

**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-15740, Water Right Application G-15188,) FINAL ORDER
in the name of Femrite Farms LLC.; Femrite)
Nursery CO.; Northwest Farm Credit Services FLCA,)
Northwest Farm Credit Services PCA)

Permit Information

Application:	G-15188
Permit:	G-15740
Basin:	2 – Middle Willamette / Watermaster District 16
Date of Priority:	July 21, 2000
Source of Water:	A well in Pudding River Basin
Purpose of Use:	Nursery use on 18.17 Acres
Maximum Rate:	0.539 cubic foot per second (cfs); being 0.392 cfs during the month of January, 0.539 cfs during the month of February, 0.384 cfs during the month of March, 0.276 cfs during the month of April, 0.137 cfs during the month of May, 0.0872 cfs during the month of June, 0.0379 cfs during the month of July, 0.0209 cfs during the month of August, 0.0188 during the month of September, 0.0239 cfs during the month of October, 0.0605 during the month of November, and 0.259 cfs during the month of December of each year

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Permit G-15722 was issued by the Department on September 1, 2004 and superceded by Permit G-15740 on October 14, 2004. The permit specified for complete application of water to

beneficial use by October 1, 2008. On October 2, 2015, Doug Femrite, President of Femrite Farms LLC, submitted to the Department an Application for Extension of Time for Permit G-15740. In accordance with OAR 690-315-0050(2), on November 10, 2015, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2022. The protest period closed December 25, 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 November 10, 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. Last Extension Condition

This is to be the last extension of time granted for Permit G-15740. Any future extensions 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, 2020. 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-15188, Permit G-15740, 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: January 8, 2016



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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Mailing List for Extension FO Copies

FO Date: January 8, 2016

Copies Mailed

Application: G-15188

By: _____

Permit: G-15740

On: _____

Original mailed to permit holder

Doug and Kathy Femrite;
12713 Arndt Road, NE
Aurora, OR 97002

Femrite Farms LLC.
Femrite Nursery CO
13193 Arndt Road, NE
Aurora, OR 97002

Northwest Farm Credit Services FLCA
Northwest Farm Credit Services PCA
650 Hawthorne Ave, Suite 210
Salem, OR 97301

Copies sent to:

1. WRD - App. File G-15188/ Permit G-15740

Fee paid as specified under ORS 536.050 to receive copy:

2. None

Receiving notification via e-mail - FO available in WRIS for review

(DONE BY EXTENSION SPECIALIST)

3. WRD - Watermaster District 16, Joel Plahn

If Progress Reports are included:

(DONE BY EXTENSION SPECIALIST)

Add record to Progress Report tracking sheet.xls Done: by _____ Date _____

CASEWORKER: MAB



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

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

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Doug Femrite; Femrite Farms LLC; Femrite Nursery CO; Northwest Farm Credit Services FLCA,
 Northwest Farm Credit Services PCA Application G-15188 Permit G-15740

Progress Report for 2020

Report Due no later than October 1, 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-15740.

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 October 1, 2015 and October 1, 2020	FINANCIAL INVESTMENT
	<i>Submitted MARCH Static water levels 2016,2017,2018,2019, and 2020</i>	
	<i>Reminder Pump test needed before certificate can be issued</i>	

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

3. Total number of acres irrigated to date: _____

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)

INCOMPLETE REPORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM.

Signature _____ Date _____

Printed Name/Title _____

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.

Diligence Shown Yes No

Date Public Noticed: _____
 For OWRD use only

Reviewed by: _____

Date: _____