

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

Water Right Application S-89867 in the)	FINAL ORDER
name of THE NURSERY OUTLET)	APPROVING THE USE OF
)	STORED WATER

Summary: Order approving Application S-89867 and issuing Permit S-55553.

Authority

Oregon Revised Statute (ORS) 537.147 establishes the process by which an application to use stored water exclusively may be submitted. Oregon Administrative Rule (OAR) Chapter 690, Divisions 310 and 340 implement the statute, and provide the Department's procedures and criteria for evaluating applications to use stored water exclusively. These statutes and rules can be viewed on the following website: www.oregon.gov/OWRD/programs/policylawandrules

The Department's main page is: www.oregon.gov/OWRD

FINDINGS OF FACT

1. On January 29, 2025, The Nursery Outlet submitted an application for a water-use permit pursuant to ORS 537.147:

Source: OVCHINNIKOV RESERVOIR, CONSTRUCTED UNDER PERMIT R-15660,
TRIBUTARY TO MILL CREEK
Use: NURSERY USE ON 3.6 ACRES
Volume: 3.7 ACRE-FEET (AF)
Period of Use: JANUARY 1 THROUGH DECEMBER 31
County: MARION COUNTY
Place of Use: SECTION 6, TOWNSHIP 5 SOUTH, RANGE 1 WEST, W.M.
2. The required examination fees were paid, and the minimum application requirements were met.
3. The Department has determined that the proposed use is an authorized use under the water right permit, certificate, or decree that allows the storage of water.
4. On February 4, 2025, the Department provided public notice of the application in the Department's weekly public notice. A 30-day comment period followed.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than contested case. This order is subject to judicial review under ORS 536.075 and 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 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.

5. The Department has not received public comments related to the possible issuance of the attached permit. Therefore, the Department has determined that no public interest issues as identified in ORS 537.170(8) have been raised.


CONCLUSIONS OF LAW

1. Application S-89867 is consistent with the requirements of ORS 537.147 and OAR Chapter 690.

ORDER

Application S-89867 is approved, and Permit S-55553 is issued as limited by the conditions contained therein.

DATED June 13, 2025



Katherine Ratcliffe
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

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- If you have any questions about statements contained in this document, please contact Nick Reece at Nick.A.Reece@water.oregon.gov or 971-719-1058.
 - 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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