

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

**Application for Extension of Time**

|                                                           |   |                                     |
|-----------------------------------------------------------|---|-------------------------------------|
| In the Matter of the Application for an Extension of Time | ) | <b>PROPOSED<br/>FINAL<br/>ORDER</b> |
| for Permit G-15841, Water Right Application G-16238, in   | ) |                                     |
| the name of Patterson Real Estate Holdings, LLC &         | ) |                                     |
| Northwest Farm Credit Services, FLCA                      | ) |                                     |

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Permit Information

|                   |                                                                                                                                                                                                                                                                                                                    |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Application:      | G-16238                                                                                                                                                                                                                                                                                                            |
| Permit:           | G-15841                                                                                                                                                                                                                                                                                                            |
| Basin:            | 2C – Lower Willamette / Watermaster District 20                                                                                                                                                                                                                                                                    |
| Date of Priority: | April 30, 2004                                                                                                                                                                                                                                                                                                     |
| Source of Water:  | Well 1, Well 2, Well 3, Well 4, and Well 5 in Eagle Creek Basin                                                                                                                                                                                                                                                    |
| Purpose or Use:   | nursery use on 55.0 acres                                                                                                                                                                                                                                                                                          |
| Maximum Rate:     | 2.225 cubic feet per second (cfs), being no more than 2.225 cfs during the period December 1, through June 30; 0.545 cfs during the month of July; 0.222 cfs during the month of August; 0.162 cfs during the month of September; 0.196 cfs during the month of October; and 0.74 cfs during the month of November |

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***Please read this Proposed Final Order in its entirety as it contains additional conditions not included in the original permit.***

*In Summary, the Department proposes to:*

- Grant an extension of time to apply water to full beneficial use from October 1, 2021, to October 1, 2030<sup>1</sup>.
- Make the extension subject to certain conditions set forth below.

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.

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<sup>1</sup>Pursuant to ORS 537.630(5), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

|                                                   |                      |
|---------------------------------------------------|----------------------|
| <b><u>ACRONYM QUICK REFERENCE</u></b>             | <b><u>WELLS</u></b>  |
| Application – Application for Extension of Time   | Well 1 – CLAC 54178  |
| Department – Oregon Department of Water Resources | Well 2 – CLAC 56492  |
| FOF – Finding of Fact                             | Well 3 – CLAC 75335  |
| PFO – Proposed Final Order                        | Well 4 – CLAC 75720  |
| cfs - cubic feet per second                       | Well 5 – CLAC 56693  |
|                                                   | Well 5R – CLAC 72846 |
|                                                   | Well 7 – CLAC 75843  |

## **AUTHORITY**

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

**ORS 537.630(2)** provides in pertinent part that the Oregon Water Resources Department (Department) for good cause shown shall order and allow an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

**ORS 539.010(5)** instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

**OAR 690-315-0040** provides that in order to approve an application for an extension of time to complete construction or apply water to full beneficial use, the Department shall make the findings in OAR 690-315-0040(1) including a finding that there is “good cause” to approve the extension. OAR 690-315-0040(2)-(4) contains the factors that the Department must consider to make findings that support a “good cause” determination.

**OAR 690-315-0050(5)** states that extension orders may include, but are not limited to, any condition or provision needed to: ensure future diligence; mitigate the effects of the subsequent development on competing demands on the resource; and periodically document the continued need for the permit.

**OAR 690-315-0050(6)** requires the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

## **FINDINGS OF FACT**

1. On February 10, 2005, Permit G-15841 was issued by the Department. The permit authorizes the use of up to 2.225 cfs of water, being no more than 2.225 cfs during the period of December 1 through June 30; 0.545 cfs during the month of July; 0.222 cfs

during the month of August; 0.162 cfs during the month of September; 0.196 cfs during the month of October; and 0.74 cfs during the month of November, from Well 1, Well 2, Well 3, Well 4, and Well 5 in Eagle Creek Basin for nursery use on 55.0 acres. The permit specified complete application of water was to be made on or before October 1, 2009.

2. On February 1, 2016, an assignment from Patterson Nursery Sales, to Patterson Real Estate Holdings, LLC and Northwest Farm Credit Service, FLCA was recorded in the records of the Water Resources Department.
3. One prior permit extension has been granted for Permit G-15841. The extension request resulted in the completion dates for construction and full application of water being extended from October 1, 2009, to October 1, 2021.
4. On January 13, 2025, Bill Patterson, owner of Patterson Real Estate Holdings, LLC, submitted an "Application for Extension of Time" to the Department, requesting the time to apply water to full beneficial use under the terms and conditions of Permit G-15841 be extended from October 1, 2021, to October 1, 2030.
5. On January 28, 2025, notification of the Application for Permit G-15841 was published in the Department's Public Notice. No public comments were received regarding the Application.

### **Review Criteria [OAR 690-315-0040]**

*In order to approve an Application for an Extension of Time to complete construction and/or apply water to full beneficial use pursuant to ORS 537.230 or 537.630, or to begin construction, pursuant to ORS 537.248, the Department must make the findings in OAR 690-315-0040(1)(a) – (d).*

### **Complete Extension of Time Application [OAR 690-315-0040(1)(a)]**

6. On January 13, 2025, the Department received a completed Application and the fee specified in ORS 536.050 from the permit holder.

### **Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]**

7. According to the well log received by the Department on December 22, 1998, construction of CLAC 54178 (Well 1) began November 25, 1998.
8. According to the well log received by the Department on February 1, 2001, construction of CLAC 56492 (Well 2) began January 10, 2001.
9. According to the well log received by the Department on May 2, 2001, construction of CLAC 56693 (Well 5) began April 11, 2001.

The Department has determined that construction of Well 1, Well 2 and Well 5 began prior to permit issuance.

**Good Cause [OAR 690-315-0040(1)(d)]**

*The Department must find that there is “good cause” to approve the extension. In making a “good cause” finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).*

**Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]**

*In order to make a finding of “good cause” to approve the extension, the Department shall consider whether the applicant has demonstrated “reasonable diligence” in previous performance under the permit. OAR 690-315-0040(2)(a). In determining “reasonable diligence”, the Department shall consider, but is not limited to, the following factors: a) The amount of construction completed within the time allowed in the permit or previous extension; b) The amount of beneficial use made of the water during the permit or previous extension time limits; c) Water right holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.*

**Amount of Construction [OAR 690-315-0040(3)(a)]**

*The amount of construction completed within the time allowed in the previous extension.<sup>2</sup>*

10. During the most recent extension period, being from October 1, 2009, to October 1, 2021, CLAC 75335 (Well 3) was constructed, a pump and meter were installed and connected to the water system.
11. The Application also identifies construction of CLAC 75720 (Well 4) in a location not authorized, CLAC 72846 (Well 5R) a replacement well for Well 5, Well 6 under a different permit, and CLAC 75843 (Well 7), none of which are authorized points of appropriation under Permit G-15841.

The Application provides evidence of progress of physical work made towards completion of the water system, enough to qualify as the minimum necessary for the Department to find good cause and reasonable diligence towards complete application of water to a beneficial use.

**Compliance with Conditions [OAR 690-315-0040(3)(c)]**

*The water right permit holder’s conformance with the permit conditions.*

12. The Department has considered the permit holder’s compliance with conditions, and has identified the following concern; the required March static water level measurements have not been received by the Department for Well 3 or Well 4.

The Department has determined that the permit holder has not demonstrated compliance with following permit condition as required by Permit G-15841:

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<sup>2</sup> “**Actual Construction**” is defined in OAR 690-315-0020(3)(d)(A)and(B) as physical work performed toward completion of the water system which demonstrates the water right permit holder’s good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.

- “To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements....”

The Application states that static water level measurements have been made for these wells but have not been submitted. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

**Beneficial Use of Water [OAR 690-315-0040(3)(b)]**

*The amount of beneficial use made of the water during the permit time limits and previous extension.*

13. A maximum rate of 330 gallons per minute (gpm) of water has been appropriated, being 80 gpm from Well 1, 80 gpm from Well 2, 100 gpm from Well 3, and 70 gpm from Well 5, for nursery use on 55.0 acres.
14. The Application also identifies 70 gpm has been appropriated from Well 4, 50 gpm has been appropriated from Well 5R and 180 gpm from Well 7. Well 4 is constructed in a location not authorized, and Well 5R and Well 7 are not authorized points of appropriation under Permit G-15841.
15. Authorized Well 1, Well 2, Well 3, Well 5, as well as Well 4, Well 5R and Well 7, are identified as also being used under Permits G-13691 and G-15195 in the Application for Extension of Time submitted on January 13, 2025.
16. Delay of full beneficial use of water under Permit G-15841 was due, in part, to Well 5 failing.

Beneficial use of water has been demonstrated from Well 1, Well 2, and Well 5, under this permit as all permit conditions were satisfied by October 1, 2021. Use of water from Well 4, Well 5R and Well 7, is not authorized under Permit G-15841, and may not be beneficial use under the permit. The permit holder is required to submit a permit amendment application to change the point of appropriation for Well 4, and request authorization of Well 5R and Well 7.

**Financial Investments to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b),(3)(d),(4)(d)]**

17. The Application indicates an investment of \$2,025,470 has been made. The investment included items associated with modification of an existing water system, rebuilding a point of diversion on Eagle Creek authorized by a different water right, and construction of Well 4, Well 5R and Well 7, which are not considered as investments towards the development of Permit G-15841, and therefore are not counted towards development. After deducting these costs, the approximate total investment to date is approximately \$294,540 which is the total projected for development of this project. No additional investment towards the development of the authorized use is anticipated.

The Department has determined that the permit holder has made an investment, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

**Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]**

The Application provides evidence that work has been accomplished towards completion of the water system; the permit holder has demonstrated compliance with permit conditions for Well 1, Well 2, and Well 5, a financial investment has been made, and; beneficial use of water has been demonstrated from Well 1, Well 2, and Well 5. The Department has determined the applicant has demonstrated reasonable diligence in previous performance, sufficient to provide a limited extension of time under Permit G-15841.

**The Market and Present Demands for Water [OAR 690-315-0040(4)(a-f)]**

*The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:*

- *(a) The amount of water available to satisfy other affected water rights and scenic waterway flows;*
- *(b) Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d);*
- *(c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;*
- *(d) Economic investment in the project to date;*
- *(e) Other economic interests dependent on completion of the project; and*
- *(f) Other factors relevant to the determination of the market and present demands for water and power.*

**OAR 690-315-0040(4)(a)**

**The amount of water available to satisfy other affected water rights and scenic waterway flows.**

18. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-15841; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an Application for a new water right is submitted.

**OAR 690-315-0040(4)(b)**

**Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).**

19. The points of appropriation for Permit G-15841, located within the Eagle Creek Basin, are not located within a limited or critical groundwater area.
20. Eagle Creek is located above Clackamas Scenic Waterway.
21. The points of appropriation are not in an area listed by the Department of Environmental Quality as a water quality limited stream.

**OAR 690-315-0040(4)(c)**

The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.

22. Eagle Creek is located within an area ranked “high” for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

**OAR 690-315-0040(4)(d)**

Economic interests dependent on completion of the project.

23. An approximate total of \$294,540 has been invested in the project.

**OAR 690-315-0040(4)(e)**

Other economic interests dependent on completion of the project.

24. Other economic interests dependent on completion of the project have not been identified.

**OAR 690-315-0040(4)(f)**

Other factors relevant to the determination of the market and present demand for water and power.

25. No other factors relevant to the determination of the market and present demand for water and power have been identified.
26. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time. A “Checkpoint Condition” is specified under Item 1 of the “Limitations and Conditions” section of this PFO to meet this condition.

**Fair Return Upon Investment [OAR 690-315-0040(2)(f)]**

27. The use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

**Other Governmental Requirements [OAR 690-315-0040(2)(g)]**

28. Delay in the development of this project was not caused by any other governmental requirements.

**Unforeseen Events [OAR 690-315-0040(2)(h)]**

29. The death of the consultant assisting with the development of the use authorized under the permit has been identified as an unforeseen event.

**Denial of the Extension Will Result in Undue Hardship [OAR 690-315-0040(2)(i)]**

30. The Application indicates a denial of the extension would result in undue hardship, and there are no other reasonable alternatives that exist for meeting water use needs.

**Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]**

31. The Application provides evidence of good faith of the appropriator under Permit G-15841.

Based on FOF 7, 8, 9, 10, 13, 17 and 23, the Department has determined that the applicant has shown good faith and reasonable diligence, sufficient to provide for an extension of time to allow the permit holder to submit a Permit Amendment Application requesting a change in points of appropriation for Well 4 and Well 5, and an additional point of appropriation for Well 7.

**Duration of Extension [OAR 690-315-0040(1)(c)]**

*Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.*

32. As of January 13, 2025, the remaining work to be completed consists of completing construction of the water system, meeting all permit conditions, which include submittal of the required March static water level measurements for Well 3, and if authorized for Well 4, Well 5R, and Well 7; and applying water to beneficial use.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2030, to accomplish the application of water to beneficial use under the terms and conditions of Permit G-15841 is both reasonable and necessary.

**Good Cause [OAR 690-315-0040(1)(d)]**

*The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).*

The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for

water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to beneficial use pursuant to OAR 690-315-0040(1)(d).

## **LIMITATIONS AND CONDITIONS**

1. OAR 690-315-0050(6) requires a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A “Checkpoint Condition” is specified under Item 1 of the “Limitations and Conditions” section of this PFO to meet this condition.
2. OAR 690-315-0050(5) provides for extension orders to include, but are not limited to, any condition or provision needed to mitigate the effects of the subsequent development on competing demands on the resource. Based on FOF 15, and the amount of time provided to complete development of the authorized use, the Department determined the need to place a “Development Limitation”. This condition, specified under Item 2 of the “Conditions” section of this PFO, was determined to be necessary because more than 20 years have been provided to date to complete the development, and because the rate of water claimed to be utilized from these wells, is also being claimed for use under Permits G-15195, and G-13691.
3. OAR 690-315-0050(5) provides for extension orders to include, but are not limited to, any condition or provision needed to ensure future diligence. Based on Findings of Facts 11, and 14, and the amount of time already provided for the development of this permit, the Department determined the need to place a “Permit Amendment Condition” on this extension of time in order to ensure diligence is exercised in the development and perfection of water use permit. This condition, specified under Item 3 of the “Conditions” section of this PFO, was determined to be necessary because of the use of unauthorized points of appropriation under this permit and the amount of time provided to complete the development of the use authorized under the permit..

## **CONCLUSIONS OF LAW**

1. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The applicant has complied with the construction timeline requirements to begin construction as required by ORS 537.630, OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. Based on Finding of Facts 7, through 32, application of water to beneficial use can be accomplished by October 1, 2030, as required by OAR 690-315-0040(1)(c).

4. The applicant can complete the project within the time period requested for the extension on the project, but the extension is conditioned to ensure future diligence and is granted only for the reasonable time necessary to complete water development and apply water to beneficial use. OAR 690-315-0050(5).
5. The applicant can complete the project within the time period requested for the extension on the project, but the extension is conditioned to ensure future diligence and is granted only for the reasonable time necessary to complete water development and apply water to beneficial use. OAR 690-315-0050(5).
6. The applicant has demonstrated good cause for the extension, but the extension must be conditioned to ensure that no additional development of the rate of water appropriated exceeds a maximum of 1.3 cfs from the points of appropriation authorized.; OAR 690-315-0050(5).
7. For extensions exceeding five years, the Department shall establish progress checkpoints to determine if diligence is being excised in the development and perfection of the water use permit. Intervals between progress check points will not exceed five year periods, as required by OAR 690-315-0050(6).

## **PROPOSED ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to apply water to beneficial use under Permit G-15841 from October 1, 2021, to October 1, 2030.

Subject to the following conditions:

## **LIMITATIONS AND CONDITIONS**

### **1. 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

**2. Development Limitation Condition**

The use of any water beyond 0.74 cfs, being 0.18 cfs from CLAC 54178 (Well 1), 0.18 cfs from CLAC 56492 (Well 2), 0.22 cfs from CLAC 75335 (Well 3), and 0.16 cfs from CLAC 56693 (Well 5) under Permit G-15841 is subject to this Condition.


The maximum potential rate of water that may be appropriated under this permit is limited to no more than 1.3 cfs, being 0.18 cfs from CLAC 54178 (Well 1), 0.18 cfs from CLAC 56492 (Well 2), 0.22 cfs from CLAC 75335 (Well 3), 0.16 cfs from CLAC 56693 (Well 5); and if authorized by a permit amendment, 0.16 cfs from CLAC 75720 (Well 4), and 0.4 cfs from CLAC 75843 (Well 7). A maximum rate of 0.16 cfs from CLAC 72846 (Well 5R) may be appropriated if authorized as a change in point of appropriation from CLAC 56693 (Well 5).

The maximum rate of up to 1.3 cfs, shall also be the maximum cumulative rate that may be appropriated under Permits G-15841, G-15195, and G-13691.

**3. Permit Amendment Condition**

An Application for a Permit Amendment requesting a change in points of appropriation from the authorized Well 4 to CLAC 75720, and from CLAC 56693 (Well 5) to CLAC 72846 (Well 5R), and an additional point of appropriation to add CLAC 75843 (Well 7), shall be submitted within six months from the date of issuance of the Final Order on Extension of Time. Failure to submit the required Permit Amendment within six months shall result in the automatic termination of this extension of time, and a Claim of Beneficial Use shall be submitted within 60-days of the termination of this extension of time. Furthermore, if CLAC 75720 and/or CLAC 75843 as currently constructed are not authorized by the Permit Amendment, then the rate associated with the wells, being 0.16 cfs from CLAC 75720 and 0.4 cfs from CLAC 75843, shall be deducted from the maximum rate that may be appropriated of 1.3 cfs.

DATED: July 1, 2025



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

*If you have any questions,  
please check the information  
box on the last page for the  
appropriate names and  
phone numbers.*

## Protests

Pursuant to OAR 690-315-0060(1), the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. Protests must be received by the Water Resources Department no later than **August 18, 2025**, at this address: Oregon Water Resources Department, Water Right Services Division, 725 Summer St NE, Suite A, Salem, OR 97301-1266. Protests may not be submitted by electronic mail. OAR 690-002-0025(3).

Protests must be in writing and include all of the following:

- The name, address, and telephone number of the protestant
- A detailed description of the protestant's interest in the proposed final order, and, if the protestant claims to represent the public interest, a precise statement of the public interest represented
- A detailed description of how the action proposed in the proposed final order would impair or be detrimental to the protestant's interest
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency
- If the applicant protests, a statement of whether a hearing is requested
- Citation of legal authority supporting the protestant, if known
- Proof of service of the protest on the water right permit holder, if protestant is other than the water right permit holder, and
- If you are the applicant, the protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$950 required by ORS 536.050.

Within 60 days after the close of the period for requesting a contested case hearing, the Director shall either issue a final order on the extension request, or schedule a contested case hearing if a protest has been submitted, and, upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or, the applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests. The hearing will be conducted as provided in Oregon Revised Statutes (ORS) Chapter 183, and Oregon Administrative Rules (OAR) 137-003-0501 to 137-003-0700.

If the applicant does not request a hearing within 30 days after the close of the protest period, or if the request for a hearing is withdrawn, or the Department or the administrative law judge is notified that the protestant will not appear, or the protestant fails to appear, at a scheduled hearing, the Director may issue a Final Order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

A party may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative

may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

**Notice Regarding Servicemembers:** Active-duty service members have a right to stay proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-8260, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

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- If you have questions about statements contained in this document, please contact Jeffrey D. Pierceall at 503- 979-3213.
  - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.
  - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.
  - Address any correspondence to :      Water Right Services Division  
725 Summer St NE, Suite A  
Fax: 503-986-0901                      Salem, OR 97301-1266
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Mailing List for Extension PFO Copies

PFO Date: July 1, 2025

Copies Mailed

Application: G-16238

By: \_\_\_\_\_

Permit: G-15841

On: \_\_\_\_\_

Original mailed to Applicant:

Patterson Real Estate Holdings, LLC  
29300 SE Burnett Rd.  
Eagle Creek, OR 97022

Copies sent to:

1. WRD - App. File G-16238/ Permit G-15841
2. Agent or CWRE representing the Permit Holder

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving via e-mail (10 AM Tuesday of signature date)  
(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 20, Amy Landvoigt

CASEWORKER: JDP