

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-54337, Water Right Application S-85733,) FINAL
in the name of the City of Ashland) ORDER

Permit Information

Application File S-85733/ Permit S-54337

Basin 15 – Rogue Basin / Watermaster District 13

Date of Priority: August 11, 2003

Authorized Use of Water

Source of Water: Lost Creek Reservoir, constructed under Permit R-8141 and R-8142, a tributary of Rogue River

Purpose or Use: Municipal Use

Maximum Rate: 1000.00 acre-feet (AF) each year

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

Permit S-54337 was issued by the Department on September 7, 2006. The permit called for completion of construction and complete application of water to beneficial use by September 7, 2021. On November 4, 2021, City of Ashland submitted an application to the Department for an extension of time for Permit S-54337. In accordance with OAR 690-315-0050(2), on June 21, 2022, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2061, and the time to fully apply water to beneficial use to October 1, 2061. The protest period closed August 5, 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 June 21, 2022.

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. **Development Limitations**

No diversion of water is currently allowed under the unperfected portion of Permit S-54337¹. Any diversion of the remaining unperfected portion of water under the permit, being 449.4 AF, shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86 that authorizes access to a greater rate of diversion of water 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. The amount of water used under Permit S-54337 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, on file with the Department.

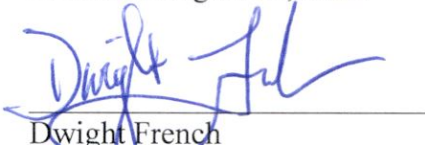
CONCLUSION OF LAW

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-85733, Permit S-54337, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from September 7, 2021, to October 1, 2061. The deadline for applying water to full beneficial use within the terms and conditions the permit is extended from September 7, 2021, to October 1, 2061.

DATED: August 26, 2022



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

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

¹ Permit S-54337 was issued for a total of 1000.0 AF; 550.6 AF was partially perfected under Certificate 96166.