

**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 R-12756, Water Right Application R-83756) FINAL ORDER
in the name of James Milgard)

Permit Information

Application:	R-83756
Permit:	R-12756
Basin:	Deschutes / Watermaster District 24
Date of Priority:	January 22, 1998
Source of Water:	springs and runoff, tributaries of Desert Creek
Storage Facility:	Desert Creek Dam
Purpose or Use:	fish, livestock and recreation
Maximum Rate/Volume:	318 acre-feet (AF)

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

Appeal Rights

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

Permit R-12756 was issued by the Department on December 13, 1999. The permit specified the reservoir to be filled, and complete application of water to beneficial use by, October 1, 2003. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2021. On October 16, 2023, James Milgard submitted an Application for Extension of Time for Permit R-12756. In accordance with OAR 690-315-0050(2), on March 5, 2024, the Department issued a Proposed Final Order proposing to extend the time to apply water to full beneficial use from October 1, 2021, to October 1, 2028. The protest period closed April 19, 2024, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings in the Proposed Final Order dated March 5, 2024.

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:

LIMITATIONS AND CONDITIONS

1. **Last Extension Condition**

This will be the last extension of time granted for Permit R-12756. Any future extensions of time request will be denied.

2. **Limited Storage Season**

Storage of water under this permit is hereby limited to the months of March and April.

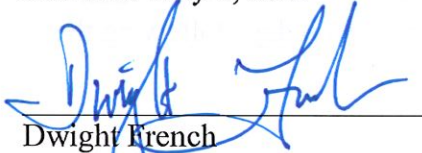
CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application R-83756, Permit R-12756, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2021, to October 1, 2028.

DATED: May 3, 2024



Dwight French
Water Right Services Division Administrator, for
Douglas Woodcock, Acting Director
Oregon Water Resources Department

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- If you have any questions about statements contained in this document, please contact Permit Extension Specialist 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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