

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-55172, Water Right Application S-59355) FINAL ORDER
in the name of Tierra Del Mar Water Co.)

Permit Information

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|-------------------|--|
| Application: | S-59355 |
| Permit: | S-55172 |
| Basin: | North Coast / Watermaster District 1 |
| Date of Priority: | September 21, 1979 |
| Source of Water: | Beltz Creek and an Unnamed Stream, a tributary of Sand Lake |
| Purpose or Use: | domestic use for 600 families including not to exceed 1/2 acres lawn and non-commercial, garden irrigation for each |
| Maximum Rate: | 0.6 cubic foot per second (cfs) |

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-55172 was issued by the Department on February 7, 1980. and modified by Permit Amendment T-7490 on <permit amendment issue date>. The permit specified completion of construction by October 1, 1981, and complete application of water to beneficial use by, October 1, 1982. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2020. On July 25, 2024, Tierra Del Mar Water Co. submitted an Application for Extension of Time for Permit S-55172. In accordance with OAR 690-315-0050(2), on May 13, 2025, the Department issued a Proposed Final Order proposing to extend the time to complete construction from October 1, 1982, or October 1, 2020,

to October 1, 2034, and the time to apply water to full beneficial use from October 1, 1982, or October 1, 2020, to October 1, 2034. The protest period closed June 27, 2025, 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 13, 2025. 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

1. Progress Report Submittal Condition:

This extension of time is conditioned to require the submittal of Progress Reports (Checkpoints) by October 1, 2029, and October 1, 2033. Failure to submit the Progress Report by the end of October of the years the Progress Reports are due shall result in the termination of this extension of time, and a Claim of Beneficial Use will be required no later than one year from the date the Progress Report was due.

2. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2029, and 2033. 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-59355, Permit S-55172, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2020, to October 1, 2034. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2020, to October 1, 2034.

DATED: July 25, 2025



Katherine Ratcliffe
Water Right Services Division Administrator, for
Ivan Gall, 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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Mailing List for Extension FO Copies

FO Date: July 25, 2025

Copies Mailed

Application: S-59355
Permit: S-55172

By: _____
On: _____

Original mailed to permit holder

Tierra Del Mar Water Co.
26600 Sandlake Rd.
Cloverdale, OR 97112

Copies sent to:

1. WRD - App. File S-59355/ Permit S-55172
2. Other permit holders of record besides applicant
3. WRD – Keith Mills, Dam Safety (*for standard reservoir permits only*)
4. WRD - Kelly Starnes, Permit Amendments (*if necessary*)
5. Agent or CWRE representing the Permit Holder

Fee paid as specified under ORS 536.050 to receive copy:

6. None

Receiving notification via e-mail FO available in WRIS for review
(DONE BY EXTENSION SPECIALIST)

7. WRD - Watermaster District 1, Nikki Hendricks

Add record to Progress Report tracking sheet.xls Done: by _____ Date _____

CASEWORKER: JDP



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: Tierra Del Mar Water Co.

Application S-59355

Permit S-55172

Progress Report Form for 2029

Report Due no later than October 1, 2029

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-55172. **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 July 25, 2024 and October 1, 2029 | FINANCIAL INVESTMENT |
|-------|--|----------------------|
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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 households served 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 = _____ cfs

Signature _____ Date _____

Printed Name/Title _____

For OWRD use only

Diligence Shown Yes No

Date Public Noticed: _____

Reviewed by: _____

Date: _____