

**Oregon Water Resources Department  
Water Right Services Division**

Water Right Application S-89848 in the )  
name of SUNNY VALLEY SAND AND GRAVEL ) PROPOSED FINAL ORDER  
INC. )

**Summary:** The Department proposes to issue an order approving Application S-89848 and a permit consistent with the attached draft permit.

*This Proposed Final Order shall become a final order on the date that is 33 days after the close of the time period for submitting a protest with no further action required by the Department unless a timely protest is received or the Proposed Final Order is withdrawn by the Department. ORS 536.077(4) and (5).*

**Authority**

The application is being processed in accordance with Oregon Revised Statute (ORS) 537.147, 537.150 through 537.175, and 390.826, and Oregon Administrative Rule (OAR) Chapter 690, Divisions 5, 33, 300, 310, 400, 410, and the Rogue Basin Program (OAR 690-515). These statutes and rules can be viewed on the following website: [www.oregon.gov/OWRD/programs/policylawandrules/](http://www.oregon.gov/OWRD/programs/policylawandrules/)

The Department’s main website can be found at: [www.oregon.gov/OWRD](http://www.oregon.gov/OWRD)

The Department shall presume that a proposed use will not impair or be detrimental to the public interest if:

- a) The proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12);
- b) Water is available;
- c) The proposed use will not injure other water rights; and
- d) The proposed use complies with the rules of the Commission.

ORS 537.153(2); OAR 690-310-0110(1).

All four criteria must be met for a proposed use to be presumed to not impair or be detrimental to the public interest. When the criteria are met and the presumption is established, or if the proposed use can be modified or conditioned to meet the presumption criteria, the Department must further evaluate the proposed use, any comments received, information available in its files or received from other interested agencies and any other available information to determine whether the presumption is overcome. OAR 690-310-0120(3).

If the Department determines that the presumption is established and not overcome, the Department shall issue a Proposed Final Order recommending issuance of the permit subject to any appropriate modifications or conditions.

## **FINDINGS OF FACT**

### **Application History**

1. On October 10, 2024, Sunny Valley Sand and Gravel Inc. filed a complete application for a water use permit pursuant to ORS 537.147 for the following water use:

**Source:** RESERVOIR 2, CONSTRUCTED UNDER PERMIT R-15320, TRIBUTARY TO GRAVE CREEK, AND RESERVOIR 4, CONSTRUCTED UNDER PERMIT R-15319, TRIBUTARY TO GRAVE CREEK

**Use:** MINING

**Rate/Volume:** 49.0 ACRE-FEET (AF); BEING 13.0 AF FROM RESERVOIR 2 AND 36.0 AF FROM RESERVOIR 4

**Period of Use:** JANUARY 1 THROUGH DECEMBER 31

**County:** JOSEPHINE COUNTY

**Place of Use:** SECTIONS 7 AND 8, TOWNSHIP 34 SOUTH, RANGE 5 WEST, W.M.

2. The required examination fees were paid, and the minimum application requirements were met.
3. On October 15, 2024, the Department provided public notice of the application in the Department's weekly public notice. A 30-day comment period followed, during which the Department received public comments related to the possible issuance of the attached draft permit.
4. The Department reviewed comments to determine if they identified (a) a specific public interest under ORS 537.170(7) that would be affected by the proposed use and (b) specifically how the identified public interest would be affected and determined that public interest issues have been identified. Pursuant to ORS 537.147(3), the application will be processed as an application under ORS 537.150, and a proposed final order under OAR 690-310-0150 will be issued. ORS 537.147(3); OAR 690-340-0060(9).
5. On December 24, 2024, the Department received a letter from the applicant in response to the public comments received.
6. On February 11, 2026, the Department received an amended application map describing the measured locations of the points of diversion.

### **Presumption Criterion (a) Consistency with Basin Program**

7. The Department has determined that the proposed use is an authorized use under the water right permit, certificate, or decree that allows the storage of water. ORS 537.153(3)(b); OAR 690-310-0110(1)(a).
8. Pursuant to OAR 690-515-0040(4), any permit that may be issued for this application will be conditioned to require that any effluents or return flows from such uses shall not significantly interfere with recreational, fish life or other beneficial uses of water.

**Presumption Criterion (b) Water Availability**

9. Water is determined to be available for further appropriation from water legally stored under Permit R-15319 and Permit R-15320. ORS 537.153(3)(c); OAR 690-310-0150(2)(c).

**Presumption Criterion (c) Injury Determination**

10. The proposed use, if authorized, will not injure other water rights. ORS 537.153(3)(d); OAR 690-310-0150(2)(e).

**Presumption Criterion (d) Whether the Use Complies with Rules of the Commission**

11. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates an approved land-use decision has been obtained, and that either no administrative appeals were received, or all such appeals have concluded. ORS 537.153(3)(b); OAR 690-310-0150(2)(b).
12. The proposed use is in an area of the state in which OAR 690-033-0310 through -0340 applies. These rules establish definitions, additional procedures, and standards to aid the Department in determining whether a proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened, or endangered fish species.

**OAR 690-033-0310 Statewide Rules**

- A. The proposed use occurs in an area that may affect the habitat of sensitive, threatened or endangered fish species. OAR 690-033-0310(2).
- B. The applicant has been notified that based on a preliminary determination, the proposed use may affect the habitat of sensitive, threatened or endangered fish species and the application may be conditioned or denied. OAR 690-033-0330(1)(a).
- C. The interagency review team has been notified that an application has been received in an area that may affect the habitat of sensitive, threatened or endangered fish species. OAR 690-033-0330(1)(b).
- D. The interagency review team was convened to review the application and recommend conditions as necessary to achieve the standards listed in OAR 690-033-0330(2)(a) and (b). No conditions or limitations have been added to the draft permit as a result of this review.
13. The proposed use is located above the Rogue State Scenic Waterway, as designated under ORS 390.826. The proposed source is stored water authorized under Permit R-15319 and Permit R-15320 and consistency with OAR 690-310-0260 was evaluated under those rights.

**Determination of Presumption that a Proposed Surface Water Use will not Impair or be Detrimental to the Public Interest**

Based on the review of the presumption criteria (a)-(d) above, the presumption has been established. ORS 537.153(2); OAR 690-310-0110(1)(a)-(d).

**Further Evaluation of the Proposed Use**

14. The Department received 20 public comments by the close of the comment period. As noted in Finding of Fact #4, comments were reviewed to determine if they identified (a) a specific public

interest under ORS 537.170(7) that would be affected by the proposed use and (b) specifically how the identified public interest would be affected. Having determined that the comments raised public interest issues, the Department evaluated comments to determine if they demonstrated a preponderance of evidence that the proposed use would impair or be determinantal to the public interest. Comments were reviewed to determine if they demonstrated (a) a specific public interest under ORS 537.170(7) that would be impaired or detrimentally affected and (b) specifically how the identified public interest would be impaired or detrimentally affected. Public comments received for this application are included in the application file. ORS 537.147; ORS 537.153; OAR 690-340-0060(9); OAR 690-310-0110(2).

15. The public comments received generally raised concerns about (1) impacts to fish, wildlife, recreation, residents' health, property values, water quality, and the Rogue Scenic Waterway, (2) outcomes of pending permits from other agencies, and (3) the accuracy of the information provided in the application and the applicability of review under ORS 537.147. Several comments pertained to the permits authorizing the storage of water that are the water source for this application; as these are existing permits, the facts specific to those authorizations are outside the scope of review for this application.
16. The Department evaluated whether the proposed use would impair or be detrimental to the ORS 537.170(7) public interest factors. Each public interest factor is evaluated individually and as raised in comments:

*(a) The conservation of the highest use of the water for all purposes, including irrigation, domestic use, municipal water supply, power development, public recreation, protection of commercial and game fishing and wildlife, fire protection, mining, industrial purposes, navigation, scenic attraction or any other beneficial use to which the water may be applied for which it may have a special value to the public.*

Comments raised related to factor (a) contend that the proposed use does not specifically conserve use for fish, wildlife, recreation, public instream, and domestic uses. The water proposed for use is stored water that has been stored for multiple purpose use. Evidence has not been provided that, if properly conditioned, the proposed use cannot co-exist with other identified uses or will not conserve the highest use of the water for all purposes.

The Department has determined that the proposed use will not impair or be detrimental to public interest based on the consideration of factor (a).

*(b) The maximum economic development of the waters involved.*

The application proposes to use water that would be stored under two existing permits, Permit R-15319 and Permit R-15320, which authorize the storage of water for multiple purpose use. Comments did not present evidence for an alternative use for the stored water that would provide for greater economic development of the waters involved.

The Department has determined that the proposed use will not impair or be detrimental to public interest based on the consideration of factor (b).

- (c) *The control of the waters of this state for all beneficial purposes, including drainage, sanitation and flood control.*

Comments referenced concerns related to the source of water but failed to raise specific concerns for how the proposed use would impair or detrimentally affect this factor. If a permit is issued, it will be, as conditioned, for the beneficial use of water without waste.

The Department has determined that the proposed use will not impair or be detrimental to public interest based on the consideration of factor (c).

- (d) *The amount of waters available for appropriation for beneficial use.*

The proposed water source is from legally stored water appropriated under Permit R-15319 and Permit R-15320 for multiple purpose use. If a permit is issued, only water stored pursuant to Permit R-15319 and Permit R-15320 would be appropriated. Based on rights at the time of the application, the quantity of water requested from each reservoir is available to be appropriated for secondary use.

The Department has determined that the proposed use will not impair or be detrimental to public interest based on the consideration of factor (d).

- (e) *The prevention of wasteful, uneconomic, impracticable or unreasonable use of the waters involved.*

Comments raised issues related to water in general in the area surrounding the proposed place of use but did not specifically raise issues related to this proposed use. Further, the draft permit is conditioned such that wasteful, uneconomic, impracticable or unreasonable use of the waters involved is prevented. The proposed use, as conditioned in the attached draft permit, will require conservation measures and reasonable use of the water. In addition, the attached draft permit requires the applicant to measure and report the volume of water stored and used.

The Department has determined that the proposed use will not impair or be detrimental to public interest based on the consideration of factor (e).

- (f) *All vested and inchoate rights to the waters of this state or to the use of the waters of this state, and the means necessary to protect such rights.*

Comments focused on whether vested and inchoate rights would be protected during the storage of water pursuant to Permit R-15319 and Permit R-15320 rather than under this proposed use. The proposed use would appropriate stored water and does not include any new diversions of water. Further, all vested water rights are protected by their respective priority dates, the prior appropriation system, and the Department's regulatory procedures.

The Department has determined that the proposed use will not impair or be detrimental to public interest based on the consideration of factor (f).

(g) *The state water resources policy formulated under ORS 536.295 to 536.350 and 537.505 to 537.534.*

The proposed use is consistent with state water resources policy formulated under ORS 536.295 to 536.350, which governs classification of the waters in the state's basins. ORS 537.505 to 537.534 govern the appropriation of groundwater and are not applicable to this application.

The Department has determined that the proposed use will not impair or be detrimental to public interest based on the consideration of factor (g).

17. The Department therefore, based on an evaluation of comments as they relate to the public interest factors under ORS 537.170(7), concludes that the proposed use will not impair or be detrimental to the public interest, and the presumption is not overcome. ORS 537.153(2); OAR 690-310-0120(3)(a).
18. Information available in Department files, received from other interested agencies, and other available information does not provide a preponderance of evidence that the presumption is overcome. ORS 537.153(2); OAR 690-310-0120(3)(a); OAR 690-310-0150(2)(i).

#### **Other Criteria and Requirements**

19. The amount of water requested, 49.0 AF, is necessary for the proposed use. ORS 537.153(3)(c); OAR 690-310-0150(2)(d).
20. The applicant proposed measures to prevent waste, measure the amount of water diverted, prevent damage to aquatic life and riparian habitat, prevent discharge of contaminated water to a surface stream and to prevent damage to public uses of any affected surface waters. These measures are included in Sections 6 and 7 of the application. OAR 690-310-0150(2)(j).
21. The proposed use complies with rules of the Water Resources Commission not otherwise described above.

#### **CONCLUSIONS OF LAW**

1. The proposed use would not impair or be detrimental to the public interest as described in ORS 537.153(2).

NOTE: When issuing permits, ORS 537.170(3) authorizes the Department to include provisions or restrictions concerning the use, control and management of water to be appropriated for the project.

#### **PROPOSED ORDER**

The Department recommends approval of Application S-89848 and issuance of a permit consistent with the attached draft permit.

**Pursuant to ORS 536.077(4) and (5), if no protest of this Proposed Final Order is received by the Department on or before April 10, 2026, and the Department does not withdraw this Proposed Final**

**Order on or before May 13, 2026, this Proposed Final Order is a final order without any further action by the Department on May 13, 2026.**

DATED February 24, 2026



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Raymond Eliot Crafton  
Water Rights Section Manager, for  
Ivan Gall, Director  
Oregon Water Resources Department

**If no protest of this Proposed Final Order is received by April 10, 2026, this Proposed Final Order will become a final order on May 13, 2026, without any further action by the Department. ORS 536.077(4). However, no later than May 13, 2026, the Department may withdraw this Proposed Final Order for reconsideration and issuance of a superseding proposed final order. ORS 536.077(5).**

### **Protests and Requests for Party Status**

The following sections explain how to: (1) file a protest in opposition to this Proposed Final Order to request a contested case hearing on this Proposed Final Order; and (2) file a request for party status to request to participate in any contested case proceeding in support of this Proposed Final Order.

**Protests:** Under the provisions of ORS 537.153(6) and ORS 536.077(1) (for surface water) or ORS 537.621(6) and ORS 536.077(1) (for groundwater), any person may protest this Proposed Final Order. Protests must be mailed or hand delivered to the Oregon Water Resources Department at the following address: 725 Summer Street NE, Suite A, Salem, OR 97301. If you wish to submit a protest by U.S. mail, please consider mailing early to ensure the Department receives the protest by the deadline specified. Protests must be received by the Water Resources Department no later than **April 10, 2026**.

#### **Protests must meet the following requirements:**

- Be in writing;
- Include the protestant's name, address, and telephone number;
- Include a description of the protestant'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;
- Include a detailed description of how the action proposed in the Proposed Final Order would impair or be detrimental to the protestant's interest and/or the claimed public interest;
- Identify which of the Proposed Final Order's recommended findings of fact, conclusions of law or conditions of approval the protestant objects to;
- Raise all reasonably ascertainable issues and include all reasonable available arguments that support the protestant's position, which may include arguments related to the public interest presumption factors under ORS 537.153(2) and the public interest factors under ORS 537.170(7);
- Include any citation of legal authority to support the protest, if known;
- Explain how the issues raised in the protest are within the Department's jurisdiction;
- If the protestant is the applicant, include a protest fee of \$720 required by ORS 536.050; and
- If the protestant is not the applicant, include a protest fee of \$1,425 required by ORS 536.050.

If a timely protest is filed, after the protest period has ended, the Director will: (1) issue a final order if the applicant has not filed a protest and the Director finds that there are no significant issues related to the proposed use of water; (2) schedule a contested case hearing if a protest has been submitted; or (3) provide any person who timely submitted a protest or request for party status with an estimate of the timing of referring the case to the Office of Administrative Hearings for a contested case hearing.

**Requests for Party Status:** Under the provisions of ORS 537.153(6) and ORS 536.077(2) (for surface water) or ORS 537.621(6) and ORS 536.077(2) (for groundwater), if this Proposed Final Order is protested, any person who supports this Proposed Final Order may file a request for party status to request to participate in any contested case proceeding on the Proposed Final Order or for judicial review of a final order resulting from the Proposed Final Order. Requests for party status must be mailed or hand delivered to the Oregon Water Resources Department at the following address: 725 Summer Street NE, Suite A, Salem, OR 97301. If you wish to submit a request for party status by U.S. mail, please consider mailing early to ensure the Department receives the request by the deadline specified. Requests for party status must be received by the Water Resources Department no later than **May 11, 2026**.

**Requests for party status must be in writing and include the following:**

- Names and addresses of the requester and any organization the requester represents;
- Name and address of the requester's attorney, if any;
- A statement of whether the request is for participation as a party or a limited party, and, if as a limited party, the precise area or areas in which participation is sought;
- If the requester seeks to protect a personal interest in the outcome of any contested case hearing on the Proposed Final Order, a detailed statement of the requester's interest, economic or otherwise, and how such interest may be affected by the results of the hearing;
- If the requester seeks to represent a public interest in the results of any contested case hearing on the Proposed Final Order, a detailed statement of such public interest, the manner in which such public interest will be affected by the results of the hearing, and the requester's qualifications to represent such public interest;
- A statement of the reasons why existing parties to the proceeding cannot adequately represent the private and/or public interest(s) the requester seeks to represent; and
- The request for party status fee of \$1,425 required by ORS 536.077(2)(b)(C) and ORS 536.050.

After the deadline for requests for party status, the Department will provide copies of any timely requests for party status, accept responses to requests for party status, and consider and rule on timely requests for party status as provided in OAR 137-003-0535.

**Additional Notices**

**Notice of the circumstances under which this Proposed Final Order will become a final order:** If no protest of this Proposed Final Order is timely received and the Department does not withdraw this Proposed Final Order for reconsideration within 33 days after the close of the period for submitting a protest, this Proposed Final Order will become a final order on the date that is 33 days after the close of the period for submitting a protest, with no further action required by the Department. If a protest or protests are timely received, but later: (1) all timely-filed protests are withdrawn and the withdrawals are not based on a settlement agreement requiring changes to this Proposed Final Order; (2) all protestants fail to appear at a scheduled hearing; or (3) all protestants notify the Department or the administrative law judge that the protestants will not appear at a scheduled hearing, the protestants will have waived any right to a hearing, and the Department or the administrative law judge will issue an order dismissing the protests and notifying the parties that this Proposed Final Order has become a final order. OAR 137-003-0672. The Department designates the relevant portions of its file on this matter, including all materials that you have submitted relating to this matter, as the record for the purpose of proving a prima facie case upon default. OAR 137-003-0672.

**Notice of right to be represented by an attorney:** You may be represented by an attorney at any contested case hearing on this Proposed Final Order. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an “authorized representative” as defined at OAR 137-003-0555(1)(b) may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

**Notice to active duty servicemembers:** 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. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-453-1175, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

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- If you have any questions about statements contained in this document, please contact Lucinda Vranizan at [Lucinda.R.Vranizan@water.oregon.gov](mailto:Lucinda.R.Vranizan@water.oregon.gov) or 971-375-2256.
  - If you have questions about how to file a protest or a request for party status, or if you have previously filed a protest or a request for party status and you want to know the status, please contact Will Davidson at [Will.D.Davidson@water.oregon.gov](mailto:Will.D.Davidson@water.oregon.gov) or 503-507-2749.
  - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.
  - Address any correspondence to: Water Right Services Division  
725 Summer St NE, Suite A  
Salem, OR 97301-1266
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DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

COUNTY OF JOSEPHINE

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

SUNNY VALLEY SAND AND GRAVEL INC.  
1867 WILLIAMS HWY, SUITE 260  
GRANTS PASS OR 97527

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-89848

SOURCE OF WATER: RESERVOIR 2, CONSTRUCTED UNDER PERMIT R-15320, TRIBUTARY TO GRAVE CREEK, AND RESERVOIR 4, CONSTRUCTED UNDER PERMIT R-15319, TRIBUTARY TO GRAVE CREEK

PURPOSE OR USE: MINING

MAXIMUM VOLUME: 49.0 ACRE-FEET (AF); BEING 13.0 AF FROM RESERVOIR 2 AND 36.0 AF FROM RESERVOIR 4

PERIOD OF USE: JANUARY 1 THROUGH DECEMBER 31

DATE OF PRIORITY: OCTOBER 10, 2024

AUTHORIZED POINTS OF DIVERSION:

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
RESERVOIR 2	34 S	5 W	WM	8	SE SW	1235 FEET NORTH AND 1525 FEET EAST FROM SW CORNER, SECTION 8
RESERVOIR 4	34 S	5 W	WM	8	SW SW	775 FEET NORTH AND 125 FEET EAST FROM SW CORNER, SECTION 8

AUTHORIZED PLACE OF USE:

Twp	Rng	Mer	Sec	Q-Q
34 S	5 W	WM	7	NE SE
34 S	5 W	WM	7	SE SE
34 S	5 W	WM	8	NE SW
34 S	5 W	WM	8	NW SW
34 S	5 W	WM	8	SW SW
34 S	5 W	WM	8	SE SW
34 S	5 W	WM	8	NW SE

## PERMIT SPECIFIC CONDITIONS

1. 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.
2. **Water Use Measurement, Recording, and Reporting:**
  - A. Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage shall be installed in Reservoir 2 and Reservoir 4. If no dead-pool, the gage must measure the full depth of the reservoir. The watermaster may determine an alternate measuring device is suitable. The permittee shall maintain the device in good working order.
  - B. Before water use may begin under this permit, the permittee shall install a totalizing flow meter, or other suitable measuring device as determined by the watermaster, at each point of diversion. The permittee shall maintain the device in good working order.
  - C. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
  - D. The permittee shall keep a complete record of reservoir level measurements, as recorded on the first day of each month, and shall submit a report which includes the recorded monthly reservoir level measurements to the Department annually, or more frequently as may be required by the Director.
  - E. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director.
  - F. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval. 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.

3. **Fish Screen/Passage:**

The water user shall install, maintain, and operate fish screening and fish passage devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion, while passage devices provide adequate upstream and downstream passage for fish. The required screen and passage devices are to be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or passage devices are not necessary.

#### 4. **Water Quality:**

- A. Any effluents or return flows from the use authorized under this right shall not significantly interfere with recreational, fish life or other beneficial uses of water.
- B. All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards. Permittee is responsible for obtaining any necessary state and federal permits.

#### **STANDARD CONDITIONS**

1. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
2. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
3. 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.
4. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

#### **DEVELOPMENT AND COMPLETION TIMELINE REQUIREMENTS**

1. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
2. Complete application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

3. Within one year after making complete application of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

ISSUED \_\_\_\_\_

**DRAFT – NOT A PERMIT**

Raymond Eliot Crafton  
Water Rights Section Manager, for  
Ivan Gall, Director  
Oregon Water Resources Department