

**Oregon Water Resources Department
Water Right Services Division**

Water Rights Application
Number G-13700

**Final Order
Extension of Time for Permit Number G-12674
Permit Holder: Agate Water Company**

Permit Information

Application File G-13700 / Permit G-12674
Basin 5 – Deschutes Basin / Watermaster District 11
Date of Priority: May 31, 1994

Authorized Use of Water

Source of Water: Five wells within the Deschutes River Basin
Purpose or Use: Quasi-Municipal for 925 domestic and commercial sites
Maximum Rate: 2.23 Cubic Feet per Second (cfs), being 0.334 cfs each from Wells 1, 2, and 4, and 0.668 cfs from Well 3, and 0.558 cfs from Well 5

**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-12674 was issued by the Department on August 14, 1996. The permit called for actual

construction was to begin by August 14, 1997, completion of construction by October 1, 1998, and complete application of water to beneficial use by October 1, 1999. On September 27, 1999, Agate Water Company submitted an application to the Department for an extension of time for Permit G-12674. In accordance with OAR 690-315-0050(2), on November 25, 2014, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2047 and to extend the time to apply water to full beneficial use to October 1, 2047. The protest period closed January 9, 2015, 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 25, 2014.

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

The appropriation of any water beyond 0.71 cfs being .10 cfs from Well 1 (Indian Summer), 0.19 cfs from Well 2 (Agate), 0.33 cfs from Well 3 (Choctaw) and 0.09 cfs from Well 5 (Shoshone) up to 2.23 cfs under Permit G-12674 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 that grants access to a greater rate of appropriation 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. Use of water under Permit G-12674 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

The deadline established 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 537.630, 539.010(5) and OAR 690-315-0080(3).

ORDER

The extension of time for Application G-13700, Permit G-12674, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 1998 to October 1, 2047. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 1999 to October 1, 2047.

DATED: January 16, 2015



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
Machelle A Bamberger 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.
