# **Oregon Water Resources Department**

**Water Right Services Division** 

In the Matter of the Application for an Extension of Time )	
for Permit G-8796, Water Right Application G-9501,	FINAL ORDER
in the name of the City of Sodaville )	

# **Permit Information**

### Application File G-9501/ Permit G-8796

Basin 2 – Willamette Basin / Watermaster District 2
Date of Priority: January 3, 1980

#### **Authorized Use of Water**

Source of Water:

A well in the South Santiam Basin

Purpose or Use:

Municipal

Maximum Rate:

0.17 Cubic Foot per Second (CFS)

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-8796 was issued by the Department on April 9, 1980. The permit called for completion of construction by October 1, 1981, and complete application of water to beneficial use by October 1, 1982. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2000. On February 23, 2015, the City of Sodaville submitted an application for an extension of time for Permit G-8796. In accordance with OAR 690-315-0050(2), on January 24, 2017, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2067, and to extend the time to fully apply water to beneficial use to October 1, 2067. The protest period closed March 10, 2017, in accordance with OAR 690-315-0060(1). No protest was filed.

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Final Order: Permit G-8796	Special Order Volume_	104	page 140	
Page 1 of 3				

#### FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated January 24, 2017.

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. <u>Development Limitations</u>

A maximum appropriation of 0.14 cfs of water is currently allowed under Permit G-8796. Any appropriation of water beyond 0.14 cfs (not to exceed the maximum amount authorized under the permit, being 0.17 cfs) 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 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. The amount of water used under Permit G-8796 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

The deadline established in this 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 final 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).

continued on following page

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Final Order:	Permit G-8796	4	Special Order Volume	POI	page \\\\	
Dogg 2 of 3			1			

#### ORDER

The extension of time for Application G-9501, Permit G-8796, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2000, to October 1, 2067. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2000, to October 1, 2067.

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

**Oregon Water Resources Department** 

**DATED: March 17, 2017** 

If you have any questions about statements contained in this document, please contact Ann Reece at (503) 986-0834.

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.

Final Order: Permit G-8796

Page 3 of 3

Special Order Volume 104 page 142