# **Oregon Water Resources Department**

Water Right Services Division

Water Rights Application Number G-17230

### **FINAL ORDER**

Extension of Time for Permit Number G-16661

Permit Holder: Vernon Bruck

#### **Permit Information**

Application:

G-17230

Permit:

G-16661

Basin:

2 - Willamette / Watermaster District 20

Date of Priority:

June 3, 2009

Source of Water:

Well 1 in Willamette River Basin and Well 2 and Well 3 in Newland

Creek Basin

Purpose of Use:

Nursery use on 69.7 Acres

Maximum Rate:

0.87 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

#### 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-16661 was issued by the Department on March 11, 2010. The permit called for completion of construction by March 11, 2015 and complete application of water to beneficial use by March 11, 2015. On July 7, 2014, Vernon Bruck submitted to the Department an Application for Extension of Time for Permit G-16661. In accordance with OAR 690-315-0050(2), on October 28, 2014, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2024, and the time to fully apply water to beneficial use to October 1, 2024. The protest period closed December 12, 2014, in accordance with OAR 690-315-0060(1). No protest was filed.

Final Order: Permit G-16661

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#### FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated October 28, 2014.

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. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2018 and 2023. A form is enclosed with this 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).

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### **ORDER**

The extension of time for Application G-17230, Permit G-16661, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to from March 11, 2015 to October 1, 2024. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from March 11, 2015 to October 1, 2024.

DATED: December 19, 2014

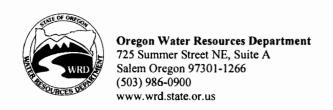
Dwight Arench

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



Extension of Time Progress Report Form For Checkpoints

## TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Vernon Bruck

Application G-17230

Permit G-16661

# **Progress Report for 2018**

Report Due no later than October 1, 2018
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-16661.

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

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2.	Describe actions to achieve co	mpliance with conditions of the permit a	nd/or previous extension.
3. 4.	or units of measu		Report the rate in the same units of measurement as
Maximum rate used to date = or Acre Feet stored to date = INCOMPLETE REPORTS WILL BE RETURNED. AN Signature		AF  ANSWER IS <u>REQUIRED</u> IN EACH ITEM.	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.
	ed Name/Title		
Diligen Review	ace Shown	Date Public Noticed:  For OWRD use only  Date:	