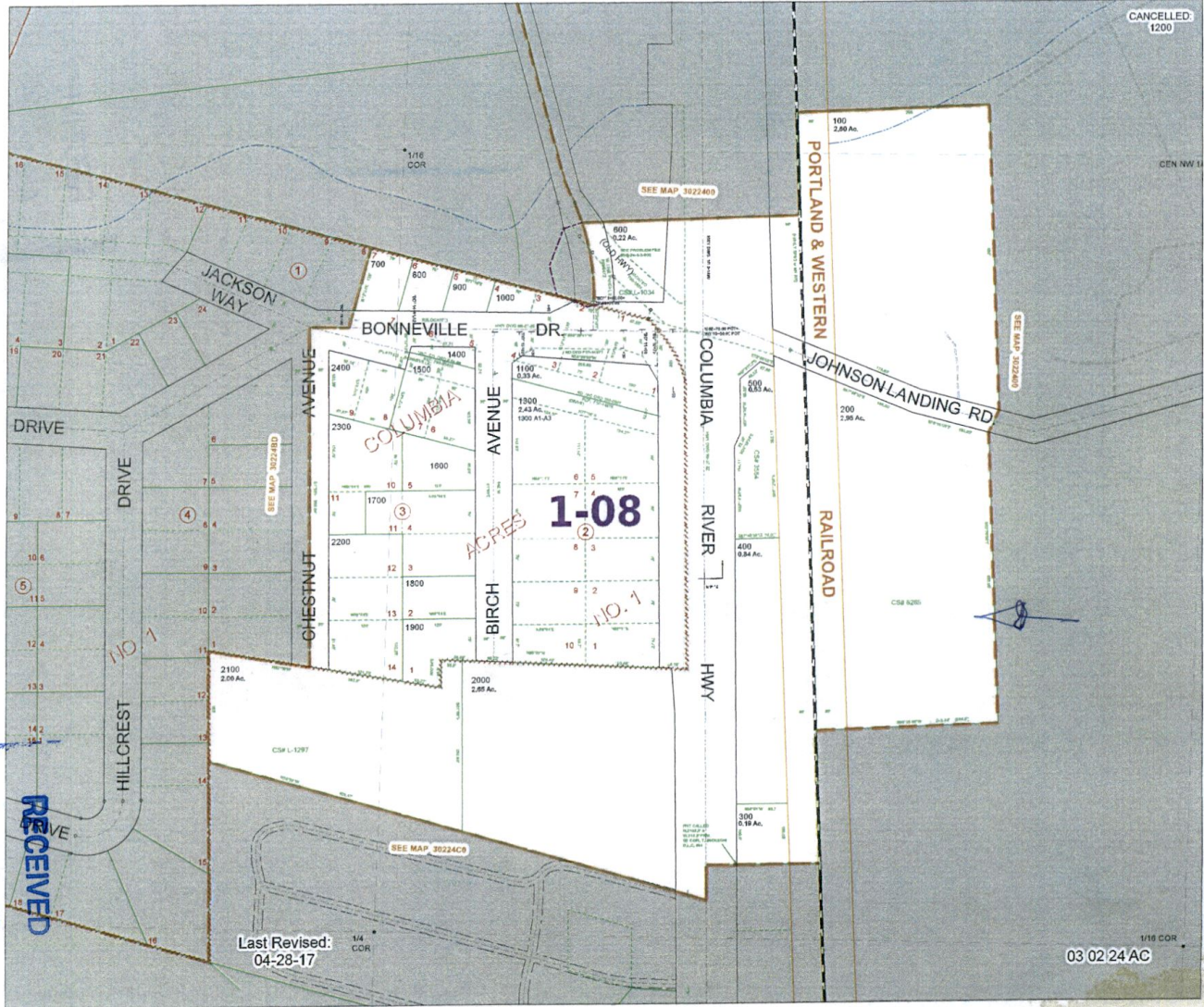
S265

9-18819

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

S.W.1/4 N.E.1/4 SEC.24 T.3N. R.2W. W.M.
COLUMBIA COUNTY
1" = 100'

03 02 24 AC



Last Revised:
04-28-17

03 02 24 AC

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Oregon Water Resources Department
Ground Water Application

- [Main](#)
- [Help](#)
- [Return](#)
- [Contact Us](#)

Today's Date: Wednesday, April 3, 2019

| | | |
|---|-------------|------------|
| Base Application Fee. | | \$1,340.00 |
| Number of proposed cubic feet per second (cfs) to be appropriated. (1 cfs = 448.83 gallons per minute) | 2.33 | \$1,050.00 |
| Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) * | 1 | |
| Number of proposed Ground Water points of appropriation. (i.e. number of wells) (include all injection wells, if applicable) ** | 3 | \$700.00 |
| Permit Recording Fee. *** | | \$520.00 |
| * the 1st Water Use is included in the base cost. ** the 1st Ground Water point of appropriation 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 | | \$3,610.00 |

OWRD Fee Schedule

| |
|----------------------------------|
| |
| Fee Calculator Version B20170117 |

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