

FILE#: G 13473

MONROVIA NURSERY CO.
12600 SE ALDERMAN RD 13455 SE LAFAYETTE HWY
DAYTON, OR 97114

Application No. G13473

Permit No. G12293

Certificate No. ~~912293~~

mismarked
912 TP 4-5-2017

Stream Index, Page No. 2
Yamhill

FEES PAID

Date	Amount	Receipt No.
7/20/93	200.00	102562
1/25/94	1942.00	108989 REC
4-17-95	1,942.00	123509
EXT - 10-1-99	\$100.00	33522
4/3/19	670.00 Cert. Fee	129462

FEES REFUNDED

Date	Amount	Check No.
ml 4-22-96	1,893.00	000569

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

Well 15 = YAMH 1848/2906
Well 16 = YAMH 1849
Well 17 = YAMH 1851
Well 18 = YAMH 1852/54394

~~F-11030~~

FEES PAID

DATE	AMOUNT	Receipt #
10-5-09	500.00	98102

Date filed

Priority July 20, 1993

Action suspended until 10/19
on ext. do

Return to applicant

Date of approval

CONSTRUCTION

Date for beginning APR 3 1997

Date for completion OCT 1 1998

Extended to 10-1-2009, 10-1-19

Date for application of water OCT 01 1999

Extended to 10-1-2009, 10-1-19

PROSECUTION OF WORK

Form "A" filed

Form "B" filed

Form "C" filed

FINAL PROOF

Blank mailed

Proof received

Date certificate issued

612293

02/09/2000

Dallas,

Method Permits

G-12513 MOR

G-12293 Have any
~~water~~ static water
level Reporting Data!

R. C. Blair.

No Reporting
Water Levels

FOR _____

DATE 10-14-03 TIME 8:33 A.M.
P.M.

FROM Walter Suttle

FIRM Monrovia

PHONE 503-868-7941
AREA CODE NUMBER EXTENSION

FAX

MOBILE
AREA CODE NUMBER TIME TO CALL

TELEPHONED	PLEASE CALL
RETURNED YOUR CALL	WILL CALL AGAIN
CAME TO SEE YOU	RUSH
WANTS TO SEE YOU	SPECIAL ATTENTION
WAITING TO SEE YOU	HOLDING LINE

MESSAGE Status?

G 13473/G- *(2) Alameda
10-14-03
@ 4:00*

SIGNED _____

FORM 4007
MADE IN U.S.A.

MESSAGE



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301-1266

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov / OWRD

December 3, 2023

Monrovia Nursery Company
Ron Tuckett
13455 SE Lafayette HWY
Dayton, OR 97114

REFERENCE: Application G-13473 / Permit G-12293

Dear Permit Holder:

The Water Right Services Division received your written October 1, 2023, progress report for Permit G-12293 on October 2, 2023. Receipt of the progress report was published on the Department's weekly Public Notice, dated October 17, 2023. The Department did not receive any public comment on the progress report.

After reviewing your Progress Report, the Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permit and extension has been demonstrated.

As per your most recent extension, the date by which water must be applied to full beneficial use within the terms and conditions of your permit is October 1, 2024.

If you have any questions, please feel free to contact me by telephone at (503) 979-3213.

Sincerely,

Jeffrey D. Pierceall

Extensions

Water Right Services Division

Enclosure

cc: Application G-13473
Watermaster District 22 – Ken Thiemann



Route Slip.....Extension of Time Progress Report

1. Extension Specialist: Progress Report Review

Date Report was Due: October 1, 2023 (= "Deadline Date" for the corresponding ECP work flow record in WRIS)

Date Report Received: October 2, 2023

Report Complete: YES

NO – Send letter requesting missing information.

letter mailed on: December 17, 2023

2. Support Staff: Publish on the Department's Public Notice

315 320 OAR Division under which Progress Report was required

Publish on Public Notice Date: _____

Update workflow in WRIS

(Fill in Extension Checkpoint 'Completed Date' in appropriate "ECP" work flow record and

add record for Checkpoint Public Notice ("EPR" or "EP2")

Return file to Jeffrey Pierceall

3. Extension Specialist: Prepare Progress Report Confirmation Letter

See progress report procedures.doc

(date / mail out after 30 day comment period)

Date Confirmation Letter Needed: December 17, 2023

Update Progress Report Worksheet.xls

Send to permit holder + anyone who made comments after 30 day public notice

CC: Watermaster _____

File _____

PUBLIC NOTICE INFORMATION

Permit Holder's Name: Monrovia Nursery Company Attn: Ron Tuckett

Application: G-13473

Permit: G-12293

County: Yamhill

Source: four wells in Tyamhill River Basin

Use: nursery operations on 805.4 acres



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

*** Extension of Time
 Progress Report Form
 For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Monrovia Nursery Company

Application G-13473

Permit G-12293

Progress Report for 2023

Report Due no later than October 1, 2023

DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit G-12293.

DATE	DESCRIPTION OF WORK ACCOMPLISHED	ESTIMATED COST
9/16/2021	Well 17 (S5 3W 6NWSE) developed, Drilled, casing installed, etc	\$102,320
(YAM 1851)	Test pump installed and tested	

Use back of form if needed

2. Describe actions to achieve compliance with conditions of the permit and/or previous extension.
 Well 17 still needs to have a permanent pump installed with flow meter. It would have been done already but the well produced 1/10th the rate we were expecting.
 We have a quote for well 16 development but it hasn't been scheduled yet.

3. Total number of acres developed for nursery use to date: 522.9

Total acres per well,

Well 1 522.9 Well 2 Well 3 522.9 Well 4 522.9
 # 15 # 16 # 17 # 18

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, to date.

Maximum rate used to date = 1.4259 cfs

Maximum Rate per well:

Well 1 .4233 Well 2 Well 3 0.1114 Well 4 0.8912
 # 15 # 16 # 17 Test # 18

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly, or annual water volume totals.

INCOMPLETE REPORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM. FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.

Signature Ron Tuckett Date 9/29/23

Printed Name/Title Ron Tuckett (Plant Protection Manager)

Diligence Shown Yes No
 Date Public Noticed: 9-19-23
 For OWRD use only 12-1-23

Mailing List for Extension FO Copies

FO Date: January 24, 2020

Copies Mailed

Application: G-13473

By: TM

Permit: G-12293

On: 1/24/2020

Original mailed to permit holder

Monrovia Nursery Company
13455 SE Lafayette Hwy.
Dayton, OR 97114

Copies sent to:

1. WRD - App. File G-13473/ Permit G-12293
2. Agents or CWREs representing the Permit Holder

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving notification via e-mail - FO available in WRIS for review
(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 16, Joel Plahn

If Progress Reports are included:
(DONE BY EXTENSION SPECIALIST)

Add record to Progress Report tracking sheet.xls Done: by _____ Date _____

CASEWORKER: JDP

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated November 26, 2019.

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. **Columbia River Basalt Group Aquifer Development Limitation**
Development of water from the Columbia River Basalt Group aquifers under this permit is limited to no more than 0.44 cfs of water for nursery operations on 522.9 acres from YAMH 1848/2806. Any future water development under this permit must be limited to appropriation from sedimentary aquifers at this location. Prior to use of water from any new, reconstructed, altered, or deepened well, the permit holder must demonstrate that water will not be developed from the Columbia River Basalt Group aquifer. If any additional development occurs from the Columbia River Basalt Group aquifer under this permit, the additional development will be excluded upon issuance of a certificate.
2. **Last Extension Condition**
This shall be the last extension of time granted for Permit G-12293. Any future extensions of time request will be denied.
3. **Checkpoint Condition**
The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2023**. *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.

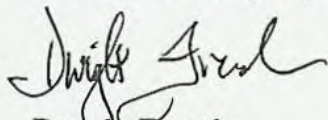
CONCLUSION OF LAW

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-13473, Permit G-12293, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2019, to October 1, 2024. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2019, to October 1, 2024.

DATED: January 24, 2020



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

-
- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist at 503-986-0802.
 - 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
-



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

**Extension of Time
 Progress Report Form
 For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Monrovia Nursery Company

Application G-13473

Permit G-12293

Progress Report for 2023

Report Due no later than October 1, 2023

DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit G-12293.

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between April 3, 2019 and October 1, 2023	FINANCIAL INVESTMENT

Use back of form if needed

2. Describe actions to achieve compliance with conditions of the permit and/or previous extension.

3. Total number of acres developed for nursery use to date: _____
 Total acres per well,
 Well 1 _____ Well 2 _____ Well 3 _____ Well 4 _____

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, to date.

Maximum rate used to date = _____ cfs

Maximum Rate per well:

Well 1 _____ Well 2 _____ Well 3 _____ Well 4 _____

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly, or annual water volume totals.

**INCOMPLETE REPORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM.
 FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE
 EXTENSION BEING DENIED.**

Signature _____ Date _____

Printed Name/Title _____

Diligence Shown Yes No

Date Public Noticed: _____

For OWRD use only

Reviewed by:

Date:

Mailing List for Extension PFO Copies

PFO Date: November 26, 2019

Copies Mailed

Application: G-13473

Permit: G-12293

By: TM
On: 11/26/2019

Original mailed to Applicant:

Monrovia Nursery Company
13455 SE Lafayette Hwy.
Dayton, OR 97114

Copies sent to:

1. WRD - App. File G-13473/ Permit G-12293
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 16, Joel Plahn

CASEWORKER: JDP

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

Application for Extension of Time

In the Matter of the Application for an Extension of Time)	PROPOSED
for Permit G-12293, Water Right Application G-13473, in)	FINAL
the name of Monrovia Nursery Company)	ORDER

Permit Information

Application:	G-13473
Permit:	G-12293
Basin:	0 – Middle Willamette / Watermaster District 16
Date of Priority:	July 20, 1993
Source of Water:	four wells in Yamhill River Basin
Purpose or Use:	Nursery Operations on 805.4 acres
Maximum Rate:	4.01 cubic feet per second (cfs) total, being 0.44 cfs – Well #15; 0.89 cfs - Well #16; 1.34 cfs – Well #17; 1.34 cfs – Well #18

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 complete construction of the water system from October 1, 2019, to October 1, 2024.
- Grant an extension of time to apply water to full beneficial use from October 1, 2019, to October 1, 2024¹.
- 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.

¹Pursuant 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.

ACRONYM QUICK REFERENCE

Application – Application for Extension of Time
Department – Oregon Department of Water Resources
FOF – Finding of Fact
PFO – Proposed Final Order
cfs - cubic feet per second
gpm – gallons per minute

Well Information

Well #15 – YAMH 1848/2806
Well #16 – YAMH 1849
Well #17 – YAMH 1851
Well #18 – YAMH 1852/54374

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 April 3, 1996, Permit G-12293 was issued by the Department. The permit authorizes the use of up to 4.01 cfs of water from four wells in Yamhill River Basin for nursery operations on 805.4 acres, being 0.44 cfs from Well #15, 0.89 cfs from Well #16, 1.34 cfs

from Well #17, and 1.34 cfs from Well #18. The permit specified actual construction of the well to begin by April 3, 1997, construction of the water system was to be completed by October 1, 1998, and complete application of water was to be made on or before October 1, 1999.

2. Two prior permit extensions have been granted for Permit G-12293. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 2009, to October 1, 1999.
3. On April 3, 2019, Greg Rusow, vice president and general manager of Monrovia Nursery Company, submitted an "Application for Extension of Time" (Application) to the Department, requesting both the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-12293 be extended from October 1, 2009, to October 1, 2024.
4. On April 3, 2019, notification of the Application for Permit G-12293 was published in the Department's Public Notice. No public comments were received regarding the Application.
5. On November 14, 2019, the permit holder submitted additional information to supplement their Application. The additional information was to identify work accomplished and water put to beneficial use between when the Application was submitted on April 3, 2019, and the most recent date for complete application of water, being October 1, 2019.

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 April 3, 2019, 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. Actual construction of the well began prior to the April 3, 1997 deadline specified in the permit.
8. According to the well log received by the Department on August 28, 1992, construction of YAMH 1848 began August 5, 1992.

Based on Finding of Fact (FOF) 7 and 8, the Department has determined that the prosecution of the construction of the well began prior to April 3, 1997.

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.²

9. During the most recent extension period, being from October 1, 2009, to October 1, 2019, the following was accomplished:
 - installed a pump in YAMH 1852/54374 (Well #18); and
 - installed electrical service to Well #18.

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 and previous extension conditions.

10. The Department has considered the permit holder’s compliance with conditions, and did not identify any concerns.

Based on FOF 10, the Department has determined that the permit holder has demonstrated compliance with permit conditions as required by Permit G-12293.

² “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.

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

The amount of beneficial use made of the water during the permit time limits or previous extension conditions.

11. A maximum rate of 450 gallons per minute (gpm) (1.0 cfs) of water, being 200 gpm (0.44 cfs) from Well #15, and 250 gpm (0.55 cfs) from Well #18, has been appropriated for nursery use on 522.9 acres.
12. Delay of full beneficial use of water under Permit G-12293 was due, in part, to ongoing effects of the 2008 recession. The permit holders identify that current production levels remain approximately 20% below those of 2007. Financial assets were available until the end of 2017, to continue development of the wells authorized under the permit.

Based on FOF 10, and 11, the Department has determined that beneficial use of water has been demonstrated under this permit.

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

13. An investment of approximately \$173,800, has been made which is about 44 percent of the total projected cost for complete development of this project. The Application establishes that the permit holder made little investment towards the development of this permit between 2009, and December 2017 when a pump and associated rough plumbing was installed in Well #18. This represents eight years where no additional development was pursued. An additional \$220,000 investment is needed for the completion of this project.

Based on FOF 13, the Department has determined that the permit holder had 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, a financial investment has been made, and; beneficial use of water has been demonstrated. The Department has determined the applicant has demonstrated reasonable diligence in previous performance under Permit G-12293.

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.

14. 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-12293; 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).

15. The points of appropriation for Permit G-12293, located within the West Fork Palmer Creek Basin, are located within Amity Hills Limited Groundwater Area. The Amity Hills Limited Groundwater Area was established in December 2003, to limit the use of water from the Columbia River Basalt Group aquifers to classified exempt purposes as defined in ORS 537.545, or to irrigation by drip or equally efficient methods, under a limited license. Permit G-12293, was issued prior to the establishment of this Groundwater Limited Area. New water development under this permit, 23 years after issuance, and 16 years after the establishment of the Groundwater Limited Area, must be limited to reduce the impact of continued use under the permit within the Columbia River Basalt Group aquifers.
16. West Fork Palmer Creek is not located within or above any state or federal scenic waterway.
17. 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.

18. West Fork Palmer Creek is located within an area ranked “moderate” 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.

19. An approximate total of \$173,800 has been invested in the project.

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

Other economic interests dependent on completion of the project.

20. Other economic interests dependent on completion of the project have been identified. The permit holder employs more than 500 employees who would be effected by loss of the use of water on this nursery property. Additionally, a portion of the land is leased by a local farmer.

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

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

21. On October 29, 2019, the Department’s Groundwater Section determined that Well #15 develops water from the Columbia River Basalt Group aquifer within the boundaries of the Amity Hills limited groundwater area.
22. On October 29, 2019, the Department’s Ground Water Section determined that the reference levels for determining water level declines for Well #15 is 18.58 feet below land surface.
23. On October 29, 2019, the Department’s Ground Water Section determined that, due to observed water level declines occurring within the Columbia River Basalt Group Aquifers, the use of water from Well #15 (YAMH 1848/2806) must be limited to what has been developed as of the most recent completion date, being October 1, 2019, because the Columbia River Basalt Group aquifers cannot support additional development under this permit.
24. Water use from Well #18 began in 2019. The Department has not determined the reference level for Well #18 because the first measurement after use began has not yet been submitted to the Department. The reference level will be determined based on the submittal of the static water level measurement taken by April 15, 2020.

25. No water has been appropriated from Well #16, or Well #17, for nursery operations under this permit. Reference levels will be determined based on static water level measurements taken the year following the beginning of water use.
26. On November 15, 2019, the Department's Groundwater Section determined that use from Well #16, Well #17, and Well #18 must be limited to water developed from local sedimentary aquifers due to long-term declines of water level in the Columbia River Basalt Group aquifers in this area.
27. OAR 690-315-0050(6) requires the Department to place 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 3 of the "Limitations and Conditions" section of this PFO to meet this condition.

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

28. 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)]

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

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

30. No unforeseen events were identified that contributed to the extended the length of time needed to fully develop and perfect Permit G-12293 during the most recent extension of time period, being October 1, 2009, through October 1, 2019.

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

31. The Application identifies that a denial of the extension would result in undue hardship, and that there are no other reasonable alternatives exist for meeting water use needs. The permit holders believe that the inability to complete the development of the permit would put the company at risk, and that they are not aware of additional water available in the area.

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

32. The Application provides evidence of good faith of the appropriator under Permit G-12293.

Based on FOF 7, 8, 9, 10, 11, 13, and 19, the Department has determined that the applicant has shown good faith and reasonable diligence.

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.

33. As of April 3, 2019, the remaining work to be completed consists of completing construction of the water system, meeting all permit conditions, and applying water to full 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, 2024, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-12293 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 complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

LIMITATIONS AND CONDITIONS

1. 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 Findings of Facts 15, 21, 22, and 23, the Department determined the need to place a "Development Limitation" on this extension of time in order to mitigate the effects of the subsequent development on competing demands on the resource. This condition, specified under Item 1 of the "Conditions" section of this PFO, was determined to be necessary because long-term declines are occurring in the Columbia River Basalt Group aquifers at this location.
2. 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 FOF 1, 2, and 13, the Department determined the need to place a "Last Extension Condition" on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. This condition, specified under Item 2 of the

“Conditions” section of this PFO, was determined to be necessary due to minimal development under this permit during the most recent extension of time period, being October 1, 2009, to October 1, 2019, this being the third request for an extension of time, and upon approval, this extension of time authorized a total of 28 years to develop the use of water under this permit.

3. 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 3 of the “Limitations and Conditions” section of this PFO to meet this condition.

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 actual 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, completion of construction and full application of water to beneficial use can be accomplished by October 1, 2024, 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/or mitigate the effects of the subsequent development on competing demands on the resource 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 has demonstrated good cause for the extension, but the extension must be conditioned to ensure this is the last extension granted in order to ensure future diligence; OAR 690-315-0050(5).
6. For extensions exceeding five years, the Department shall establish progress checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between progress check points will not exceed five years 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 complete construction of the water system under Permit G-12293 from October 1, 2019, to October 1, 2024.

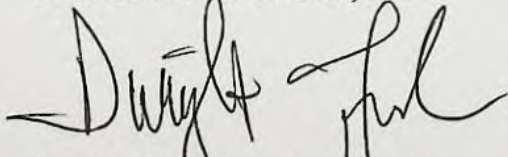
Extend the time to apply water to beneficial use under Permit G-12293 from October 1, 2019, to October 1, 2024.

Subject to the following conditions:

LIMITATIONS AND CONDITIONS

1. **Columbia River Basalt Group Aquifer Development Limitation**
Development of water from the Columbia River Basalt Group aquifers under this permit is limited to no more than 0.44 cfs of water for nursery operations on 522.9 acres from YAMH 1848/2806. Any future water development under this permit must be limited to appropriation from sedimentary aquifers at this location. Prior to use of water from any new, reconstructed, altered, or deepened well, the permit holder must demonstrate that water will not be developed from the Columbia River Basalt Group aquifer. If any additional development occurs from the Columbia River Basalt Group aquifer under this permit, the additional development will be excluded upon issuance of a certificate.
2. **Last Extension Condition**
This shall be the last extension of time granted for Permit G-12293. Any future extensions of time request will be denied.
3. **Checkpoint Condition**
The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2023. 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.

DATED: November 26, 2019



Dwight French, Administrator,
Water Right Services Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100 and 690-315-0060, 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. The written protest must be received by the Water Resources Department no later than **January 13, 2020**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner'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;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

NOTICE TO ACTIVE DUTY SERVICEMEMBERS: Active duty Servicemembers have a right to stay these 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 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.

Extension PFO Checklist for
Other than Muni or Quasi-Municipal
 Water Use Permits
 (OAR 690-315-0010 through OAR 690-315-0060)

Application G-13473 Permit: G-12293 Permit Amendment? No Yes T- 11033 pending approved

Permit Holder's Name: Monrovia Nursery Co.

Permit Holder's Mailing Address: 13455 SE Lafayette Hwy.

email grusow@monrovia.com Dayton, OR 97114

Phone Number: 503-868-7941

Agent/~~CWRE~~ Greg Rusow, VP General Manager

Drainage Basin: 2B County: Yamhill Watermaster District: 16 Watermaster: Joel Plehn
Mid-Willamette

Date Permit was issued: 4-3-1996 Priority Date: 7-20-1993 Date of PN: 4-3-2019

Source: four wells in the Yamhill River Basin

Use: 4.01 cfs total, being 0.44 cfs from Well #15; 0.89 cfs - Well #16

"O": nursery operations on 805.4 acres
1.34-cfs - well #7; 1.34 - Well #18

Orig "A" Date: 4-3-1997 Orig "B" Date: 1998 Orig "C" Date: 1999

Extension request received: 4-3-2019 Last Authorized Date: 10-1-2019 "C" Date: 10-1-2019

Request Number (1, 2, 3...): 3 Proposed "B" Date: 2024 Proposed C Date: 2024

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
✓		Begin construction:
✓		meter
✓		AWUR
✓		SWL Jan 1 - Apr 15
✓		Prog. Report

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

Yes No

- Work was accomplished within the time allowed in the permit or previous extension
- Water right permit holder conformed with the permit or previous extension conditions
- Beneficial use made of the water during the permit or previous extension time limits

GW REVIEW: Y N _____

MITIGATION REVIEW: Y N _____

- Permit holder has beneficially used 200 cfs/gpm/af of the total permitted quantity of water on 522.9 acres

- Financial investments were made toward developing the beneficial water use.

- Amount Invested to date: \$108,800 Estimated Remaining Cost: \$ 220,000

\$173,800

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes No

Determination of the market and the present demand for water or power to be supplied:

Identify the closest surface water or localized water basin. _____

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

Yes No

- above a state scenic waterway? Source: OWRD "Areas Above State Scenic Waterways" Map
- within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
- within a critical or limited Ground Water Area? Name of area Amity Hills / Walnut Hills, Limited
- within a sensitive, threatened or endangered species area source: "/gisdata/dev/projects/salmon/div33map.aml"
- in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list _____
- within an area ranking low / moderate / high / Highest (circle one) for stream flow restoration needs Source: OWRD "Streamflow Restoration Maps (by region)"

Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. Approval of Extension Request

No ... "Good Cause" cannot be found. Denial of Extension Request

Conditions to be included in Extension PFO (if applicable)? Yes No

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

- 5-year Progress Report Checkpoints (Years: _____)
- Other: Well 18 limitation of 250 gpm @ 522.9 acres
Last Ext - 28 yrs to develop after this ext.

Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

- COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987
"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."
- COBU Requirement - Surface Water - post July 9, 1987
"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder 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 permit holder shall submit a map of the survey and the claim of beneficial use."
- COBU Requirement - Ground Water - post July 9, 1987
"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder 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 permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates
Mailing / Issuance Date: _____ Protest Deadline Date: _____ FO Issuance Date: _____

Reviewer's Name: _____ Date: _____

PIERCEALL Jeffrey D * WRD

From: PIERCEALL Jeffrey D * WRD
Sent: Thursday, November 07, 2019 8:05 AM
To: 'grusow@monrovia.com'
Subject: Application for Extension of time for Water Right Permit G-12293

Greg,

On April 3, 2019, Monrovia Nursery submitted an Application for Extension of time for Water Right Permit G-12293, requesting an extension to continue development from October 1, 2019, to October 1, 2024. Now that the completion date of October 1, 2019, has passed, an update to the application is necessary to identify what development has occurred since the Application was submitted on April 3, until October 1.

Please provide information for each of the following items so the Department may continue to process the Application for Extension of Time.

- 1) Please identify any additional construction work that has been accomplished between April 3, 2019, and October 1, 2019, and the investment associated with the work.
- 2) Please identify an update to the maximum rate of water appropriated from each well under the permit. (Currently Well 15 is the only well identified as having water appropriated from. Well 18 states that use is intended to occur during the 2019 irrigation season.
- 3) Please update the number of acres placed under nursery operation from each well. (Currently Well 15 is identified as having irrigated a maximum of 522.9 acres.)
- 4) Please provide any additional information you would like OWRD to consider during the evaluation of the Application.

Please respond to the above items by Monday December 2, 2019, so the Department may continue to process the Application.

If you have any questions or concerns, please do not hesitate to contact me.

Jeffrey D. Pierceall

Extension Specialist

Oregon Water Resources Department

503-986-0802

Jeffrey.D.Pierceall@oregon.gov



**Application for Extension of Time for a Water Right Permit
(NON-Municipal/NON Quasi-Municipal water Use)**



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

Criteria for a Permit Extension of Time

The Department can accept requests for an extension of time on permits to **(1) complete construction**, and/or to **(2) apply water to beneficial use**.

In order to approve a permit extension request the Department must be able to find:

1) Construction has begun:

A. For Groundwater Permits

Construction of the well began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

B. For Surface Water or Reservoir Permits

Construction of the water system began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

The Department will also confirm that:

- 2) A required fish screen, fish passage or fish by-pass device was installed before or prior to diversion of any water. An exception to the need to confirm installation prior to diversion of any water would be a waiver submitted to the Department from ODFW stating that a fish screen, fish passage or fish by-pass device was not required, provided your permit allows for a waiver.

If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.

Instructions are in Attachment A.

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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 \$670
- Signature page (Second 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 Supporting documents and/ or evidence and correct fee to:

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



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.oregon.gov/owrd/PUBS/docs/forms/fillable_muni_quasi_ext_app_form_2014.doc
- Request the reasonable amount of time necessary to fully complete construction of the water 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 COMPLETING AN APPLICATION FOR EXTENSION OF TIME FOR A WATER RIGHT PERMIT (Attachment A), provides details that will help you answer each item on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_315.html
- 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 690-315-0020(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 Services Division.

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- An Application for an Extension of Time 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://apps.wrd.state.or.us/apps/wr/wrinfo/> (using 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.).

Questions to complete this application for an Extension of Time

Please see the instruction sheet to help you answer these items.

1. Beginning Construction within required deadlines. OAR 690-315-0020(3)(d)

For Groundwater Permits

Has construction of the point of appropriation (well) authorized under this permit begun?

YES No

Date construction began Month: July **Day:** _____ **Year:** 1992

Details of construction and attach documentation:

Four Test Wells were installed in July 1992. Well #15 (well # YAMH 1848) was completed and the pump installed in 1993. In 1999, Monrovia was granted an extension on the permit to Oct 1 2009. Well #18 (well # YAMH 1852) was re-drilled and a casing was installed in 2006. In 2010, a 2nd permit extension was granted by OWRD to Oct. 2019. Due to economic conditions following the recession of 2008, Monrovia had very limited funds available for capital investments. In Oct. of 2014, a progress report was submitted to the Department. It was not until 2018 that we could continue the development of the remaining 3 wells on this permit. Well #18 is now complete and ready to use this upcoming irrigation season. During 2018, Monrovia was able to have PGE extend electrical service to the site; we installed a pump, water meter, and all necessary valves & piping. We also have a CWRE lined up to measure the static water level the week of March 25th. We have \$100,000 in our 2019 budget to complete well #17 (YAMH #1851), and plan to complete the final well on the permit, well #16 (# YAMH 1849), in 2020.

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For Surface/Reservoir Permit

Has construction of the water system begun? Yes No

Date construction began Month: _____ **Day:** _____ **Year:** _____

Details of construction and attach documentation: X

OAR 690-315-0020(3)(A)(e)(A)

2a. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions specified in a final order approving a permit amendment or prior extension of time. In the 1st column check the box for each condition (row) identified as relevant. In the 3rd column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4th column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input checked="" type="checkbox"/>	Installation of a meter/totalizing flow meter ✕ (well 15)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	12/8/2000
<input checked="" type="checkbox"/>	Submittal of annual water usage report	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Every year since 2000
<input checked="" type="checkbox"/>	Submittal of initial static water level measurement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Spring 2001
<input checked="" type="checkbox"/>	Submittal of annual static water level measurements in the month required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Prior to April 15 th each year
<input checked="" type="checkbox"/>	Submittal of Seven consecutive static water level measurements in the month required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	7+ years
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	Standard Conditions
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Other: Installation of a meter/totalizing flow meter ✕ (well 18)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	June 2018
<input checked="" type="checkbox"/>	Other: Submittal of initial static water level measurement	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	In Process / by April 15
<input type="checkbox"/>	Other: Submittal of annual static water level measurements	<input type="checkbox"/> Yes <input type="checkbox"/> No	In Process / by April 15
Surface Water or Reservoir			
<input type="checkbox"/>	Installation of a meter/ totalizing flow meter/ in-line meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation a staff gauge	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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2b. If you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

We failed to get a Static Water Level measurement (for well #18) in June of 2018 before we started the pump. We have contacted a CWRE and expect to have the measurement prior to April 15th 2019. There was a measurement done and reported to the Department in 2009. The supervisor that was overseeing the well development project for us left the company and we failed to get the measurement done when it was needed. Very limited water was pumped from well #18 in 2017.

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

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. Use *chronological order*. (this does NOT include planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops)

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
July 1992	4 Test Wells were drilled	\$15,000
June 1993	Well 15 was re-drilled, Casing, and Pump installed	\$21,000
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 – April 3, 1996, permit expires Oct 1, 1999	
	First extension Oct 1 1999, expires Oct 1 2009. Signed Dec 16, 2003	
March 13, 2006	Well 18 was Re-drilled and cased	\$28,000
	Second extension Oct 1, 2009, expires Oct 1 2019	
Dec 2017	Well #18 Pump installation, rough plumbing, pressure tank, valves,	\$24,000
Feb 2018	Pump-house, slab, tanks, misc.	\$23,800
March 2018	PGE service extension for well and other needed electrical	\$61,000
	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water <i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN 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>	COST*
Total Cost for Chart-B		\$ 172,800

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

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

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
Dec 2017	Well #18 Pump installation, rough plumbing, pressure tank, valves,	\$24,000
Feb 2018	Pump-house, slab, tanks, misc.	\$23,800
March 2018	PGE service extension for well and other needed electrical	\$61,000
	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	Oct 1, 2019
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-C		\$ 108,800

* If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]

5. Cost of project to date: \$172,800

(The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

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

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.

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6. **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 = .44 cfs (cubic feet per second) or,

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

Acre-feet stored to date = _____ AF

7. **For Ground Water Permit Extensions (e.g. G-12293):**

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

CHART-D

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?	Maximum instantaneous rate used to date from this well - - under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	
15	15	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	YMAH 1848	NA	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	200 gpm	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-
16	16	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	YMAH 1849	NA	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-
17	17	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	YMAH 1851	NA	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-
18	18	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	YMAH 1852/54374	82379	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	? testing only	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
Total instantaneous rate from all wells utilized under this permit						200 gpm		

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8. Has a Permit Amendment Application been filed? Yes No

9. If yes, identify Transfer No. T- _____

Has the Permit Amendment been approved? Yes No This new one will be our 3rd

If yes, on what date was the Permit Amendment approved? _____

10. For Irrigation and Nursery Use Permits Extensions

Provide the total number of acres irrigated to date under this permit.

- a) Total acres irrigated to date: 522.9
- b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres
1999	3.5	2006	522.9	2013	522.9
2000	6.5	2007	522.9	2014	514.4
2001	6.5	2008	522.9	2015	6.5
2002	450	2009	522.9	2016	6.5
2003	522.9	2010	522.9	2017	6.5
2004	522.9	2011	522.9	2018	6.5
2005	522.9	2012	522.9	2019	

- c) Provide a copy of the application map identifying the acres irrigated. (Attached)
- d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD/POA) #1, well15 Acres 522.9 (POD/POA) # 3 well17_ Acres 0

(POD/POA) # 2 well16 Acres 0 (POD/POA) # 4 well18 Acres 0 will be used in 2019

[OAR 690-315-0020(3)(i)(j)]

11. In the chart below 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.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
April 2019	Have CWRE measure Static water level of well 18 and report.	\$500
April / May 2019	Re-drill and Casing for well #17	\$30,000
July / Sept 2019	Contract with PGE to run power and set meter for well #17	\$25,000
July / Sept 2019	Install pump, valves and all piping for well #17	\$30,000
July / Sept 2019	Install all electrical for new pump and pumphouse	\$15,000
Sept / Oct 2019	Have CWRE measure Static water level of well 17 and report.	\$500
Feb / March 2020	Begin repeat of above for well #16	\$120,000
Year: 2019 /2021	Date intend to apply water to full beneficial use under the terms and conditions of this permit. (OCT 1, 2022)	Oct 1, 2022
Total Cost		\$221,000

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

12. Estimated remaining cost to complete the project: \$221,000
(The total cost from CHART-E)

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

13. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: *(List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.)*

This is mostly what we have in Chart E on the previous page. We need to measure the static water level in well 18 #ASAP / week of Mar 25th. We need to get well #17 re-drilled and cased. As soon as that is done we will move ahead with electrical, installing a pump, water meter and all piping. The only possible delay I see is scheduling the well-driller; we have had a little trouble finding one that can do the job. We will basically have the same schedule for the last well on the permit (well #16) next year, 2020. Both well #17 and #16 will be easy to tie into our irrigation infrastructure because of their locations. We should complete well #16 by August of 2020 and be ready to show full beneficial use in September, before the end of the irrigation season. However, this permit is for Nursery and is for Year-round use. We realize that this schedule is aggressive, but we are committed to see it completed.

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

14. Justify the time requested to complete the project and/or apply the water to full beneficial use. *(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.)*

This is an expensive undertaking and must be spread-out over a two-year period for financial reasons and our available human resources. The nursery industry and Monrovia in particular are finally recovering from a long 9-10 year downturn after the 2008 recession. We now have better availability of funds for increased wages, operations, deferred maintenance, capital expenditures and pay-down of debt. Of course we can't do everything that needs to be done all at once. Water is our life-blood and is becoming more valuable every year. Every year we wait, the cost of this project will continue to climb. We are committed to get this done.

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

14a. Will a denial of the extension result in undue hardship? *(Describe the hardship and the effects.)*

We believe that the inability of being able to complete this water project in the next 2-5 years will put our Company at great risk. Monrovia employs over 300 fulltime employees and an additional 200 for half the year. Any reduction in water planned to be available will necessitate a reduction in production and possible loss of existing crops. In Oregon, Nurseries are the largest Ag employer and the #1 Agricultural business. Our products reduce CO2 levels, cool the air, buffer noise, and beautify our homes and cities.

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? *(Explain in detail)*

None that we are aware of. There is no additional free-flow water available in local streams or rivers (Palmer Creek or the Willamette). Monrovia is adding some micro-irrigation for our larger sized containers.

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

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? (Explain in detail, including how much time did this delay the project; list dates.)

No

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

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. (Explain in detail what the unforeseen events were and how much time was spent addressing the unforeseen events.)

In addition to the recession mentioned earlier, in December 2008 we had a severe snow and ice event. This storm caused extensive damage to our growing houses and plants. 75% of our greenhouses were crushed or damaged and had to be replaced. In 2006, we were able to re-drill and install casing in well #18; we had budgeted additional money to continue work on the permit. Our goal was to make significant progress, or to complete the construction on all of the remaining wells during the last 4 years prior to October 1 2009.

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

17. Describe an additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. (Provide supporting information for the reason(s) that best fits your circumstances.)

A shortage of Human Resources was already noted; but during the period of 2008 to 2016 we just didn't have the people to organize and orchestrate this project. In 2008 we had to downsize, and we lost 30% of our managers. We have now re-organized and added the people we need.

[OAR 690-315-0020(3)(m)(n)]

18. Provide any other information you wish OWRD to consider while evaluating your Application for Extension of Time.

As pointed out in Oregon's Water Strategy, we need more water storage in Oregon. Water is a precious commodity.

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[OAR 690-315-0040(2)(f)]

19. Will the income or use of the water project provide a fair and reasonable return on your investment? (Explain in detail)

Since the lack of water, or timely delivery of it, could put us out of business in less than 2 weeks, it's really not just a question of return. Our cost for water over the past 10 years has increased 76% and cost for delivery has increased by 33%.

[OAR 690-315-0040(4)(d)]

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. (Who will be effected and how?)

The other economic considerations are those of our 500+ employees, the local community, our customers in Oregon and across the nation that rely on Monrovia for our product. We also have one local farmer who leases acreage (with water rights included in this permit) from us.

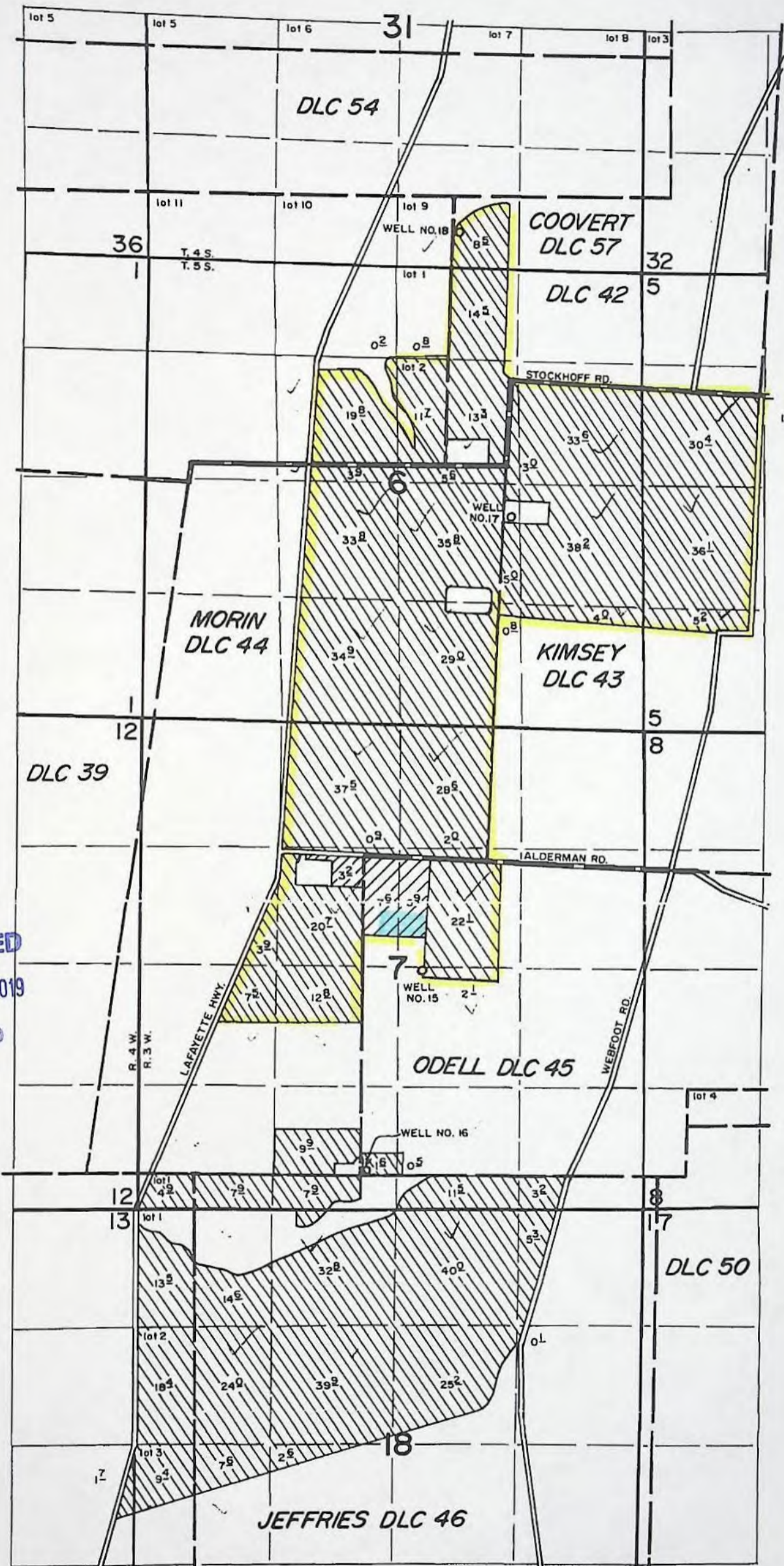
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Attach permit, and documentation to the application

Township 4 & 5 South, Range 3 & 4 West, W. M.

522.9 AC

6.5 AC



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WELLS LOCATED: NO.18, 1600' N. & 600' W.) BOTH FROM NE COR. DLC 43
 NO.17, 1490' S. & 50' E.)
 NO.15, 2550' N. & 3090' E.) BOTH FROM SW COR. SEC. 7
 NO.16, 420' N. & 2470' E.)

Appl. No. 6724
 Per. No. G12293



**Oregon Water Resources Department
Attribute Report**

Report Date: Apr 9, 2019

General:

TRSQQ:	WM5.00S3.00W6SENE WM5.00S3.00W6SWNE WM5.00S3.00W6NWSE WM5.00S3.00W6SESE WM5.00S3.00W6SWSE WM5.00S3.00W6NESW WM5.00S3.00W6SENW WM5.00S3.00W6NESE
DLC:	WM5S3W 44 WM5S3W 42 WM5S3W 43
Latitude:	45.1641551269
Longitude:	-123.1001731094
Buffer ft:	1320
DEM Elev. ft. (NAVD1929):	150.417
Lidar Elev. ft. (NAVD1988):	155.24
Basin Name:	Willamette
Basin Plan:	2B (6)-Middle Willamette (Coast Range)
County:	Yamhill
WM District:	16
WM Region:	NORTHWEST
ODFW Region, District:	Northwest Region, NWWDCoast Range Unit
Irrigation District AOI:	PALMER CREEK WATER DISTRICT IMPROVEMENT COMPANY
Irrigation District, Other:	
Dams (Permit):	-
Water Rights:	Platcard for WM5.00S3.00W6 Platcard for WM5.00S3.00W6 Platcard for WM5.00S3.00W6 Platcard for WM5.00S3.00W6 Platcard for WM5.00S3.00W6 Platcard for WM5.00S3.00W6 Platcard for WM5.00S3.00W6 Platcard for WM5.00S3.00W6
Well Logs:	Logs for WM5.00S3.00W6 Logs for WM5.00S3.00W6 Logs for WM5.00S3.00W6 Logs for WM5.00S3.00W6 Logs for WM5.00S3.00W6 Logs for WM5.00S3.00W6 Logs for WM5.00S3.00W6 Logs for WM5.00S3.00W6
Rules:	
Withdrawn Authority:	-
Groundwater Restricted:	Amity Hills/Walnut Hill, Limited, OAR 690-502-0210
GW Restricted Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-
Rule 4D:	Rules apply
Division 33:	Statewide
	Lower Columbia
Irrigation Season of Use:	Yamhill River Adj. Status: Adjudicated

Subarea: undefined
Irr. Season: Apr 1 to Sept 30
Duty: 2.5
Rate: 1/80

Water Quality Limited Pollutant
2012: -

Fish Habitat 2018: Species: Coastal cutthroat trout
Anad. Run: NA
Life History: FluvRes
Habitat Use: ResidentMultipleUses
Basis: ConcurProfOpinion
Stream:
Origin: NativeLocal
Pop. Sustained: Natural
Source Agcy: ODF

Is in Deschutes Study Area: -

Deschutes Zone Impact: -

Deschutes Zone Overlay: -

Scenic Water Way: -

Hydrography:

OWRD Streamcode: 02114007600052020090 - Unn Str

Waterbody Name: -

HUC 10: 1709000807

HUC Watershed: Yamhill River

WAB Wshed Order: 6

WAB Analysis: YAMHILL R > WILLAMETTE R - AT MOUTH

Streamflow: OWRD Opportunities: Good
ODFW Needs: Moderate
Combined Priority: Not a priority

Gaging Station Data: -

Sources:

General

Oregon Public Land Survey Quarter-quarters. Bureau of Land Management, Oregon Water Resources Department.. n.d. 1:24,000.

Donated Land Claims. Oregon Water Resources Department. January 1, 1995. 1:100,000.

Elevation. DEM 10m. --

Elevation. Lidar Elevation. DOGAMI Bare Earth 1:3.

OWRD Administrative Basins. Oregon Water Resources Department. January 1, 1995.

Oregon Counties. Bureau of Land Management (BLM), Oregon State Office.. January 1, 2008.

OWRD Watermaster Districts. Oregon Water Resources Department. March 31, 2014.

OWRD Regions. Oregon Water Resources Department. January 1, 1995.

ODFW Districts and Regions. Oregon Department of Fish and Wildlife. August 28, 2012.

Water Organizations Oregon Water Resources Department. April 1, 2013. 1:24,000.

Large Dams Inventory. Oregon Water Resources Department. August 12, 2014. 1:24,000.

Rules

Withdrawn Authority Areas. Oregon Water Resources Commission. January 1, 2007.

OWRD Groundwater Restricted Areas. Oregon Water Resources Department. October 5, 2016.

OWRD Groundwater Restricted Areas - Subunits. Oregon Water Resources Department. April 1, 2009.

ODEQ Groundwater Management Areas (GWMAs). Oregon Department of Environmental Quality. April 21, 2008.

Groundwater Umatilla Municipal Wells 5-mile buffer. Oregon Water Resources Department. June 28, 2012.

National Marine Fisheries Service (NMFS) 4(d) Rule. National Marine Fisheries Service. January 1, 2007.

Division 33. Oregon Water Resources Dept., 2018. September 20, 2018. 1:100,000.

Irrigation Season of Use. Oregon Water Resources Department, 2017.. March 24, 2017.

Oregon Water Quality Assessment 2012. This data set was assembled by the Oregon Department of Environmental Quality, Water Quality Division, Standards and Assessments Section.. December 4, 2014. 1:2,500,000.

Oregon Fish Habitat 2018. Oregon Department of Fish and Wildlife, Jon K. Bowers, Ruth Schellbach, David L. Bradford. Numerous fisheries biologists from ODFW as well as other natural resource agencies and tribes have contributed toward the development of these data. Data originator names are attributed at the feature level.. February 2, 2018. 1:24,000.

Deschutes USGS Groundwater Study Area. Water Resources Commission, U.S. Geological Survey (USGS) Water Resources Division (Portland, OR), Oregon Water Resources Department.. January 1, 2001. 1:100,000.

Deschutes Zones of Impact. Oregon Water Resources Department.. October 25, 2007.

Deschutes Zones Overlay. Oregon Water Resources Department. October 25, 2007.

Oregon State Scenic Waterway areas. Oregon Water Resources Department, Oregon Parks and Recreation Department.. January 1, 2007.

Hydrography

Routed OWRD Streamcodes (conflated to the NHD). Oregon Water Resources Dept.. August 11, 2014.

OWRD Lake Streamcodes (conflated to the NHD). Oregon Water Resources Dept.. August 7, 2015.

Watershed Boundary Dataset (WBD), 10-digit (watershed). Pacific Northwest Hydrography Framework, U.S. Geological Survey (USGS), National Resources Conservation Service (NRCS).. June 11, 2014. 1:24,000.

Water Availability Basins. Oregon Water Resources Department.. n.d. 1:100,000.

Priority Watersheds for Streamflow Restoration. Oregon Water Resources Dept. and the Oregon Dept. of Fish & Wildlife.. January 15, 2004.

Stream Gage Stations. Oregon Water Resources Department and US Geological Survey. n.d.

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[Print Report](#)

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MONROVIA NURSERY COMPANY
12600 SE ALDERMAN RD
DAYTON, OREGON 97114

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13473

SOURCE OF WATER: FOUR WELLS IN THE YAMHILL RIVER BASIN

PURPOSE OR USE: NURSERY OPERATIONS ON 805.4 ACRES

RATE OF USE: 4.01 CUBIC FEET PER SECOND (CFS) TOTAL, BEING 0.44 CFS - WELL #15; 0.89 CFS - WELL #16; 1.34 CFS - WELL #17; 1.34 CFS - WELL #18.

PERIOD OF ALLOWED USE: YEAR-AROUND

DATE OF PRIORITY: JULY 20, 1993

POINT OF DIVERSION LOCATION: SW 1/4 SE 1/4, SECTION 31, T4S, R3W, W.M.; NW 1/4 SE 1/4, SECTION 6, SE 1/4 SW 1/4, NW 1/4 SE 1/4, SECTION 7, T5S, R3W, W.M.; WELL #15 - 2550 FEET NORTH AND 3090 FEET EAST FROM THE SW CORNER OF SECTION 7; WELL #16 - 420 FEET NORTH AND 2470 FEET EAST FROM THE SW CORNER OF SECTION 7; WELL #17 - 1490 FEET SOUTH AND 50 FEET EAST FROM THE NE CORNER OF KIMSEY DLC 43; WELL #18 - 1600 FEET NORTH AND 600 FEET WEST FROM THE NE CORNER OF KIMSEY DLC 43

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4 8.5 ACRES
SECTION 31
TOWNSHIP 4 SOUTH, RANGE 3 WEST, W.M.

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Application G-13473 Water Resources Department

PERMIT G-12293

SW 1/4 NW 1/4 30.4 ACRES
 NW 1/4 SW 1/4 36.1 ACRES
 SW 1/4 SW 1/4 5.2 ACRES

SECTION 5

NW 1/4 NE 1/4 15.3 ACRES
 SW 1/4 NE 1/4 33.6 ACRES
 SE 1/4 NE 1/4 33.6 ACRES
 NE 1/4 NW 1/4 0.2 ACRE
 SE 1/4 NW 1/4 23.7 ACRES
 NE 1/4 SW 1/4 33.8 ACRES
 SE 1/4 SW 1/4 34.9 ACRES
 NE 1/4 SE 1/4 38.2 ACRES
 NW 1/4 SE 1/4 40.8 ACRES
 SW 1/4 SE 1/4 29.8 ACRES
 SE 1/4 SE 1/4 4.0 ACRES

SECTION 6

NW 1/4 NE 1/4 28.6 ACRES
 SW 1/4 NE 1/4 30.0 ACRES
 NE 1/4 NW 1/4 37.5 ACRES
 SW 1/4 NW 1/4 3.9 ACRES
 SE 1/4 NW 1/4 32.4 ACRES
 NE 1/4 SW 1/4 12.8 ACRES
 NW 1/4 SW 1/4 7.5 ACRES
 SW 1/4 SW 1/4 12.8 ACRES
 SE 1/4 SW 1/4 19.4 ACRES
 NW 1/4 SE 1/4 2.1 ACRES
 SW 1/4 SE 1/4 12.0 ACRES
 SE 1/4 SE 1/4 3.2 ACRES

SECTION 7

NE 1/4 NE 1/4 5.3 ACRES
 NW 1/4 NE 1/4 40.0 ACRES
 SW 1/4 NE 1/4 25.2 ACRES
 SE 1/4 NE 1/4 0.1 ACRE
 NE 1/4 NW 1/4 32.8 ACRES
 NW 1/4 NW 1/4 28.1 ACRES
 SW 1/4 NW 1/4 42.4 ACRES
 SE 1/4 NW 1/4 39.9 ACRES
 NE 1/4 SW 1/4 2.6 ACRES
 NW 1/4 SW 1/4 17.0 ACRES

SECTION 18

TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.

NE 1/4 SE 1/4 1.7 ACRES

SECTION 13

TOWNSHIP 5 SOUTH, RANGE 4 WEST, W.M.

Measurement, recording and reporting conditions:

- 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

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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.

Limited Water Level Decline/Interference Condition

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 static water level shall be measured by April 15 of each year. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor, or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- A. Identify each well with its associated measurement; and

- B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method used to obtain each well measurement; and
- D. Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- A. An average water level decline of 3 or more feet per year for five consecutive years; or
- B. A water level decline of 15 or more feet in fewer than five consecutive years; or
- C. A water level decline of 25 or more feet; or
- D. Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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.

STANDARD CONDITIONS

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.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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PERMIT G-12293

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.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued April 3, 1996

Martha O. Pagel
for Martha O. Pagel, Director
Water Resources Department

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PIERCEALL Jeffrey D * WRD

From: Rick Wells <rick.wells@monrovia.com>
Sent: Friday, November 15, 2019 4:24 PM
To: PIERCEALL Jeffrey D * WRD
Cc: Greg Rusow; Virgil Forrest
Subject: RE: Application for Extension of time for Water Right Permit G-12293

Jeffery, I fully understand your questions and you are correct in seeing that the 'Unforeseen Events' and the 'Additional Reasons Why Construction Was Not Completed' in sections 16 and 17 are very similar to the verbage in the 2009 request for extension (Section 9). Our reality is that we still have not fully recovered from the "Great Recession. Our current production levels are still about 20% less than they were in 2007. Last year (2018) was the first year since the recession that we were able spend some money to pay-down debt. In Section 14, we point out that we are finally recovering from the recesion and have some available funds for increased wages, deferred maintenance, Capital Expenditures, and pay-down of debt. I tried to provide some additional information (section 17) about the magnatude of the effect that the recession had on Monrovia. We lost 30% (about 15 people) of our salaried employees.

Every year, our business priortises where we need or want to spend any available money beyond normal operations. Having a reliable water supply is becoming more critical each year. In 2017, the water level in the Wallimette River was so low for a few weeks, that our local water district was within 4 inches of Not being able to divert water into the district canal. This year, the local water district encountered a pumping problem and had to ration water for 3 weeks.

My earlier comment about only having staffing issues into 2016 was misleading. Availability of facility Tradsmen is still difficult. However, we have recently hired a well qualified Facilities Manager who has a shared vision for dependable water and the management skills to get the remaining 2 wells on permit G-12293 completed. Based on the current availability of well driller we are working with, Section 11 – Chart E of our application for extension should be updated to show #17 being drilled in Spring of 2020 and well #16 being drilled March of 2021.

I am sorry there are no additional Actions to report between 2009 and 2019 other than those listed in Section 3 – Chart B. It has really just been the last 3 years that we were in a position to work on these wells again.

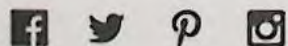
I hope this helps. Please let me know if I can provide any additional information. If it would be beneficial for us to talk in person, I would be happy to come to Salem.

Thanks

Rick Wells
VP of Operational Excellence

503-966-6125 Direct

13455 S.E. Lafayette Hwy.
Dayton, OR 97114-8416



From: PIERCEALL Jeffrey D * WRD <Jeffrey.D.Pierceall@oregon.gov>
Sent: Friday, November 15, 2019 8:31 AM
To: Rick Wells <rick.wells@monrovia.com>
Cc: Greg Rusow <greg.rusow@monrovia.com>; Virgil Forrest <virgil.forrest@monrovia.com>
Subject: RE: Application for Extension of time for Water Right Permit G-12293

External sender. Use caution.

Rick,

Thank you for the update. As I am reviewing this application, I have come across another area where additional information is needed. Under Item 16 and 17, the application identifies unforeseen events which occurred between 2006 and 2009, with only mention of staffing issues into 2016. The unforeseen events that are identified here are the same as were identified in the Application submitted in 2009, and were taken into account in the approval of the extension through 2019. To further evaluate how these events have affected the development of this permit, please provide additional information of the ongoing effect of these events, and the actions that have been taken between 2009 and 2019, to address these issues.

Thank you

Jeffrey D. Pierceall
Extension Specialist
Oregon Water Resources Department
503-986-0802
Jeffrey.D.Pierceall@oregon.gov



From: Rick Wells <rick.wells@monrovia.com>
Sent: Thursday, November 14, 2019 3:45 PM
To: PIERCEALL Jeffrey D * WRD <Jeffrey.D.Pierceall@oregon.gov>
Cc: Greg Rusow <greg.rusow@monrovia.com>; Virgil Forrest <virgil.forrest@monrovia.com>
Subject: RE: Application for Extension of time for Water Right Permit G-12293

Hi Mr. Pierceall, Please find our updated status on permit G-12293 and the answers to your questions below. If you have any additional questions, please let us know. I would also note that we have now contacted a consultant in Portland and he is reviewing our sand issues with well #18 and the new well design we have for wells #16 and 17.

Thank You

Rick Wells

Rick Wells
VP of Operational Excellence
Monrovia Nursery Co.
503 868 7941

From: PIERCEALL Jeffrey D * WRD <Jeffrey.D.Pierceall@oregon.gov>
Sent: Thursday, November 7, 2019 8:21 AM
To: Greg Rusow <greg.rusow@monrovia.com>
Subject: Application for Extension of time for Water Right Permit G-12293

External sender. Use caution.

Greg,

On April 3, 2019, Monrovia Nursery submitted an Application for Extension of time for Water Right Permit G-12293, requesting an extension to continue development from October 1, 2019, to October 1, 2024. Now that the completion date of October 1, 2019, has passed, an update to the application is necessary to identify what development has occurred since the Application was submitted on April 3, until October 1.

Please provide information for each of the following items so the Department may continue to process the Application for Extension of Time.

- 1) Please identify any additional construction work that has been accomplished between April 3, 2019, and October 1, 2019, and the investment associated with the work.
In May, a water Meter was installed on well 18 and we began to use water from the well for nursery operations. The cost was approximately \$400. We encountered problems with sand in the water which greatly reduced flow and interfered with the meter reading. The Meter was replaced in late August; cost approximately \$600.
- 2) Please identify an update to the maximum rate of water appropriated from each well under the permit. (Currently Well 15 is the only well identified as having water appropriated from. Well 18 states that use is intended to occur during the 2019 irrigation season.
Well 15: 200 gpm, Well 18: approximately 250 gpm (meter problems), Well 16: 0 gpm, Well 17: 0 gpm.
- 3) Please update the number of acres placed under nursery operation from each well. (Currently Well 15 is identified as having irrigated a maximum of 522.9 acres.)
Well 15: 522.9 acres, Well 18: 522.9 acres, Well 16: 0 acres, Well 17: 0 acres
- 4) Please provide any additional information you would like OWRD to consider during the evaluation of the Application.
We had hoped to develop one additional well this Fall (preferably prior to Oct), but because of the sand issue with Well 18, we needed to reconsider the well design. We had difficulty finding a well driller that had a solution and even more difficulty finding one that was available this year. We have been on a waiting list since early July and have now been told that it will probably be Spring before they get to us. The new quote for each well is approximately \$125,000 and we are planning for the total cost to be about \$165,000 each for wells #16 and #17. The company is finalizing it's 2020 budget currently. We are committed to developing these wells and will do one in early 2020 and one in 2021.

Please respond to the above items by Monday December 2, 2019, so the Department may continue to process the Application.

If you have any questions or concerns, please do not hesitate to contact me.

Jeffrey D. Pierceall
Extension Specialist
Oregon Water Resources Department
503-986-0802
Jeffrey.D.Pierceall@oregon.gov



PIERCEALL Jeffrey D * WRD

From: Rick Wells <rick.wells@monrovia.com>
Sent: Thursday, November 14, 2019 3:45 PM
To: PIERCEALL Jeffrey D * WRD
Cc: Greg Rusow; Virgil Forrest
Subject: RE: Application for Extension of time for Water Right Permit G-12293

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Thank You
Rick Wells

Rick Wells
VP of Operational Excellence
Monrovia Nursery Co.
503 868 7941

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Sent: Thursday, November 7, 2019 8:21 AM
To: Greg Rusow <greg.rusow@monrovia.com>
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External sender. Use caution.

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Please respond to the above items by Monday December 2, 2019, so the Department may continue to process the Application.

If you have any questions or concerns, please do not hesitate to contact me.

Jeffrey D. Pierceall

Extension Specialist

Oregon Water Resources Department

503-986-0802

Jeffrey.D.Pierceall@oregon.gov



STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MONROVIA NURSERY COMPANY
12600 SE ALDERMAN RD
DAYTON, OREGON 97114

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13473

SOURCE OF WATER: FOUR WELLS IN THE YAMHILL RIVER BASIN

PURPOSE OR USE: NURSERY OPERATIONS ON 805.4 ACRES

RATE OF USE: 4.01 CUBIC FEET PER SECOND (CFS) TOTAL, BEING 0.44 CFS - WELL #15; 0.89 CFS - WELL #16; 1.34 CFS - WELL #17; 1.34 CFS - WELL #18.

PERIOD OF ALLOWED USE: YEAR-AROUND

DATE OF PRIORITY: JULY 20, 1993

POINT OF DIVERSION LOCATION: SW 1/4 SE 1/4, SECTION 31, T4S, R3W, W.M.; NW 1/4 SE 1/4, SECTION 6, SE 1/4 SW 1/4, NW 1/4 SE 1/4, SECTION 7, T5S, R3W, W.M.; WELL #15 - 2550 FEET NORTH AND 3090 FEET EAST FROM THE SW CORNER OF SECTION 7; WELL #16 - 420 FEET NORTH AND 2470 FEET EAST FROM THE SW CORNER OF SECTION 7; WELL #17 - 1490 FEET SOUTH AND 50 FEET EAST FROM THE NE CORNER OF KIMSEY DLC 43; WELL #18 - 1600 FEET NORTH AND 600 FEET WEST FROM THE NE CORNER OF KIMSEY DLC 43

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4 8.5 ACRES
SECTION 31
TOWNSHIP 4 SOUTH, RANGE 3 WEST, W.M.

Application G-13473 Water Resources Department

PERMIT G-12293

SW 1/4 NW 1/4	30.4 ACRES
NW 1/4 SW 1/4	36.1 ACRES
SW 1/4 SW 1/4	5.2 ACRES

SECTION 5

NW 1/4 NE 1/4	15.3 ACRES
SW 1/4 NE 1/4	33.6 ACRES
SE 1/4 NE 1/4	33.6 ACRES
NE 1/4 NW 1/4	0.2 ACRE
SE 1/4 NW 1/4	23.7 ACRES
NE 1/4 SW 1/4	33.8 ACRES
SE 1/4 SW 1/4	34.9 ACRES
NE 1/4 SE 1/4	38.2 ACRES
NW 1/4 SE 1/4	40.8 ACRES
SW 1/4 SE 1/4	29.8 ACRES
SE 1/4 SE 1/4	4.0 ACRES

SECTION 6

NW 1/4 NE 1/4	28.6 ACRES
SW 1/4 NE 1/4	30.0 ACRES
NE 1/4 NW 1/4	37.5 ACRES
SW 1/4 NW 1/4	3.9 ACRES
SE 1/4 NW 1/4	32.4 ACRES
NE 1/4 SW 1/4	12.8 ACRES
NW 1/4 SW 1/4	7.5 ACRES
SW 1/4 SW 1/4	12.8 ACRES
SE 1/4 SW 1/4	19.4 ACRES
NW 1/4 SE 1/4	2.1 ACRES
SW 1/4 SE 1/4	12.0 ACRES
SE 1/4 SE 1/4	3.2 ACRES

SECTION 7

NE 1/4 NE 1/4	5.3 ACRES
NW 1/4 NE 1/4	40.0 ACRES
SW 1/4 NE 1/4	25.2 ACRES
SE 1/4 NE 1/4	0.1 ACRE
NE 1/4 NW 1/4	32.8 ACRES
NW 1/4 NW 1/4	28.1 ACRES
SW 1/4 NW 1/4	42.4 ACRES
SE 1/4 NW 1/4	39.9 ACRES
NE 1/4 SW 1/4	2.6 ACRES
NW 1/4 SW 1/4	17.0 ACRES

SECTION 18

TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.

NE 1/4 SE 1/4 1.7 ACRES

SECTION 13

TOWNSHIP 5 SOUTH, RANGE 4 WEST, W.M.

Measurement, recording and reporting conditions:

- 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.

Limited Water Level Decline/Interference Condition

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 static water level shall be measured by April 15 of each year. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. **If the measurement requirement is stopped, the Director may restart it at any time.**

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor, or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- A. Identify each well with its associated measurement; and

- B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method used to obtain each well measurement; and
- D. Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- A. An average water level decline of 3 or more feet per year for five consecutive years; or
- B. A water level decline of 15 or more feet in fewer than five consecutive years; or
- C. A water level decline of 25 or more feet; or
- D. Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. **The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.** If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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.

STANDARD CONDITIONS

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.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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.

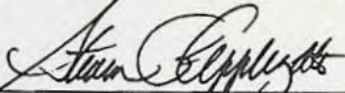
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued April 3, 1996



for Martha O. Pagel, Director
Water Resources Department

BC09

Permit Extension Ground Water Review

Date: April 12, 2019

To: Justin Iverson, Ground Water Section Manager

From: Jeffrey Pierceall, Permit Extension Review

Subject: Ground Water Review for File G- 13473 / Permit G- 12293

(Date permit issued: April 3, 1996)

Reviewed By:

Date Reviewed:

The above referenced permit is currently being reviewed for an Extension of Time. Before I can determine whether or not an Extension of Time should be granted, a Ground Water review for this file is necessary. Special designations affecting this permit are as follows:

NOTE: *Original Division 9 review completed by: Donn Miller (3-21-1996)*

For Ground Water / Hydrology Staff Use: (Availability/ Well Costruction/ Decline)

Please review as per checked boxes:

X Permit G-12293 is located within the Amity Hills/Walnut Hills limited GW area.

Permit G-12293 authorizes the use of up to 4.01 cfs, further limited to 0.44 cfs from Well 15 (YAMH 1848); 0.89 cfs from Well 16 (YAMH 1849); 1.34 cfs from Well 17 (YAMH 1851); and 1.34 cfs from Well 18 (YAMH 1852/54374) for year round nursery uses on 805.4 acres. To date, 200 gallons per minute have been appropriated from Well 15 for nursery operations on 522.9 acres. No use has occurred from the remaining wells. (NOTE: Water was used on the 522.9 acre from 2003, through 2014. Since 2014, a maximum of 6.5 acres have had water applied for beneficial use.)

Based on information currently available, can the resource support the complete development of the authorized rate? Yes No (circle one)

If no, please explain:

Should any additional conditions be added to the extension of time to mitigate the effects of the additional development on the demands on the resource? Yes No (circle one)

If yes, explain:

Recommended Action:

Reference Level:

(Please provide reference level for each well)

YAMH 1848 _____ (water use began in 2003)

S:\groups\wr\apps\G\13401-13500\13473\13473-EXT-GW-Review_2019.docx

PIERCEALL Jeffrey D * WRD

From: WOODY Jennifer L * WRD
Sent: Friday, November 15, 2019 9:35 AM
To: PIERCEALL Jeffrey D * WRD
Cc: SCANDELLA Benjamin P * WRD
Subject: Permit G-12293 extension

Hi Jeffrey,

Per our discussion, it would be most protective of the resource to prevent deepening of existing sedimentary wells into the underlying Columbia River Basalt Group. Long-term declines are occurring in the basalt aquifers at this location. Since you are aware the applicant is planning to reconstruct and/or deepen the sedimentary wells, I recommend the extension limit future deepening such that the wells stay in the sedimentary aquifer and do not extend into the basalt aquifers.

Thanks for checking in about this.

Jen

Jen Woody, R.G.
Hydrogeologist
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301
503-986-0855



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Groundwater Administrative Area Permit Extension Review Form

TO: Water Rights Section
FROM: Groundwater Section
RE: Extension Application: G-13473 Permit: G-12293 Permit Issued: 4/3/1996
Reviewer(s): Ben Scandella, Jen Woody Date of Review: 10/29/2019

-
1. This permit is located within the following groundwater administrative area: Amity Hills/Walnut Hill Groundwater Limited Area.
 2. Basic description of the changes proposed in this extension: complete development of permit.

Authorized Rate: <u>4.01 cfs</u>	Authorized Acres: <u>805.4 acres</u>
Developed Rate: <u>0.44 cfs</u>	Developed Acres: <u>522.9 acres nursery use</u>
Remaining Rate: <u>3.57 cfs</u>	Remaining Acres: <u>282.5 acres</u>

3. Based on available information can the resource support the continued development of the remaining rate/duty?
 Yes No Comments: Wells 15 (YAMH 1848), 16 (YAMH 1849) and 17 (YAMH 1851) for this extension application are within the Amity Hills/Walnut Hill Groundwater Limited Area where observed groundwater level declines are occurring in the Columbia River Basalt Group (CRBG) Aquifers. YAMH 1848 shows declines consistent with other CRBG wells (see Figure 1), suggesting that further development using this well is not within the capacity of the resource.

The well logs for Well 16 (YAMH 1849) and Well 17 (YAMH 1851) indicate that they access a sedimentary aquifer, and are therefore not affected by the Amity Hills/Walnut Hill Groundwater Limited Area. Well 18 (YAMH 1852) shows an apparent water level decline over the period of record, but at least part of that may be attributed to an alteration in 2006, after which the water levels have been more stable (see Figure 2). The stable water levels in these wells suggest that completing development using these wells is within the capacity of the resource. Therefore, development of the remaining portion of this permit should be allowed using only Well 16 (YAMH 1849), Well 17 (YAMH 1851), and Well 18 (YAMH 1852).

4. What conditions or other changes in the application are necessary to address any potential issues identified above: none.
5. Any additional comments: The reference level in YAMH 1848 should be set at 18.58' blsd, as measured on 3/20/2001. Water use began in 2000, and 2003 was the first year where 522.9 acres were irrigated.

Ground Water Review Form

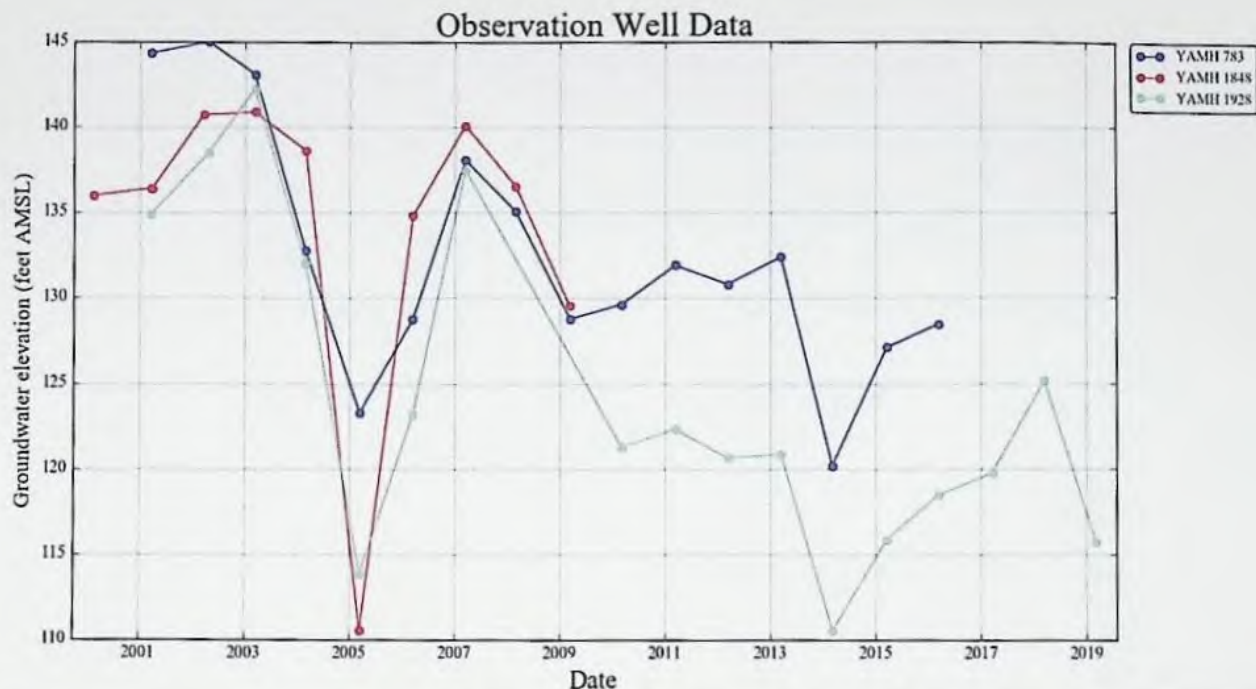


Figure 1: hydrograph of spring (February to April) water levels in wells near the subject wells that draw primarily from the basalt aquifer system.

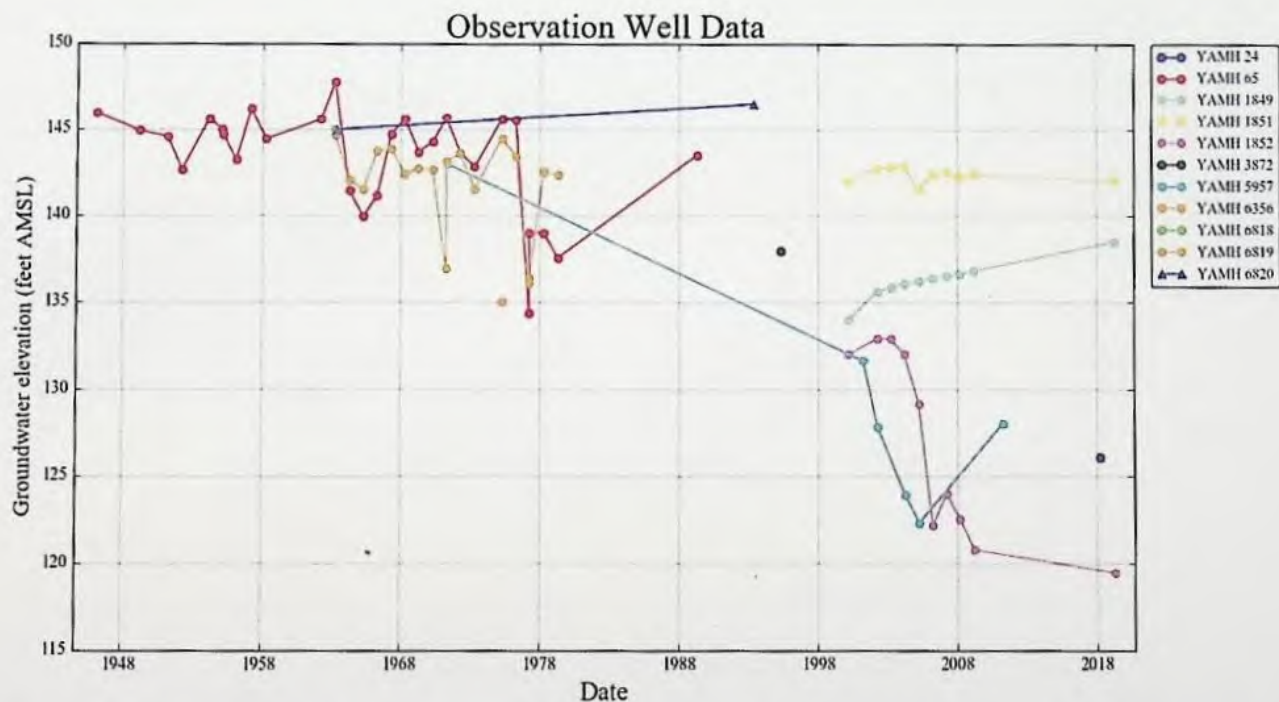


Figure 2: hydrograph of spring (February to April) water levels in wells near to the subject wells that draw primarily from the sedimentary aquifer system.

App G-13473 / Permit G-12293 Extension Review: T5S / R3W S7

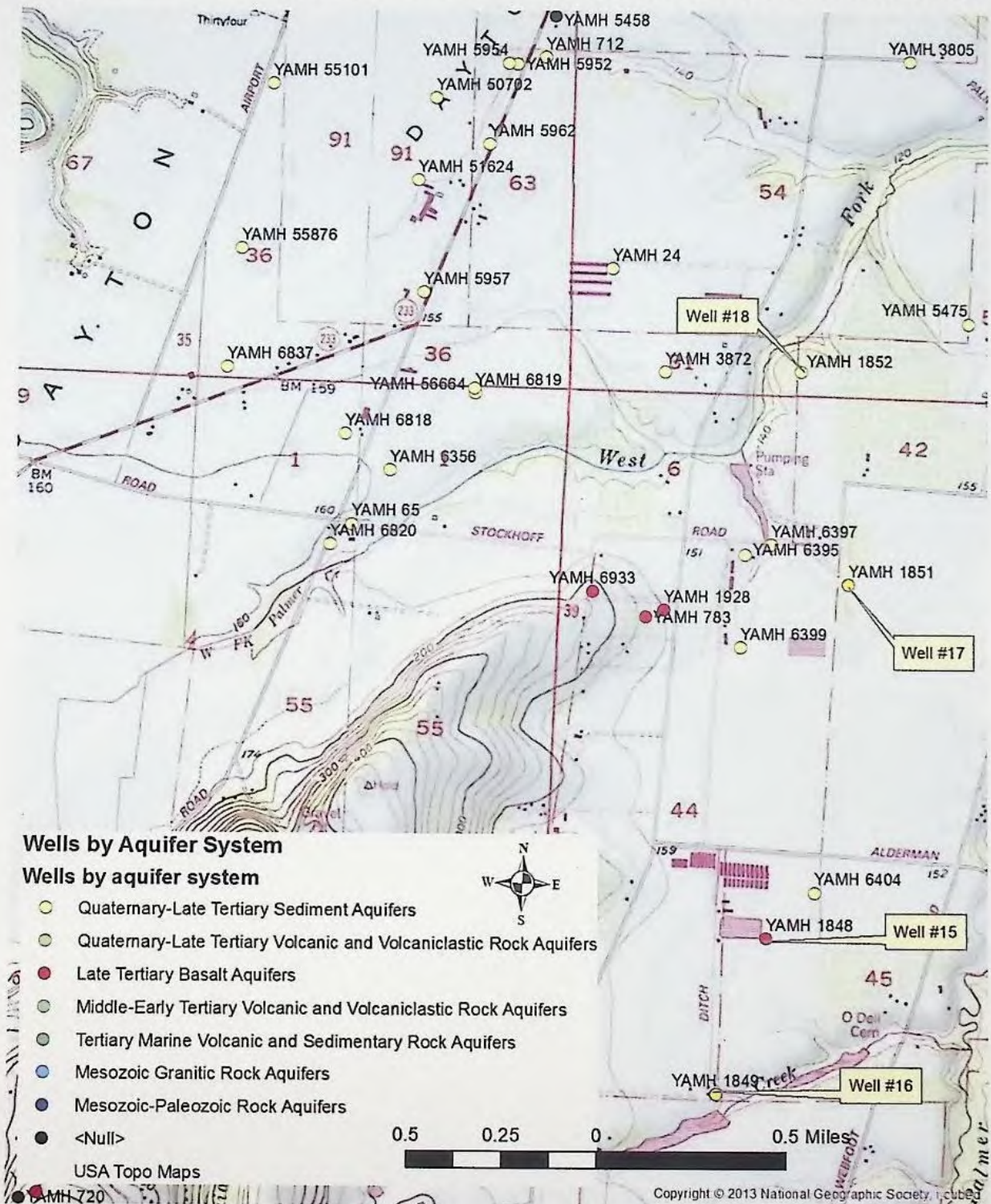


Figure 3: map of subject wells and nearby area.

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APR 03 2019

Well 18 Development CIP expenses

Doc Type	Doc No.	Purchase Order	Business Unit	Object Account	Sub	GL Date	GL Amount	Journal Entry Explanation	Remark	Batch Date	Batch No.	Sales Customer Number	Post Status	Trans. Originator	User ID
OV	135646	00586920	160000	15555	17152	11/2/2017	38.88	FERGUSON ENTERPRISES, INC	5X6 BLK STL NIP	11/2/2017	1064050	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	GLPOST
OV	135646	00586920	160000	15555	17152	11/2/2017	2.49	FERGUSON ENTERPRISES, INC	DS44NGCL - 1XCL WLD NIP TBE	11/2/2017	1064050	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	GLPOST
OV	135646	00586920	160000	15555	17152	11/2/2017	59.17	FERGUSON ENTERPRISES, INC	FNW200AG - 1000# THRD 2PC FP B	11/2/2017	1064050	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	GLPOST
OV	135646	00586920	160000	15555	17152	11/2/2017	489.90	FERGUSON ENTERPRISES, INC	FNW731BU - 255# WAF BFV	11/2/2017	1064050	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	GLPOST
OV	135646	00586920	160000	15555	17152	11/2/2017	32.03	FERGUSON ENTERPRISES, INC	GRFOFU - 6CS 150# RF SO FLG	11/2/2017	1064050	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	GLPOST
OV	135646	00586920	160000	15555	17152	11/2/2017	18.74	FERGUSON ENTERPRISES, INC	GWCRUS - 6X5 CS STD CONC RED	11/2/2017	1064050	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	GLPOST
OV	135646	00586920	160000	15555	17152	11/2/2017	62.07	FERGUSON ENTERPRISES, INC	P40S9U - 6PVC S40 SXS 90 ELL	11/2/2017	1064050	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	GLPOST
OV	135646	00586920	160000	15555	17152	11/2/2017	97.52	FERGUSON ENTERPRISES, INC	P40STU - S40 SXSXS TEE	11/2/2017	1064050	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	GLPOST
OV	135646	00586920	160000	15555	17152	11/2/2017	26.87	FERGUSON ENTERPRISES, INC	P80SBUK - 6X2 PVC S80 SXS BUSH	11/2/2017	1064050	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	GLPOST
OV	135646	00586920	160000	15555	17152	11/2/2017	5.18	FERGUSON ENTERPRISES, INC	P80SFBKG - 2X1 PVC S80 SXF BUS	11/2/2017	1064050	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	GLPOST
OV	135648	00586920	160000	15555	17152	11/2/2017	15.54	FERGUSON ENTERPRISES, INC	FNWR1FFGAU - 150# GSKT	11/2/2017	1064050	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	GLPOST
OV	135648	00586920	160000	15555	17152	11/2/2017	193.15	FERGUSON ENTERPRISES, INC	P80PU - 6X20 PVC S80 PIPE	11/2/2017	1064050	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	GLPOST
OV	135648	00586920	160000	15555	17152	11/2/2017	156.49	FERGUSON ENTERPRISES, INC	PPF80VSSFU - STONE SOC FLG	11/2/2017	1064050	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	GLPOST
OV	135807	00586920	160000	15555	17152	11/6/2017	386.29	FERGUSON ENTERPRISES, INC	P80PU - 6X20 PVC S80 PIPE	11/6/2017	1064981	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	GLPOST
OV	135808	00586777	160000	15555	17152	11/6/2017	538.56	PROBUILD	2GF20612 2X6X12 GRN	11/6/2017	1064982	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	135808	00586777	160000	15555	17152	11/6/2017	51.10	PROBUILD	LUS26 2X6 JOIST HANGER	11/6/2017	1064982	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	135808	00586777	160000	15555	17152	11/6/2017	76.54	PROBUILD	TCAC20612GC 2X6X12 CDR	11/6/2017	1064982	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	135808	00586777	160000	15555	17152	11/6/2017	22.86	PROBUILD	TCAC40610GC 4X6X10	11/6/2017	1064982	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	135808	00586777	160000	15555	17152	11/6/2017	290.05	PROBUILD	TF60614R 6X6X14	11/6/2017	1064982	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	135809	00586777	160000	15555	17152	11/6/2017	72.00	PROBUILD	BHG3410 3/4X10 GALV BOLT	11/6/2017	1064990	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	135809	00586777	160000	15555	17152	11/6/2017	9.00	PROBUILD	NUTG34 3/4 GALV NUT	11/6/2017	1064990	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	135809	00586777	160000	15555	17152	11/6/2017	18.00	PROBUILD	WASHG34 3/4 GLV WASHER	11/6/2017	1064990	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	136037	00586924	160000	15555	17152	11/10/2017	20.00	FERGUSON ENTERPRISES, INC	FREIGHT	11/10/2017	1065982	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	GLPOST
OV	136037	00586924	160000	15555	17152	11/10/2017	1,955.24	FERGUSON ENTERPRISES, INC	W7570SYU - LF 6 DBL CHKVLV	11/10/2017	1065982	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	GLPOST
OV	136077	00586750	160000	15555	17152	11/13/2017	226.40	EWING IRRIGATION PRODUCTS INC	8" ADS DRAIN PIPE	11/13/2017	1066215	123980 - EWING IRRIGATION PR	Posted	JGARIBAY	GLPOST
OV	136077	00586750	160000	15555	17152	11/13/2017	20.48	EWING IRRIGATION PRODUCTS INC	FREIGHT	11/13/2017	1066215	123980 - EWING IRRIGATION PR	Posted	JGARIBAY	GLPOST
OV	136352	00586924	160000	15555	17152	11/17/2017	395.00	FERGUSON ENTERPRISES, INC	BRT600S4GPM1 - 250-2500 FLWMTR	11/17/2017	1067551	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	GLPOST
OV	136458	00587369	160000	15555	17152	11/21/2017	620.62	FRUIT GROWERS	430-G-1-A1-PG-CB-R 4" BERMAD	11/21/2017	1068152	100262 - FRUIT GROWERS	Posted	JGARIBAY	GLPOST
OV	136633	00586777	160000	15555	17152	11/28/2017	683.28	PROBUILD	TRUSS PACK	11/28/2017	1068971	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	136676	00587753	160000	15555	17152	11/29/2017	134.24	RAM STEELCO INC.	3P14 4"X.237W SCH 40 BLK PIPE	11/29/2017	1069181	100211 - RAM STEELCO INC.	Posted	JGARIBAY	GLPOST
OV	136676	00587753	160000	15555	17152	11/29/2017	244.11	RAM STEELCO INC.	3P16 6"X.280W SCH 40 BLK PIPE	11/29/2017	1069181	100211 - RAM STEELCO INC.	Posted	JGARIBAY	GLPOST
OV	136806	00587755	160000	15555	17152	11/30/2017	18.62	FERGUSON ENTERPRISES, INC	4 CS 150# RF SO FLG	11/30/2017	1069580	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	APATHAK
OV	136806	00587755	160000	15555	17152	11/30/2017	15.63	FERGUSON ENTERPRISES, INC	4 PVC S80 VAN STONE SOC FLG	11/30/2017	1069580	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	APATHAK
OV	136806	00587755	160000	15555	17152	11/30/2017	4.76	FERGUSON ENTERPRISES, INC	4 RR 1/8 FF 150# GSKT	11/30/2017	1069580	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	APATHAK
OV	136806	00587755	160000	15555	17152	11/30/2017	60.63	FERGUSON ENTERPRISES, INC	6 CS 150# RF SO FLG	11/30/2017	1069580	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	APATHAK
OV	136806	00587755	160000	15555	17152	11/30/2017	43.80	FERGUSON ENTERPRISES, INC	6 CS STD WLD LR 90 ELL	11/30/2017	1069580	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	APATHAK
OV	136806	00587755	160000	15555	17152	11/30/2017	7.26	FERGUSON ENTERPRISES, INC	6 RR 1/8 FF 150# GSKT	11/30/2017	1069580	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	APATHAK
OV	136854	00587755	160000	15555	17152	12/1/2017	18.55	FERGUSON ENTERPRISES, INC	5X4 CS STD WLD CONC RED	12/1/2017	1069831	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	GLPOST
OV	136854	00587755	160000	15555	17152	12/1/2017	56.26	FERGUSON ENTERPRISES, INC	5X8 BLK STL NIP	12/1/2017	1069831	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	GLPOST
OV	136835	00586777	160000	15555	17152	12/1/2017	44.00	PROBUILD	50330144 - 12'4" COLORED RIDGE	12/1/2017	1069746	128731 - PROBUILD	Posted	JGARIBAY	GLPOST

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OV	136835	00586777	160000	15555	17152	12/1/2017	92.00	PROBUILD	50330145 - 12'4" COLORED GABLE	12/1/2017	1069746	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	136835	00586777	160000	15555	17152	12/1/2017	265.20	PROBUILD	55080126 - 3'29G VALRIB3 GALV	12/1/2017	1069746	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	136835	00586777	160000	15555	17152	12/1/2017	20.00	PROBUILD	55330286 - 1"X36 INS. STRIP	12/1/2017	1069746	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	136835	00586777	160000	15555	17152	12/1/2017	20.00	PROBUILD	55330286 - 1"X36 OUT. STRIP	12/1/2017	1069746	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	136835	00586777	160000	15555	17152	12/1/2017	19.00	PROBUILD	SPO006797770060 - 1" WOODFAST	12/1/2017	1069746	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	136835	00586777	160000	15555	17152	12/1/2017	22.00	PROBUILD	SPO006797770070 - 3/4 SCREW	12/1/2017	1069746	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	136852	00586777	160000	15555	17152	12/1/2017	92.00	PROBUILD	50330146 - 12'4" 29GA COLORED	12/1/2017	1069793	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	136852	00586777	160000	15555	17152	12/1/2017	25.50	PROBUILD	54330032 - 12'4" COL CASING	12/1/2017	1069793	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	136852	00586777	160000	15555	17152	12/1/2017	650.25	PROBUILD	55080118 - 3' VALRIB3 GRN	12/1/2017	1069793	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	136852	00586777	160000	15555	17152	12/1/2017	57.00	PROBUILD	SPO006797770060 - 1" WOODFAST	12/1/2017	1069793	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	136852	00586777	160000	15555	17152	12/1/2017	22.00	PROBUILD	SPO006797770070 - 1" WOODFAST	12/1/2017	1069793	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	136984	00586751	160000	15555	17152	12/5/2017	113.20	EWING IRRIGATION PRODUCTS INC	8" ADS DRAIN PIPE	12/5/2017	1070465	123980 - EWING IRRIGATION PR	Posted	JGARIBAY	GLPOST
OV	136984	00586751	160000	15555	17152	12/5/2017	30.48	EWING IRRIGATION PRODUCTS INC	FREIGHT	12/5/2017	1070465	123980 - EWING IRRIGATION PR	Posted	JGARIBAY	GLPOST
OV	136984	00586751	160000	15555	17152	12/5/2017	37.20	EWING IRRIGATION PRODUCTS INC	SNAP CONNECTORS	12/5/2017	1070465	123980 - EWING IRRIGATION PR	Posted	JGARIBAY	GLPOST
OV	137334	00586426	160000	15555	17152	12/14/2017	10,547.36	ERNST IRRIGATION	PUMP INSTALLATION WELL 18	12/14/2017	1072250	129207 - ERNST IRRIGATION	Posted	JGARIBAY	GLPOST
OV	137360	00587821	160000	15555	17152	12/14/2017	1,418.00	MANCO	1056-03-20-38-AN-ULANALYZER	12/14/2017	1072324	106522 - MANCO	Posted	JGARIBAY	GLPOST
OV	137360	00587821	160000	15555	17152	12/14/2017	625.00	MANCO	400-12-50 - COND. SENSOR	12/14/2017	1072324	106522 - MANCO	Posted	JGARIBAY	GLPOST
OV	137332	00586777	160000	15555	17152	12/14/2017	189.99	PROBUILD	1422237 - EXT DOOR / INTERIOR	12/14/2017	1072241	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	137332	00586777	160000	15555	17152	12/14/2017	204.99	PROBUILD	1422238 - 3-0 6-9/16 CZ LH FLS	12/14/2017	1072241	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	137332	00586777	160000	15555	17152	12/14/2017	25.73	PROBUILD	2KF20410 - 10' DF STD&BTR KD	12/14/2017	1072241	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	137332	00586777	160000	15555	17152	12/14/2017	49.41	PROBUILD	2KF20412 - 12' DF STD&BTR KD	12/14/2017	1072241	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	137332	00586777	160000	15555	17152	12/14/2017	14.41	PROBUILD	2KF20414 - 14' DF STD&BTR KD	12/14/2017	1072241	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	137332	00586777	160000	15555	17152	12/14/2017	247.97	PROBUILD	CDX12 - CDX EXT SHEATHING	12/14/2017	1072241	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	137332	00586777	160000	15555	17152	12/14/2017	8.78	PROBUILD	TCAC20412GC - TRT CA CDR GC	12/14/2017	1072241	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
JY	2001080		160000	15555	17152	12/21/2017	115.69	DEPT OF PLANNING	YAMHILL COUNTY PLANNING D	12/21/2017	1073781	142464 - SCHNEIDER CHRISTOP	Posted	BWILTSEY	HHADDAD
OV	137792	00587317	160000	15555	17152	12/27/2017	2,012.39	FERGUSON ENTERPRISES, INC	N40235 1510 GAL VERT TANK	12/27/2017	1074181	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	GLPOST
OV	137792	00587317	160000	15555	17152	12/27/2017	3,515.21	FERGUSON ENTERPRISES, INC	V40051 2500 GAL VERT TANK	12/27/2017	1074181	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	GLPOST
OV	137889	00588554	160000	15555	17152	12/28/2017	6.86	R & S INDUSTRIAL SUPPLIES	3/4-10 FINISHED HEX NUT GR-5 N	12/28/2017	1074389	140480 - R & S INDUSTRIAL SUPI	Posted	JGARIBAY	SSANCHEZ
OV	137889	00588554	160000	15555	17152	12/28/2017	30.04	R & S INDUSTRIAL SUPPLIES	3/4-10 X 4" HEX CAP SCREW NC	12/28/2017	1074389	140480 - R & S INDUSTRIAL SUPI	Posted	JGARIBAY	SSANCHEZ
OV	137889	00588554	160000	15555	17152	12/28/2017	18.80	R & S INDUSTRIAL SUPPLIES	3/4-10 X 6" HEX CAP SCREW NC	12/28/2017	1074389	140480 - R & S INDUSTRIAL SUPI	Posted	JGARIBAY	SSANCHEZ
OV	137889	00588554	160000	15555	17152	12/28/2017	1.37	R & S INDUSTRIAL SUPPLIES	5/8-11 FINISHED HEX NUT GR-5 N	12/28/2017	1074389	140480 - R & S INDUSTRIAL SUPI	Posted	JGARIBAY	SSANCHEZ
OV	137889	00588554	160000	15555	17152	12/28/2017	6.64	R & S INDUSTRIAL SUPPLIES	5/8-11 X 3" HEX CAP SCREW NC	12/28/2017	1074389	140480 - R & S INDUSTRIAL SUPI	Posted	JGARIBAY	SSANCHEZ
OV	137889	00588554	160000	15555	17152	12/28/2017	21.89	R & S INDUSTRIAL SUPPLIES	FREIGHT	12/28/2017	1074389	140480 - R & S INDUSTRIAL SUPI	Posted	JGARIBAY	SSANCHEZ
PV	761165	00586924	160000	15555	17152	1/5/2018	8.71	FERGUSON ENTERPRISES, INC	13 - Pump Well 18 Installation	1/5/2018	1075609	108848 - FERGUSON ENTERPRISE	Posted	YHALE	SSANCHEZ
OV	138335	00588772	160000	15555	17152	1/11/2018	90.00	AUTOMATIONDIRECT.COM, INC	SL4824-CR TEMP CONTROLLER	1/11/2018	1076514	106258 - AUTOMATIONDIRECT.C	Posted	JGARIBAY	GLPOST
OV	139429	00589513	160000	15555	17152	2/2/2018	156.50	MCMaster-CARR	51105K24 SEMI CLEAR TUBING	2/2/2018	1080380	100393 - MCMaster-CARR	Posted	JGARIBAY	GLPOST
OV	139429	00589513	160000	15555	17152	2/2/2018	34.80	MCMaster-CARR	51875K85 BRASS COMP FITTING	2/2/2018	1080380	100393 - MCMaster-CARR	Posted	JGARIBAY	GLPOST
PV	764066	00589513	160000	15555	17152	2/12/2018	16.53	MCMaster-CARR	13 - Pump Well 18 Installation	2/12/2018	1082372	100393 - MCMaster-CARR	Posted	YHALE	SSANCHEZ
OV	139774	00589793	160000	15555	17152	2/12/2018	71.47	PLATT ELECTRIC SUPPLY	625758 - 4' GEN. PUR. STRIPLIG	2/12/2018	1082328	139131 - PLATT ELECTRIC SUPP	Posted	JGARIBAY	GLPOST
OV	139776	00589629	160000	15555	17152	2/12/2018	7.22	PLATT ELECTRIC SUPPLY	0069243 - 3" PVC FEMALE ADAPTE	2/12/2018	1082328	139131 - PLATT ELECTRIC SUPP	Posted	JGARIBAY	GLPOST
OV	139776	00589629	160000	15555	17152	2/12/2018	169.62	PLATT ELECTRIC SUPPLY	0069244 - 3P PVC CONDUIT 10'	2/12/2018	1082328	139131 - PLATT ELECTRIC SUPP	Posted	JGARIBAY	GLPOST
OV	139776	00589629	160000	15555	17152	2/12/2018	2.18	PLATT ELECTRIC SUPPLY	0069248 - 3" PVC MALE ADAPTER	2/12/2018	1082328	139131 - PLATT ELECTRIC SUPP	Posted	JGARIBAY	GLPOST
OV	139776	00589629	160000	15555	17152	2/12/2018	238.66	PLATT ELECTRIC SUPPLY	0409693 - 4" FIBERGLASS SWEEP	2/12/2018	1082328	139131 - PLATT ELECTRIC SUPP	Posted	JGARIBAY	GLPOST

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Doc Type	Doc No.	Purchase Order	Business Unit	Object Account	Sub	GL Date	GL Amount	Journal Entry Explanation	Remark	Batch Date	Batch No.	Sales Customer Number	Post Status	Trans. Originator	User ID
OV	139776	00589629	160000	15555	17152	2/12/2018	473.52	PLATT ELECTRIC SUPPLY	0409695 - 4" FIBERGLASS SWEEP	2/12/2018	1082328	139131 - PLATT ELECTRIC SUPP	Posted	JGARIBAY	GLPOST
OV	139776	00589629	160000	15555	17152	2/12/2018	38.94	PLATT ELECTRIC SUPPLY	250695 - PVC ELBOW 3"	2/12/2018	1082328	139131 - PLATT ELECTRIC SUPP	Posted	JGARIBAY	GLPOST
OV	139777	00589629	160000	15555	17152	2/12/2018	63.95	PLATT ELECTRIC SUPPLY	0051575 - PVC CEMENT CLEAR	2/12/2018	1082328	139131 - PLATT ELECTRIC SUPP	Posted	JGARIBAY	GLPOST
OV	139770	00589744	160000	15555	17152	2/12/2018	79.00	SOUTHERNCARLSON INC	10302 3" COLLATED NAIL	2/12/2018	1082324	145632 - SOUTHERNCARLSON IN	Posted	JGARIBAY	GLPOST
OV	139770	00589744	160000	15555	17152	2/12/2018	50.00	SOUTHERNCARLSON INC	3/8 GALV HAMMER TACKER STAPLES	2/12/2018	1082324	145632 - SOUTHERNCARLSON IN	Posted	JGARIBAY	GLPOST
OV	139936	00589861	160000	15555	17152	2/14/2018	124.67	LOWES OREGON LOCATION	12142 - 5X150FT CON. MESH	2/14/2018	1082834	127407 - LOWES OREGON LOCA	Posted	JGARIBAY	GLPOST
OV	140016	00589629	160000	15555	17152	2/15/2018	4,425.48	PLATT ELECTRIC SUPPLY	0069295 - 4" PVC CONDUIT	2/15/2018	1083197	139131 - PLATT ELECTRIC SUPP	Posted	JGARIBAY	GLPOST
OV	140068	00589876	160000	15555	17152	2/16/2018	65.00	BOTTEN'S EQUIPMENT RENTAL INC.	TRAILER DECK OVER 20'	2/16/2018	1083499	140222 - BOTTEN'S EQUIPMENT	Posted	JGARIBAY	GLPOST
OV	140110	00589932	160000	15555	17152	2/19/2018	119.33	PLATT ELECTRIC SUPPLY	0409693 - FIBERGLASS SWEEP	2/19/2018	1083945	139131 - PLATT ELECTRIC SUPP	Posted	JGARIBAY	GLPOST
OV	140685	00590301	160000	15555	17152	2/28/2018	773.75	Viesko Redi Mix Inc	3000# 3/4" CONCRETE MIX	2/28/2018	1087201	107109 - VIESKO REDI MIX INC	Posted	JGARIBAY	SSANCHEZ
OV	140685	00590301	160000	15555	17152	2/28/2018	10.00	Viesko Redi Mix Inc	FUEL CHARGE	2/28/2018	1087201	107109 - VIESKO REDI MIX INC	Posted	JGARIBAY	SSANCHEZ
OV	140961	00590409	160000	15555	17152	3/6/2018	524.43	MEISEL ROCK	3/4X1/4 CRUSH DRAIN ROCK	3/6/2018	1089131	100168 - MEISEL ROCK	Posted	JGARIBAY	GLPOST
OV	140962	00590409	160000	15555	17152	3/6/2018	528.16	MEISEL ROCK	3/4X1/4 CRUSH DRAIN ROCK	3/6/2018	1089131	100168 - MEISEL ROCK	Posted	JGARIBAY	GLPOST
PV	766063		160000	15555	17152	3/12/2018	40,772.91	PORTLAND GENERAL ELECTRIC	LINE EXTENSION	3/12/2018	1091266	100414 - PORTLAND GENERAL E	Posted	YHALE	YHALE
OV	141494	00590152	160000	15555	17152	3/15/2018	547.00	OLDCASTLE PRECAST INC	0370050 7272-1542 TRANSPAD-PGE	3/15/2018	1093186	145867 - OLDCASTLE PRECAST I	Posted	JGARIBAY	GLPOST
OV	141494	00590152	160000	15555	17152	3/15/2018	5,498.00	OLDCASTLE PRECAST INC	6020575 660 PGE W/64-352P TOP	3/15/2018	1093186	145867 - OLDCASTLE PRECAST I	Posted	JGARIBAY	GLPOST
OV	141494	00590152	160000	15555	17152	3/15/2018	75.00	OLDCASTLE PRECAST INC	FREIGHT	3/15/2018	1093186	145867 - OLDCASTLE PRECAST I	Posted	JGARIBAY	GLPOST
OV	142570	00591076	160000	15555	17152	4/3/2018	1,962.36	PROBUILD	1-1/2X48X96 INSULATION	4/3/2018	1101350	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	142571	00591076	160000	15555	17152	4/3/2018	1,013.28	PROBUILD	1/2" PLYWOOD	4/3/2018	1101350	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	142572	00591076	160000	15555	17152	4/3/2018	231.80	PROBUILD	36" SLAB DOOR	4/3/2018	1101350	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	142573	00591076	160000	15555	17152	4/3/2018	188.50	PROBUILD	ASST METAL SIDING	4/3/2018	1101350	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	142573	00591076	160000	15555	17152	4/3/2018	29.92	PROBUILD	UNI HIP RIDGE	4/3/2018	1101350	128731 - PROBUILD	Posted	JGARIBAY	GLPOST
OV	143723	00591828	160000	15555	17152	4/19/2018	15.85	LOWES OREGON LOCATION	308892 3.5" HINGE	4/19/2018	1108535	127407 - LOWES OREGON LOCA	Posted	JGARIBAY	GLPOST
OV	144344	00589146	160000	15555	17152	4/30/2018	960.00	MODERN MACHINERY	BUCKET	4/30/2018	1112715	108114 - MODERN MACHINERY	Posted	JGARIBAY	SSANCHEZ
OV	144571	00592221	160000	15555	17152	5/4/2018	495.09	MEISEL ROCK	3/4- GRAVEL	5/4/2018	1114850	100168 - MEISEL ROCK	Posted	JGARIBAY	GLPOST
OV	144573	00592221	160000	15555	17152	5/4/2018	486.79	MEISEL ROCK	3/4- GRAVEL	5/4/2018	1114850	100168 - MEISEL ROCK	Posted	JGARIBAY	GLPOST
OV	144574	00592221	160000	15555	17152	5/4/2018	489.82	MEISEL ROCK	3/4- GRAVEL	5/4/2018	1114850	100168 - MEISEL ROCK	Posted	JGARIBAY	GLPOST
OV	144996	00592091	160000	15555	17152	5/11/2018	630.00	GK MACHINE, INC	AR252 HYDRO PUMP	5/11/2018	1117642	106767 - GK MACHINE, INC	Posted	JGARIBAY	GLPOST
OV	144977	00592384	160000	15555	17152	5/11/2018	488.87	MEISEL ROCK	3/4- GRAVEL	5/11/2018	1117628	100168 - MEISEL ROCK	Posted	JGARIBAY	GLPOST
OV	144978	00592384	160000	15555	17152	5/11/2018	498.44	MEISEL ROCK	3/4- GRAVEL	5/11/2018	1117628	100168 - MEISEL ROCK	Posted	JGARIBAY	GLPOST
OV	144979	00592384	160000	15555	17152	5/11/2018	494.93	MEISEL ROCK	3/4- GRAVEL	5/11/2018	1117628	100168 - MEISEL ROCK	Posted	JGARIBAY	GLPOST
OV	145276	00592521	160000	15555	17152	5/17/2018	486.79	MEISEL ROCK	3/4 MINUS GRAVEL	5/17/2018	1119936	100168 - MEISEL ROCK	Posted	JGARIBAY	GLPOST
OV	145277	00592521	160000	15555	17152	5/17/2018	500.51	MEISEL ROCK	3/4 MINUS GRAVEL	5/17/2018	1119936	100168 - MEISEL ROCK	Posted	JGARIBAY	GLPOST
OV	145292	00592521	160000	15555	17152	5/17/2018	498.76	MEISEL ROCK	3/4 MINUS GRAVEL	5/17/2018	1120032	100168 - MEISEL ROCK	Posted	JGARIBAY	GLPOST
OV	145296	00592653	160000	15555	17152	5/17/2018	471.16	MEISEL ROCK	3/4 MINUS GRAVEL	5/17/2018	1120037	100168 - MEISEL ROCK	Posted	JGARIBAY	GLPOST
OV	145297	00592653	160000	15555	17152	5/17/2018	503.38	MEISEL ROCK	3/4 MINUS GRAVEL	5/17/2018	1120037	100168 - MEISEL ROCK	Posted	JGARIBAY	GLPOST
OV	145299	00592653	160000	15555	17152	5/17/2018	498.92	MEISEL ROCK	3/4 MINUS GRAVEL	5/17/2018	1120037	100168 - MEISEL ROCK	Posted	JGARIBAY	GLPOST
OV	145640	00592738	160000	15555	17152	5/23/2018	498.60	MEISEL ROCK	3/4 MINUS GRAVEL	5/23/2018	1122508	100168 - MEISEL ROCK	Posted	JGARIBAY	GLPOST
OV	145641	00592738	160000	15555	17152	5/23/2018	507.53	MEISEL ROCK	3/4 MINUS GRAVEL	5/23/2018	1122508	100168 - MEISEL ROCK	Posted	JGARIBAY	GLPOST
OV	145642	00592738	160000	15555	17152	5/23/2018	481.85	MEISEL ROCK	3/4 MINUS GRAVEL	5/23/2018	1122508	100168 - MEISEL ROCK	Posted	JGARIBAY	GLPOST
OV	145643	00592738	160000	15555	17152	5/23/2018	493.01	MEISEL ROCK	3/4 MINUS GRAVEL	5/23/2018	1122508	100168 - MEISEL ROCK	Posted	JGARIBAY	GLPOST
PV	775870	00591076	160000	15555	17152	6/11/2018	(6.90)	PROBUILD	13 - Pump Well 18 Installation	6/11/2018	1128972	128731 - PROBUILD	Posted	YHALE	YHALE
PV	776087	00592091	160000	15555	17152	6/12/2018	18.00	GK MACHINE, INC	13 - Pump Well 18 Installation	6/12/2018	1129384	106767 - GK MACHINE, INC	Posted	YHALE	SSANCHEZ

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APR 03 2019
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Doc Type	Doc No.	Purchase Order	Business Unit	Object Account	Sub	GL Date	GL Amount	Journal Entry Explanation	Remark	Batch Date	Batch No.	Sales Customer Number	Post Status	Trans. Originator	User ID
OV	147611	00593843	160000	15555	17152	6/28/2018	11,641.15	FARNHAM ELECTRIC CONSTRUCTION	POWER TO WELL #18	6/28/2018	1136642	136949 - FARNHAM ELECTRIC CO	Posted	JGARIBAY	GLPOST
PV	778336	00587821	160000	15555	17152	7/6/2018	17.91	MANCO	13 - Pump Well 18 Installation	7/6/2018	1139924	106522 - MANCO	Posted	YHALE	HHADDAD
PV	784310	00587369	160000	15555	17152	8/7/2018	(620.62)	FRUIT GROWERS	13 - Pump Well 18 Installation	8/8/2018	1152056	100262 - FRUIT GROWERS	Posted	YHALE	SSANCHEZ
OV	151170	00589629	160000	15555	17152	9/4/2018	(378.82)	PLATT ELECTRIC SUPPLY	0409695 - 4" FIBERGLASS SWEEP	9/4/2018	1160867	139131 - PLATT ELECTRIC SUPP	Posted	JGARIBAY	GLPOST
OV	151535	00595509	160000	15555	17152	9/10/2018	406.50	FERGUSON ENTERPRISES, INC	6IPS S80 SDL 250-2500 FLWMTR	9/10/2018	1162772	108848 - FERGUSON ENTERPRISE	Posted	JGARIBAY	GLPOST
PV	788718		160000	15555	17152	10/5/2018	15.80	UNITED PARCEL SERVICE (UPS)		10/5/2018	1171588	100752 - UNITED PARCEL SERVICE	Posted	YHALE	SSANCHEZ
PV	790206	00595509	160000	15555	17152	10/17/2018	20.00	FERGUSON ENTERPRISES, INC	13 - Pump Well 18 Installation	10/17/2018	1174839	108848 - FERGUSON ENTERPRISE	Posted	YHALE	SSANCHEZ
PV	790235		160000	15555	17152	10/17/2018	562.17	FRUIT GROWERS		10/17/2018	1174830	100262 - FRUIT GROWERS	Posted	YHALE	SSANCHEZ
OV	153980	00597402	160000	15555	17152	10/29/2018	167.25	PLATT ELECTRIC SUPPLY	HOFFMAN CP3636	10/29/2018	1177923	139131 - PLATT ELECTRIC SUPP	Posted	JGARIBAY	GLPOST
OV	153980	00597402	160000	15555	17152	10/29/2018	570.53	PLATT ELECTRIC SUPPLY	HOFFMAN CSD36368	10/29/2018	1177923	139131 - PLATT ELECTRIC SUPP	Posted	JGARIBAY	GLPOST
OV	154018	00597405	160000	15555	17152	10/30/2018	35.86	W W GRAINGER INC CORP ACCT	150 PSI PRESSURE RELIEF VALVE	10/30/2018	1178283	100147 - W W GRAINGER INC CC	Posted	JGARIBAY	GLPOST
OV	154018	00597405	160000	15555	17152	10/30/2018	285.13	W W GRAINGER INC CORP ACCT	2HP GEN. PURPOSE MOTOR	10/30/2018	1178283	100147 - W W GRAINGER INC CC	Posted	JGARIBAY	GLPOST
OV	154018	00597405	160000	15555	17152	10/30/2018	25.79	W W GRAINGER INC CORP ACCT	ADJ. STEEL MOTOR BASE	10/30/2018	1178283	100147 - W W GRAINGER INC CC	Posted	JGARIBAY	GLPOST
OV	154412	00597695	160000	15555	17152	11/7/2018	11.52	MCMaster-CARR	DAMPING FLEXIBLE SHAFT	11/7/2018	1180651	100393 - MCMaster-CARR	Posted	JGARIBAY	GLPOST
OV	154412	00597695	160000	15555	17152	11/7/2018	20.66	MCMaster-CARR	FLEXIBLE SHAFT COUPLING	11/7/2018	1180651	100393 - MCMaster-CARR	Posted	JGARIBAY	GLPOST
OV	154412	00597695	160000	15555	17152	11/7/2018	100.10	MCMaster-CARR	MOUNTED BALL BEARING 3/4"	11/7/2018	1180651	100393 - MCMaster-CARR	Posted	JGARIBAY	GLPOST
OV	154412	00597695	160000	15555	17152	11/7/2018	41.31	MCMaster-CARR	V-BELT PULLEY 3/4"	11/7/2018	1180651	100393 - MCMaster-CARR	Posted	JGARIBAY	GLPOST
OV	154412	00597695	160000	15555	17152	11/7/2018	13.04	MCMaster-CARR	V-BELT PULLEY 7/8"	11/7/2018	1180651	100393 - MCMaster-CARR	Posted	JGARIBAY	GLPOST
PV	791710		160000	15555	17152	11/12/2018	100.00	FRUIT GROWERS		11/12/2018	1181712	100262 - FRUIT GROWERS	Posted	YHALE	SSANCHEZ
OV	154975	00597926	160000	15555	17152	11/16/2018	134.00	AUTOMATIONDIRECT.COM, INC	LINE REACTOR	11/16/2018	1182927	106258 - AUTOMATIONDIRECT.COM	Posted	JGARIBAY	GLPOST
PV	793264	00597695	160000	15555	17152	12/7/2018	11.04	MCMaster-CARR	13 - Pump Well 18 Installation	12/6/2018	1186918	100393 - MCMaster-CARR	Posted	YHALE	SSANCHEZ
GRAND TOTAL						TOTAL	108,840.08								

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Application: G-13473

Permit: G-1

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

Applicant/Permit

Holder(s) Monrovia Nursery & Co.
13455 SE Lafayette Hwy.
Dayton OR 97114

Proposed Completion Date: 10-1-2024

WRIG...Money Received on: 4-3-2019

Extension Specialist ...

Added to tracking spreadsheet

After fee is received and app is added to spreadsheet, route to...

Tonya Miller...

Recent Assignment (Check WRIS for Update)

Publish on Public Notice (initial 30-day comment): Date of notice 4/9/2019

Update WRIS Database

In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

In the "Ext Filed" field... Enter the date the Extension Application was received.

Yes or No: Return file to Extension Specialist after PN Jeffrey

NOTES:

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **129462**

INVOICE # _____

RECEIVED FROM: Monrovia Nursery
BY: Company

APPLICATION	G-13473
PERMIT	
TRANSFER	

CASH: CHECK:# X11039 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 670.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES		\$
_____	OTHER: (IDENTIFY)	_____	\$
0243	I/S Lease	_____	
0244	Muni Water Mgmt. Plan	_____	
0245	Cons. Water	_____	

4270 WRD OPERATING ACCT

MISCELLANEOUS		4611		
0407	COPY & TAPE FEES		\$	
0410	RESEARCH FEES		\$	
0408	MISC REVENUE: (IDENTIFY)	_____	\$	
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	\$	
0240	EXTENSION OF TIME		\$	<u>670.00</u>
WATER RIGHTS:		EXAM FEE		RECORD FEE
0201	SURFACE WATER	\$	0202	\$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$		
WELL CONSTRUCTION		EXAM FEE		LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$	0219	\$
	LANDOWNER'S PERMIT		0220	\$
_____	OTHER (IDENTIFY)	_____		

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #	
0210	MONITORING WELLS	\$	CARD #	
_____	OTHER (IDENTIFY)	_____		

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FWWRD)		\$
0231	HYDRO LICENSE FEE (FWWRD)		\$
_____	HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____	TITLE _____	
OBJ. CODE _____	VENDOR # _____	
DESCRIPTION _____		\$

RECEIPT: **129462** DATED: 4/3/19 BY: C. Woodhick



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

Dec 8, 2014

MONROVIA NURSERY CO.
13455 SE LAFAYETTE HWY
DAYTON, OR 97114

REFERENCE: Application G-13473 / Permit G-12293

Dear Permit Holder:

The Water Right Services Division received your written progress report for Permit G-12293. Receipt of the progress report was published on the Department's weekly Public Notice, dated November 4, 2014. The Department did not receive any public comment on the progress report.

After reviewing your Progress Report, the Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permit and extension has been demonstrated.

As per your most recent extension, the date by which water must be applied to full beneficial use within the terms and conditions of your permit is October 1, 2019. If you have any questions, please feel free to contact me by telephone at (503) 986-0802.

Sincerely,

Machelle A Bamberger
Extensions
Water Right Services Division

Enclosure

cc: Application G-13473
Watermaster District -16

Route Slip.....Extension of Time Progress Report

1. Extension Specialist: Progress Report Review

Date Report was Due: 10/1/2014 (= "Deadline Date" for the corresponding ECP work flow record in WRIS)

Date Report Received: 10/27/2014

Report Complete: YES

NO – Send letter requesting missing information.

letter mailed on: _____

2. Support Staff: Publish on the Department's Public Notice

315 320 OAR Division under which Progress Report was required

Publish on Public Notice Date: 11/4/14

Update workflow in WRIS

(Fill in Extension Checkpoint 'Completed Date' in appropriate "ECP" work flow record and

add record for Checkpoint Public Notice ("EPR" or "EP2")

Return file to Machelle Bamberger.

3. Extension Specialist: Prepare Progress Report Confirmation Letter

See progress report procedures.doc

(date / mail out after 30 day comment period)

Date Confirmation Letter Needed: 11/27/2014

Update Progress Report Worksheet.xls

Send to permit holder + anyone who made comments after 30 day public notice

CC: Watermaster _____

File _____

PUBLIC NOTICE INFORMATION

Permit Holder's Name: Monrovia Nursery CO. Attn:

Application: G-13473

Permit: G-12293

County: Yamhill

Source: Four wells in the Yamhill River Basin

Use: Nursery operations on 805.4 acres



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

**Extension of Time
 Progress Report Form
 For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Monrovia Nursery Company

Application G-13473
 Permit G-12293

Report Due no later than October 1, 2014

RECEIVED BY OWRD

Progress Report Form for 2014

OCT 27 2014

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit G-12293

SALEM, OR

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2009 and October 1, 2014	FINANCIAL INVESTMENT
	Due to economic conditions, no progress has been made during this time period	

2. Compliance with terms and conditions of the permit and/or previous extension.

Yes
 Current
 10-28-14

Monthly water use reports have been submitted annually.
 Water level testing has been done annually for 7 consecutive years.

3. Total number of acres irrigated to date = 514.4 (if applicable)

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

Maximum rate used to date = 0.44 cfs (cubic feet per second), or
 Maximum rate used to date = _____ gpm (gallons per minute), or
 Acre Feet stored to date = _____ AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

Signature Walter J. [Signature] Date 10/22/14

For OWRD use only

Diligence Shown Yes No Date Public Noticed: _____
 Reviewed by: Machehe Bambergue Date: 10-28-14

User ID 8092
Report 37043

Shawn Turner

From: Walter Suttle/Dayton/Monrovia <WSuttle@Monrovia.com>
Sent: Wednesday, December 04, 2013 10:32 AM
To: wateruse
Subject: Water Use Report for Permit G12293 User ID 8092

SE

Hello Shawn,
As I mentioned on the phone, I need help to submit well water use for 2009 and 2010 for one of our wells.

My water user ID is 8092, and it is for Permit G12293 and for Well 15
Here is the water use data in gallons:

Usage Well #15 1 Oct 2009-31 Sep 2010	
Oct-09	352100
Nov-09	300800
Dec-09	284800
Jan-10	280000
Feb-10	409200
Mar-10	522500
Apr-10	619000
May-10	835500
Jun-10	1116100
Jul-10	1981300
Aug-10	1355500
Sep-10	899500
	8956300

Usage Well #15 1 Oct 2009-31 Sep 2010	
Oct-08	433600
Nov-08	527900
Dec-08	378400
Jan-09	364100
Feb-09	357100
Mar-09	409600
Apr-09	597500
May-09	1233300
Jun-09	1122700
Jul-09	1120000
Aug-09	1135700
Sep-09	2420300
	10100200

Thank you for your help getting this data entered.



Walter Suttle
Technical Services Manager
(503) 868-7911 Ext. 2241
wsuttle@monrovia.com

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[Follow us on Twitter](#)
[Find us on Pinterest](#)

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-13473

Final Order
Extension of Time for Permit Number G-12293

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file 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-12293 was issued by the Department on April 3, 1996. The permit called for completion of construction by October 1, 1998 and complete application of water to beneficial use by October 1, 1999. On October 5, 2009 Monrovia Nursery Company submitted to the Department an Application for Extension of Time for Permit G-12293. In accordance with OAR 690-315-0050(2), on July 20, 2010, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2019 and the time to fully apply water to beneficial use to October 1, 2019. The protest period closed September 3, 2010 in accordance with OAR 690-315-0060(1). No protest was filed.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2014**. *A form will be enclosed with your Final Order.*

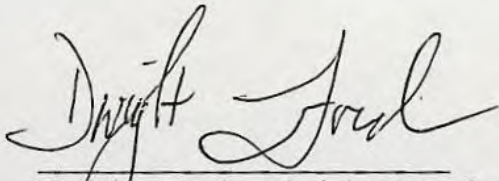
- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder 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.

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-13473, Permit G-12293, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2019. The deadline for applying water to full beneficial use is extended to October 1, 2019.

DATED: September 14, 2010



Dwight French, Administrator of
Water Rights and Adjudications

for

Phillip C. Ward, Director

-
- If you have any questions about statements contained in this document, please contact Scott Kudlemyer at (503) 986-0813.
 - 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
-

Mailing List for Extension FO Copies

Note: Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

FO Date: September 14, 2010

Copies Mailed

**Application G-13473
Permit G-12293**

By: AS
On: 9/14/10

Original mailed to permit holder

Monrovia Nursery Company
13455 SE LaFayette Hwy
Dayton, OR 97114

Copies sent to:

1. WRD - App. File G-13473/ Permit G-12293
2. ~~WRD - Support Staff, Salem~~

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving via e-mail (10 AM day of signature date)

4. WRD - Water Master District 16 - Mike McCord, Salem

Done by SA Date 9/14/10

If Progress Reports are included:

Add record to Progress Report tracking sheet.xls Done: by SA Date 9/14/10

CASEWORKER: SBK

Oregon Water Resources Department
Water Rights Division



Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-12293, Water Right Application G-13473) PROPOSED FINAL ORDER
in the name of Monrovia Nursery Company.)

Permit Information

Application File G-13473 Permit G-12293

Basin: 2 – Willamette / Watermaster District 16

Date of Priority: July 20, 1993

Authorized Use of Water

Source of Water: Four Wells within the Yamhill River Basin

Purpose of Use: Nursery Operations on 805.4 Acres

Maximum Rate: 4.01 Cubic Feet per Second (cfs), being 0.44 cfs from Well 15, 0.89 cfs from Well 16, 1.34 cfs from Well 17 and 1.34 cfs from Well 18.

This Extension of Time request is being processed in accordance with Oregon Administrative Rule Chapter 690, Division 315

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

This Proposed Final Order applies only to Permit G-12293, water right Application G-13473. A copy of Permit G-12293 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time for complete construction of the water system from October 1, 2009 to October 1, 2019.
- Grant an extension of time to apply water to full beneficial use from October 1, 2009 to October 1, 2019.
- Make the extension subject to certain conditions set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
PFO – Proposed Final Order

Units of Measure

cfs – cubic feet per second

gpm – gallons per minute

AUTHORITY

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

ORS 537.630(1) provide in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water 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) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute 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 therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

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

Background

1. Permit G-12293 was granted by the Department on April 3, 1996. The permit authorizes the use of up to 4.01 cfs of water, being 0.44 cfs from Well 15, 0.89 cfs from Well 16, 1.34 cfs from Well 17 and 1.34 cfs from Well 18 from four wells in the Yamhill River Basin for nursery operations on 805.4 acres. The permit specified construction of the water system was to be completed by October 1, 1998 and complete application of water was to be made on or before October 1, 1999.
2. The permit holder submitted an "Application for Extension of Time" to the Department on October 5, 2009 requesting the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-12293 be extended from October 1, 2009 to October 1, 2019. This is the second permit extension requested for Permit G-12293.
3. Notification of the Application for Extension of Time for Permit G-12293 was published in the Department's Public Notice dated October 13, 2009. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230¹, 537.248², 537.630³ and/or 539.010(5)⁴.

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

4. On October 5, 2009 the Department received a completed Application for Extension of Time 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)]

5. Actual construction of the well began prior to the April 3, 1997 deadline specified in the permit.

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.

¹ORS 537.230 applies to surface water permits only.

²ORS 537.248 applies to reservoir permits only.

³ORS 537.630 applies to ground water permits only.

⁴ORS 539.010(5) applies to surface water and ground water permits.

6. As of October 5, 2009 the remaining work to be completed consists of redrilling, installing a pump, electrical system and plumbing for Well 16, redrilling, installing a pump, electrical system and plumbing for Well 17 and installing a pump and electrical system for Well 18, completing construction of the water system and applying water to full beneficial use.
7. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2019 to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-12293 is both reasonable and necessary.

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

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).

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

The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

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

8. Work was accomplished within the time allowed in the permit or previous extension as follows:
 - a. Construction of the well and water system began prior to the April 3, 1997 deadline specified in the permit
 - b. Work was completed (specified in the Application for an Extension of Time) during the original development time frame under Permit G-12293.
 - c. During the most recent extension period, being from October 1, 1999 to October 1, 2009 Well 18 was redrilled and cased.

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

9. The following beneficial use of water was made during the permit or previous extension time limits:
 - a. Since the issuance of Permit G-12293 on April 3, 1996 a maximum rate of 0.44 cfs of water has been appropriated from the well for irrigation of 522.9 acres.

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

10. The water right permit holder's conformance with the permit or previous extension conditions.

- a. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

Financial Investments [OAR 690-315-0040(3)(d)]

11. Financial investments made toward developing the beneficial water use.
 - a. As of October 5, 2009 the permit holder has invested approximately \$66,000 which is approximately 27 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$175,000 investment is needed for the completion of this project.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b)]

12. As of October 5, 2009 the permit holder has invested approximately \$66,000 which is approximately 27 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$175,000 investment is needed for the completion of this project.

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

13. The Department has found good faith of the appropriator under Permit G-12293.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

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:

14. The amount of water available to satisfy other affected water rights and scenic waterway flows; 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); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].
 - a. 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-12293; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The points of appropriation for Permit G-12293, are located within a limited or critical ground water area within the Yamhill River Basin. The Yamhill River Basin is not located within or above any state or federal scenic waterway, is located within an area ranked "moderate" 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. The Yamhill River Basin is not listed by the Department of Environmental Quality as a water quality limited area.

15. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
 - a. As of October 5, 2009 the permit holder has invested approximately \$66,000
16. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
 - a. None have been identified.
17. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
 - a. None have been identified.
18. OAR 690-315-0050(6) requires the Department to place 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 "Conditions" section of this PFO to meet this condition.

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

19. Use and income from the permitted water development results in reasonable returns upon the investment made to date.

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

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

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

21. Unforeseen events extended the length of time needed to fully develop and perfect Permit G-12293, in that the permit holders were faced with over \$1 million damage to their greenhouses and irrigation systems from the December, 2008 snow and ice storms.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. 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).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).

4. Completion of construction and full application of water to beneficial use can be accomplished by October 1, 2019⁵, as required by OAR 690-315-0040(1)(c).
5. 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 full beneficial use pursuant to OAR 690-315-0040(1)(d).
6. As required by OAR 690-315-0050(6) and as described in Finding 18 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit G-12293.

Proposed Order

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

Extend the time for complete construction of the water system under Permit G-12293 from October 1, 2009 to October 1, 2019.

Extend the time to apply water to beneficial use under Permit G-12293 from October 1, 2009 to October 1, 2019.

Subject to the following conditions:

CONDITIONS

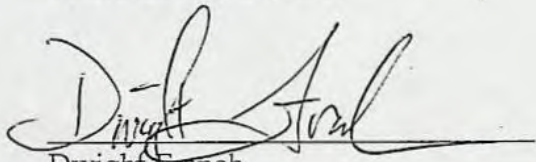
1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2014**. *A form will be enclosed with your Final Order.*

⁵Pursuant to ORS 537.630(4), 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.

- (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.

DATED: July 20, 2010


Dwight French
Administrator
Water Rights & Adjudications Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, 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. The written protest must be received by the Water Resources Department no later than **September 3, 2010**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner'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;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.

3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

-
- If you have any questions about statements contained in this document, please contact Scott Kudlemyer at 503-986-0813.
 - 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 Patricia McCarty at 503-986-0819.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
 - Address any correspondence to : Water Rights and Adjudications Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
-
- Fax: 503-986-0901

Mailing List for Extension PFO Copies

PFO Date: July 20, 2010

Copies Mailed

**Application G-13473
Permit G-12293**

By: DS
On: 7/20/10

Original mailed to Applicant:

Monrovia Nursery Company
13455 SE LaFayette Hwy
Dayton, OR 97114

Copies sent to:

1. WRD - App. File G-13473/ Permit G-12293

Fee paid as specified under ORS 536.050 to receive copy:

2. None

Receiving via e-mail (10 AM Tuesday of signature date)

3. PFO: WRD – Watermaster District 16 – Mike McCord, Salem

Done by SL Date 7/13/10

CASEWORKER: SBK

Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits
(OAR 690-315-0010 through OAR 690-315-0060)

Application: G- 13473 Permit: G- 12293 Permit Amendment? No Yes T- _____ pending approved

Permit Holder's Name: Monrovia Nursery Company

Permit Holder's Mailing Address: 13455 SE LaFayette Hwy, Dayton, OR 97114 email rwells@monrovia.com

Phone Number: 503-868-7941

POD Location: Township 5 S Range 3 W Section 7 $\frac{1}{4}$ NWSE

Drainage Basin: 2 County: Yamhill Watermaster District: 16 Watermaster: Mike McCord

Date Permit was issued: 3/1/2009

Priority Date: 7/20/1993

Date of PN: 10/13/2009

Source: Four Wells in the Yamhill River Basin

Use: Nursery Operations on 805.4 acres

"Q": 4.01 cfs total, being 0.44 cfs Well #15, 0.89 cfs Well#16, 1.34 cfs Well #17, 1.34 cfs Well#18

Orig "A" Date: 4/3/1997

Orig "B" Date: 10/1/1998

Orig "C" Date: 10/1/1999

Extension request rec'd: 10/5/2009

Last Authorized "B" Date: 10/1/2009

Last Authorized "C" Date: 10/1/2009

Request Number (1, 2, 3...): 1

Proposed "B" Date: 10/1/2019

Proposed C Date: 10/1/2019

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Install meter on Well 15
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Initial and annual SWL measurements for Well 15
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Constructed Standards for Well 15
<input type="checkbox"/>	<input type="checkbox"/>	Wells 16, 17 and 18 currently non-operational
<input type="checkbox"/>	<input type="checkbox"/>	

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

Yes No

- Work was accomplished within the time allowed in the permit or previous extension
- Water right permit holder conformed with the permit or previous extension conditions
- Financial investments were made toward developing the beneficial water use.
 - Amount Invested to date: **\$66,000** Estimated Remaining Cost: **\$175,000**
- Beneficial use made of the water during the permit or previous extension time limits
 - Permit holder has beneficially used **0.44** cfs gpm af of the total permitted quantity of water on **522.9** acres

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes No

Application: - _____ Permit: - _____ Township _____ Range _____ Section _____

Determination of the market and the present demand for water or power to be supplied:

Identify the closest surface water or localized water basin. Yamhill River Basin
Ground Water Permits: Is the POA located...
Surface Water Permits: Is the POD located...

Yes No

- above a state scenic waterway? Name _____ Source: OWRD "Areas Above State Scenic Waterways" Map
 within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
 within a sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.aml"
 within a critical or limited Ground Water Area? Name of area Amity Hills /Walnut Hill
 within a Withdrawn Area? Name of area _____
 in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list _____
 within an area ranking low / moderate / high / highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. Approval of Extension Request

No ... "Good Cause" cannot be found. Denial of Extension Request

Conditions to be included in Extension PFO (if applicable)? Yes No

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

5-year Progress Report Checkpoints (Years: 2014)

Other: _____

Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987

"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

COBU Requirement - Surface Water - post July 9, 1987

"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder 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 permit holder shall submit a map of the survey and the claim of beneficial use."

COBU Requirement - Ground Water - post July 9, 1987

"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder 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 permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____

Reviewer's Name: _____ Date: _____

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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SALEM, OREGON**



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

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

1. Did the actual construction of the water system/well drilling begin within the time specified in the permit? Yes No



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

Date construction began is: July 1992

Details of construction: Four test wells were installed beginning in July 1992. Well number 15 (Well log # YAMH 2806) was completed and a pump installed in 1993. In February 2004, the Water Resources Department granted an extension of time for this permit. Well number 18 (Well log # YAMH 54374) was re-drilled and a casing was installed in 2006. Due to economic conditions, electrical service and a pump have not yet been installed. A progress report was submitted October 1, 2008, and the Water Resources Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permit and extension had been demonstrated.

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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 Each Permit Condition Has Been Satisfied
1	12/8/00	A water meter was installed on well #15, and water use has been reported every year since the 1999-2000 water year.
2	2/23/00	Water level reports have been submitted to the department every year since 2000
3	6/10/93	Well #15 (Well Log #YAMH 2806) was constructed in accordance with the general standards for the construction and maintenance of water wells in Oregon
4	3/13/06	Well #18 (Well Log #YAMH 54374) was constructed in accordance with the general standards for the construction and maintenance of water wells in Oregon
5	10/1/08	Progress report submitted.
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** 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

**** 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*
July 1992	Four test wells were drilled	\$15,000
June 1993	Well 15 re-drilled, casing and pump installed	\$21,000
.....		
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*
4/3/96	Date the permit was signed - find date above signature on last page of permit.	
1996	Distribution system improved to allow water use on 3.5 acres	\$2,000
4/3/97	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	
10/1/1998	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" <i>COMPETE 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>	COST*
Total Cost for Chart-C		\$38,000

* 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 <i>List all work done during the last authorized extension period.</i>	COST*
10/1/1998	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
3/13/06	Well 18 (Well Log #YAMH 54374) was re-drilled and cased	\$28,000
10/1/2009	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	

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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		\$28,000

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

4. **Cost of project to date: \$66,000**
 (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

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 SALEM, OREGON

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.

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 additional water rights?	
15	15	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	YAMH 2806	N/A	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	200 gpm	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
16	16	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	YAMH 1849	N/A	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
17	17	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	YAMH 1851	N/A	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
18	18	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	YAMH 54374	82379	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
Total instantaneous rate from all wells utilized under this permit						200	0.44 cfs	

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: _____

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

6. Provide the total number of acres irrigated to date under this permit (if applicable).

Total acres irrigated to date: 522.9

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

Well #15 Acres 522.9

Well #16 Acres 0

Well #17 Acres 0

Well #18 Acres 0

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

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.

CHART-F

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2010	Install electrical service and pump for well 18	\$35,000
2015	Re-drill well 16, install pump, electrical and plumbing to allow water use on remaining 282.5 acres	\$75,000
2019	Re-drill well 17, install pump, electrical and plumbing	\$65,000
Year: 2019	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$175,000

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WATER RESOURCES DEPT
SALEM, OREGON

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

8. Estimated remaining cost to complete the project: \$175,000
(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.

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

In 2007, 2008 and 2009 we budgeted money to make progress on the project, but each year economic conditions did not allow for spending money toward the completion of this project. Also, prices and scope of the project have increased over time. In 1999, we estimated that we could complete the project for an additional \$15,000. In 2008, our estimate for completion had risen to an additional \$80,000. Now we estimate that the amount that is still needed to complete the project is \$175,000.

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.

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SALEM, OREGON

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.

During December, 2008 we were also severely impacted by the snow and ice storms, which resulted in over \$1 million in damages. Our greenhouses were crushed and the irrigation systems within them were also damaged. Trying to recover from these damages has also impacted the amount of money we had available this year to continue working on completing the wells.

[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.

The total cost of this project is much greater than we had anticipated, and the decline in the economy combined with the damages incurred last winter will further delay completing this project. If the economy picks up soon, then we may be able to complete this project sooner. However, we do not know when the economy will pick up. We are committed to completing

this project. Thus, we have continued to make investments in the project at a rate which is much higher than we had anticipated, but it has not been enough to complete the project. We now have a more realistic estimate of the costs for completion of the project, and we believe that over the course of the next 10 years we can make the required investments to complete the project.

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

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.

Ronald Wells

Signature

9-30-09

Date

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OCT 05 2009

WATER RESOURCES DEPT
SALEM, OREGON

Application # G-13473

Permit # G-12293

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

◆ **WRIG...**

Money Received on: _____

10/8/09

◆ **Extension Specialist...**

Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

◆ **Jonnine Skaug...**

Publish on Public Notice (initial 30-day comment): Date of notice 10/13/09 JJS

Update WRIS Database

In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

In the "Ext Filed" field... Enter the date the Extension Application was received.

6w Review

(Yes) or No:

Return file to Extension Specialist after PN

Monrovia Nursery Company
18331 East Foothill Boulevard
Azusa CA 91702

OREGON WATER RESOURCES DEPARTMENT 102324
725 SUMMER STREET NE, SUITE A
SALEM OR 97301

10/02/09

583877

The attached check is in payment of items described below. If not correct please notify us promptly.

Invoice Date	Invoice Number or Description	Gross Amount	Deductions	Amount Paid
09/30/09	EXT APPLICATION FILING FEE-WATER RIGHT	500.00		500.00
Check No. 583877		TOTALS		500.00

RECEIVED

OCT 05 2009

WATER RESOURCES DEPT
SALEM, OREGON

Detach and retain this statement

RO4572.tpj2 (Jul 2009)



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

October 13, 2009

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Rights Section has received your application for an extension of time for **APPLICATION FILE#: G-13473 (PERMIT#: G-12293)**. Your application will be reviewed in the near future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you have questions concerning your extension of time application, please contact Scott Kudlemyer at (503) 986-0813. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's Internet home page at: "www.wrd.state.or.us".

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MONROVIA NURSERY COMPANY
12600 SE ALDERMAN RD
DAYTON, OREGON 97114

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13473

SOURCE OF WATER: FOUR WELLS IN THE YAMHILL RIVER BASIN

PURPOSE OR USE: NURSERY OPERATIONS ON 805.4 ACRES

RATE OF USE: 4.01 CUBIC FEET PER SECOND (CFS) TOTAL, BEING 0.44 CFS - WELL #15; 0.89 CFS - WELL #16; 1.34 CFS - WELL #17; 1.34 CFS - WELL #18.

PERIOD OF ALLOWED USE: YEAR-AROUND

DATE OF PRIORITY: JULY 20, 1993

POINT OF DIVERSION LOCATION: SW 1/4 SE 1/4, SECTION 31, T4S, R3W, W.M.; NW 1/4 SE 1/4, SECTION 6, SE 1/4 SW 1/4, NW 1/4 SE 1/4, SECTION 7, T5S, R3W, W.M.; WELL #15 - 2550 FEET NORTH AND 3090 FEET EAST FROM THE SW CORNER OF SECTION 7; WELL #16 - 420 FEET NORTH AND 2470 FEET EAST FROM THE SW CORNER OF SECTION 7; WELL #17 - 1490 FEET SOUTH AND 50 FEET EAST FROM THE NE CORNER OF KIMSEY DLC 43; WELL #18 - 1600 FEET NORTH AND 600 FEET WEST FROM THE NE CORNER OF KIMSEY DLC 43

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4 8.5 ACRES
SECTION 31
TOWNSHIP 4 SOUTH, RANGE 3 WEST, W.M.

Application G-13473 Water Resources Department

PERMIT G-12293

SW 1/4 NW 1/4 30.4 ACRES
 NW 1/4 SW 1/4 36.1 ACRES
 SW 1/4 SW 1/4 5.2 ACRES

SECTION 5

NW 1/4 NE 1/4 15.3 ACRES
 SW 1/4 NE 1/4 33.6 ACRES
 SE 1/4 NE 1/4 33.6 ACRES
 NE 1/4 NW 1/4 0.2 ACRE
 SE 1/4 NW 1/4 23.7 ACRES
 NE 1/4 SW 1/4 33.8 ACRES
 SE 1/4 SW 1/4 34.9 ACRES
 NE 1/4 SE 1/4 38.2 ACRES
 NW 1/4 SE 1/4 40.8 ACRES
 SW 1/4 SE 1/4 29.8 ACRES
 SE 1/4 SE 1/4 4.0 ACRES

SECTION 6

NW 1/4 NE 1/4 28.6 ACRES
 SW 1/4 NE 1/4 30.0 ACRES
 NE 1/4 NW 1/4 37.5 ACRES
 SW 1/4 NW 1/4 3.9 ACRES
 SE 1/4 NW 1/4 32.4 ACRES
 NE 1/4 SW 1/4 12.8 ACRES
 NW 1/4 SW 1/4 7.5 ACRES
 SW 1/4 SW 1/4 12.8 ACRES
 SE 1/4 SW 1/4 19.4 ACRES
 NW 1/4 SE 1/4 2.1 ACRES
 SW 1/4 SE 1/4 12.0 ACRES
 SE 1/4 SE 1/4 3.2 ACRES

SECTION 7

NE 1/4 NE 1/4 5.3 ACRES
 NW 1/4 NE 1/4 40.0 ACRES
 SW 1/4 NE 1/4 25.2 ACRES
 SE 1/4 NE 1/4 0.1 ACRE
 NE 1/4 NW 1/4 32.8 ACRES
 NW 1/4 NW 1/4 28.1 ACRES
 SW 1/4 NW 1/4 42.4 ACRES
 SE 1/4 NW 1/4 39.9 ACRES
 NE 1/4 SW 1/4 2.6 ACRES
 NW 1/4 SW 1/4 17.0 ACRES

SECTION 18

TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.

NE 1/4 SE 1/4 1.7 ACRES

SECTION 13

TOWNSHIP 5 SOUTH, RANGE 4 WEST, W.M.

Measurement, recording and reporting conditions:

- 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.

Limited Water Level Decline/Interference Condition

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 static water level shall be measured by April 15 of each year. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor, or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- A. Identify each well with its associated measurement; and

- B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method used to obtain each well measurement; and
- D. Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- A. An average water level decline of 3 or more feet per year for five consecutive years; or
- B. A water level decline of 15 or more feet in fewer than five consecutive years; or
- C. A water level decline of 25 or more feet; or
- D. Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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.

STANDARD CONDITIONS

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.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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.

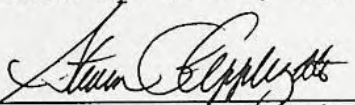
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued April 3, 1996


for Martha O. Pagel, Director
Water Resources Department

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **98102**

INVOICE # _____

RECEIVED FROM: MONROVIA

APPLICATION G-13473

BY: _____

PERMIT _____
TRANSFER _____

CASH: CHECK: # 583877 OTHER: (IDENTIFY) _____

TOTAL REC'D \$500.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) _____ \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS 46111
0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
0240 EXTENSION OF TIME \$ 500.00

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$ _____	0220	\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
0210 MONITORING WELLS \$ _____ CARD # _____

OTHER (IDENTIFY) _____


0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$ _____
0231 HYDRO LICENSE FEE (FWWRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **98102**

DATED: 10-5-09 BY: 

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **98102**

INVOICE # _____

RECEIVED FROM: MONROVIA

APPLICATION 6-13473

BY: _____

PERMIT	
TRANSFER	

CASH: CHECK:# 583871 OTHER: (IDENTIFY)

TOTAL REC'D \$ 500.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
 _____ OTHER: (IDENTIFY) \$ _____
 0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS 46111

0407 COPY & TAPE FEES \$ _____
 0410 RESEARCH FEES \$ _____
 0408 MISC REVENUE: (IDENTIFY) \$ _____
 TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
 0240 EXTENSION OF TIME \$ 500.00

WATER RIGHTS:		EXAM FEE	RECORD FEE
0201	SURFACE WATER	\$ _____	0202 \$ _____
0203	GROUND WATER	\$ _____	0204 \$ _____
0205	TRANSFER	\$ _____	

WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$ _____	0219 \$ _____
	LANDOWNER'S PERMIT		0220 \$ _____
	OTHER (IDENTIFY) _____		

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
 0210 MONITORING WELLS \$ _____ CARD # _____
 _____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$ _____
 0231 HYDRO LICENSE FEE (FWWRD) \$ _____
 _____ HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
 OBJ. CODE _____ VENDOR # _____
 DESCRIPTION _____ \$ _____

RECEIPT: **98102**

DATED: 10-5-09 BY: [Signature]

2-5-04

Div. 320

Extension "Final Order" Checklist

Application # G-13473 / Permit # G-12293

Permit Holder's Name Monrovia Nursery Co.
Attn: Walter Suttle, 12600 SE Alderman Rd, Dayton, OR 97114

- ✓ 1. Date Extension Request submitted: 10-1-99
- ✓ 2. Date permit was issued: 4-3-96
- ✓ 3. Original "B" Date from permit: 10-1-98
(Date for completion of construction)
- ✓ 4. Original "C" Date from permit: 10-1-99
(Date for complete application of water)
- ✓ 5. Extension PFO Date: 12-16-03
- ✓ 6. WRD recommends extending "B" Date to: 10-1-2009
and extending the "C" Date to: 10-1-2009
- ✓ 7. Protest Deadline Date from PFO: 1-30-04
- ✓ 8. Any written Protests or written Comments received within the Protest period? Yes / No
- ✓ 9. Conditions from Extension PFO? yes - Progress Report Checkpoint in 2008

Application # G-13473 / Permit # G-12293

Route Slip ... Extension of Time

per Division 320 Rules... (Extensions received prior to July 1, 2001)

◆ WRIG...
Money Received: \$100.⁰⁰ on 10-1-99

◆ Lisa Juul...
Extension Completeness: [Signature] 11-8-2001
(If NOT complete, send certified letter requesting add'l information.)

If Extension Appl complete and \$100 fee submitted, route to...

◆ Jonnine Fuss...
Update Extension Database: done
Files back to Lisa Juul for PFO: _____

Extension Proposed Final Order...

◆ Lisa Juul...
Pull files for Ext PFO review: _____
Extension PFO completed: _____

Once Extension PFO signed by Dwight French...

◆ Jonnine Fuss...
Prepare Ext PFO for mailing to applicant: _____
Mail to those who commented and paid copy fee: _____
Include Ext PFO on weekly Public Notice: _____

After the close of the 45-day PFO Protest Period...
(PFO Protest Period ends 45 days from PFO sign date)...

◆ Lisa Juul...
Issue an Extension FO: _____

EXTENSION REVIEW CHECKLIST for PFO... *per Div. 320 Rules*

Application #: G-13473 / Permit #: G-12293

Permittee's Name: Monrovia Nursery Co.

Permittee's Mailing Address: 12600 SE Alderman Rd, Dayton OR 97114

POD Location: Township _____ Range See Permit Section _____ ¼ ¼ _____

Stream Basin: W. Br Palmer Cr & Palmer Cr County: Yamhill
T. 4s R. 3ws. 31
T. 5s R. 3ws. 6 & 7

✓ 1. Has the applicant completely filled out the updated Extension Application form? (Yes) / No ✓ \$100.00 - Yes
 ***If "No"..... has certified request for the new extension form been sent? Yes / No

✓ 2. Shortcomings of Extension Request..... based upon review of updated extension form (Yes) / No CK
 *****(NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)**
 SWL Measurements — submitted 2-28-2000
 Water Use Report — submitted 12-14-2000 & 1-25-2002

✓ 3. Date Permit was issued: 4-3-96 (priority = 7-20-93)

✓ 4. Source: Four Wells (Wells #15, #16, #17 & #18) in the Yamhill River Basin

✓ 5. Use: Nursery Operations on 805.4 Ac

✓ 6. "Q": 4.01 cfs (being: Well 15 - 0.44 cfs Well 17 - 1.34 cfs
 Well 16 - 0.89 cfs Well 18 - 1.34 cfs)

✓ 7. Original "B" Date: 10-1-98 Original "C" Date: 10-1-99

✓ 8. Conditions of Permit: Orig. "A" Date = 4-3-97

- Before Water Use begins → install a meter or other suitable device
 → shall obtain & submit initial SWL measurement taken in March
- Shall keep monthly water use record & report annually to WRD.
- Once Use begins → take March SWL meas. for seven consecutive years. (taken by qualified person)
 (for Decline SWL triggers)
- Well equipped with usable access port.

✓ 9. Extension request received: 10-1-99 Request Number (...1st 2nd, 3rd): 1st

✓ 10. Last Authorized "B" Date: 10-1-98 Last Authorized "C" Date: 10-1-99

✓ 11. Proposed "B" Date: 10-1-2009 Proposed C Date: 10-1-2009

✓ 12. Amount Invested to date: \$38,000.00 Estimated Total Cost: \$53,000.00

(***Estimated Remaining Cost: \$15,000.00)

Well 15 - constr. began 8-5-92 & compl. 6-10-93 / Well 17 - constr. began 7-30-92 - capped.
 Well 16 - constr. began 8-4-92 - capped. / Well 18 - constr. began 7-28-92 - capped.

✓13. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit. Yes / No ***If "No"..... What permit terms and/or conditions have not been met?

- Meter installed on Well 15 (other wells not in use).
- All wells constructed prior to "A" Date.
- Water Use Report submitted for 1999/2000 Water Year. & 2000/2001 Water Year.
- ✓14. Work on the water development project completed to date includes:
 - Well 15 - Completed construction & is operational
 - Wells 16, 17, 18 - drilled, cased & capped - NOT currently being used.
 - from Well 15 --- Irrig. 3.5 AC in green houses & using approx 0.4 cfs (0.4456) (200 gpm) (as of 10-1-99)
 - Water Use Report submitted on 12-14-00 shows 6.5 acres irrig. in Summer 2000.

• Initial SWL meas. taken on Feb. 15, 2000, & submitted to WRD.

✓15. The work remaining to be completed consists of:

- irrigate remaining acreage
- appropriate remaining "Q" (3.57 cfs)

NOTE: See 12-12-03 Memo, Construction of distribution system - Now capable of supplying water to 450. ± AC from Well #15. - Actual water use is on 6.5 Acres.

✓16. Progress in perfecting the permit is being held up by:

- Wells 16, 17 & 18 are back-up water supply. Will be used once need arises.
- # of Acres Currently being irrig. can be covered by Well 15 alone & water requirements are low enough.
- Use of other wells is contingent upon decrease in performance of Well 15

✓17. Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes / No

- | | | | | |
|---|--|---|---|---|
| • Have invested 72% of total estimated cost of project. | • Have used 11% of total permitted "Q" so far. | • Good Faith →
- met "A" Date
- installed meter on Well 15 (only well in use) | - Submitted '99/'00 & '00/'01 Water Use Reports.
- Have submitted some SWL meas. | • As of 12-12-03, approx 56% of the distrib. system has been constructed. |
|---|--|---|---|---|

✓18. Determination of the market and the present demand for water or power to be supplied:

- Wells are OUTSIDE boundaries of any GW Lmt'd. Area.
- Wells within an STPE Area per ODFW.
- Wells NOT within a SWW Area
- Wells NOT within an area identified as a high priority for streamflow restoration.

• 10-15-93 GW Div. 9 Review... use of GW will, if properly conditioned, adequately protect SW from interference.

✓19. Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. → Approval of Extension Request

No ... "Good Cause" cannot be found. → Denial of Extension Request

✓20. Conditions to be included on Extension PFO: 5-Yr. Progress Report in 2008

Extension "PFO" Dates		Checklist Last Revised: 10 / 15 / 2001	
Mailing / Issuance Date:	<u>12-16-03</u>	Reviewer's Name:	<u>[Signature]</u>
Protest Deadline Date:	<u>1-30-04</u>	Date:	<u>11-8-2001</u>
*Began Draft Ext PFO 11-8-01			

app6-13473 (permit G-12293)

USER-ID 8092

2006

Oregon Water Resources Department
 October 2006 through September 2007
 Annual Water Use - Monthly Quantities Form

2007

Facility Report ID	Well 15 37043 ✓	Well 16 37044 ✓	Well 17 37045 ✓	Well 18 37046 ✓
October - 2006	67,400 G	0	0	0
November - 2006	26,400 G	0	0	0
December - 2006	434,800 G	0	0	0
January - 2007	66,900 G	0	0	0
February - 2007	51,000 G	0	0	0
March - 2007	68,500 G	0	0	0
April - 2007	10,800 G	0	0	0
May - 2007	1,187,000 G	0	0	0
June - 2007	1,261,400 G	0	0	0
July - 2007	1,490,500 G	0	0	0
August - 2007	1,828,900 G	0	0	0
September - 2007	893,400 G	0	0	0
TOTAL	7,387,000 G	0	0	0

* Describe the units of measurement as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe the method of measurement used: Water Meter If used for irrigation, total number of acres irrigated: 570.3

I certify this information is true and accurate to the best of my knowledge.

Walter Suttle
 Signature

Technical Services Manager
 Title

Monrovia
 Reporting Entity

11/5/08
 Date

Walter Suttle
 Name

13455 SE Lafayette Hwy, Dayton, OR 97114
 Mailing Address

503-868-7941
 Phone Number

Please complete and mail to: Oregon Water Resources Department; Water Use Reporting Program;
 725 Summer Street NE, Suite A; Salem, OR 97301-1266.

Route Slip.....Extension of Time Progress Report

1. Extension Specialist: Progress Report Review

Date Report Received: 9/30/2008

Report Complete: YES

NO – Send letter requesting missing information.

letter mailed on: _____

2. Jonnine: Publish on the Department's Public Notice

315 320 OAR Division under which Progress Report was required

Publish on Public Notice Date: 12/21/08 JNS

Update workflow in WRIS (Fill in Extension Checkpoint 'Completed Date' in appropriate work flow record)

Return to Extension Specialist

3. Extension Specialist: Prepare Progress Report Confirmation Letter

See ..\Procedures_progress reports

(date / mail out after 30 day comment period)

~~Date Letter Needed:~~ 1/14/2009

Update Progress Report Worksheet.xls

Send to permit holder + anyone who made comments after 30 day public notice

CC: Watermaster #140

File G-13473 *JNS*

4. Return file to cabinet

PUBLIC NOTICE INFORMATION

Permit Holder's Name: Monrovia Nursery Attn: Walter Suttle

Permit Holder's Mailing Address: 13455 LaFayette Hwy
Dayton, OR
97114

Application: G- 13473 Permit: G- 12293

County: Yamhill

Quantity of Water: 4.01 cfs

Source: ~~Salt Creek~~ Four wells in Yamhill river Basin

Use: Nursery Operations on 805.4 acres

Current Authorized Extension Date: 10/1/2009

✓



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

JANUARY 14, 2009

MONROVIA NURSERY CO.
13455 SE LAFAYETTE HWY
DAYTON, OR 97114

REFERENCE: Application G-13473 / Permit G-12293

Dear Permit Holder:

The Water Rights and Adjudications Division received your written progress report for Permit G-12293. Receipt of the progress report was published on the Department's weekly Public Notice, dated December 2, 2008. The Department did not receive any public comment on the progress report.

After reviewing your Progress Report, the Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permit and extension has been demonstrated.

If you have any questions, please feel free to contact me by telephone at (503) 986-0813.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Kudlemyer", with a long horizontal line extending to the right.

Scott Kudlemyer
Extensions
Water Rights and Adjudications Division

Enclosure

cc: Application G-13473
Watermaster District 16 – Mike McCord

2003

Oregon Water Resources Department
 October 2003 through September 2004
 Annual Water Use - Monthly Quantities Form

USER-ID 8092

2004



Facility POD-ID	Well 15 37043	Well 16 37044	Well 17 37045	Well 18 37046	
October - 2003	209,900				
November - 2003	108,800				
December - 2003	158,000				
January - 2004	159,900				
February - 2004	147,100				
March - 2004	548,200				
April - 2004	3,449,300				
May - 2004	4,816,300				
June - 2004	2,188,300				
July - 2004	2,171,100				
August - 2004	601,000				
September - 2004	300,400				
TOTAL *	614,858,300	0	0	0	

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DEC 08 2004

WATER RESOURCES DEPT
 SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: Flow Meter. If use is irrigation, total number acres irrigated 522.9

I certify this information is true and accurate to the best of my knowledge.

Walter Suttle Technical Services Mgr Monrovia 12/7/04
 Signature Title Reporting Entity Date

Walter Suttle
 Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
 725 Summer Street NE; Suite A, Salem, OR 97301-1271, or Fax 503-986-0902.



OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT

Dear Water User: Water year 2004 has ended! All water use reports for October 2003 to September 2004 are requested to be submitted. During the past year we transferred our data to a new computer system, and have developed a website from which you may submit your data, if you so choose. In some cases the references numbers for points of diversion may have been changed. If this creates a problem for you, please contact me. If you would like to use the new site go to the web address listed below. You will not need to mail in this completed form. This information is important for water management in Oregon. Please, complete the form on the reverse side for the water rights listed below by December 31, 2004. If you have questions, or need more time please, contact me at 503-986-0833. Thank you for your attention to this matter. Mary Grainey



WALTER SUTTLE TECH SERV MGR <http://www.wrd.state.or.us>
MONROVIA NURSERY CO User-ID 8092
12600 SE ALDERMAN RD Password: 8092
DAYTON OR 97114

POD-ID	FACILITY	CERT	PERMIT	APPL	PRIORITY	USE	L/S	TWP	RANGE	SEC	Q/Q	RATE	SOURCE	TRIBUTARY TO
37043	WELL 15	0	G	12293 G 13473	7/20/1993	NU	L	5 S	3 W	7	NWSE	0.44 C	P WELL 15	SALT CR
37044	WELL 16	0	G	12293 G 13473	7/20/1993	NU	L	5 S	3 W	7	SESW	0.89 C	P WELL 16	SALT CR
37045	WELL 17	0	G	12293 G 13473	7/20/1993	NU	L	5 S	3 W	6	NWSE	1.34 C	P WELL 17	S YAMHILL R
37046	WELL 18	0	G	12293 G 13473	7/20/1993	NU	L	4 S	3 W	31	SWSE	1.34 C	P WELL 18	UNN STR

NOTE: Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

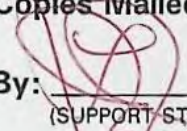
Mailing List for Extension FO Copies

Application #G-13473
Permit #G-12293

FO Date: February 9, 2004

Original mailed to:

Applicant: ✓ Monrovia Nursery Company
Attn: Walter Suttle
12600 SE Alderman Road
Dayton, OR 97114

Copies Mailed
By:  (SUPPORT STAFF)
on: 2-9-04 (DATE)

For Extension PFO's - Copies sent to:

1. ✓ WRD - Appl. File #G-13473 / Permit #G-12293
2. ✓ WRD - Watermaster District: #16 - Bill Ferber, Salem
3. ✓ WRD - Regional Manager: NWR - Dave Jarrett, Salem
4. ✓ WRD - Jonnine Fuss, Salem...*Permit record update*

Other interested parties:

5. NONE

CASEWORKER: LJJ

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13473

Final Order¹
Extension of Time for Permit Number G-12293

Application History

On OCTOBER 1, 1999, MONROVIA NURSERY COMPANY submitted an application to the Department for an extension of time for permit number G-12293. The Department issued permit number G-12293 on APRIL 3, 1996. The permit called for completion of construction of the water development project by OCTOBER 1, 1998, and complete application of water to the full beneficial use by OCTOBER 1, 1999. In accordance with OAR 690-320-0010(8), on DECEMBER 16, 2003, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project and the time to fully apply water to beneficial use to OCTOBER 1, 2009. The protest period closed JANUARY 30, 2004. No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630 and/or 539.010(5).

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

Conditions

The permittee must submit a written progress report to the Department by October 1, 2008. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

¹

Appeal Rights

Under the provisions of ORS 536.075, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served. ORS 183.484.

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use. The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above may jeopardize continued development under the permit.

The Department will take into consideration annual reports submitted under OAR Chapter 690, Division 86 or ORS 537.099, and any other report that demonstrates diligence.

Other reports, however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence; or
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

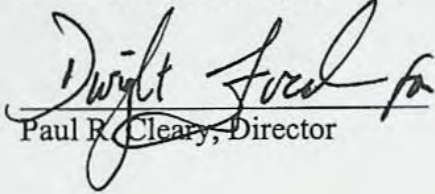
In determining whether the permittee has been diligent, the Department will consider any information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

Order

The extension of time for Application Number G-13473, Permit Number G-12293, therefore, is approved. The deadline for completing construction is extended to OCTOBER 1, 2009. The deadline for applying water to full beneficial use is extended to OCTOBER 1, 2009.

DATED: February 9, 2004


Paul R. Cleary, Director



**MONROVIA®
GROWERS**

HORTICULTURAL CRAFTSMEN SINCE 1926

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SEP 30 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

AZUSA, CA
Monrovia Nursery
18331 E. Foothill Boulevard
P.O. Box 1385
Azusa, CA 91702-1385
Tel: 800-999-9321

CAIRO, GA
Wight Nurseries
1579 GA Highway III South
P.O. Box 390
Cairo, GA 31728
Tel: 800-342-6012

DAYTON, OR
Monrovia Nursery
13455 S.E. Lafayette Highway
Dayton, OR 97114-8416
Tel: 800-666-9321

LA GRANGE, NC
Wight Nurseries
4588 Brothers Road
P.O. Box 478
La Grange, NC 28551
Tel: 800-790-9194

SPRINGFIELD, OH
Berryhill Nurseries
4001 Moorefield Road
Springfield, OH 45502
Tel: 800-995-4001

VISALIA, CA
Monrovia Nursery
32643 Road 196
P.O. Box 489
Woodlake, CA 93286-0489
Tel: 800-449-9321

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

25 September 2008

RE: Progress Report - Water Rights Application Number G-13473/Permit Number G-12293

To Whom It May Concern:

In 2004, Monrovia was granted an extension of time to complete construction of four wells under water right application number G-13473. Since that time progress has been made.

Well 15 was completed in 1993, and has been in use since that time. It has a capacity of 200 gpm, and as can be seen in the annual use reports, we have used as much as 14,000,000 gallons per year.

In 2006, Well 18, which was started prior to April 3, 1996, had to be re-drilled and new casing installed before a pump could be installed. That well is now ready for use with a portable pump that is powered by a generator. Above-ground piping and our re-capture system are used to deliver the water to the entire approved place of use. A meter is installed in the above-ground piping to record the amount of water used from that point of appropriation.

Wells 16 and 17 were also started prior to the April 3, 1996 permit condition for start of construction. However, both of these wells need to be rehabilitated by re-drilling and new casing installed before pumps can be installed.

We have been measuring and reporting annual water level measurement to comply with that permit condition. The permit requires an initial water level measurement and seven consecutive annual measurements after water use begins. Although water use has started, it has not started for the complete system because we have not been able to use Wells 16 and

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17. Therefore, we will continue to measure water levels until seven years after water has fully been applied to beneficial use under this permit.

At this time, we have spent approximately \$63,000 beginning the construction on the four wells, completing the construction on two of the wells, and installing the necessary infrastructure. We anticipate spending an additional \$80,000 to complete the remaining two wells to a point where water can be applied to beneficial use. Economic conditions since 2006 have precluded more spending on the development of these wells, which has been further impacted by the recent collapse of the real estate and mortgage industry and increase in fuel prices. Not only are sales down, but our costs to transport and deliver our plants have increased, and it is more difficult for us to obtain loans. In addition, the cost to complete the two wells has increased significantly with the increase in steel prices. In 1999, we anticipated spending an additional \$15,000 to complete the project. Now the anticipated cost to complete the project is around \$80,000. In 2007, \$26,000 was budgeted and in 2008 \$30,000 was budgeted, but in both of those years we were forced to use the money in other places, which required us to delay completing the other two wells. We are budgeting \$35,000 for 2009, but economic conditions do not seem favorable at this time, and we will likely have to delay completing the two wells again. If this is the case, we may need to file for another extension in 2009.

Sincerely,



Walter Suttle
Technical Services Manager
Monrovia, Dayton Oregon

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SEP. 30 2008

WATER RESOURCES DEPT
SALEM, OREGON

Alyssa Mucken

From: Walter Suttle/Dayton/Monrovia [WSuttle@Monrovia.com]
Sent: Wednesday, November 05, 2008 3:19 PM
To: Alyssa Mucken
Subject: RE: 2006/2007 water use form

Hello Alyssa,
Thank you for helping me get the addresses changed for our water rights.
Our current address is:

(Monrovia Nursery
13455 SE Lafayette Hwy
Dayton, OR 97114) ←

Here is the list of water rights that Monrovia has:

Certified Water Rights

Certificate #/Original Owner

- 34203 Robert Stockhoff app 91449
- 34204 Robert Stockhoff app 92345
- 39706 Robert Stockhoff app S-42922
- 39705 Robert Stockhoff app R-42921
- 39581 Phillip/Laverne Eichler app S-45142
- 39580 Phillip Eichler app R-45141
- 51884 Raymond Hinds app 9-5569

- 83194 Monrovia Nursery Co app R-4412
- 83195 Monrovia Nursery Co app S-64613
- 83193 Monrovia Nursery Co app S-69000
- 84824 Monrovia Nursery Co app 6-11961
- 84825 Monrovia Nursery Co app 6-11962

Permitted Water Rights

Permit #

- G12366 Monrovia Nursery app 9-13183
- G12293 Monrovia Nursery Co app 9-13473

Thanks again for helping with this!

Walter Suttle

Alyssa Mucken <muckenam@wrdd.state.or.us>

To Walter Suttle/Dayton/Monrovia <WSuttle@Monrovia.com>

11/05/2008 09:20 AM

cc
Subject RE: 2006/2007 water use form

Okay, I've updated my water use reporting mailing list as well as our static water level mailing list. If you'd like, I can send an email to our Water Rights section requesting them to update all of Monrovia's water rights with this address. I did a quick search on Monrovia and came up with the following rights that could be updated:

Permit G-12293
Permit G-12366
Certificate 83194
Certificate 83195
Certificate 83193
Certificate 84824
Certificate 84825

There may be more, under different names and such. But certainly, we can update as many as we are aware of. Let me know. Thanks!

Alyssa Mucken
Water Measurement Specialist
Oregon Water Resources Department
725 Summer Street, Suite A
Salem, Oregon 97301
503-986-0837

From: Walter Suttle/Dayton/Monrovia [mailto:WSuttle@Monrovia.com]
Sent: Wednesday, November 05, 2008 9:13 AM
To: Alyssa Mucken
Subject: RE: 2006/2007 water use form

Thank you Alyssa!

Yes, please do change the address to the 13455 Lafayette Hwy address. It is the same property, but there is a new office on it with another address. I think we usually get the mail, because our mail carrier knows us, but it would be best if you have the correct address.

Thanks again,

Walter Suttle

11/6/2008

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant the extension for complete construction of the water system from October 1, 1998, to October 1, 2009; and
- grant the extension for complete application of water from October 1, 1999, to October 1, 2009.

AUTHORITY

ORS 537.230 and ORS 537.630(1) provide in pertinent part that the Water Resources Department shall, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water 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).

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute 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 therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-320-0010(6) provides in pertinent part that the Water Resources Department may extend the time limits to complete construction or to apply the water to a beneficial use upon showing of good cause for the untimely completion.

OAR 690-320-0010(10) allows 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

Background

1. Permit #G-12293 was granted by the Water Resources Department on April 3, 1996. The permit authorizes the use of up to 4.01 cfs of water from four wells (Wells #15, #16, #17 and #18), within the Yamhill River Basin, for nursery operations on 805.4 acres. It specified that construction of the water development project was to be completed by October 1, 1998, and that complete application of water was to be made on or before October 1, 1999.
2. The permit holder submitted an "Application for Extension of Time" to the Department on October 1, 1999, requesting the time in which to complete construction of the water system be extended from October 1, 1998, to October 1, 2009, and the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #G-12293 be extended from October 1, 1999, to October 1, 2009. This is the first extension of time request for Permit #G-12293.

Review Criteria *[OAR 690-320-0010(6)]*

As set forth under OAR 690-320-0010(6), the time limits to complete construction or to apply the water to a beneficial use may be extended upon showing of good cause for the untimely completion. The good cause determination shall consider the applicable requirements of ORS 537.230, 537.248¹, 537.630 and 539.010(5).

Other Governmental Requirements *[ORS 537.230(2)]*

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

Start of Construction *[ORS 537.630]*

4. Construction of the wells and water system began within the time specified in the permit, being April 3, 1997.

¹ ORS 537.248 applies to reservoir permits only.

Financial Investment [ORS 539.010(5)]

5. As of October 1, 1999, the permit holder had invested a total of \$38,000 into the project, consisting of initial construction of four wells (Wells #15, #16, #17 and #18), complete construction of Well #15 and placing it into operation, temporarily capping the three remaining wells, installing a meter on Well #15 and applying water to 3.5 acres for nursery operations. An additional \$15,000 investment is anticipated for the completion of this project.

Reasonable Diligence and Good Faith of the Appropriator [ORS 537.230(1), 537.630(1) and 539.010(5)]

6. On or prior to October 1, 1999, the permit holder had constructed four wells (Wells #15, #16, #17 and #18), placed Well #15 into operation and capped the three remaining wells, installed a meter on Well #15, and applied 0.45 cfs of water to 3.5 acres for nursery operations.
7. Since October 1, 1999, the permit holder increased the application of water to 6.5 acres for nursery operations and continued to construct the water distribution system under Permit #G-12293. The improved distribution system is now capable of providing water to 450.0 acres of land under the permit.
8. Delay of full beneficial use of water was due, in part, to the large financial investment required to complete Wells #16, #17 and #18 and to the size and scope of the original project. Since Well #15 is adequate to supply water to the 6.5 acres currently developed, the permit holder invested available funding into further construction of the water distribution lines. As water is applied to new lands through the improved distribution system, Wells #16, #17 and #18 will be developed as demands for water exceed the capacity available from Well #15 and as financial resources become available.

The Market and Present Demands for Water [ORS 539.010(5)]

9. Further time to develop Permit #G-12293 is needed to complete construction of Wells #16, #17 and #18. The completion of these wells will provide a suitable backup water supply should Well #15 fail, in addition to providing an adequate water supply to meet demands as the remaining permitted lands are developed.

10. Other alternative sources of water, such as surface water rights from the Yamhill River, are under increased scrutiny due to the listing of sensitive, threatened and endangered species on these waterways.
11. Given the permit holder's water supply situation and the amount of development left to occur, there is currently a demand and market for the water under Permit #G-12293.

Fair Return Upon Investment [ORS 539.010(5)]

12. Use and income from the water development project will result in reasonable returns against the investment made in the project to date.

Duration of Extension [OAR 690-320-0010(7), ORS 539.010(5)]

13. As identified under findings #6 through #8 above, the remaining work to be completed under Permit #G-12293 consists of complete construction of the system and complete application of water to beneficial use.
14. Since the issuance of Permit #G-12293 on April 3, 1996, approximately 56 percent of the water distribution system has been constructed.
15. Given the amount of development left to occur, the Department has determined that the permittee's request to have until October 1, 2009, to complete construction of the water system and to complete the application of water to beneficial use under the terms of Permit #G-12293 is both reasonable and necessary.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230 and ORS 537.630.
2. The applicant has submitted a complete extension application form and the fee required by ORS 536.050(1)(k).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.

4. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good faith of the appropriator, the market and present demands for water and the fair return upon the investment, and has determined that the applicant has shown good cause for an extension to complete construction and complete application of water to full beneficial use pursuant to ORS 537.230(2) and ORS 537.630(1).
5. Completion of construction and full application of water to beneficial use can be completed by October 1, 2009.²
6. In order to ensure future diligence is exercised in the development and perfection of Permit #G-12293, the Department shall establish progress checkpoints in accordance with OAR 690-315-0050(6). (See Item #1 of the "Conditions" section contained in this Proposed Final Order for an Extension of Time.)

Proposed Order

Based upon the foregoing findings of fact and conclusions of law, the Department proposes to issue an order to:

Extend the time for complete construction of the water system under Permit #G-12293 from October 1, 1998, to October 1, 2009; and

Extend the time for complete application of water to beneficial use under Permit #G-12293 from October 1, 1999, to October 1, 2009.

Subject to the following conditions:

² Pursuant to ORS 537.230(3), 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 the claim of beneficial use.

CONDITIONS

1. **The permittee must submit a written progress report to the Department by October 1, 2008.** The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:
 - a) The amount of construction completed;
 - b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
 - c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
 - d) Financial investments made toward developing the beneficial water use. The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above may jeopardize continued development under the permit.

The Department will take into consideration annual reports submitted under OAR Chapter 690, Division 86 or ORS 537.099, and any other report that demonstrates diligence.

Other reports, however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

If the Department finds that diligence is questionable, the Department may:

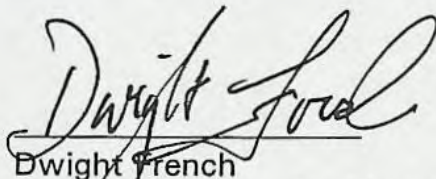
- a) request the permittee to submit additional information with which to evaluate diligence; or
- b) apply additional conditions and performance criteria for perfection of the right; or

- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider any information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

DATED: December 16, 2003


Dwight French
Water Rights Section Manager

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

Protest Rights and Comments

1. Under the provisions of OAR 690-320-0010(8), you have the right to protest this proposed final order.
2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.
3. The Water Resources Department must receive written protests or written comments no later than ***Friday, January 30, 2004***, being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.
4. Pursuant to OAR 690-320-0010(11), after the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

If you have other questions about the Department, or any of its programs, please contact our Water Rights Information Group at (503)986-0801. Address all other correspondence to:

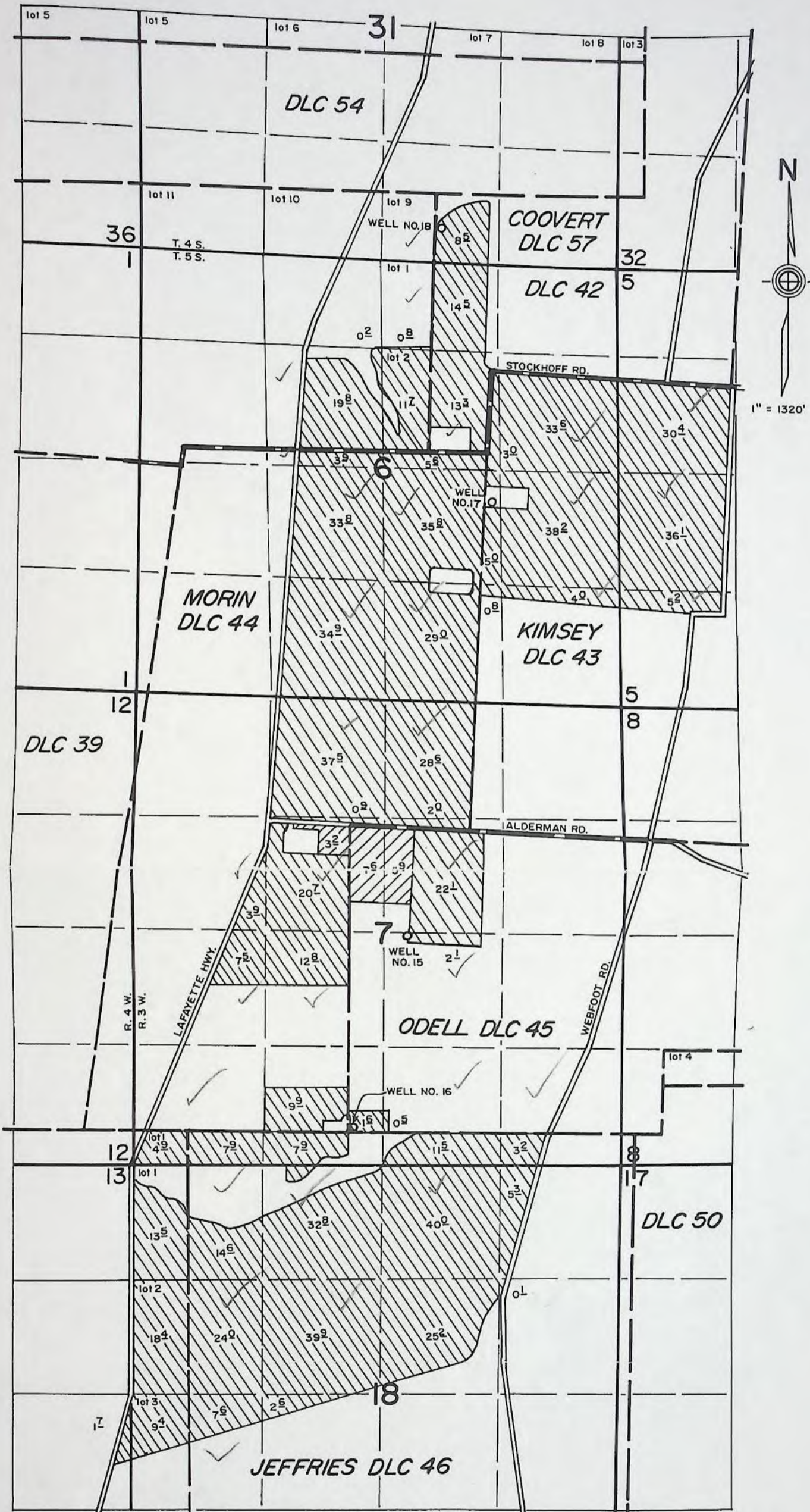
Water Rights Section
Oregon Water Resources Department
725 NE Summer Street, Suite A
Salem, OR 97301-1271
Fax #: (503)986-0901

This document was prepared by Lisa J. Juul. If you have any questions about any of the statements contained in this document, I am most likely the best person to answer your questions. You may contact me by telephone at (503)986-0808.



If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulon. Her telephone number is (503)986-0824.

If you have other questions about the Department or any of its programs, please contact our Water Rights Information Group at (503)986-0801.

Township 4 & 5 South, Range 3 & 4 West, W. M.

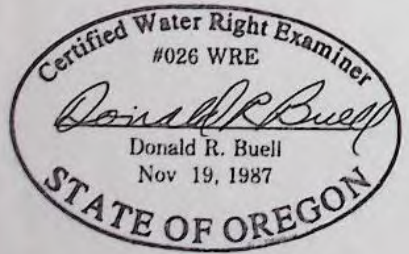


WELLS LOCATED: NO. 18, 1600' N. & 600' W.)
 NO. 17, 1490' S. & 50' E.) BOTH FROM NE COR. DLC 43
 NO. 15, 2550' N. & 3090' E.)
 NO. 16, 420' N. & 2470' E.) BOTH FROM SW COR. SEC. 7

 Greenhouse area, Well No. 11
 All Wells

Appl. No. G-13473
 Per. No. G12293

Application Map
 for
 MONROVIA NURSERY CO.



RECEIVED
 JUL 23 1993

THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

Mailing List for Extension PFO Copies

Application #G-13473
Permit #G-12293

PFO Date: December 16, 2003

Original mailed to:

Applicant: **Monrovia Nursery Company**
Attn: Walter Suttle
12600 SE Alderman Road
Dayton, OR 97114

Copies Mailed
By: <u>[Signature]</u> (SUPPORT STAFF)
on: <u>12/16/03</u> (DATE)

For Extension PFO's - Copies sent to:

1. WRD - Appl. File #G-13473 / Permit #G-12293
2. WRD - Watermaster District: #16 - Bill Ferber, Salem


Other interested parties:

3. NONE

CASEWORKER: LJJ

S:\groups\wr\extensions\P F O\Work_320 rules\g13473.wpd

MEMORANDUM

Date: December 12, 2003
To: Application #G-13473 (Permit #G-12293)
From: Lisa Juul, Permit Extension Review 
Subject: Further Explanation of Delay of Development

Today, I spoke with Mr. Walter Suttle of Monrovia Nursery to further clarify the reason why development of this permit was delayed. The reasons discussed are listed below:

Financial → Four wells have been drilled, but only Well #15 has been completely developed and set up to supply water to the nursery acreage.

Wells #16, #17 and #18 have been capped and are NOT in use. This is due to the large expense involved with developing these remaining wells.

The permit holder has elected to first put money toward further development of the distribution lines/system. While the permit holder has actually applied water to only 6.5 acres, development of the project has continued to progress. At this point in time, the water distribution system is now capable of supplying water to 450.0 acres (out of the 805.4 acres allowed on the permit). The distribution system for these 450.0 acres are currently hooked up to Well #15. The permit holder plans to add in Wells #16, #17 and #18 as development of the project progresses further.

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **33522**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Jetter Supply Co
BY: _____

APPLICATION	17-136173
PERMIT	
TRANSFER	

CASH: CHECK: # 21-22 OTHER: (IDENTIFY)

TOTAL REC'D \$ 100.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

**RECEIVED
OVER THE COUNTER**

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

0427 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
(New) TC162	DEPOSIT LIAB. (IDENTIFY)		\$
WATER RIGHTS:			
0201	SURFACE WATER	EXAM FEE \$	0202 RECORD FEE \$
0203	GROUND WATER	EXAM FEE \$	0204 RECORD FEE \$
0205	TRANSFER	EXAM FEE \$	0206 RECORD FEE \$
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219 LICENSE FEE \$
	LANDOWNER'S PERMIT		0220 LICENSE FEE \$
<u>0240</u>	OTHER (IDENTIFY)		

PLA #166111

EXT. OF TIME @ 100.00

0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #
0210	MONITORING WELLS	\$	CARD #
	OTHER (IDENTIFY)		

0539 LOTTERY PROCEEDS

1302	LOTTERY PROCEEDS	\$
------	------------------	----

0467 HYDRO ACTIVITY

0233	POWER LICENSE FEE (FW/WRD)	LIC NUMBER	\$
0231	HYDRO LICENSE FEE (FW/WRD)		\$
	HRDRO APPLICATION		\$

RECEIPT # **33522**

DATED: 10-1-99 BY: Roger Wright

**APPLICATION FOR EXTENSION OF TIME
TO THE WATER RESOURCES DIRECTOR OF OREGON**

I, BEN RILEY of STETTLER SUPPLY COMPANY *(Monrovia)*
NAME

1810 LANA AVE. NE SALEM OR 97303 585-5550
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. G-13473, Permit No. G 12293, do hereby request that the time in which to:

complete the 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, 1999, be extended to October 1, 2009,

and/or the time in which to:

accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 1999, be extended to October 1, 2009.

NOTE: The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

Attached is an instruction sheet to assist you in completing the information on the permit extensions application form. Oregon Water Law and Administrative Rules requires this information to be considered by the Water Resources Department when reviewing a permit extension. All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information that would aid us in making our decision. Please use additional sheets of paper as needed to fully respond to the questions.

After reviewing the application form and the instruction sheet, if you have any questions, please contact the Department at 1-800-624-3199, or locally in the Salem vicinity at (503) 378-3739, and request assistance from the Water Rights Division, permit extensions personnel.

1-Did water system construction/well drilling begin within the time specified in the permit [yes/no]?

YES WELL 15 COMPLETED AND OPERATIONAL
16 DRILLED AND CASED AND CAPPED
17 DRILLED AND CASED AND CAPPED
18 DRILLED AND CASED AND CAPPED

2-Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]? YES

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OCT 01 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Job

A) Please describe how you have complied with each applicable permit condition (NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review).

ALL WELL DRILLING COMMENCED BEFORE PERMIT ISSUE. ONLY 1 OF THE 4 WELLS WAS COMPLETED AND USED FOR IRRIGATION (#15). A METER HAS BEEN INSTALLED ON THIS WELL

B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.

THE COMPLETION OF THE WELL CONSTRUCTION ON WELLS #16, #17, #18 WAS DELAYED BECAUSE THE WATER REQUIREMENTS ARE LOW ENOUGH TO BE COVERED BY #15 ALONE. THE ADDITIONAL FINANCIAL BURDEN TO COMPLETE WELLS 16, 17, 18 WAS AVOIDABLE AT THAT TIME. THE COMPLETION OF THESE THREE WELLS IS CONTINGENT ON A DECREASE IN THE PERFORMANCE OF WELL #15. WATER LEVEL DEPTHS AND FLOW RECORDS WILL BE MAINTAINED FROM THIS DATE FORWARD.

3-I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit:

A) Within the past year or, if a prior extension was authorized, during the last permit extension period:

NONE

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OCT 01 1999

WATER RESOURCES DEPT.
SALEM, OREGON

B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:

ALL FOUR WELLS DRILLED, CASINGS INSTALLED, SEALS PLACED, WELL LOG RECORDED @ \$39,000⁰⁰

C) I have accomplished beneficial use of water under the permit to the extent of (amount of water used or acres irrigated):

WELL 15 IS BEING USED TO IRRIGATE 3.5 ACRES IN GREEN HOUSES @ APPROXIMATELY .44 CFS or 200 gpm

4-Cost of project to date \$38000⁰⁰. Estimated remaining cost to complete the project \$15000⁰².

5-Please list the reasons why the project was not constructed, and/or water not beneficially used within permit time limits under the appropriate categories below. Please provide supporting information for each reason identified.

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit. NO

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WATER RESOURCES DEPT.
SALEM, OREGON

B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes. NO

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

NO

D) Acts of God or other unforeseen events delayed full development of the water system and use of water.

THESE CATEGORIES DO NOT APPLY COMPLETELY TO THIS CASE:

WELLS #16, #17, #18 WILL BE DEVELOPED ONLY A WATER DEMAND SITUATION CREATES A NEED FOR THE ADDITIONAL FLOWS FROM THESE WELLS. THAT IS, THEY ARE A BACKUP SUPPLY SOURCE.

6-Please identify the economic market or markets to which beneficial use of water under the permit is responding. PLANTS & PRODUCTS FOR THIS NURSERY ARE SOLD TO

REGIONAL & LOCAL MARKETS

A) Has there been any change in this market since the permit was issued? NO

B) Have these changes, if any, affected the economic feasibility of your project? NO

7-Are there other present competing demands for water in your community? NO

A) Has there been any change in these demands for water since the permit was issued? NO

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OCT 01 1999

**WATER RESOURCES DEPT.
SALEM, OREGON**

B) Are you aware of alternative sources of water that may be able to satisfy the competing demands?

NOT APPLICABLE

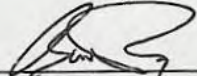
C) Are you aware of any adverse affects on your source of water that may have been caused by recent changes in use of water in your community? NO

8-Will the income or use from the water development project authorized by this permit provide reasonable returns against the investment in the project? THE OPERATION OF THE NURSERY GREEN HOUSES IS DEPENDANT ON THE AVAILABILITY OF WATER. WITHOUT THIS WATER, THE ECONOMIC BASIS OF THE NURSERY IS PLACED IN JEOPARDY. THE COST OF WELL DEVELOPMENT IS PART OF THE CAPITALIZATION FOR THE ENTIRE NURSERY

9-If the extension request is denied, is the current level of water use economically feasible? THIS PERMIT IS FOR FOUR WELLS; ONE OF WHICH IS BEING USED CURRENTLY (#15) IF A PROBLEM DEVELOPS WITH THIS WELL #15, THEN THE OTHER WELLS PROVIDE "INSURANCE" TO MAINTAIN NURSERY OPERATIONS, IF THIS PERMIT IS NOT EXTENDED, THEN THE NURSERY IS FORCED TO RELY TOO HEAVILY ON ONE WATER SOURCE.

- OTHER WATER RIGHTS PERMITS ARE FOR GEOTHERMAL HEATING OF THE BUSINESS OFFICE BUILDINGS [(PRODUCTION & INJECTION WELLS) - PERMIT G-12366 FILE # G-13183 @ 0.34 cfs from Palmer Creek Basin - PERMIT ISSUED 4-11-96] THIS WELL DOES NOT PRODUCE ENOUGH WATER TO MAINTAIN NURSERY OPERATIONS

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


Signature

BEN RILEY of STETTLER SUPPLY

10-1-99
Date

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$ 100 TO:

WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES
158 12TH ST NE
SALEM, OREGON 97310

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OCT 01 1999

WATER RESOURCES DEPT.
SALEM, OREGON

2002

Oregon Water Resources Department
October 2002 through September 2003
Annual Water Use - Monthly Quantities Form

2003



Facility <input type="checkbox"/> POD-ID <input type="checkbox"/>	Well 15	Well 16	Well 17	Well 18	
	37043	37044	37045	37046	
October - 2002	210900 G				
November - 2002	129500 G				
December - 2002	137500 G				
January - 2003	214700 G				
February - 2003	118200 G				
March - 2003	139500 G				
April - 2003	223400 G				
May - 2003	356400 G				
June - 2003	564100 G				
July - 2003	657200 G				
August - 2003	685700 G				
September - 2003	282500 G				
TOTAL *	3719600 G				

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FEB 19 2004

WATER RESOURCES DEPT
SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: Flow Meter. If use is irrigation, total number acres irrigated 6.5Ac

I certify this information is true and accurate to the best of my knowledge.

Walter Suttle
Signature

Technical Services Mgr Monrovia
Title Reporting Entity

2/11/04
Date

Walter Suttle
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
725 Summer Street NE, Suite A; Salem, OR 97301-1271



OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT

Dear Water User: Water year 2003 has ended! All water use reports for October 2002 to September 2003 are requested to be submitted. We are a little late this year due to our efforts to develop a website from which you may submit your data, if you so choose. If you would like to test the new site go to the web address listed below. You will not need to mail in this completed form. This information is important for water management in Oregon. Please, complete the form on the reverse side for the water rights listed below by March 1, 2004. If you have questions, or need more time please, contact me at 503-986-0833. Thank you for your attention to this matter. Mary Graine



WALTER SUTTLE
MONROVIA NURSERY CO
12600 SE ALDERMAN RD
DAYTON OR 97114

TECH SERV MGR

<http://stamp.wrd.state.or.us/apps/wr/wateruse/wateruse.php>

User-ID 8092

Password: 8092

37043 WELL 15	0 G 12293 G 13473 7/20/1993 NU L 5 S 3 W 7 NWSE	0.44 C P WELL 15	SALT CR
37044 WELL 16	0 G 12293 G 13473 7/20/1993 NU L 5 S 3 W 7 SESW	0.89 C P WELL 16	SALT CR
37045 WELL 17	0 G 12293 G 13473 7/20/1993 NU L 5 S 3 W 6 NWSE	1.34 C P WELL 17	S YAMHILL R
37046 WELL 18	0 G 12293 G 13473 7/20/1993 NU L 4 S 3 W 31 SWSE	1.34 C P WELL 18	UNN STR

USER-ID

8092



G13473

USER-ID 8092

2000

Oregon Water Resources Department
October 2000 through September 2001
Annual Water Use - Monthly Quantities Form

2001



Facility <input type="checkbox"/> POD-ID <input type="checkbox"/>	37043 NU Well 15 37043 37043	37044 NU Well 16 37044	37045 NU Well 17 37045	37046 NU Well 18 37046	
October - 2000	0	Temporarily	Temporarily	Temporarily	
November - 2000	0	Abandoned	Abandoned	Abandoned	
December - 2000	0				
January - 2001	5,900 G				
February - 2001	58,339 G				
March - 2001	82,775 G				
April - 2001	88,881 G				
May - 2001	112,122 G				
June - 2001	24,308 G				
July - 2001	4,437 G				
August - 2001	46,386 G				
September - 2001	38,419 G				
TOTAL *	461,567 G				

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JAN 25 2002
WATER RESOURCES DEPT.
SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: Water Meter. If use is irrigation, total number acres irrigated 6.5

I certify this information is true and accurate to the best of my knowledge.

Walter Smith Technical Services Monrovia 1/23/02
 Signature Title Manager Reporting Entity Date



App: 6-13473

USER-ID 80 RECEIVED



Oregon Water Resources Department
October 1999 through September 2000
Annual Water Use - Monthly Quantities Form

DEC 14 2000

WATER RESOURCES DEPT.
SALEM, OREGON

Facility <input type="checkbox"/> POD-ID <input type="checkbox"/>	Well 15 37043 NU	Well 16 37044 NU	Well 17 37045 NU	Well 18 37046 NU	
October - 1999	0	These wells were test wells			
November - 1999	0	only. Currently they have been			
December - 1999	0	abandoned. They may be			
January - 2000	0	developed at some point in			
February - 2000	0	the future.			
March - 2000	0				
April - 2000	0				
May - 2000	0				
June - 2000	0				
July - 2000	10,772				
August - 2000	713				
September - 2000	60				
TOTAL *	11,545				

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

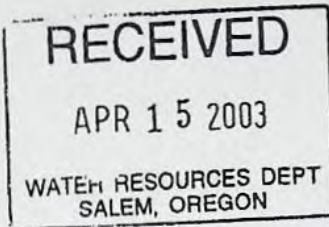
Describe method of measuring the water used: Water Meter. If use is irrigation, total number acres irrigated 6.5

I certify this information is true and accurate to the best of my knowledge.

Walter Suttle Technical Services Monrovia 12/8/00
 Signature Title Mgr. Reporting Entity Date

Walter Suttle
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
158 12th Street NE; Salem, OR 97310-0210



Water Level Report

Owner Name: Monrovia Nursery Co.
Owner Address: 12600 SE Alderman Road
Dayton, Oregon 97114

Application: G-13473
Permit: G-12293
Certificate: Not Issued

Well 15 (YAMH 1848) is located in the NW 1/4 SE 1/4, Section 7, T.5S., R.3W., W.M.; 2,250 feet north and 3,090 feet east from the SW corner of Section 7.

Date of measurement: 3/11/2003

Static water level below measuring point: 15.62 feet, or airline pressure _____ psi
Measuring point distance above land surface: 1.5 feet, or airline length _____ feet
Static water level below land surface: 14.12 feet

Method of measurement: E-tape X Airline _____ Other _____
Measurement status: Static X Pumping _____ Other _____

Length of time well idle before measurement: About 12 hours.

Well 16 (YAMH 1849) is located in the SE 1/4 SW 1/4, Section 7, T.5S., R.3W., W.M.; 420 feet north and 2,470 feet east from the SW corner of Section 7.

Date of measurement: 3/11/2003

Static water level below measuring point: 15.34 feet, or airline pressure _____ psi
Measuring point distance above land surface: 1.2 feet, or airline length _____ feet
Static water level below land surface: 14.14 feet

Method of measurement: E-tape X Airline _____ Other _____
Measurement status: Static X Pumping _____ Other _____

Length of time well idle before measurement: Since construction. No pump.

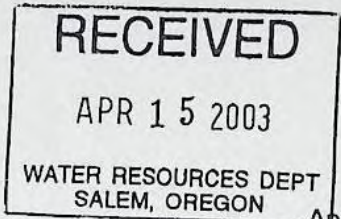
Well 17 (YAMH 1851) is located in the NW 1/4 SE 1/4, Section 6, T.5S., R.3W., W.M.; 1,490 feet south and 50 feet east from the NE corner of Kimsey DLC 43.

Date of measurement: 3/11/2003

Static water level below measuring point: 2.95 feet, or airline pressure _____ psi
Measuring point distance above land surface: 0.8 feet, or airline length _____ feet
Static water level below land surface: 2.15 feet

Method of measurement: E-tape X Airline _____ Other _____
Measurement status: Static X Pumping _____ Other _____

Length of time well idle before measurement: Since construction. No pump.



Water Level Report

Owner Name: Monrovia Nursery Co.
Owner Address: 12600 SE Alderman Road
Dayton, Oregon 97114

Application: G-13473
Permit: G-12293
Certificate: Not Issued

Well 18 (YAMH 1852) is located in the SW 1/4 SE 1/4, Section 31, T.4S., R.3W., W.M.; 1,600 feet north and 600 feet west from the NE corner of Kimsey DLC 43.

Date of measurement: 3/11/2003

Static water level below measuring point: 15.39 feet, or airline pressure _____ psi
Measuring point distance above land surface: 0.3 feet, or airline length _____ feet
Static water level below land surface: 15.09 feet

Method of measurement: E-tape X Airline _____ Other _____
Measurement status: Static X Pumping _____ Other _____

Length of time well idle before measurement: Since construction. No pump.

Remarks: None.

I hereby certify that, to the best of my knowledge, the information on this report is accurate and representative of the water levels at the time of measurement.

Person making measurement: Gregory E. Kupillas and/or Malia R. Kupillas
Signature of measurer: *Gregory E. Kupillas*
License number: #432WRE and/or #60772WRE, respectively
Daytime phone number: (503) 632-5016

✓ OK Mowrovia - ext.
pending Ext & in database.
10-11-02

PERMIT STATUS REVIEW BY jd DATE 10/11/02 FILE # 6 13473

1. Per Dwight French, do not send "C" DATE NOTICE PACKET if : note on JS list
no Permit is for municipal or quasi-municipal use or in Bonanza study area _____
(per DF, when in doubt about MU/QM, change database code)

? _____ Extension pending _____ final _____

no Assignment is pending _____

no Cancellation is requested _____ final _____

no Dept. has already sent a certified "Form 100" letter (date _____, # _____)
Was 60 days notice allowed? _____
Was mail deliverable as addressed? _____ date _____
Send cancellation letter _____

no Claim of beneficial use and final proof map (COBU) have been received by Department
Date information received _____

2. IF NONE OF THE ABOVE APPLY

? _____ Send certified "C" date notice packet to permit holder.

"C" DATE 10/11/99
WATERMASTER DISTR # 16

WATERMASTER NAME Furder



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

March 2, 2000

BEN RILEY (MONROVIA NURSERY)
1810 LANA AVE NE
SALEM, OR 97303


REFERENCE: File G 13473

Dear Mr. Riley:

Thank you for sending the water level measurements on the wells under permit G 12293. I apologize for not asking for more information in our letter asking for the water levels. However the permit requires annual reporting of the amount of water use each month also. Since the use has already taken place from well 15, it will be necessary for you to submit at least calculated amounts of water used each month during the periods of use.

We need that information before we can process the extension request. If you have questions please contact me at the address below or phone (503)378-3739 ext. 272.

Sincerely,


Dallas Miller
Water Rights Specialist

cc: Watermaster, District 16

Stettler Company

Since 1948

1810 Lana Avenue N.E.
Salem, Oregon 97303-3116
(503) 585-5550 • FAX: (503) 581-6799

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FEB 28 2000

WATER RESOURCES DEPT.
SALEM, OREGON

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COMMERCIAL

WATER
SYSTEM
SERVICES

February 23, 2000

Dallas Miller
Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310

RE: File # G 13473, Permit G 12293

Dear Mr. Miller:

This letter is in response to your request for Water Level Measurements for the four Monrovia Nursery wells (letter dated February 10, 2000). The current permit required water level records to have been supplied annually before April 15. The Nursery measured the water level for this year on February 15 and will take measurements annually from this point forward:

<u>Well Number</u>	<u>15</u>	<u>16</u>	<u>17</u>	<u>18</u>
Water surface below ground level (in feet)	19ft	16ft	3ft	16ft

Unfortunately, in previous years, no such measurements were ever made or submitted to Water Resources. Hopefully the water levels we are now submitting will be sufficient to allow you to continue processing the extension request.

Please call me at 585-5550 if you have any questions or concerns regarding this issue.

Sincerely,


Ben Riley

Stettler Supply Co.

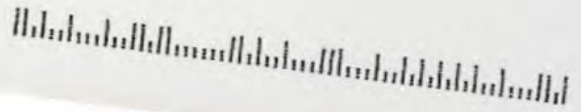
1810 Lana Avenue N.E.
SALEM, OREGON 97303-3116



Oregon Water Resources Department
Commerce Building
15812th St NE
Salem, OR 97310

attn: Dallas Miller

97301/4172



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ben Riley (Monrovia Nursery Co.)
 1810 Lana Ave. NE
 Salem, OR 97303

6-13473

2. Article Number (Copy from service label)

P56574

PS Form 3811, July 1999

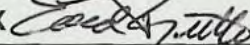
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FEB 15 2000

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X  Agent Addressee

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