

**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-13131, Water Right Application G-14234, in the ) FINAL ORDER  
name of Fairdale Nursery )

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**Permit Information**

Application: G-14234  
Permit: G-13131  
Basin: 2 – Middle Willamette / Watermaster District 16  
Date of Priority: January 5, 1995  
Source of Water: A well in Pudding River Basin  
Purpose or Use: Agricultural use on 104.1 acres  
Maximum Rate: 4.5 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 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-13131 was issued by the Department on May 21, 1997. The permit specified actual construction of the well to begin by May 21, 1998, and complete application of water to beneficial use by October 1, 2001. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2006. On December 30, 2016, Fairdale Nursery submitted an Application for Extension of Time for Permit G-13131. In accordance with OAR 690-315-0050(2), on February 14, 2017, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2021. The protest period closed March 31, 2017, 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 February 14, 2017.

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:

## LIMITATIONS AND CONDITIONS

**1. Last Extension Condition**

This is to be the last extension of time granted for Permit G-13131. Any future extensions of time requests shall be denied.


## 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-14234, Permit G-13131, 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, 2006 to October 1, 2021.

DATED: April 7, 2017



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) 986-0825.
  - 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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