



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

Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

*A separate extension application must be submitted for each permit as per
OAR 690-315-0020(2).*

*This application and a summary of review criteria and procedures that are generally applicable to this
application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.*

I, Erwin Weichel

NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

2959 SW Schaeffer Road
ADDRESS

CITY West Linn

STATE OR

ZIP 97068

503.638.8628
PHONE

lynnepuss@msn.com
E-MAIL ADDRESS

the permit holder of:

Application Number G-16397

Permit Number G-16024
[OAR 690-315-0020(3)(b)]

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do hereby request that the time in which to:

- ☒ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on October 1, 2010, be extended to October 1, 2015,
- ☐ N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

- ☒ apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, 2010, be extended to October 1, 2015.

Before submitting your Application for Extension of Time, make sure the following items are included:

- This completed Application for Extension of Time.
- Statutory fee of \$500.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

along with the

\$500 STATUTORY FEE TO:

**Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301**

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GENERAL TIPS:

- Permit holders of municipal or quasi-municipal water use permits DO NOT use this form. The correct form is *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, available at the following link:
<http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#other>
- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).

- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: <http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- The water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS)). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Answer the Following Questions to Complete this Application for Extension of Time

1. **Did the actual construction of the water system/well drilling begin within the time specified in the permit?** ☐ Yes ☒ No [OAR 690-315-0020(3)(d)]



TIP: *Not all permits specify a date by which construction was to begin.*

Date construction began is: _____

Details of construction: No construction occurred.

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2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? ☐ Yes ☒ No

- 2-A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.



TIP: The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

CHART-A

Condition No. **	Date Satisfied	Describe How Permit Condition Has Been Satisfied
		None of the 10 conditions noted on the copy of the attached permit have been accomplished.

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

- 2-B) If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
1	10/1/2015	I obtained my Water Use Permit on March 2, 2006. It was my intent to construct the well in 2008, and complete my "nursery use" project by October 1, 2010. In 2006, the economy was booming. However, through no fault of my own, the economy turned sour beginning about 2008. This negatively impacted the viability of my proposed project. The economy also adversely impacted my dental practice, my primary source of income. For example, many of my clients lost their insurance during the downturn.

		As such, I waited. Only now has the regional economy, and my personal financial situation improved sufficiently for me to proceed. None of the Permit conditions 1 through 10 have been accomplished as yet. I now plan to accomplish my original intent beginning now and to have completed the project by October 1, 2015. This project is essential to our plans for this property.
10	10/1/2016	A COBU can not be prepared until the entire project is completed on 10-1-2015. We will retain a CWRE to prepare the COBU and map and submit same to WRD on or before 10-1-2016.

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**** Condition No:** *Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension.*

[OAR 690-315-0020(3)(e)]

3. **Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).**

3-A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.

CHART-C

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
6/19/1990	Acquired property for project.	\$70,000.00
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
	Date the permit was signed - find date above signature on last page of permit.	
3/2/2006	Permit Signed	\$0.00
9/15/2006	Demolished building; installed drain tile; fenced property; pastured horses; rented a portion of the land to a nurseryman	\$20,000.00
	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	

	N/A	
10/1/2010	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

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CHART-C (continued)

DATE	WORK ACCOMPLISHED AFTER "C-DATE"	COST*
	<i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	
	None.	\$0.00
Total Cost for Chart-C		\$90,000.00

* If exact cost is not known, you must provide your best estimate.

3-B) If this is not your 1st Application for Extension of Time request, fill out CHART-D below (in addition to CHART-C above). Use chronological order.

CHART-D

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD	COST*
	<i>List all work done during the last authorized extension period.</i>	
10/1/	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
	N/A - There have been NO PRIOR TIME EXTENSIONS requested.	
10/1/	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	

CHART-D (Continued)		
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost of Chart-D		\$0.00

* If exact cost is not known, you must provide your best estimate.

[OAR 690-315-0020(3)(f)]

4. **Cost of project to date:** \$90,000.00
(The total combined cost from CHART-C and CHART-D)

[OAR 690-315-0020(3)(e)(B)]

5. **Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit and/or prior extensions of time (if any) made to date.**



TIP: Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

- 5-A) **For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):**



TIP: Report the rate in the same units of measurement as specified in the permit.

Maximum rate used to date = _____ cfs (cubic feet per second) or,

Maximum rate used to date = _____ gpm (gallons per minute) or,

Acre-feet stored to date = _____ AF

- 5-B) **For Ground Water Permit Extensions (e.g. G-XXXX):**



TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

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CHART-E

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum instantaneous rate used from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	
N/A		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
Total instantaneous rate from all wells utilized under this permit								

5-C) If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location. Has or will a permit amendment application been/be filed? Yes ☐ No ☐

If a Permit Amendment Application has been filed: Transfer No. T-_____

Well #____: Actual location: _____

Well #____: Actual location: _____

6. Provide the total number of acres irrigated to date under this permit (if applicable). [OAR 690-315-0020(3)(e)(C)]

Total acres irrigated to date: N/A

Ground Water Permits: Please specify which wells are being utilized for this irrigation.

Well #____ Acres____ Well #____ Acres____

Well #____ Acres____ Well #____ Acres____

7. Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit. [OAR 690-315-0020(3)(j)]

CHART-F

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
--	--	-------------------------------

10/1/2015	I now plan to accomplish my original intent beginning now and to have completed the project by October 1, 2015. I intend to comply with all the Permit Conditions.	\$75,000.00
Year: 10/1/2015	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$75,000.00

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[OAR 690-315-0020(3)(g)]

8. **Estimated remaining cost to complete the project: \$75,000.00**
(The total cost from CHART-F)

[OAR 690-315-0020(3)(h)]

9. **List the reasons why the project was not constructed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances (A, B, C or D).**

9-A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.

N/A

9-B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

See response to 9-D, below.

9-C) Good faith attempts to comply with permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

N/A

9-D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.

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I obtained my Water Use Permit on March 2, 2006. It was my intent to construct the well in 2008, and complete my "nursery use" project by October 1, 2010. In 2006, the economy was booming.

However, through no fault of my own, the economy turned sour beginning about 2008. This negatively impacted the viability of my proposed project. The economy also adversely impacted my dental practice, my primary source of income. For example, many of my clients lost their insurance during the downturn.

As such, I waited. Only now has the regional economy, and my personal financial situation improved sufficiently for me to proceed.

[OAR 690-315-0020(3)(k)]

- 10. Justify the time requested to complete the project and/or apply the water to full beneficial use.** Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

I obtained my Water Use Permit on March 2, 2006. It was my intent to construct the well in 2008, and complete my "nursery use" project by October 1, 2010. In 2006, the economy was booming.

However, through no fault of my own, the economy turned sour beginning about 2008. This negatively impacted the viability of my proposed project. The economy also adversely impacted my dental practice, my primary source of income. For example, many of my clients lost their insurance during the downturn.

As such, I waited. Only now has the regional economy, and my personal financial situation improved sufficiently for me to proceed. None of the Permit conditions 1 through 10 have been accomplished as yet.

I now plan to accomplish my original intent beginning now and to have completed the project by October 1, 2015. This project is essential to our plans for this property.

- 11. Provide any other information you wish OWRD to consider while evaluating your Extension of Time Application.**

None.

I am the permit holder, or have authorization from the permit holder, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension.

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Signature

12/5/11
Date

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STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

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SALEM, OREGON

(503) 638-8628

THIS PERMIT IS HEREBY ISSUED TO

ERWIN WEICHEL
2959 SW SCHAEFFER RD
WEST LINN, OR 97068

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-16397

SOURCE OF WATER: A WELL IN DOANE CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 9.79 ACRES

MAXIMUM RATE: 0.334 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: FEBRUARY 25, 2005

WELL LOCATION: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 32, T1S, R4E, W.M.; 20 FEET SOUTH & 250 FEET EAST FROM NW CORNER, SECTION 32

The amount of water used for nursery use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for nursery use may be made at any time during the period of allowed use specified above, that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 9.79 ACRES
SECTION 32
TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

Application G-16397 Water Resources Department

PERMIT G-16024

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Measurement, recording and reporting conditions:

- ① a. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- b. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- ② The well shall produce groundwater only from the Deep Troutdale groundwater reservoir at least 200 feet below land surface.
- ③ The well shall be continuously cased and sealed into the confining layer that overlies Deep Troutdale Aquifer about 200 feet below land surface.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

- (1) Use of water from the well, as allowed herein, shall be controlled or shut off if the well displays:
- (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.

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DALE M. HESSEN

- (2) The water user shall be responsible for complying with each of the following requirements for measuring water levels in the well.

- ④ (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.
- ⑤ (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.
- (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well driller, licensed pump installer, or the permittee / appropriator.
- (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
- ⑥ (e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in this section.

STANDARD CONDITIONS

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

- ⑦ The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

- ⑧ Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

- ⑨ Completion of construction and complete application of the water to the use shall be made on or before October 1, 2010. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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- ⑩ Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued March 2, 2006

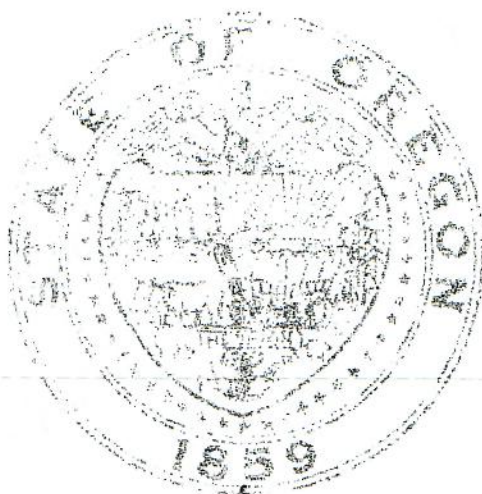
E. Timothy Wall for

Phillip C. Ward, Director
Water Resources Department

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Application G-16397 Water Resources Department
Basin 2 Volume 23A N FK DEEP CR & MISC

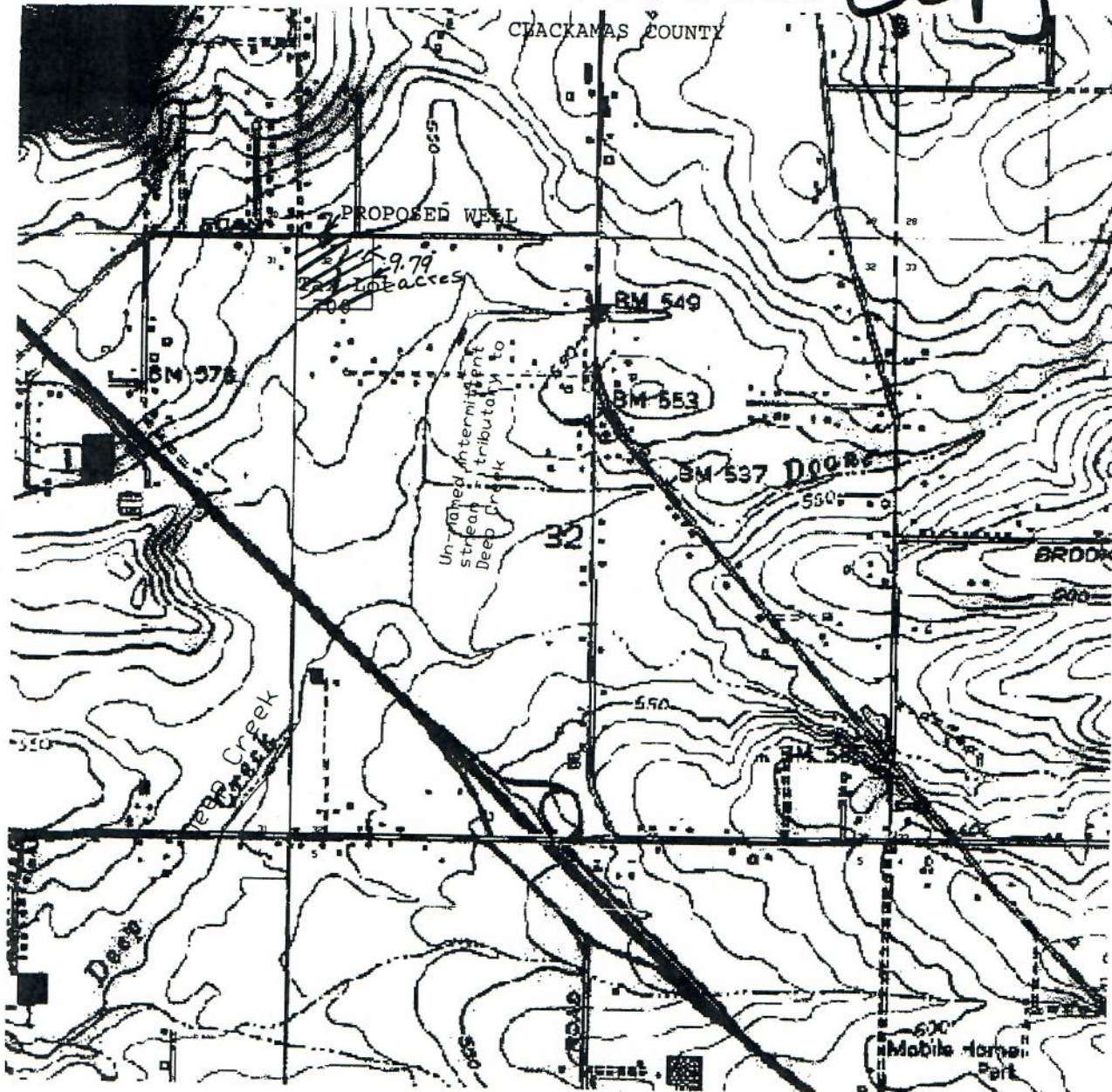
PERMIT G-16024
20

WORK

app - 912011

NW 1/4 NW 1/4 Sec 32, T.1S. R. 4E W.M.

COPY



Proposed well is 250 feet east and 20 feet south of the NW corner of Section 32, T. 1S, R.4E., W.M. in Clackamas County, Oregon

Approx scale
1" = 1000 feet

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