Oregon Water Resources Department

Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time)	
for Permit G-15670, Water Right Application G-15936,)	FINAL ORDER
in the name of Van Meter and Son Nursery Inc.)	

Permit Information

Application: G-15936 Permit: G-15670

Basin: 2 – Lower Willamette / Watermaster District 16

Date of Priority: February 27, 2003

Source of Water: Well 1 and Well 2 in Johnson Creek Basin

Purpose of Use: Nursery use on 46.57 Acres

Maximum Rate: 0.80 cubic foot per second (cfs); being 0.37 cfs from Well 1 and

0.43 cfs from Well 2

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-15670 was issued by the Department on July 13, 2004. The permit called for complete application of water to beneficial use by October 1, 2008. On August 5, Van Meter and Son Nursery Inc. submitted to the Department an Application for Extension of Time for Permit G-15670. In accordance with OAR 690-315-0050(2), on September 15, 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 October 30, 2015, in accordance with OAR 690-315-0060(1). No protest was filed.

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FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated September 15, 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 August 5, 2020. 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-15936, Permit G-15670, 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, 2020.

DATED: November 6, 2015

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) 986-0825.
- 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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TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Van Meter and Son Nursery Inc.

Reviewed by:

Application G-15936

Permit G-15670

Progress Report for 2020

Report Due no later than August 5, 2020 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-15	5670. OST LIKELY RESULT IN ANY FUTURE EXTENSION BEING	G DENIED
LIST ALL WORK	ACCOMPUSHED and FINANCIAL INVESTMENT Time between August 5, 2015 and August 5,	NS ENANGAL
2. Describe actions to achieve c	ompliance with conditions of the permit ar	nd/or previous extension.
_	ed to date:(NA if not applicable) or duty if applicable, of water diverted for b	peneficial use under this
<pre>permit, if any, to date. Maximum rate used to date = or</pre>	cfs (cubic feet per second)	Report the rate in the same units of measurement as
	gpm (gallons per minute)	specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet).
INCOMPLETE REPORTS WILL BE RETURNED.	 	Do not provide daily, monthly or annual water
Signature	Date	volume totals.
Printed Name/Title		
Diligence Shown ☐ Yes ☐ No	Date Public Noticed: For OWRD use only	

Date:

Mailing List for Extension FO Copies

FO Date: November 6, 2015	Copies Mailed
Application: G-15936 Permit: G-15670	By: On:
Original mailed to permit holder	
Van Meter and Son Nursery Inc. 9720 SE 362nd Ave Boring, OR 97009	
Copies sent to:	
1. WRD - App. File G-15936/ Permit G-15670	
 Schroeder Law Offices, P.C. 1915 NE Cesar E. Chavez Blvd Portland, OR 97212 	
Fee paid as specified under ORS 536.050 to receive	сору:
3. None	
Receiving notification via e-mail - FO available in W (DONE BY EXTENSION SPECIALIST)	RIS for review
4. WRD - Watermaster District 20, Amy Kim	
If Progress Reports are included: (DONE BY EXTENSION SPECIALIST) Add record to Progress Report tracking sheet.xls D	one: byDate
CASEWORKER: CAC	

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