

**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-15565, Water Right Application G-15843, in the name of Rickels Tree Farm, LLC	)))	FINAL ORDER
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Permit Information

Application:	G-15843
Permit:	G-15565
Basin:	2C – Lower Willamette / Watermaster District 20
Date of Priority:	September 23, 2002
Source of Water:	two wells in Currin Creek Basin
Purpose or Use:	nursery use on 20.45 Acres
Maximum Rate:	not to exceed a maximum cumulative total of 0.161 cubic foot per second (cfs), being 0.033 cfs from CLAC 19267 and 0.161 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 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-15565 was issued by the Department on March 4, 2004. The permit specified completion of construction by October 1, 2008, and complete application of water to beneficial use by October 1, 2008. On June 29, 2021, Rickels Tree Farm, LLC submitted an Application for Extension of Time for Permit G-15565. In accordance with OAR 690-315-0050(2), on November 23, 2021, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2031, and the time to fully apply water to beneficial use to October 1, 2031. The protest period closed January 7, 2022, 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 23, 2021**.

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 may be the last extension of time granted for Permit G-15565. If no water is applied to beneficial use under the terms and conditions of Permit G-15565 on, or before October 1, 2031, this shall be the last extension of time granted for Permit G-15565. Any future extensions of time request will be denied, unless the permit holder can provide the Department with evidence that beneficial use of the water is shown during this extension period, including demonstration of compliance with all permit conditions, including installation of the required meters, submittal of annual arch static water level measurements, and submittal of annual water use reports. In addition, all normal extension standards and rules will be evaluated. ORS 539.010(5); OAR 690-315-0040.

2. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2025, and October 1, 2030. 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.

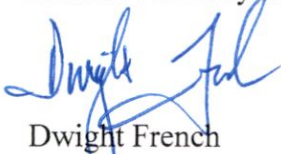
CONCLUSION OF LAW

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-15843, Permit G-15565, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2008, to October 1, 2031. 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, 2031.

DATED: January 28, 2022



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) 979-3213.
 - 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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725 Summer Street NE, Suite A
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**Extension of Time
Progress Report Form
For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Rickels Tree Farm, LLC

Application G-15843

Permit G-15565

Progress Report for 2025

Report Due no later than October 1, 2025

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-15565.

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between June 29, 2021 and October 1, 2025	FINANCIAL INVESTMENT

Use back of form if needed

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

Date meter installed:

Well 1 (CLAC 19267) _____ Well 2 (CLAC 59975) _____

Submittal of Annual March Static Water Level Measurements:

Well 1 (CLAC 19267) _____ Well 2 (CLAC 59975) _____

Well 1 Alteration/Deepening to appropriate water from no shallower than 150' bls:

Well log for alteration/deepening _____

Submittal of water use reports:

Years:

3. Total number of acres in nursery use to date:

Total acres irrigated per well,

Well 1 (CLAC 19267) _____ Well 2 (CLAC 59975) _____

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 (CLAC 19267) _____ Well 2 (CLAC 59975) _____

*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: _____