



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.Oregon.gov/OWRD

November 6, 2018

Luckiamute Domestic Water Cooperative
Attn: Carol Clark, Office Manager
8585 Suver Road
Monmouth, OR 97361

Subject: Water Management and Conservation Plan

Dear Ms. Clark:

Enclosed, please find the final order approving your Water Management and Conservation Plan and specifying that the diversion of water under Permit G-16914 remains authorized at no more than 3.2 cfs (*out of total permitted 3.7cfs*).

The attached final order specifies that the Luckiamute Domestic Water Cooperative's (LDWC) plan shall remain in effect until **November 8, 2028**. Additionally, the LDCW is required to submit a progress report to the Department by **November 8, 2023**, detailing progress made toward the implementation of conservation benchmarks scheduled in the plan. Finally, the LDWC must submit an updated Water Management and Conservation Plan to the Department by **May 8, 2028**.

NOTE: The deadline established in the attached final order for submittal of an updated water management and conservation plan (consistent with OAR Chapter 690, Division 086) shall not relieve the LDWC from any existing or future requirement(s) for submittal of a water management and conservation plan at an earlier date as established through other final orders of the Department.

We appreciate your cooperation in this effort. Please do not hesitate to contact me at 503-986-0919 or Kerri.H.Cope@oregon.gov if you have any questions.

Sincerely,

Kerri Cope
Water Management and Conservation Analyst
Water Right Services Division

Enclosure

cc: WMCP File
Application #G-12706 (Permit #G-16914)
Joel Plahn, District # 16 Watermaster
Cascade Water Works, Inc. Attn: Sue Smith, 3415 Commercial St SE # 112, Salem, OR 97302



**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of the Proposed Water) FINAL ORDER APPROVING A
Management and Conservation Plan for the) WATER MANAGEMENT AND
Luckiamute Domestic Water Cooperative,) CONSERVATION PLAN
Polk County

Authority

OAR Chapter 690, Division 086, establishes the process and criteria for approving water management and conservation plans required under the conditions of permits, permit extensions and other orders of the Department.

Findings of Fact

1. The Luckiamute Domestic Water Cooperative (LDWC) submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on April 30, 2018. The plan was required by a condition set forth under the LDWC's previously approved plan (Sp. Or. Vol. 77, Pg. 646) issued on April 29, 2009 and a condition set forth in the final order issued on January 8, 2016 approving an extension of time for Permit G-16914.
2. The Department published notice of receipt of the plan on May 29, 2018, as required under OAR Chapter 690, Division 086. No comments were received.
3. The Department provided written comments on the plan to the LDWC on August 10, 2018. In response, LDWC submitted revised plans on September 14, 2018 and November 5, 2018.
4. The Department reviewed the final revised plan and finds that the revised plan is consistent with the relevant requirements under OAR Chapter 690, Division 086.

Conclusion of Law

The Water Management and Conservation Plan submitted by the LDWC is consistent with the criteria in OAR Chapter 690, Division 086.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition 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 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.

Now, therefore, it is ORDERED:

Duration of Plan Approval:

1. The LDWC Water Management and Conservation Plan is approved and shall remain in effect until **November 8, 2028**, unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitation:

2. The limitation of the diversion of water under Permit G-16914 established in the Final Order approving an Extension of Time for Permit G-16914 (*issued on January 8, 2016*) remains unchanged. Subject to other limitations or conditions of the permit, therefore, the LDWC remains authorized to divert only up to 3.2 cfs (*out of the total permitted 3.7 cfs*) of water under Permit G-16914.

Plan Update Schedule:

3. The LDWC shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within 10 years and no later than **May 8, 2028**.


Progress Report Schedule:

4. The LDWC shall submit a progress report containing the information required under OAR 690-086-0120(4) by **November 8, 2023**.

Other Requirements for Plan Submittal:

5. The deadline established herein for the submittal of an updated Water Management and Conservation Plan (consistent with OAR Chapter 690, Division 086) shall not relieve the LDWC from any existing or future requirement(s) for submittal of a Water Management and Conservation Plan at an earlier date as established through other final orders of the Department.

Dated at Salem, Oregon this 15th day of November, 2018.



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

Mailing date: NOV 16 2018

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

Municipal or Quasi-Municipal

Extension PFO Checklist for Water Use Permits

issued after November 2, 1998

(OAR 690-315-0010 through OAR 690-315-0060)

Application: 6-12706 Permit: 6-16914 Permit Amendment? No Yes T- 10886 pending approved

Permit Holder's Name: Luckiamute Domestic Water Cooperative Attn: Jonathan Smith, PE 8585 Suver Rd 4-20-12
Monmouth OR 97361

Permit Holder's Mailing Address: _____ e-mail CascadeWaterworks@hotmail.com

Phone Number: 503-838-2075

POD Location: Township _____ Range _____ Section _____ 1/4 _____

Drainage Basin: 2 County: Polk Watermaster District: 6 Watermaster: Joel Plahn
Middle Willamette

Date Permit was issued: April 30, 2012 ^{June 30, 1995} Priority Date: November 13, 1991 Date of PN: 10-6-15

Source: Wells 1, 2, 3, 4, and 5 in the Willamette River Basin

Use: Municipal Quasi Municipal _____

"Q": 3.7 cfs

Orig "A" Date: June 30, 1996 Orig "B" Date: 10/1/2015 1997 Orig "C" Date: 10/1/2015 1998

Extension request rec'd: 9-30-15 Last Authorized "B" Date: 10/1/2015 Last Authorized "C" Date: 10/1/2015

Request Number (1, 2, 3...): 2 Proposed "B" Date: 10/1/2025 Proposed C Date: 10/1/2025

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Totalizing Flow Meter on Well 5
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Annual Water use report on Well 5
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Level measuring tube on Well 5
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Observation Well 100-300 ft from Well 5
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Meter / Annual water use reports (Wells 1-4 ^{Submitted 2002})

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

Yes No

- Work was accomplished within the time allowed in the permit or previous extension
- Water right permit holder conformed with the permit or previous extension conditions
- Beneficial use made of the water during the permit or previous extension time limits

• Permit holder has beneficially used 320 cfs gpm af Undeveloped portion 0.5 cfs gpm af

- Financial investments were made toward developing the beneficial water use.

• Amount Invested to date: \$ 11,560,000 Estimated Remaining Cost: \$ 3,290,000

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes No

Population 2785 (Year) 2015 Growth 1.7 % Population 3258 by (Year) 2025 Calculated? Yes

Peak Demand 2.36 cfs/gpm (Year) 2014 Peak Demand 2.76 cfs/gpm by (Year) 2025 Calculated? Yes

GW REVIEW: Y ce

MITIGATION REVIEW: Y

Determination of the market and the present demand for water or power to be supplied:

Identify the closest surface water or localized water basin. Rickseall Creek
Ground Water Permits: Is the POA located...
Surface Water Permits: Is the POD located...

- Yes No
 above a state scenic waterway? Name Source: OWRD "Areas Above State Scenic Waterways" Map
 within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
 within a sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.aml"
 within a critical or limited Ground Water Area? Name of area
 within a Withdrawn Area? Name of area
 in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list
 within an area ranking low / moderate / high / highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. Approval of Extension Request
No ... "Good Cause" cannot be found. Denial of Extension Request

Conditions to be included in Extension PFO (if applicable)? Yes No

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

- Max "Q" Development Limitations and Div. 86 Water Management and Conservation Plan
 Other: 5yr progress report (2019, 2024)

Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987

"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

COBU Requirement - Surface Water - post July 9, 1987

"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

COBU Requirement - Ground Water - post July 9, 1987

"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

Well 1 (POLK 3801) 6-6-69 / 6-17-69
Well 2 (POLK 281) 9-30-74 / 10-8-74
Well 3 (POLK 3802) 10-20-78 / 10-23-78
Well 4 (POLK 5137) 8-9-01 / 9-10-01

Progress reports: 2003 (recd. 9-11-03)
2008 (recd 5-4-09)
2013 (not received)

Mail list: Sidney Irrigation Cooperative
PO Box 736
Jefferson, OR 97352

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____

Reviewer's Name: Corey Date: 10-1-15

Completeness Checklist for Permit Extension of Time Application

Minimum completeness criteria for Extension of Time Applications are set forth in OAR 690-086-0020(3) for NON-Municipal or NON-Quasi-Municipal permits and in OAR 690-086-0070(3) for Municipal or Quasi-Municipal permits.

1. Is the permit to be extended Non-Cancelled according to WRIS and the permit file? yes
If the permit has been cancelled, the Extension Application cannot be accepted.
2. Is the extension applicant's name and mailing address the permit holder of record? yes
 If an Assignment has **not** yet occurred, and is **not** submitted with the Extension of Time Application, the application cannot be accepted.
3. Did Construction begin on or before the "A" date (Actual Construction date), If no "A" date then by the "C" date (Completion Date)? _____
IF NO, Return application, The Extension cannot be granted.
4. Pull the permit file. If a copy of the permit is not in the file, pull up an image of the permit in WRIS.
5. Is the appropriate Extension of Time Application used? _____
 If the wrong application form is used, the Extension Application cannot be accepted.
 • If a Municipal or Quasi-Municipal permit, use: "Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits."
 • If a NON-Municipal or NON-Quasi-Municipal permit, use: "Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)."
6. Are the requested date(s) for extension identified (Page 1)? yes
 • Check the permit to see if it includes a "B-Date" and/or a "C-Date."
 "B-Date" = date by which construction of the water delivery system for the permit is to be completed.
 "C-Date" = date by which full beneficial use of water under the permit is to be accomplished AND CONSTRUCTION MUST BEGIN by if no "A" DATE.
7. Is the Extension Application signed (with an original signature) by permit holder(s) of record or an authorized agent? yes
 (If signed by agent, documentation from the permit holder(s) granting authorization for the agent to sign on their behalf must be provided or be present and current in the permit file.)
 If **not** signed by a permit holder of record or authorized agent, the Extension Application cannot be accepted.
8. Are all questions on the application answered? yes
 (NOTE: Supporting documentation such as: copies of the permit, well log(s), annual water use reports, static water level measurement reports, evidence demonstrating construction/work/water use accomplished, etc. may be included.)
9. Has the \$575 fee been paid? yes
***If applicable, has the \$85 fee for the Assignment been paid?** _____
 (As of July 1, 2013, the Extension of Time fee is \$575, and Request for Assignment fee is \$85)
 If the fee has **NOT** been paid, the application cannot be accepted.
****NOTE: If the fee is the only item missing, contact the applicant to see if they can submit the fee with the next few days. If the applicant commits to submitting the fee within one week, hold the Extension Application, and explain to them that if it is not received the application will be returned (as we are required to keep any application, regardless of how complete, if retained by the Department as long as two weeks.**
10. If after completing this checklist, it is not clear whether the application can be accepted, please route both the money slip and Non-Muni Extension Application to Mabelle Bamberger or Corey Courchane. For municipal application route to, Mabelle Bamberger. One will either: 1) accept the application; 2) return the application; or 3) prepare a deficiency letter.

Reviewed by: Corey Date: 9-30-15



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

October 1, 2015

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: G-12706 (Permit G-16914)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Corey Courchane at (503) 986-0825. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.



<http://apps.wrd.state.or.us/apps/wr/wrinfo/>
Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits

Make use of this form, *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, only if the permit uses the word "Municipal" or "Quasi-municipal" in the description of the purpose or use to which water is to be applied.

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

A separate extension application must be submitted for each permit as per OAR 690-315-0070(2). This page, with an original signature by the permit holder of record, must accompany the extension of time application.

This application and a summary of review criteria and procedures that are generally applicable to this application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>

I, Luckiamute Domestic Water Cooperative
 NAME OF PERMIT HOLDER [OAR 690-315-0070(1) and (3)(a)]

Jonathan Smith, PE
 NAME OF CONTACT

8585 Suver Rd.
 ADDRESS

Monmouth
 CITY

OR
 STATE

97361
 ZIP

503-838-2075
 PHONE

cascadewaterworks@hotmail.com
 E-MAIL ADDRESS

the permit holder of: Application Number G-12706

Permit Number G-16914
 [OAR 690-315-0070(3)(b)]

do hereby request that the time in which to:

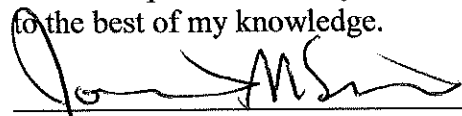
complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on October 1, 2015, be extended to October 1, 2025,

and/or the time in which to:

apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, 2015, be extended to October 1, 2025.

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I am the permittee, or have written authorization from the permittee, to apply for an extension of time under this permit. I certify that the information I have provided in this application is true and correct to the best of my knowledge.


 Signature

9/30/15
 Date

Before submitting, make sure the following items are included:

- Completed Application for Extension of Time
- Statutory fee of \$575 (ORS 536.050)
- Signature page (page 1 of application) for Application for Extension of Time
- All supporting documentation and/or evidence referenced in the Application for Extension of Time

MAIL COMPLETED APPLICATION

along with the

\$575 STATUTORY FEE (ORS 536.050) TO:

**Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266**

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SALEM, OREGON



GENERAL TIPS:

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- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0070(2).
- Request the reasonable amount of time necessary to fully develop the permit and complete the project. If you don't request enough time, OWRD may be unable to find that you can complete the project within the time requested.
- Permit extensions for Municipal and Quasi-Municipal permits are evaluated under OAR Chapter 690, Division 315. Except under limited circumstances (see OAR 690-315-0090), upon issuance of an order approving an extension of time, the permit holder will be required to submit a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86 within 3 years. Diversion of water beyond the maximum rate currently diverted under the permit shall only be authorized upon approval of a WMCP. These rules may be viewed at: <http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.
- The Application for Extension of Time includes detailed tips and instructions to help you respond to each item of the application. Oregon water law and administrative rules require the OWRD to consider each of these items when reviewing a municipal or quasi-municipal water use Application for Extension of Time. However, please feel free to provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0070(3)(p).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0080(1)(a).

Reference Materials Needed to Complete this Application

Below is a listing of the items that must be reviewed and considered when completing an Application for Extension of Time for a Municipal or Quasi-Municipal water use permit:

- The subject water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://apps.wrd.state.or.us/apps/wr/wrinfo/> (the link to the Water Rights Information System (WRIS)). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Water Management and Conservation Plan (OAR Chapter 690, Division 86), *if applicable*, per OWRD.
- Water System Master Plan, *if applicable*, per Oregon Health Division.

- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; a long-term alternative water supply plan; a plan to monitor the effect of water use on ground water aquifers utilized under the permit, etc.).
- All other water rights (certificates, permits, permit amendments, transfers, and/or new applications) held by the applicant.

Definitions Pertinent to this Application for Extension of Time

Actual Construction - any physical work performed toward completion of the water system which demonstrates the water right permit holder’s good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, or surveying. This definition applies to quasi-municipal permit holders, required under the applicable statute, and for municipal water use permits issued on or after June 29, 2005. OAR 690-315-0070(3)(c) and (d), and OAR 690-315-0020(3)(d)(A)and(B).

C-Date – the date specified in the permit for complete application of water.

Permitted Time Period - period of time between the date when the permit was signed *and* the date specified in the permit for complete application of water

Time Period of the Previous Extension – *For the 2nd Application for Extension of Time* - period of time between the date specified in the permit for complete application of water and the new “extended to date” for complete application of water specified in the 1st approved extension.

For the 3rd, 4th, or . . . nth Application for Extension of Time - period of time between the “extended from date” for complete application of water and the “extended to date” for complete application of water specified in the most recently approved extension.

Undeveloped Portion of the Permit - the portion of the permit that is the difference between the maximum rate, or duty if applicable, specified in the permit and the maximum rate, or duty if applicable, diverted for beneficial use by the C-date or the last “extended to” date for complete application of water from the most recent prior extension. (*Oregon Court of Appeals A147071 WaterWatch vs OWRD & City of Cottage Grove, 2013*)

Work and Actions Accomplished - includes both physical work and other activities associated with the development of the water right, such as: water management planning; conservation planning; development of a water master plan for the Oregon Health Division; planning of a diversion system; demand forecasting; flow or water quality monitoring; source evaluation; entry into intergovernmental agreements for water delivery; property acquisition; engagement in governmental permitting or project financing; procurement of planning, design or construction services; surveying; and any physical work performed toward completion of the system and development of the right (e.g., pumps; pipes; well construction; treatment plant/facilities; transmission systems; distribution systems; and/or intake structures). OAR 690-315-0080(4).

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Completing the Extension of Time Application for Quasi-Municipal or Municipal Use Permits

Please provide the information requested by item numbers 1-13. OWRD will use this information to evaluate your Application for Extension of Time.



TIP: When making a reference to any document, report, and/or plan:

- (1) reference the source document along with any page number(s), table(s) and/or chart(s) used in the response, and
- (2) include a copy of the source document (or appropriate pages) with the extension application.

[OAR 690-315-0070(3)]

1. **Submit the appropriate extension of time fee (\$575), as specified under ORS 536.050.** If the extension application fee has already been paid, please provide indicate why and when it was paid. *The statute for this fee may be viewed at http://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors536.html*

[OAR 690-315-0070(3)(c)]

2. **For Quasi-Municipal water use permit holders, provide evidence of the actions taken to begin actual construction on the project if required under the applicable statute.** All Quasi-Municipal permits issued prior to October 23, 1999, are generally required to begin actual construction within one (1) year.



TIP: See Definition of "Actual Construction"

Begin Date: 10/2012. **Construction of a 6" test well for well #5 began.**
(month/year) (details)

[OAR 690-315-0070(3)(d)]

3. **For Municipal water use permits issued on or after June 29, 2005, evidence of the actions taken to begin actual construction on the project.**



TIP: See definition of "Actual Construction"

Begin Date: _____. **Construction of _____ began.**
(month/year) (details)

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4. Provide a description of financial expenditures and evidence of actions taken to develop the water right permit within the permitted time period and, if applicable, within the time period of the most recent extension granted. Present the list in chronological order in Chart-I.



TIP: See definitions of "Permitted Time Period", "C-Date", "Time Period of the Previous Extension", "Actual Construction" and "Work and Actions Accomplished".

CHART-I

INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List work/actions done before the permitted was issued – e.g. Well drilled.</i>	COST
1969- 79	Wells #1-3 drilled and put on line	\$65,000
69-2008	Add 108 miles mainline piping and 13 reservoirs totaling 1.3 million gallons	\$8 million
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED DURING PERMITTED TIME PERIOD (after permit was issued and prior to permit "C-date") <i>List work/actions done during the permitted time period.</i>	COST
4-30-12	Date the permit was signed - find date above signature on last page of permit.	
10-2012	Test well for well # 5 drilled	\$5000
	Date the permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
10/1/1998	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED AFTER PERMIT "C-Date" and PRIOR TO THE MOST RECENT EXTENSION OF TIME REQUEST <i>For the 1st Application for Extension of Time: List work/actions done after the permit "C-date" up to the date of this extension request.</i> <i>For Other than the 1st Application for Extension of Time: List any work/actions done after the permit C-Date but prior to the most recent extension.</i>	COST
98-00	4 miles of 6" pipeline, two-250,000 gallon reservoirs	\$1.2 million
98-00	100 new connections added to system	\$20,000

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CHART-I (continued)		
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED DURING THE MOST RECENT EXTENSION OF TIME GRANTED <i>For Other than 1st Application for Extension of Time: List any work/actions done during the time period most recent extension.</i>	COST
10/1/2000	Date of the last "Extended From Date" for complete application of water (used on the most recently approved extension of time).	
10-2001	Drilled new well #4	\$28,000
2001-15	Multiple pipeline replacements/improvements (approx.. 12 miles)	\$1.6 million
2013	New booster pump #6 pump station	\$45,000
2001-15	300 new connections added to system	\$600,000
10/1/2015	Last "Extended To" date for complete application of water (resulting from the most recently approved extension of time).	
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED AFTER THE MOST RECENT EXTENSION OF TIME GRANTED <i>List work/actions done after the last authorized date for complete application of water has passed.</i>	COST
Total Cost to Date		\$11.56 million

[OAR 690-315-0070(3)(f)]

5. Provide evidence of compliance with conditions contained in the original permit, in any previous extension(s), and/or in any permit amendments (Chart II), or the reason the condition was not satisfied (Chart III).

Conditions requiring a response in the extension of time application include those which:

- Stipulate a specific date by which the permit holder was to accomplish a specific action, such as a condition that requires plans and specifications for a reservoir, a Water Management and Conservation Plan, a ground water monitoring plan or some other document which "...shall be submitted...within two years of permit issuance." If your permit requires submittal of a Water Conservation and Management Plan, please indicate the date the plan was submitted to or approved by OWRD, or whether it is still being drafted, etc.;
- and/or
- Are triggered by the use of water, but do not stipulate a specific date. These conditions represent a milestone in development of the project and use of water, such as the permit holder, "shall install...a water meter or other suitable measuring device approved by the Director...before any use of water begins." Another common condition triggered by

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the use of water is that; "fish screens are to be installed according to Oregon Department of Fish and Wildlife specifications."



TIP: Any supporting documentation submitted to demonstrate compliance with time-sensitive permit conditions or any conditions from prior permit extension(s) must be clearly referenced and may include, but is not limited to: well construction logs; static water level measurement reports, annual water use reports; a Water Management and Conservation Plan; an alternative long-term water supply plan; and/or a plan to monitor the effect of water use on ground water aquifers utilized under the permit. If needed, please contact OWRD for assistance in identifying and/or interpreting which conditions in the water permit are pertinent to the Application for Extension of Time.

Describe how each condition has been complied with. Include conditions contained in the original permit (and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time). Include the date when the condition was satisfied.

CHART-II

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	Prior 02	Wells 1-4 have been drilled with flowmeter, airlines, and gauges per Permit #G-12001
2	yearly	Records have been kept and sent to OWRD on a yearly basis
11.	2012	Test well for well #5 drilled
3	200-15	Quantity diverted has not exceeded quantity allowed, pump records have been sent to OWRD (Permit #G16896)

** Condition No: Attach a copy of the permit and, if applicable, any prior permit extensions or permit amendments with conditions identified and hand-numbered in a continuous number sequence throughout all such documents. Responses to Items 5-A and 5-B should reference each condition by number to correspond with the hand-written number sequence on the attached documents containing permit conditions.

5-B) If applicable conditions have NOT complied with all, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-III

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
4-10, 12-13	2025	Monitoring of water in the area of well #5 continues to show high levels of nitrates.
4-10, 12-13	2025	Discussions at LDWC board meetings continue to struggle with whether or not to proceed with well #5 in its current location.

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6. Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit. Report water use as of the C-Date in the permit, or as of the "extended to" date of the most recent prior extension of time (if any).



TIP: Documentary evidence substantiating the maximum instantaneous rate, or duty if applicable, of water appropriated may include, but is not limited to: water meter records; dedicated electrical meter records; business records; and/or a sworn affidavit.

6-A) For Surface Water Permit Extensions:



TIP: Report in the same units of measurement as specified in the permit. In this section, report only water use made under THIS permit:

Maximum instantaneous rate (as of C-date or prior extension) = _____ cfs, or
(cubic feet per second)

Maximum instantaneous rate (as of C-date or prior extension) = _____ gpm, or
(gallons per minute)

Acre Feet stored as of C-date or prior extension) = _____ AF

6-B) For Ground Water Permit Extensions:



TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

CHART-IV

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED						
			Well Log Number E.g. MULT 60493	Well Tag Number E.g. # 40151 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See below)	Maximum instantaneous rate used by C-date or prior extension -- from this well - under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the rate used from this well under each water right. (Typically the total of all uses from a single well will not exceed the well's pumping capacity.)	
								Permit, Certificate, or Transfer No.	Rate (CFS or GPM)
4480	1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Polk 1		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	0.90 cfs	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-	
6093	2	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Polk 2		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	0.45 cfs	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-	
8747	3	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Polk 3		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	1.00 cfs	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-	
12001	4	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Polk 4	48797	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	0.85 cfs	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-	

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Total instantaneous rate from all wells utilized under this permit used by C-date or most recent "extended to" date	3.20 cfs
---	----------

6-C) If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location. Has or will a permit amendment application been/be filed with OWRD? Yes No

If a Permit Amendment Application has been filed: Transfer No. T-_____

Well # _____: Actual location: _____

Well # _____: Actual location: _____

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[OAR 690-315-0070(3)(h)]

7. Provide an estimate of the current population served under this permit and a description of the methodology(ies) used to make the estimate.

Estimate the current population that is supplied water by the municipality or quasi-municipality and if applicable, current population served under this permit. Describe how that estimate was derived, or cite the source document from which the data was obtained. Include any calculations, formulas, supporting documentation, including copies of source documents.

Current Population: 2785 as of Year: 2015

Methodology used to estimate current population served: 1071 meters x 2.6 users/meter (PSU population study uses 2.6 residents per water meter),

[OAR 690-315-0070(3)(p)]

8. Report the current peak water demand of the current population served, and a description of the methodology(ies) used to make the estimate.

Identify the total rate, or duty if applicable, of water being used to meet the current peak demand for water from all water rights held by the municipal or quasi-municipal entity. This must be reported in the same units of measurement as specified in the permits, being cfs (cubic feet per second), gpm (gallons per minute), and/or AF (acre-feet – usually only specified on a reservoir right to store water). This total rate should be based on the information provided on "Attachment A" in the column named "Max Amount of Beneficial Water Used to Date" [under Item 10-A (a)].

Current Peak Water Demand: 2.36 cfs as of Year: 2014

Methodology used to estimate current peak demand: Peak demand calculated from (total yearly flow / 365) = Avg. Day. (Avg. day / 1440) x 3.0 peaking factor = peak flow

[OAR 690-315-0070(3)(k)]

9. Provide a summary of any events that delayed completion of the water development or application of water to full beneficial use, including other governmental requirements (if any), relating to the project that have significantly delayed completion of construction or perfection of the right.



TIP: *Such events may include, but are not limited to: the size and scope of the project; financing and/or cash flow issues; local referendums or initiatives; actual growth rates; economic downturns; loss of territory to annexation; water conservation efforts; the need to meet other governmental requirements relating to the project; natural disasters and severe weather; and/or any other events over which the water right permit holder had no control and which delayed development under the permit.*

Water monitoring continues to show high levels of nitrates in the area of well #5. A consensus has not been reached at LDWC board meetings to approve drilling well #5 with the nitrate levels as they are due to possible health effects on residents. Also, LDWC continues to raise revenue for the project so that money does not need to be borrowed for the project.

[OAR 690-315-0070(3)(1)]

- 10-A. Provide an estimated demand projection and a description of the methodology(ies) used for the subject water right permit, considering the other water rights held by the municipal or quasi-municipal water use permit holder, and a date by which the water development is anticipated to be completed and water put to full beneficial use.

In developing your estimated demand projections for the permit being extended, you should include the following items:

- a) Inventory of Water Rights Held
List all water rights held, including this permit, currently held by the permit holder. Use the format shown in "Attachment A" (see last page of this Application for Extension of Time). A link to the Water Rights Information System (WRIS), accessed through OWRD's website at <http://apps.wrd.state.or.us/apps/wr/wrinfo/> may be a helpful source for compiling this information.

Use the "Use Limitations" column to identify and explain why any water right is not currently utilized to meet current peak water demands, or which is used only in a limited capacity.



TIP: *Use limitations include any factors affecting the use of a water right, such as: used for system redundancy; used for emergency back-up water supply; climate patterns or turbidity result in seasonal unavailability; not used due to water quantity issues, etc.*

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b) Water Supply Contracts and/or Agreements

List any water supply contracts or agreements for water that will be supplied by the permit holder to other entities.

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None

List any water supply contracts or agreements for water that will be supplied from other entities that the permit holder will depend on to meet its own current or anticipated future water needs.

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LDWC is contracted to purchase a minimum of 400,000 gallons per month from Falls City. They generally try to purchase the minimum in the cooler months, but go over this amount in summer months.

c) Projected Population

Identify the projected population growth rate. The population projection must be extended out, at a minimum, to the year requested for complete application of water. Describe the methodology used to create the population projections such as historical growth rates or any factors affecting growth trends.

Population Growth Rate: 1.7%

Projected Population: 3258 as of Year: 2025

Methodology used to estimate projected population and population growth rate: 1.7% Polk County growth rate from SEDCOR.

d) Future Peak Water Demands

Identify the projected peak water. The peak water demand projection must be extended out, at a minimum, to the year requested for complete application of water. Describe the methodology used to create the water demand projection, such as historical growth rates or any factors affecting growth trends. Include a summary of how the subject permit, and other water rights and /or supply contracts held by the permit holder are planned or expected to be used to meet anticipated future water needs

Projected Peak Water Demand: 2.76 cfs as of Year: 2025

Methodology used to estimate peak water demand: current peak demand x 2025 population / 2014 population

e) Potential Growth

Describe the potential for growth of the service area (such as the annexation of lands or new industrial and/or commercial ventures locating within the service area) and describe how those projects are expected to affect future water demands.

Some of the land within the LDWC district has been approved for subdivision with as many as 100 subdivided lots on individual plats. If this were to occur, and all approved lands subdivided, water demands could increase by as much as 50% above projected peak demands.

f) Completion Date

Provide the date by which the water development is anticipated to be completed and water put to full beneficial use. **October 1, 2025**

[OAR 690-315-0070(3)(l)]

10-B. Application for Extension of Time requests for greater than 50 years must include documentation that the demand projection is consistent with the amount and types of lands and uses proposed to be served by the permit holder.



TIP: If you are requesting an extension of greater than 50 years, it is very important to provide all available documentation (including estimates, projections, other related information, and all associated data) supporting the position that the demand projection is consistent with the amount and type of lands and uses to be served by the permit holder.

Show that permit holder's potential for future growth and expansion is feasible and consistent with the amounts and types of lands and uses proposed to be served. Information that may be addressed includes, but is not limited to: land use plan(s); current service area(s) in relation to the urban growth boundary; amounts of lands currently un-served and available for future development; and/or low-density vs. high-density areas.

[OAR 690-315-0070(3)(j) and OAR 690-315-0070(3)(m)]

11. Provide an estimate of the costs to complete water development and summary of the future plan and schedule to complete construction and/or perfect the water right.

Considering the demand projections in Item 10-A, describe major future work and actions that must be accomplished in order to fully develop and perfect the subject permit. Provide a list of the major planning, work and/or actions needed, the approximate time frames, and estimated costs anticipated to complete the water development within the parameters of this permit. The review of a Capital Improvement Plan (CIP) or other system infrastructure improvement plans may help when formulating a response.

CHART-V

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APPROXIMATE DATE RANGE	WORK AND ACTIONS TO BE ACCOMPLISHED	ESTIMATED COST
2016 - 2020	Drill and test Well #5	\$35,000
2016 - 2025	Install pumping equipment, main well transmission pipeline (approx. 1.6 miles)	\$500,000
2016-2025	Install treatment equipment (chlorination, pH adjustment)	\$35,000
2018	New 8" mainline to replace aging 4" line – approx. 2.5 miles	\$400,000
2020-2025	Replacement of 11 miles of 4" piping with 8" piping	\$2.3 million
Year: 2025	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Estimated Total Cost to Complete Development		\$3.29 million

[OAR 690-315-0070(3)(n)]

12. **Justify the time requested to complete the project and/or apply the water to full beneficial use.**

A justification should integrate information from Items 5-B, 6-A or 6-B, 9, 10-A, and 11 of this application, and should include any other information or evidence to establish that the requested amount of time is reasonable, and that you will be able to complete the project within the amount of time requested.

The proposed site for well #5 (which would allow perfection of the permit), has been tested for higher than allowed levels of Nitrates. The LDWC board has been struggling with the idea of pumping this water containing the high Nitrates into the system for fear of the adverse health ramifications that may result. In addition to the new well #5, pipelines and other facilities need to be built to allow the beneficial use of the water. LDWC would like to pay for these items as they are built without acquiring loans which must be repaid. To accumulate these funds takes many months.

[OAR 690-315-0070(3)(o)]

13. **Provide any other information you wish OWRD to consider while evaluating the Application for Extension of Time**

The LDWC has made good faith efforts to make the system improvements which would allow perfection of the allotted water for beneficial use. Improvements to the system are made on a continuing basis. The system covers many miles of rural Polk County and it is costly to provide water over such a large area. At times, several miles of pipeline must be installed to serve only a few customers. The system has been upgraded dramatically in the past 15 years and now provides reliable, safe drinking water to its customers with very few outages. This has not always been the case. With the additional water called for in this permit, this form a reliable service can continue for the foreseeable future.

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[OAR 690-315-0070(3)(q)]

14. For Municipal water use permits issued before November 2, 1998, for the first extension issued after June 29, 2005, provide a copy of any agreements regarding use of the undeveloped portion of the permit between the permit holder and a federal or state agency that include conditions or required actions that maintain the persistence of listed fish species in the portions of the waterways affected by water use under the permit. N/A

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Water Rights Inventory for (Name of Entity) Luckiamute Domestic Water Cooperative

(List of All Permits, Permit Amendments, Certificates, Transfers, New Applications)

Ground Water

Applicati on No.	Permit No.	Priority Date	Certificate No.	P.A. ¹ or Transfer No.	Source of water identified in water right	Facility Name used by entity	Use	Rate identified in water right (cfs or AF)	Actual		Authorized Completion Date ²
									Diversion Maximum Instantaneous Rate Diverted to Date (cfs)	Diversion Maximum Instantaneous Rate Diverted to Date (cfs)	
12706	16914	5/22/2009		T-10886	Willamette	LDWC	QM	3.7 cfs	3.2 cfs		10-1-2015

Surface Water

Applicati on No.	Permit No.	Priority Date	Certificate No.	P.A. or Transfer No.	Source of water identified in water right	Facility Name used by entity	Use	Rate identified in water right (cfs or AF)	Actual		Authorized Con Date
									Diversion Maximum Instantaneous Rate Diverted to Date (cfs)	Diversion Maximum Instantaneous Rate Diverted to Date (cfs)	

Pending New Water Right Applications

Application No.	Priority Date	Source	Proposed Use	Proposed Rate

Attachment "A"
For Extension of Time

¹ P.A. = Permit Amendment
² Date by which full application of water is to be made within the terms and conditions of the permit (date will be specified in the permit or on the last extension Final Order).
³ If a particular water right certificate, permit, or transfer is not being utilized to meet current demands, or its use is somehow limited due to quality, seasonal, etc. limitations, or if a the actual diversion rate is less than a certificated rate, please explain why.



STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LUCKIAMUTE DOMESTIC WATER COOPERATIVE
 8585 SUVER ROAD
 MONMOUTH, OREGON 97361

503-838-2075

This superseding permit is issued to correct a scrivener's error in the location description of Well 4 amended by Special Order Vol. 51, Page 356, entered April 30, 2012. This permit supersedes Permit G-16896.

to use the waters of WELLS 1, 2, 3, 4, and 5 in the WILLAMETTE RIVER BASIN for QUASI-MUNICIPAL USE.

This permit is issued approving Application G-12706. The date of priority is NOVEMBER 13, 1991. The use is limited to not more than 3.7 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	4 W	WM	10	NE NW	WELL 1 - 62.3 FEET SOUTH AND 3346.9 FEET EAST FROM THE SW CORNER OF DLC 40
9 S	4 W	WM	10	NE NW	WELL 2 - 2137.3 FEET SOUTH AND 3421.9 FEET EAST FROM THE SW CORNER OF DLC 40
9 S	4 W	WM	10	SE NW	WELL 4 - 250 FEET SOUTH AND 3550 FEET EAST FROM THE SW CORNER OF DLC 40
9 S	4 W	WM	10	NW SE	WELL 3 - 2911.28 FEET NORTH AND 145 FEET WEST FROM THE SE CORNER OF DLC 42
9 S	4 W	WM	11	NW SE	WELL 5 - 2046 FEET NORTH AND 2014 FEET WEST FROM THE SE CORNER OF SECTION 11

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the proposed place of use under this permit is as follows:

QUASI-MUNICIPAL USE

WITHIN THE BOUNDARIES OF LUCKIAMUTE
 DOMESTIC WATER COOPERATIVE

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 SALEM, OREGON

PERMIT AMENDMENT T-10886 CONDITIONS

4. The quantity of water diverted at the new point of appropriation for Well 4 shall not exceed the quantity available at the original points of appropriation (Wells 1, 2, 3, and 4).
5. The quantity of water diverted at Well 5 shall not exceed 1.0 cubic foot per second.
6. Water shall be acquired from the same aquifer as the original points of appropriation.
7. The use of water from Well 5 shall have a priority date of May 22, 2009. If the permittee in the future proposes to transfer this right to another point of appropriation, the priority date of the transferred right shall be deemed to be the priority date of November 13, 1991, unless the Department's evaluation of the potential for injury requires a similar subordination to existing uses.
8. Prior to water use from the proposed points of appropriation, the permittee shall install a totalizing flow meter on Well 5. The flow meter must be installed and maintained in good working order consistent with those standards identified in OAR 690-507-645(1) through (3). The permittee shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water-use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
9. The permittee shall allow the watermaster access to the meters; provided however, where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.
10. A dedicated water-level measuring tube shall be installed in Well 5. The measuring tube shall meet the standards described in OAR 690-215-0060. When requested, upon reasonable advance notice to the permittee, access to the well will be provided to Departmental staff in order to make water-level measurements.
11. A dedicated observation well shall be constructed at a distance of 100 to 300 feet from Well 5 or at a different location that is agreeable to the Groundwater Section of the Water Resources Department. The well shall be constructed no later than three months after Permit Amendment T-10886 is approved. The observation well shall be two inches in diameter, shall fully penetrate the sand and gravel aquifer (an expected total well depth of about 40-50 feet), and shall be screened over at least the basal 20 feet of the aquifer. The well shall not be completed in the underlying fine-grained sediments. When requested, access to the observation well will be provided to Departmental staff in order to make independent water-level measurements.
12. The Department will install and maintain a water level recording device in the observation well as resources allow.
13. The permittee shall enable the Department to conduct a 24-72 hour aquifer test of Well 5, to standards specified by the Department, within the first year after Well 5 and the observation wells are constructed. In the event that the Department is unable to conduct the aquifer test, the permittee is still authorized to use Well 5, as conditioned under this permit.

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SALEM, OREGON
PERMIT G-16914

EXTENSION OF TIME CONDITIONS

The permittee must submit a written progress report to the Department by October 1, of the years 2003, 2008, and 2013. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water use, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms of the permit and extension.

Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or 537.410 to 537.450. Within one year after cancellation, the permittee must submit a final proof survey pursuant to ORS 537.230 and 537.250.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence;
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider information submitted to the Department by the permittee and any information submitted during the 39-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent towards completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

ORIGINAL CONDITIONS

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Actual construction work shall begin on or before June 30, 1996, and shall be completed on or before October 1, 2015. Complete application of water shall be made on or before October 1, 2015.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for beneficial use of water without waste. The water user is advised that new regulations may require use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, would not impair or be detrimental to the public interest.

Issued this 30 day of April, 2012.


Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

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Luckiamute Domestic Water Cooperative
Pumping Report - 15TH THRU THE 15TH

YEAR 2013		YEAR 2014									
Month	Gallons Billed Out	Dollars Billed Out	Gallons Billed Out	Dollars Billed Out	LDWC Pumped	Pumped Thru Falls City	Total Gallons Avail for Sale	Known Loss and Blow - Offs	Gallons Avail Less Billed	% Unmetered Loss	
JAN	9,618,641	\$60,965.05	8,943,147	\$58,936.63	12,675,500	129,200	12,804,700	1,686,345	2,175,208	16.99%	
FEB	9,171,775	\$59,918.03	10,107,254	\$62,488.67	14,385,700	276,200	14,661,900	1,489,962	3,064,684	20.90%	
MAR	8,435,294	\$58,147.70	6,879,624	\$54,410.83	10,446,200	112,200	10,558,400	1,815,155	1,863,621	17.65%	
APR	9,051,804	\$59,405.51	9,133,117	\$59,744.01	12,319,800	205,300	12,525,100	1,327,354	2,064,629	16.48%	
MAY	12,203,017	\$67,729.34	8,613,476	\$58,392.04	12,670,600	203,000	12,873,600	1,796,000	2,464,124	19.14%	
JUNE	11,321,269	\$65,298.36	14,116,542	\$73,086.76	16,235,810	648,300	16,884,110	861,964	1,905,604	11.29%	
JULY	16,927,101	\$80,807.84	16,261,801	\$79,287.71	19,878,190	1,043,000	20,921,190	1,932,137	2,727,252	13.04%	
AUG	20,022,676	\$90,537.45	18,823,232	\$86,569.50	21,009,900	986,160	21,996,060	1,189,259	1,983,569	9.02%	
SEP	15,667,624	\$78,523.64	17,717,846	\$83,407.23	20,164,000	955,040	21,119,040	1,236,623	2,164,571	10.25%	
OCT	9,467,897	\$61,751.23	12,797,300	\$69,825.63	14,644,600	417,400	15,062,000	412,667	1,852,033	12.30%	
NOV	9,171,125	\$60,355.95	9,099,533	\$60,147.09	11,866,100	285,445	12,151,545	1,331,915	1,720,097	14.16%	
DEC	10,232,647	\$62,587.44	9,503,986	\$60,931.35	13,363,600	312,150	13,675,750	2,122,886	2,048,878	14.98%	
TOTALS	141,290,870	\$806,027.54	141,996,858	\$807,227.45	179,660,000	5,573,395	185,233,395	17,202,267	26,034,270	14.05%	

RECEIVED

SEP 30 2015

WATER RESOURCES DEPT
SALEM, OREGON

Peak Demand = $(185,233,395 / 305) \times 3.0$

1440

= 1057 gpm = 236 cfs

**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-16914, Water Right Application G-12706,)
in the name of the Luckiamute Domestic Water Cooperative) **PROPOSED FINAL ORDER**

Permit Information

Application File G-12706 / Permit G-16914

Basin 2 – Middle Willamette Basin / Watermaster District 16
Date of Priority: November 13, 1991

Authorized Use of Water

Source of Water: Wells 1, 2, 3, 4, and 5 in the Willamette River Basin
Purpose or Use: Quasi-Municipal
Maximum Rate: 3.7 Cubic Feet per Second (cfs)

**This Extension of Time request is being processed in accordance with Oregon
Administrative Rule Chapter 690, Division 315.**

***Please read this Proposed Final Order in its entirety as it contains
additional conditions not included in the original permit.***

This Proposed Final Order applies only to Permit G-16914 (modified by Permit Amendment T-10886), water right Application G-12706.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time to complete construction from October 1, 2015 to October 1, 2025.
- Grant an extension of time to apply water to full beneficial use from October 1, 2015 to October 1, 2025.
- Make the extension of time subject to certain conditions as set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources

PFO – Proposed Final Order

WMCP – Water Management and Conservation Plan

LDWC – Luckiamute Domestic Water Cooperative

Units of Measure

cfs – cubic feet per second

gpm – gallons per minute

AUTHORITY

Generally, see **ORS 537.630** and **OAR Chapter 690 Division 315**.

ORS 537.630(1) provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order and allow an extension of time, for the completion of the well or other means of developing and securing the ground water or for complete application of water to beneficial use. In determining the extension, the department shall give due weight to the considerations described under ORS 539.010 (5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0080 provides in pertinent part that the Department shall make findings to determine if an extension of time for quasi-municipal water use permit holders may be approved to complete construction and/or apply water to full beneficial use.

OAR 690-315-0050(5) authorizes the Department to include in an extension order, but is not limited to, any condition or provision needed to: ensure future diligence; mitigate the effects of the subsequent development on competing demands on the resource; and periodically document the continued need for the permit.

OAR 690-315-0090(3) requires the Department, under specific circumstances, to condition an extension of time for quasi-municipal water use permit holders to provide that diversion of water beyond the maximum rate diverted under the permit or previous extension(s) shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan under OAR Chapter 690, Division 86.

FINDINGS OF FACT

Background

1. Permit G-12001 was issued by the Department on June 30, 1995. The permit authorizes the use of up to 3.70 cfs of water, from Wells 1, 2, 3, 4, and 5 in the Willamette River Basin for quasi-municipal use. It specified actual construction work to begin by June 30, 1996, construction of the water development project was to be completed by October 1, 1997, and complete application of water was to be made on or before October 1, 1998.
2. On April 20, 2012, the Department approved Permit Amendment T-10886 (Special Order Volume 87, Page 400) authorizing a change in the point of appropriation and adding an additional point of appropriation under Permit G-12001. The Department issued a superseding Permit G-16896 describing the authorized changes.
3. On April 30, 2012, the Department issued a correcting Final Order to correct a scrivener's error, replacing Permit Amendment T-10886 (Special Order Volume 87, Page 400) with Permit Amendment T-10886 (Special Order Volume 87, Page 356). Permit G-16896 is superseded by Permit G-16914 to correct a scrivener's error in the location description of Well 4 on Permit G-16896, and here forward will be simply known as Permit G-16914.
4. One prior permit extension has been granted for Permit G-16914. The most recent extension request resulted in the completion dates for construction and full application of water being extended to October 1, 2015.
5. The permit holder, Luckiamute Domestic Water Cooperative (LDWC), submitted an "Application for Extension of Time" to the Department on September 30, 2015, requesting the time to complete construction and the time to apply water to full beneficial use under the terms and conditions of Permit G-16914 be extended from October 1, 2015 to October 1, 2025.

6. Notification of the Application for Extension of Time for Permit G-16914 was published in the Department's Public Notice dated October 6, 2015. No public comments were received regarding the extension application.

Review Criteria for Quasi-Municipal Water Use Permits [OAR 690-315-0080(1)]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0080. This determination shall consider the applicable requirements of ORS 537.230¹, 537.630² and/or 539.010(5)³

Complete Extension of Time Application [OAR 690-315-0080(1)(a)]

7. On September 30, 2015, the Department received an Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0080(1)(b)]

8. Actual construction of the well began prior to the June 30, 1996 deadline specified in the permit. Well 1 (POLK 3801) began construction June 6, 1969.

Duration of Extension [OAR 690-315-0080(1)(c) and (1)(d)]

Under OAR 690-315-0080(1)(c),(d), in order to approve an extension of time for quasi-municipal water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

9. The remaining work to be accomplished under Permit G-16914 consists of constructing and testing Well #5; installing a pump, main well transmission pipeline (approx. 1.6 miles), treatment equipment, replacing approximately 2.5 miles of mainline and 11 miles of 4" piping with 8" piping; completing construction; meeting all permit conditions; and applying water to full beneficial use.
10. According to the water user a maximum rate of 3.2 cfs of water has been appropriated, being 0.9 cfs from Well 1 (POLK 3801), 0.45 cfs from Well 2 (POLK 281), 1.0 cfs from Well 3 (POLK 3802), and 0.85 cfs from Well 4 (POLK 51437), for quasi-municipal purposes. The authorized amount of water is 3.7 cfs. Beneficial use of water has not yet been demonstrated under this permit because not all permit conditions were satisfied by October 1, 2015.
11. In addition to the 3.7 cfs of water authorized under Permit G-16914, the LDWC holds the following rights:

¹ ORS 537.230 applies to surface water permits only.

² ORS 537.630 applies to ground water permits only.

³ ORS 537.010(5) applies to surface water and ground water permits.

- Permit G-4480 for 1.00 cfs of water from Well No. 1 within the Willamette River Basin, tributary of Columbia, for Domestic use;
 - Permit G-6093 for 235 gpm of water from Well No. 2 within the Willamette River Basin, a tributary of Columbia, for Quasi-Domestic use;
 - Permit G-8747 for 350 gpm of water from Well No. 3, for Domestic use;
 - Permit G-9543 for 0.05 cfs of water from Well 1, Well 2, and Well 3, for Group Domestic use.
12. In 2012, LDWC drilled test well #5; but this test well continues to show high levels of nitrates. LDWC is contracted to purchase a minimum of 400,000 gallons of water per month from Falls City.
 13. Luckiamute Domestic Water Cooperative's permit and water right transfers total 6.06 cfs of ground water. LDWC has not yet made use of 0.5 cfs of water under Permit G16914.
 14. LDWC's peak water demand within its service area boundaries was 2.36 cfs in 2014.
 15. According to the LDWC, in 2015, the population within the service boundary of Luckiamute Domestic Water Cooperative was 2,785. Luckiamute Domestic Water Cooperative estimates the population to increase at an estimated growth rate of 1.7 percent per year, reaching an estimated population of 3,258 by the year 2025.
 16. According to the LDWC, their peak demand is projected to be approximately 2.76 cfs of water by the year 2025.
 17. Full development of Permit G-16914 is needed to meet the present and future water demands of Luckiamute Domestic Water Cooperative, including system redundancy and emergency use.
 18. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2025, to complete construction and to accomplish the application of water to beneficial use under the terms of Permit G-16914 is both reasonable and necessary.

Good Cause [OAR 690-315-0080(1)(e) and (3)(a-g) and (4)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0080(3).

Reasonable Diligence and Good Faith of the Appropriator [OAR 690-315-0080(3)(a), (3)(c) and (4)]

Reasonable diligence and good faith of the appropriator must be demonstrated during the permit period or prior extension period as a part of evaluating good cause in determining whether or not to grant an extension. In determining the reasonable diligence and good faith of a quasi-municipal water use permit holder, the Department shall consider activities associated with the development of the right including, but not limited to, the items set forth under OAR 690-315-0080(4) and shall evaluate how well the

applicant met the conditions of the permit or conditions of a prior extension period.

19. Actual construction of the well and water system began prior to the June 30, 1996 deadline specified in the permit. Well 1 (POLK 3801) began construction June 6, 1969 and was completed June 17, 1969. Well 2 (POLK 281) began construction September 30, 1974 and was completed October 8, 1974. Well 3 (POLK 3802) began construction October 20, 1978 and was completed October 23, 1978.
20. Work was accomplished (specified in the Application for Extension of Time) during the original development time frame under Permit G-16914. The permit holder added 108 miles mainline piping and 13 reservoirs to the water delivery system and meters were installed Wells 1-3.
21. During the most recent extension period under Permit G-16914, being from October 1, 1998 to October 1, 2015, the following work was completed by the City:
 - 4 miles of 6" pipeline and two 250,000 gallon reservoirs were installed;
 - 100 new connections were added to water delivery system;
 - Constructed Well 4 (POLK 51437) and installed a meter;
 - Multiple pipeline improvements were conducted (approx. 12 miles);
 - 300 new connections were added to water delivery system;
 - Constructed test well for Well 5.
22. As of September 30, 2015, the permit holder invested \$11,560,000, which is 78 percent of the total projected cost for complete development of this project. The permit holder estimates an additional \$3,290,000 investment is needed for the completion of this project.
23. According to the water user a maximum rate of 3.2 cfs of water has been appropriated, being 0.9 cfs from Well 1 (POLK 3801), 0.45 cfs from Well 2 (POLK 281), 1.0 cfs from Well 3 (POLK 3802), and 0.85 cfs from Well 4 (POLK 51437), for quasi-municipal purposes. The authorized amount of water is 3.7 cfs. Beneficial use of water has not yet been demonstrated under this permit because not all permit conditions were satisfied by October 1, 2015.
24. The Department has considered the permit holder's compliance with conditions, and has no concerns:

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0080(3)(b)]

25. As of September 30, 2015, the permit holder invested \$11,560,000, which is 78 percent of the total projected cost for complete development of this project. The permit holder estimates an additional \$3,290,000 investment is needed for the completion of this project.

The Market and Present Demands for Water [OAR 690-315-0080(3)(d)]

26. As described in Findings 9 through 17 above, the LDWC has indicated, and the Department finds that the LDWC must rely exclusively on its groundwater permit in the Willamette River Basin.
27. LDWC projects a population increase of 1.7 percent per year over a 10 year period, being the years 2015 to 2025. It states some of the land within the LDWC district has been approved for subdivision with as many as 100 subdivided lots on individual plats. If this were to occur, and all approved land subdivided, water demands could increase by as much as 50% above projected peak demands.
28. Given the current water supply situation of the LDWC, as well as current and expected demands, there is a market and present demand for the water to be supplied under Permit G-16914.
29. OAR 690-315-0090(3) requires the Department to place a condition on this extension of time to provide that appropriation of water beyond 3.2 cfs up to 3.7 cfs under Permit G-16914 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 this permit consistent with OAR 690-086-0130(7). A "Development Limitation" condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this requirement. As required by Final Order Approving Water Management and Conservation Plan (Special Order Volume 77, Page 646), issued April 29, 2009, the Luckiamute Domestic Water Cooperative shall submit an updated plan no later than May 5, 2018.

Fair Return Upon Investment [OAR 690-315-0080(3)(e)]

30. The LDWC expects to obtain a fair and reasonable return on investment by continuing development of Permit G-16914.

Other Governmental Requirements [OAR 690-315-0080(3)(f)]

31. Delays caused by any other governmental requirements in the development of this project have not been identified.

Events which Delayed Development under the Permit [OAR 690-315-0080(3)(g)]

32. According to Luckiamute Domestic Water Cooperative, delay of development under Permit G-16914 was due, in part, to the development of Well 5. The proposed site for Test Well 5 has been tested for higher than allowed levels of nitrates, which water monitoring is continuing to show high levels of nitrates in the area. The LDWC board has not reached a consensus to approve drilling Well 5 with the nitrate levels as they are,

due to possible health effects on residents. LDWC is continuing to raise revenue for the project so that money does not need to be borrowed for the project.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified under ORS 536.050(1)(k), as required by OAR 690-315-0080(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0080(1)(b).
4. The time requested to complete construction and apply water to full beneficial use is reasonable, as required by OAR 690-315-0080(1)(c).
5. Completion of construction and full application of water to beneficial use can be completed by October 1, 2025⁴ pursuant to OAR 690-315-0080(1)(d).
6. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and the fair return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the water right permit holder had no control, and the Department has determined that the permit holder has shown good cause for an extension of time to apply the water to full beneficial use pursuant to OAR 690-315-0080(1)(e).
7. As required by OAR 690-315-0090(3) and as described in Finding 28, above, and specified under Item 1 of the "Conditions" section of this PFO, the appropriation of water beyond 3.2 cfs up to 3.7 cfs under Permit G-16914 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). As required by Final Order Approving Water Management and Conservation Plan (Special Order Volume 77, Page 646), issued April 29, 2009, the Luckiamute Domestic Water Cooperative shall submit an updated plan no later than May 5, 2018.

⁴ Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.

Proposed Order

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

extend the time to complete construction under Permit G-16914 from October 1, 2015 to October 1, 2025.

extend the time to apply the water to beneficial use under Permit G-16914 from October 1, 2015 to October 1, 2025.

Subject to the following conditions:

CONDITIONS

1. Development Limitations

Appropriation of any water beyond 3.2 cfs up to 3.7 cfs under Permit G-16914 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-16914 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-16914 that has been established under a prior WMCP or Extension final order issued by the Department. The required WMCP update shall be submitted to the Department no later than May 5, 2018. Use of water under Permit G-16914 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

Continued on the following page

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.

DATED: November 10, 2015


Dwight French
Water Right Services Division Administrator

If you have any questions, please check the information box on the last page for the appropriate names and phone numbers.

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **December 25, 2015**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.

Mailing List for Extension PFO Copies

PFO Date: November 10, 2015

**Application G-12706
Permit G-16914**

Copies Mailed
By: <u>KF</u> (SUPPORT STAFF)
on: <u>11/10/15</u> (DATE)

Original mailed to Applicant:

Luckiamute Domestic Water Cooperative
Attn: Jonathan Smith
8585 Suver Rd
Monmouth, OR 97361

Copies sent to:

1. WRD - App. File G- 12706 / Permit G-16914

Fee paid as specified under ORS 536.050 to receive copy:

2. None

Receiving electronic copy via e-mail (10 AM Tuesday of signature date)

3. WRD - Watermaster District 16 – Joel Plahn
4. WRD - **If WMCP needed* - Lisa Jaramillo, Transfer and Conservation Services (TACS)
Done by _____ Date _____

CASEWORKER: CAC

use by October 1, 1998. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2015. On September 30, 2015, Luckiamute Domestic Water Cooperative submitted an application to the Department for an extension of time for Permit G-16914. In accordance with OAR 690-315-0050(2), on November 10, 2015, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2025 and to extend the time to apply water to full beneficial use to October 1, 2025. The protest period closed December 25, 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 10, 2015.

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**

Appropriation of any water beyond 3.2 cfs up to 3.7 cfs under Permit G-16914 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-16914 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-16914 that has been established under a prior WMCP or Extension final order issued by the Department. The required WMCP update shall be submitted to the Department no later than May 5, 2018. Use of water under Permit G-16914 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 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-12706, Permit G-16914, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2015 to October 1, 2025. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2015 to October 1, 2025.

DATED: January 8, 2016



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
Corey A Courchane at (503) 986-0825.

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.

Mailing List for Extension FO Copies

FO Date: January 8, 2016

Application G-12706

Permit G-16914

Copies Mailed
By: <u>KF</u> (SUPPORT STAFF)
on: <u>1/8/16</u> (DATE)

Original mailed to permit holder:

Luckiamute Domestic Water Cooperative
Attn: Jonathan Smith
8585 Suver Rd
Monmouth, OR 97361

Copies sent to:

1. WRD - App. File G-12706/ Permit G-16914

Fee paid as specified under ORS 536.050 to receive copy:

2. None

Receiving electronic copy via e-mail (10 AM day of signature date)

(DONE BY EXTENSION SPECIALIST)

1. WRD - Watermaster District 16, Joel Plahn
2. WRD - Lisa Jaramillo, Transfer and Conservation Services (TACS) (Quasi-Division 86)
Done by ce Date 1-7-16

CASEWORKER: CAC