

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

Water Rights Application  
Number G-15528

**FINAL ORDER**

Extension of Time for Permit Number G-15460 (Modified by Permit Amendment T-10322)  
Permit Holder: Duncan W. Brinkley

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**Permit Information**

Application:	G-15528
Permit:	G-15460 (Modified by Permit Amendment T-10322)
Basin:	2 – Willamette / Watermaster District 20
Date of Priority:	June 8, 2001
Source of Water:	Three wells, plus an additional three wells per permit amendments T-9594 and T-10322 in Clackamas River Basin
Purpose of Use:	Nursery use on 124.8 Acres
Maximum Rate:	3.12 cubic feet per second (cfs)

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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 final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition 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-15460 was issued by the Department on July 10, 2003, and modified by Permit Amendment T-9594 on December 10, 2003, and Permit Amendment T-10322 on August 28, 2007. The permit called for complete application of water to beneficial use by October 1, 2007. The most recent extension authorized complete application of water to beneficial use by October 1, 2012. On December 5, 2014, Duncan W. Brinkley submitted to the Department an Application for Extension of Time for Permit G-15460 (Modified by Permit Amendment T-10322). In accordance with OAR 690-315-0050(2), on January 20, 2015, the Department issued

a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2020. The protest period closed March 6, 2015, in accordance with OAR 690-315-0060(1). No protest was filed.

## FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated January 20, 2015.

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, 2019. 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.

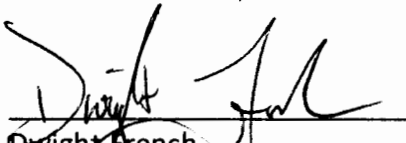
## CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

## ORDER

The extension of time for Application G-15528, Permit G-15460, 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, 2012 to October 30, 2020.

DATED: March 13, 2015



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

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

**TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT**

Permit Holder: Duncan W. Brinkley

Application G-15528

Permit G-15460

**Progress Report for 2019**

Report Due no later than October 1, 2019

**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-15460 (Modified by Permit Amendment T-10322).

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

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between December 5, 2014 and October 1, 2019	FINANCIAL INVESTMENT

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

**3. Total number of acres irrigated to date: \_\_\_\_\_ (NA if not applicable)**

**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 (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.**

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name/Title \_\_\_\_\_

Diligence Shown  Yes  No

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

*For OWRD use only*

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

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