

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

In the Matter of Application for Extension)
of Time for Transfer Application T-12798,)
Yamhill County)

FINAL ORDER APPROVING AN EXTENSION
OF TIME FOR A PERMANENT TRANSFER

Applicant

Carlton Nursery Co. LLC
PO Box 398
Dayton, OR 97114
jon.estes@baileynursery.com

Authority

Oregon Administrative Rules (OAR) 690-380-5140(2) authorizes the Department to grant an extension of time to complete a transfer.

OAR 690-380-6020 establishes an application process and criteria for the review of extensions of time to complete a transfer as authorized by a final order issued under OAR Division 380.

OAR 690-380-6020 (3) establishes that extensions are granted for one year, from October 1 to October 1 of each year. Extensions may be granted for longer time if the applicant can justify the need for a longer period of time by submission of pertinent evidence.

Findings of Fact

1. On August 17, 2022, the Department received an application for extension of time for Transfer Application T-12798.
2. On January 6, 2021, the Department signed an order, which was mailed on January 8, 2021, approving Transfer Application T-12798 to change places of use and add an additional point of diversion. The order was recorded in Special Order Volume 118, Pages 335-344. The order set a transfer completion date of October 1, 2022.
3. Since the approval of the transfer, the applicant has irrigated the proposed place of use and installed a new pump, pipeline, and completed electrical upgrades to the well.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

4. To fully complete the change, the applicant needs to purchase and install a floating screen and revise the design for the additional point of diversion.
5. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2023. Consistent with OAR 690-380-6020(3), the Department will extend the transfer completion date to October 1, 2023.

Conclusions of Law

Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application T-12798.

Now, therefore, it is ORDERED:

The time for completion of the changes authorized by Transfer Application T-12798 shall be extended to **October 1, 2023**.

SEP 28 2022

Signed at Salem, Oregon on _____.



Lisa J. Jaramillo, Transfer and Conservation Section Manager for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

SEP 28 2022

Mailing date: _____