

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-17036, Water Right Application G-16385,) FINAL
in the name of the Pinnacle Utilities, LLC) ORDER

Permit Information

Application File G-16385 / Permit G-17036

Basin 5 / Deschutes Basin / Watermaster District 11
Date of Priority: February 9, 2005

Authorized Use of Water

Source of Water: Six wells in Deschutes River Basin
Purpose or Use: Quasi-Municipal uses, including irrigation of golf courses and commercial areas, and maintenance of reservoirs
Maximum Rate: 9.28 cubic feet per second (cfs), limited to a maximum annual volume of 2,129.0 acre-feet (AF). The rate and volume are further limited by the corresponding mitigation provided. The maximum volume for irrigation of 320.0 acres of golf courses shall not exceed 717.0 AF

**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

On February 7, 2013, Permit G-17009 was issued by the Department. The permit specified completion of construction and complete application of water was to be made within five years of permit issuance, being February 7, 2018. On April 3, 2013, Superseding Permit G-17036 was

issued to correctly describe the maximum annual volume authorized under the permit. On April 2, 2018, Pinnacle submitted an Application for Extension of Time for Permit G-17036. In accordance with OAR 690-315-0050(2), on June 5, 2018, the Department issued a Proposed Final Order proposing to extend the time to complete construction and the time to apply water to full beneficial use to October 1, 2035. The protest period closed July 22, 2018, in accordance with OAR 690-315-0060(1). On July 20, 2018, Annunziata Gould, filed a timely protest to the Proposed Final Order. The Department hereby issues a Final Order on the extension request, pursuant OAR 690-315-0060(3).

FINDINGS OF FACT

Except as expressly stated herein, The Department adopts and incorporates by reference the Proposed Final Order dated June 5, 2018.

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 appropriation of water is currently allowed under Permit G-17036. Appropriation of any water (not to exceed the maximum amount authorized under this permit, being 9.28 cfs) 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-17036 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 appropriation of water under Permit G-17036 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.

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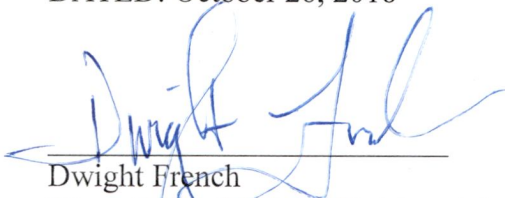
CONCLUSION OF LAW

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 G-16385, Permit G-17036, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2018, to October 1, 2035. The deadline for applying water to full beneficial use within the terms and conditions the permit is extended from October 1, 2018, to October 1, 2035.

DATED: October 26, 2018



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 D. 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
