

**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-18162, Water Right Application G-18513, in	)	
the name of Timothy Banister and Jennifer Banister	)	FINAL ORDER

Permit Information

Application:	G-18513	
Permit:	G-18162	
Basin:	9 – Powder / Watermaster District 8	
Date of Priority:	May 12, 2017	
Source of Water:	Well 1 in Powder River Basin	
Purpose of Use:	Irrigation use on irrigation of 23.8 Acres	
Maximum Rate:	0.4 cubic foot per second(cfs)	

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

Appeal Rights

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

Application History

Permit G-18162 was issued by the Department on January 10, 2019. The permit specified construction of the well to begin and complete application of water to beneficial use by January 10, 2024. On December 15, 2023, Timothy Banister and Jennifer Banister submitted an Application for Extension of Time for Permit G-18162. In accordance with OAR 690-315-0050(2), on April 9, 2024, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2029. The protest period closed May 24, 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 of fact in the Proposed Final Order dated April 9, 2024.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, the permit may be extended subject to the following conditions:

LIMITATIONS AND CONDITIONS

1. **Water Use Condition**

If no water is applied to beneficial use under the terms and conditions of Permit G-18162 on or before October 1, 2029, this will be the be the last extension of time granted for Permit G-18162 Any future extensions of time request will be denied, unless the permit holder can provide the Department with evidence that beneficial use of the water is shown during this extension period. In addition, all normal extension standards and rules will be evaluated. ORS 539.010(5); OAR 690-315-0040.

2. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2028. A form will be enclosed with your Final Order.**

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application G-18513, Permit G-18162, 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 January 10, 2024, to October 1, 2029.

DATED: June 14, 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 the 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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WATER
RESOURCES
DEPARTMENT

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**Extension of Time
Progress Report Form
For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Timothy Banister and Jennifer Banister

Application G-18513
Permit G-18162

Progress Report for 2028

Report Due no later than October 1, 2028

DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit G-18162.

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between December 15, 2023 and October 1, 2028	FINANCIAL INVESTMENT

Use back of form if needed

2. Describe actions to achieve compliance with conditions of the permit and/or previous extension.
(Examples: installed a meter, submitted water usage reports, submitted static water level measurements, installed a fish screen, obtained approval for fish screen from ODFW etc.)

3. Total number of acres irrigated to date: _____
Total acres irrigated per well,
Well 1 _____ Well 2 (BAKE 52348) _____ Well 3 _____ Well 4 _____

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, to date.

Maximum rate used to date = _____ cfs

Well 1 _____ Well 2 (BAKE 52348) _____ Well 3 _____ Well 4 _____

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly, or annual water volume totals.

INCOMPLETE REPORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM.

FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.

Signature _____ Date _____

Printed Name/Title _____

Diligence Shown ☐ Yes ☐ No

Date Public Noticed: _____

For OWRD use only

Reviewed by: _____

Date: _____

