

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 S-55165, Water Right Application S-87644) FINAL ORDER
in the name of J and C Bayne, LLC)

Permit Information

Application:	S-87644
Permit:	S-55165
Basin:	Upper Willamette / Watermaster District 22
Date of Priority:	July 27, 2010
Source of Water:	Wilamette Basin Project Reservoirs, constructed under permits R-1625 and R-5363, tributary of Willamette River
Purpose or Use:	irrigation of 172.3 Acres
Maximum Rate/Volume:	430.7 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 S-55165 was issued by the Department on September 18, 2018. The permit specified complete application of water to beneficial use by, September 18, 2023. On March 27, 2024, J and C Bayne, LLC submitted an Application for Extension of Time for Permit S-55165. In accordance with OAR 690-315-0050(2), on May 21, 2024, the Department issued a Proposed Final Order proposing to extend the time to apply water to full beneficial use from September 18, 2023, or October 1, , to October 1, 2033. The protest period closed July 5, 2024, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

Except as expressly stated herein, The Department adopts and incorporates by reference the findings in the Proposed Final Order dated May 21, 2024. Modifications to the Final Order are shown as follows: additions are shown in underlined text; deletions are shown in ~~striketrough~~ text.

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

4. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2028, and 2032. *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.

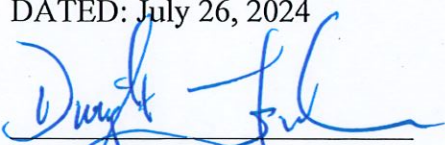
CONCLUSION OF LAW

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

ORDER

The extension of time for Application S-87644, Permit S-55165, 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 September 18, 2023, to October 1, 2033.

DATED: July 26, 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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Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1266
 (503) 986-0900

Extension of Time
 Progress Reporting Form
 For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: J and C Bayne, LLC

Application S-87644

Permit S-55165

Progress Report Form 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 perfection of Permit S-55165. **FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.**

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.

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between March 27, 2024 and October 1, 2028	FINANCIAL INVESTMENT

2. Describe actions taken to comply with terms/conditions of the permit and/or previous extension. (Examples: installed a meter, submitted water usage reports, installed a fish screen, etc.)

3. Total number of acres irrigated to date: _____

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

Maximum rate/volume used to date = _____ AF

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.

Signature _____ Date _____

Printed Name/Title _____

For OWRD use only

Diligence Shown Yes No Date Public Noticed: _____

Reviewed by: _____ Date: _____