

**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-12293, Water Right Application G-13473, in)	FINAL
the name of Monrovia Nursery Company)	ORDER

Permit Information

Application:	G-13473
Permit:	G-12293
Basin:	0 – Middle Willamette / Watermaster District 16
Date of Priority:	July 20, 1993
Source of Water:	four wells in Yamhill River Basin
Purpose or Use:	Nursery Operations on 805.4 acres
Maximum Rate:	4.01 cubic feet per second (cfs) total, being 0.44 cfs – Well #15; 0.89 cfs - Well #16; 1.34 cfs – Well #17; 1.34 cfs – Well #18

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-12293 was issued by the Department on April 3, 1996. The permit specified actual construction of the well to begin by April 3, 1997, completion of construction by October 1, 1998 and complete application of water to beneficial use by October 1, 1999. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2019. On April 3, 2019, Monrovia Nursery Company submitted an Application for Extension of Time for Permit G-12293. In accordance with OAR 690-315-0050(2), on November 26, 2019, 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 January 13, 2020, 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 26, 2019.

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. **Columbia River Basalt Group Aquifer Development Limitation**

Development of water from the Columbia River Basalt Group aquifers under this permit is limited to no more than 0.44 cfs of water for nursery operations on 522.9 acres from YAMH 1848/2806. Any future water development under this permit must be limited to appropriation from sedimentary aquifers at this location. Prior to use of water from any new, reconstructed, altered, or deepened well, the permit holder must demonstrate that water will not be developed from the Columbia River Basalt Group aquifer. If any additional development occurs from the Columbia River Basalt Group aquifer under this permit, the additional development will be excluded upon issuance of a certificate.

2. **Last Extension Condition**

This shall be the last extension of time granted for Permit G-12293. Any future extensions of time request will be denied.

3. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2023. 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.

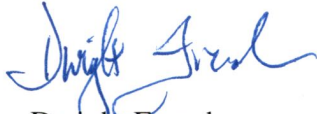
CONCLUSION OF LAW

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-13473, Permit G-12293, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2019, to October 1, 2024. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2019, to October 1, 2024.

DATED: January 24, 2020



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: Monrovia Nursery Company

Application G-13473

Permit G-12293

Progress Report for 2023

Report Due no later than October 1, 2023

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 perfection of Permit G-12293.

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between April 3, 2019 and October 1, 2023	FINANCIAL INVESTMENT

Use back of form if needed

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

3. Total number of acres developed for nursery use to date: _____

Total acres per well,

Well 1 _____ Well 2 _____ Well 3 _____ Well 4 _____

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

Maximum Rate per well:

Well 1 _____ Well 2 _____ Well 3 _____ Well 4 _____

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

Signature _____ Date _____

Printed Name/Title _____

Diligence Shown Yes No

Date Public Noticed: _____

For OWRD use only

Reviewed by: _____

Date: _____