

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

**Final Order**

**Extension of Time for Permit Number R-13105  
Permit Holder: The City of The Dalles**

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**Permit Information**

**Application File R-84049 Permit R-13105**

Basin: 4 – Hood / Watermaster District 3  
Date of Priority: January 21, 1999

**Authorized Use of Water**

Source of Water: South Fork Mill Creek with any deficiency in the available supply from South Fork Mill Creek to be made up by diversion from Dog River appropriated under Certificate 14954

Storage Facility: Crow Creek Reservoir

Purpose of Use: Storage of Water for Municipal Use

Maximum Rate: 2,100 Acre-Feet

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**This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.248 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.

Permit R-13105 was issued by the Department on November 20, 2001. The permit called for the reservoir to be filled and complete application of the stored water to the use be made by November 20, 2011. On December 15, 2022, The City of The Dalles submitted to the Department an Application for Extension of Time for Permit R-13105. In accordance with OAR 690-315-0050(2), on October 3, 2023, the Department issued a Proposed Final Order proposing to extend the time to fill the reservoir and apply the water to beneficial use under Permit R-13105 and from November 20, 2011, to November 20, 2031. The protest period closed November 17, 2023, in accordance with OAR 690-315-0060(1). No protest was filed.

## FINDINGS OF FACT

Except as expressly stated herein, The Department adopts and incorporates by reference the Proposed Final Order dated October 3, 2023.

The PFO issued October 3, 2023, incorrectly identifies the name of the authorized reservoir as "Cow Creek Reservoir", instead of "Crow Creek Reservoir".

Finding of Fact 3 of the PFO incorrectly identifies the requested date for completion as November 20, 2021. This date should be November 20, 2031.

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 condition:

## CONDITIONS

### 1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2028. 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.

## CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.248 and OAR 690-315-0040(2).

## ORDER

The extension of time for Application R-84049, Permit R-13105, therefore, is approved subject to conditions contained herein. The deadline for beginning construction is extended from November 20, 2021, to November 20, 2031. The deadline to fill the reservoir and apply the water to beneficial use under Permit R-13105 is extended from November 20, 2021, to November 20, 2031

DATED: December 8, 2023



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) 979-3213.
  - 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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