

**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-15196, Water Right Application G-15623, in) **FINAL**
the name of Sester Farms Inc.) **ORDER**

Permit Information

Application: G-15623
Permit: G-15196
Basin: 2C – Lower Willamette / Watermaster District 20
Date of Priority: October 5, 2001
Source of Water: three wells in North Fork Beaver Creek Basin
Purpose or Use: nursery use on 300.35 acres
Maximum Rate: 4.01 cubic feet per second (cfs); being no more than 0.67 cfs from Well #1, 1.67 cfs from Well #2, and 1.67 cfs from Well #3

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-15196 was issued by the Department on September 4, 2002. The permit complete application of water to beneficial use by October 1, 2006. On August 19, 2021, Sester Farms Inc. submitted an Application for Extension of Time for Permit G-15196. In accordance with OAR 690-315-0050(2), on February 22, 2022, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2030. The protest period closed April 8, 2022, 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 February 22, 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 a Permit Amendment Application within 6 months from the date of a Final Order on Extension of Time. The Permit Amendment is limited to a place of use change identified in the Claim of Beneficial Use submitted on February 19, 2015. No other place of use change may be authorized by a Permit Amendment. A request to change or to add points of appropriation may be included in the Permit Amendment provided that the use of water from the new wells may only begin if the static water levels in the currently permitted wells has recovered.

2. **Development Limitation and Water Use Condition**

The use of water under this permit, or any subsequent permit is limited to a total appropriation of 0.9 cubic foot per second. Water use from Well 3 shall be discontinued until a reliable March static water level measurement is submitted, identifying the well has recovered to at least 332.0 feet below land surface, being 15 feet below the reference water level of 317.0 feet below land surface. Water use from Well 1 shall be discontinued if the static water level measurement falls below 214.0 feet below land surface, and shall continue until the static water level returns to at least 214.0 feet below land surface.

3. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2028**. *A form will be enclosed with your Final Order.*

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

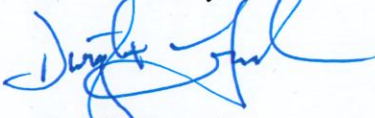
CONCLUSION OF LAW

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-15623, Permit G-15196, therefore, is approved subject to conditions contained herein. 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, 2030.

DATED: May 3, 2024



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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