

**Oregon Water Resources Department
Water Right Services Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-12326, Water Right Application G-13890, in)
the name of Leon Nursery) FINAL
ORDER

Permit Information

Application: G-13890
Permit: G-12326
Basin: 2C – Lower Willamette / Watermaster District 18
Date of Priority: November 23, 1994
Source of Water: eight wells in Tualtin River Basin
Purpose or Use: agricultural use for nursery stock
Maximum Rate: 3.56 cubic feet per second (cfs)

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

Appeal Rights

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

Application History

Permit G-12326 was issued by the Department on April 15, 1996, and modified by Permit Amendment T-8864 on April 26, 2006. The permit specified actual construction of the well to begin by April 15, 1997, completion of construction by October 1, 1998 and complete application of water to beneficial use by October 1, 1999. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2006. Permit G-12326 was modified by Permit Amendment T-8864 on April 26, 2006. On June 7, 2022, Leon Nursery submitted an Application for Extension of Time for Permit G-12326. In accordance with OAR 690-315-0050(2), on July 26, 2022, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2026, and the time to fully apply water to beneficial use to October 1, 2026. The protest period closed August 4, 2023, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated July 26, 2022.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, the permit may be extended subject to the following conditions:

LIMITATIONS AND CONDITIONS

1. **Permit Amendment Condition**

The Permit Holder shall submit an Application for Permit Amendment by no later than October 1, 2023, requesting the change in point of appropriation from Well 2 (WASH 53928) to WASH 50714. Failure to submit the required Application for Permit Amendment by October 1, 2023, shall result in the loss of the use of water from Well 2 and the inability to perfect the use of water developed from WASH 50714. No additional changes may be authorized by this Permit Amendment.

2. **Last Extension Condition**

This will be the last extension of time granted for Permit G-12326. Any future extensions of time request will be denied, unless the Department determines the need for an extension of time is due to a delay in the processing of the timely submitted Application for Permit Amendment required above, or a delay in confirmation from the Department that the repairs to the wells, completed prior to October 1, 2026, are sufficient to meet the requirement of the condition. ORS 539.010(5); OAR 690-315-0040.

3. **Development Limitation**

Use of water under this permit is limited to the water appropriated from WASH 50714, and WASH 50715, **AFTER** repairs to the wells has been determined sufficient enough to meet the requirement in the permit, being no more than 0.17 cubic feet per second, being 0.08 cfs from WASH 50714, and 0.09 cfs from WASH 50715. Additionally, no more than 18.5 acres of agricultural use for nursery stock and other associated uses authorized by the permit, may be developed.

4. **No Water Use/Well Repair Condition**

Use of water under this permit shall be suspended, and no water may be appropriated from any well listed on this permit until the well is altered to meet the condition contained in the permit, **AND** the Department has determined, in writing, the alteration(s) is sufficient to meet the requirements in the permit.

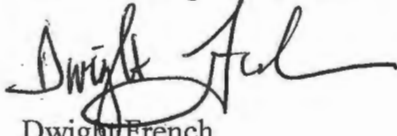
CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application G-13890, Permit G-12326, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2006, to October 1, 2026. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2006, to October 1, 2026.

DATED: August 18, 2023



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

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- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist at (503) 979-3213.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
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