

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

Water Rights Application
Number G-16736

**Final Order
Extension of Time for Permit Number G-16198
Permit Holder: Terry Tosney**

Permit Information

Application File G-16736 Permit G-16198

Basin: 2 – Willamette / Watermaster District 20

Date of Priority: October 10, 2006

Authorized Use of Water

Source of Water: Proposed Well 1, Proposed Well 2, and Proposed Well 3 in
Cahill Creek Basin, within the Willamette River Basin

Purpose of Use: Nursery use on 40.5 Acres

Maximum Rate: 0.223 Cubic Feet per Second (cfs)

**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**

Application History

Permit G-16198 was issued by the Department on June 21, 2007. The permit called for complete application of water to beneficial use by October 1, 2011. On May 3, 2012, Terry Tosney submitted to the Department an Application for Extension of Time for Permit G-16198. In accordance with OAR 690-315-0050(2), on June 4, 2013, the Department issued a Proposed Final Order proposing to extend the time to complete construction and to fully apply water to beneficial use to October 1, 2020. The protest period closed July 19, 2013, in accordance with OAR 690-315-0060(1). No protest was filed.

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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 157-004-0080 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.

Findings of Fact

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated June 4, 2013.

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:

CONDITIONS

1. Last Extension Condition

This is to be the last extension of time granted for Permit G-15322. Any future extension of time requests will be denied.

2. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2018. 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.

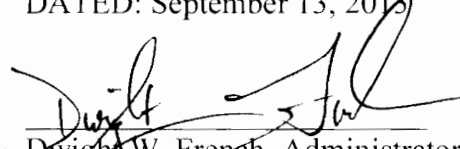
CONCLUSION OF LAW

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-16736, Permit G-16198, therefore, is approved subject to conditions contained herein. The deadline for completing construction and for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2011 to October 1, 2020.

DATED: September 13, 2013


Dwight W. French, Administrator
Water Rights Services Division
for PHILIP C. WARD, DIRECTOR

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- If you have any questions about statements contained in this document, please contact Michele McAleer at (503) 986-0825.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
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Oregon Water Resources Department
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Extension of Time Progress Report Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Terry Tosney

Application G-16736

Permit G-16198

Report Due no later than October 1, 2018

DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

Progress Report Form for 2018

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-16198. FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2011 and October 1, 2018	FINANCIAL INVESTMENT

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

3. Total number of acres irrigated to date= _____ (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 = _____ 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.

INCOMPLETE REPORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM. USE N/A FOR ITEM 3 IF THE USE IS NOT IRRIGATION.

Signature _____ Date _____