

**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 S-53637, Water Right Application S-69976, ) FINAL  
in the name of the Meadows Utilities ) ORDER

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**Permit Information**

**Application File S-69976/ Permit S-53637**

Basin 4 – Hood Basin / Watermaster District 3

Date of Priority: June 29, 1989

**Authorized Use of Water**

Source of Water: two unnamed reservoirs to be constructed or enlarged under Application R-71657, Permit R-12758, and two unnamed springs, tributaries of East Fork Hood River

Purpose or Use: Quasi-Municipal Use

Maximum Rate: 0.27 Cubic Foot per Second (cfs) total from one or both of the unnamed springs, further limited to not more than 0.055 cfs for erosion control

**LIVE FLOW**

Maximum Volume: 2.48 Acre-Feet (AF) from stored water only, being 1.54 AF from an existing reservoir (to be enlarged) and 0.94 AF from a proposed reservoir,

**STORED WATER** further limited to a maximum cumulative total of live flow and stored water of 166.0 AF per year

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**This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 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

The Department issued Permit S-53637 on April 14, 1998. The permit called for complete application of water to beneficial use by October 1, 2004. On March 17, 2005, Meadows Utilities submitted an application to the Department for an extension of time for Permit S-53637. In accordance with OAR 690-315-0050(2), on September 10, 2019, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2039. The protest period closed October 25, 2019, in accordance with OAR 690-315-0060(1). No protest was filed.

## FINDINGS OF FACT

The Department adopts and incorporates by reference the Proposed Final Order dated September 10, 2019.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, 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 **October 1, 2025, 2030, and 2035. 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.

#### 2. Development Limitations

No diversion of water is currently allowed under Permit S-53637. Diversion of any water (not to exceed the maximum authorized amount of 0.11 cfs of live flow water and 2.48 AF of stored water under this permit) shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan(s) (WMCP) under

OAR Chapter 690, Division 86 which grants access to a greater rate of diversion under the permit consistent with OAR 690-086-0130(7). The required WMCP shall be submitted to the Department within 3 years of this Final Order. Use of water under Permit R-12758 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

The Development Limitation established in the above paragraph supersedes any prior limitation of the diversion of water under Permit S-53637 that has been established under a prior WMCP or Extension final order issued by the Department.

The deadline established in the Extension Final Order for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders.

### CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0080(3).

### ORDER

The extension of time for Application S-69976, Permit S-53637, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions the permit is extended from October 1, 2004, to October 1, 2039.

DATED: November 8, 2019



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 Jeffrey Pierceall 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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