

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

Water Rights Application  
Number S-84702

**Final Order**  
**Extension of Time for Permit Number S-53817**  
**Permit Holder: Krautmann Family Nursery, LLC.**

**Permit Information**

**Application File S-84702 Permit S-53817**

Basin: 2 – Willamette / Watermaster District 18

Date of Priority: March 27, 2001

**Authorized Use of Water**

Source of Water:	Westbrook Reservoir, constructed under Permit R-12733 and Permit R-13367, Tributary to Miller Creek
Purpose of Use:	Irrigation to make up a deficiency in rate on 379.3 Acres
Maximum Rate:	20.2 Acre Feet (AF)

**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 S-53817 was issued by the Department on February 19, 2004. The permit called for complete application of water to beneficial use by October 1, 2008. On August 16, 2012, Krautmann Family Nursery, LLC., submitted to the Department an Application for Extension of Time for Permit S-53817. In accordance with OAR 690-315-0050(2), on June 25, 2013, the Department issued a Proposed Final Order proposing to extend the time to apply water to full beneficial use to October 1, 2022. The protest period closed August 16, 2013, in accordance with OAR 690-315-0060(1). No protest was filed.

**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.

### **Findings of Fact**

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated June 25, 2013.

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, 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.

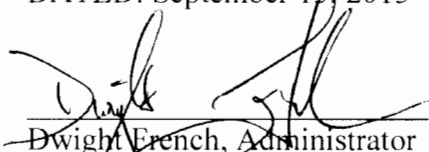
### **CONCLUSION OF LAW**

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0040(2).

Order

The extension of time for Application S-84702, Permit S-53817, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2008 to October 1, 2022.

DATED: September 13, 2013

  
Dwight French, Administrator  
Water Right 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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 725 Summer Street NE, Suite A  
 Salem Oregon 97301-1266  
 (503) 986-0900  
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# Extension of Time Progress Reporting Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Krautmann Family Nursery, LLC.

Application S-84702

Permit S-53817

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 perfection of Permit S-53817. **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, 2013 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 \_\_\_\_\_

*For OWRD use only*

Diligence Shown     Yes     No

Date Public Noticed: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_