

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

**Application for Extension of Time**

In the Matter of the Application for an Extension of Time ) PROPOSED  
for Permit S-55262, Water Right Application S-88290 ) FINAL  
in the name of East Improvement District ) ORDER

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**Permit Information**

Application:	S-88290
Permit:	S-55262
Basin:	Umatilla / Watermaster District 5
Date of Priority:	September 12, 2016
Source of Water:	Columbia River, a tributary to Pacific Ocean
Purpose or Use:	Irrigation of 107,185.85 acres
Maximum Rate/Volume:	10.0 cubic feet per second (cfs)

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***Please read this Proposed Final Order in its entirety as it contains additional conditions not included in the original permit.***

*In summary, the Department proposes to:*

- Grant an extension of time to apply water to full beneficial use from March 17, 2025, to March 17, 2050.<sup>1</sup>
- Make the extension subject to certain conditions set forth below.

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.

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<sup>1</sup> Pursuant to ORS 537.230(5), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use.

**ACRONYM QUICK REFERENCE**

Application – Application for Extension of Time  
Department – Oregon Water Resources Department  
ODFW – Oregon Department of Fish and Wildlife  
PFO – Proposed Final Order  
FOF – Finding of Fact  
cfs - cubic feet per second

**AUTHORITY**

Generally, see **ORS 537.230** and **OAR Chapter 690 Division 315**.

**ORS 537.230(2)** provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

**ORS 539.010(5)** instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

**OAR 690-315-0040** provides that in order to approve an application for an extension of time to complete construction or apply water to full beneficial use, the Department shall make the findings in OAR 690-315-0040(1) including a finding that there is “good cause” to approve the extension. OAR 690-315-0040(2)-(4) contains the factors that the Department must consider to make findings that support a “good cause” determination.

**OAR 690-315-0050(6)** requires the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five-year periods.

**FINDINGS OF FACT**

1. On March 17, 2020, Permit S-55262 was issued by the Department. The permit authorizes the use of up to 10.0 cfs of water from the Columbia River, a tributary of Pacific Ocean, for irrigation of 107,185.85 acres. The permit specified construction was to begin by March 17, 2025, and complete application of water is to be made on or before March 17, 2025.<sup>2</sup>

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<sup>2</sup> ORS 537.630(2) - Except for the holder of a permit for municipal use, the holder of a permit issued pursuant to ORS 537.625 shall prosecute the construction of a well or other means of developing and securing the ground water with reasonable diligence and complete the construction within a reasonable time fixed in the permit by the Water Resources Department, not to exceed five years after the date of approval of the application. However,

2. On September 8, 2025, Carl St. Hilaire, president of East Improvement District, submitted an “Application for Extension of Time” (Application) to the Department, requesting the time to apply water to full beneficial use under the terms and conditions of Permit S-55262 be extended from March 17, 2025, to March 17, 2050. This is the first permit extension requested for Permit S-55262.
3. On September 16, 2025, notification of the Application for Permit S-55262 was published in the Department’s Public Notice. No public comments were received.

**Review Criteria [OAR 690-315-0040]**

*In order to approve an Application for an Extension of Time to complete construction and/or apply water to full beneficial use pursuant to ORS 537.230 or 537.630, or to begin construction, pursuant to ORS 537.248, the Department must make the findings in OAR 690-315-0040(1)(a) – (d).*

**Complete Extension of Time Application [OAR 690-315-0040(1)(a)]**

4. On September 8, 2025, the Department received a completed Application and the fee specified in ORS 5310.00 from the permit holder.

**Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]**

5. According to the Application fish screens were installed at POD F and POD G prior to permit issuance.
6. According to the Application, construction of POD J began in the fall of 2019, and was completed in October 2020.

The Department has determined the permit holder began construction prior to March 17, 2025.

**Good Cause [OAR 690-315-0040(1)(d)]**

*The Department must find that there is “good cause” to approve the extension. In making a “good cause” finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).*

**Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]**

*In order to make a finding of “good cause” to approve the extension, the Department shall consider whether the applicant has demonstrated “reasonable diligence” in previous performance under the permit. OAR 690-315-0040(2)(a). In determining “reasonable*

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the department, for good cause shown, shall order and allow an extension of time, including an extension beyond the five-year period, for the completion of the well or other means of developing and securing the ground water or for complete application of water to beneficial use. In determining the extension, the department shall give due weight to the considerations described under ORS 539.010 (5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

*diligence”, the Department shall consider, but is not limited to, the following factors: a) The amount of construction completed within the time allowed in the permit or previous extension; b) The amount of beneficial use made of the water during the permit or previous extension time limits; c) Water right holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.*

**Amount of Construction [OAR 690-315-0040(3)(a)]**

*The amount of construction completed within the time allowed in the permit.<sup>3</sup>*

7. Construction of POD F and POD G, including installation of fish screens, and installation of the “East Project” pumpstation and mainline began prior to permit issuance.
8. Construction of POD J began prior to March 17, 2025.
9. Work was accomplished during the original development time frame under Permit S-55262, includes development of laterals by members served under the water right to deliver water to the irrigated acres.

The Application provides evidence that progress of physical work, enough to qualify as the minimum necessary, has been made towards completion of the water system for the Department to find good cause and reasonable diligence towards complete application of water to a beneficial use.

**Compliance with Conditions [OAR 690-315-0040(3)(c)]**

*The water right permit holder’s conformance with the permit conditions.*

10. The Department has considered compliance with permit conditions and determined compliance sufficient to be consistent with a demonstration of reasonable diligence. In particular, the Department has determined the permit holder has demonstrated compliance with the conditions requiring the installation of totalizing flowmeters, with telemetry, and has provided the necessary certification of fish screens existing, on each point of diversion on the Columbia River, and the requirement to submit the Annual Report timely.

In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

**Beneficial Use of Water [OAR 690-315-0040(3)(b)]**

*The amount of beneficial use made of the water during the permit time limits.*

11. According to the Application a maximum rate of 10.0 cfs of water has been diverted from the Columbia River, a tributary to Pacific Ocean, for irrigation of a total of 21,186.9

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<sup>3</sup> “Actual Construction” is defined in OAR 690-315-0020(3)(d)(A)and(B) as physical work performed toward completion of the water system which demonstrates the water right permit holder’s good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.

acres, with the maximum number of acres irrigated in a single year as 20,531.9 acres in 2023.

The Department has determined that beneficial use of water has been demonstrated.

**Financial Investments to appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b),(3)(d),(4)(d)]**

12. According to the Application, an investment of approximately \$84,093,000, has been made, which is about 89 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$10,000,000 investment is needed for the completion of this project. These costs do not include the costs associated with mitigation.

Based on FOF 12, the Department has determined that the permit holder has made an investment, which provides evidence of good cause and reasonable diligence towards the complete application of water to beneficial use.

**Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]**

The Application provides evidence of progress towards completion of the water system; a financial investment has been made; compliance with all permit conditions has been addressed, and beneficial use while in compliance with permit conditions has been satisfied. The Department has determined the applicant has demonstrated the minimum necessary for the Department to find reasonable diligence towards complete application of water to a beneficial use.

**The Market and Present Demands for Water [OAR 690-315-0040(4)(a-f)]**

*The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:*

- *(a) The amount of water available to satisfy other affected water rights and scenic waterway flows;*
- *(b) Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d);*
- *(c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;*
- *(d) Economic investment in the project to date;*
- *(e) Other economic interests dependent on completion of the project; and*
- *(f) Other factors relevant to the determination of the market and present demands for water and power.*

**OAR 690-315-0040(4)(a)**

The amount of water available to satisfy other affected water rights and scenic waterway flows.

13. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit S-55262; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an application for a new water right is submitted.
14. Water availability under this permit is dependent on mitigation to be provided by the permit holder. Water is only available for use under this permit when mitigation obligations are met on an annual basis, and permanent mitigation must be provided prior to the issuance of a certificate.

**OAR 690-315-0040(4)(b)**

Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).

15. The points of diversion are located on Columbia River, a tributary to Pacific Ocean, and are not located within a Withdrawn Area.
16. The Columbia River, a tributary to Pacific Ocean is not located within or above a state or federal scenic waterway.
17. The points of diversion are not in a location listed by the Department of Environmental Quality as a water quality limited stream.

**OAR 690-315-0040(4)(c)**

The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.

18. Columbia River, a tributary to Pacific Ocean is located within an area ranked “low” for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

**OAR 690-315-0040(4)(d)**

Economic interests dependent on completion of the project.

19. An approximate total of \$84,093,000 has been invested in the project.

**OAR 690-315-0040(4)(e)**

Other economic interests dependent on completion of the project.

20. Other economic interests dependent on the completion of the project include individual landowners and water users who are served by the water right permit. Additionally, the use of water under this permit is intended to reduce the use and reliance of groundwater within critical groundwater areas in the Umatilla Basin, resulting in economic benefit to area groundwater users.

**OAR 690-315-0040(4)(f)**

Other factors relevant to the determination of the market and present demand for water and power.

21. No other factors relevant to the determination of the market and present demand for water and power have been identified.
22. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Limitations and Conditions" section of this PFO to meet this condition.

**Fair Return Upon Investment [OAR 690-315-0040(2)(f)]**

23. The use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

**Other Governmental Requirements [OAR 690-315-0042(2)(g)]**

24. The Application asserts in response to the question "Was delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional requirements, other than conditions contained in the permit, which significantly delayed the completion and perfection of this right?"

"Yes, all delays are the result of either changes in interpretation by the government or additional government requirements. Since permit issuance, multiple changes in interpretation of conditions of the permit as well as reporting requirements have led to significant resource expenditure and delay at the local level. The Mid-C and State have spent significant time addressing permit conditions and changes in permit requirements. With those efforts hopefully completed soon, we look forward to working on permanent mitigation solutions required of the permit. Otherwise, the State of Oregon has commenced two separate processes for vetting and clarifying the nuanced conditions of these "first of their kind" mitigated Columbia River rights. Additionally, the executive branches under two governors have convened small, informal groups to address issues with proposed mitigation sources and pathways to pursue. All of these processes have resulted in little, if any, formal guidance that could lead to formal

certification of this permit or the other 7 permits under this program. Since 2017 there has been no development or direction provided by the State of Oregon on what the water rights holders must do to meet the “secure permanent mitigation prior to certification” requirement of this permit or the other 7 permits managed by the Mid-C.”

The Application asserts that delay in development under the permit is due to challenges in working with the State towards compliance with permit conditions, including securing permanent mitigation. OAR 690-315-0040(2)(g) requires the Department to consider “[w]hether other governmental requirements relating to the project have significantly delayed completion of construction or perfection the right.” The Department interprets this rule to apply to governmental requirements other than the permit and the permit conditions, such as requirements imposed by other state agencies, or the federal or local governments. The Department therefore does not rely on the statements in the Application pertaining to OAR 690-315-0040(2)(g) in its determination of good cause.

**Unforeseen Events [OAR 690-315-0040(2)(h)]**

25. The Application states:

“The COVID health crisis in the early 2020s played a significant role in minimizing state engagement on this issue. Significant resources were deviated away from on-going planning and coordination activities between the Mid-C and State Government. Additionally, there was a significant lapse in in-person meeting capabilities between governments and stakeholders involved in the effort. Changes in executive administration have also resulted in significant “start/stop/re-educate” time lags between. This time lag and re-education requirement of this multi-biennial policy effort to create a programmatic mitigation effort was foreseen during the time of permit application and, again, explains the commitment made at the time to provide 30 years to work out necessary details. While COVID was an unforeseen setback, the parties to this permit, Mid-C/CID and the State of Oregon, did foresee the time it may take to develop and implement a permanent mitigation program, complete build out of any distribution infrastructure to the CGAs and develop any necessary mitigation projects. That is the reasoning behind the original 30 year development period and why this extension is necessary to correct the discrepancy in the general conditions of the permit.”

The Application describes the effect of the unforeseen COVID pandemic on planning and coordination activities between the applicant and the State that were intended to facilitate timely development of the permit, while also describing the intent of the permit to allow a thirty-year timeframe to obtain permanent mitigation, which is a condition of the permit. The Department concludes that the combination of unforeseen circumstances with the foreseen and intended thirty-year permanent mitigation deadline supports a determination of good cause.

**Denial of an Extension Would Result in Undue Hardship [OAR 690-315-0040(2)(i)]**

26. The Application states:

“A denial of the extension will be devastating to the region. This will not just be a hardship to EID, Mid-C or their members. Denial of this extension will place over \$200 million in infrastructure investment and over 30 years of a negotiated and coordinated effort to maintain the rural land base and economy while also sustaining and recovering the CGAs of the Mid-Columbia Basin. The State, Mid-Columbia counties, cities and all residents rely on both sustainable water and a sustainable natural resource based economy for jobs, tax income, and the food and fiber, feedstock and direct products the region provides to the rest of the State and nation. Should these permit extensions be denied, the districts and landowners that committed to funding this effort and committed to solving the ground water problems will be at risk of foreclosure and financial crisis. Additionally, the ports and cities leasing water under the 30 year temporary program will be at risk of losing their income stream that they are using to extend infrastructure for other needs in the Mid-C region. All efforts committed to by participating landowners with CGA groundwater rights to utilize mitigated Columbia River water in lieu of pumping their senior, or junior, native basalt groundwater rights will cease. A significant litigation period between the state and local governments could very well ensue and the regional economy and population would suffer. Denial of this extension will essentially undo over 30 years of collaboration and partnerships built to solve legacy water problems in the region. The hardship is not just immediate but will remain a hardship for the region and state for decades should the extension be denied.

The State of Oregon could secure 150,000 acre-feet of Columbia River water from upstream partners to meet the water supply and groundwater recovery needs of the Mid-C. The State of Oregon could direct ODFW to sell back all water donated to instream flows in the Columbia River from Mid-C water rights holders. All other reasonable alternatives have been explored and essentially exhausted by the Mid-C and its partners since 2013. Following the signing of the CRUST DOC, the Northeast Oregon Water Association, and now the Mid-Columbia Water Commission, have pursued every short and long-term Columbia River water supply option identified in the CRUST document. Attached is a table providing detail on the status and outcome of that pursuit. Due to the fact that the permits require “permanent mitigation” and there is not clarity within statute or rule as to what “permanent mitigation” on the mainstem of the Columbia River means, there is no way for the Mid-C to certificate these water rights at this time. This has resulted in significant resource expenditure at the local level to negotiate the CRUST DOC options and then bring the negotiated proposals to the State of Oregon. To date, every CRUST DOC option negotiated by the Mid-C has been delayed or denied by the State of Oregon. In observance of this ongoing effort, the Mid-C sought funding and direction to form a second CRUST organization to analyze lessons learned to date, develop a permanent set of deliverables to get to finality, and memorialize a clear path forward on both creation of a permanent mitigation program in the Columbia River mainstem on the Oregon side, as well as the sources of mitigation water that the State of Oregon and Mid-C collectively could pursue. Funding was secured from the Oregon Legislature in 2021 to complete this

work, but the process is still pending due to the need for State of Oregon action. It is important to note that the CRUST DOC recommended the formation of a committee to oversee progress and ensure continuation and completion of the steps necessary to secure adequate water supplies for the Mid-C in its 2013 recommendation. That committee remains to be formed. In short, the 2021 funding for “CRUST II” was intended to meet that recommendation but to date that recommendation remains unaddressed. The Mid-C cannot permanently secure mitigation supplies meeting a standard when that standard has not been developed and memorialized by the State of Oregon either in statute or rule. This, again, is the justification for why the parties agreed to a 30-year permit window as there was recognition that there would be starts and stops to something as complex as a permanent mitigation program on the Columbia River mainstem.”

The Department recognizes the investment and effort in the development of the use authorized under the permit and agrees a denial of the extension of time would result in undue hardship.

The Application describes the significant investment of time and money related to the development of the permit (totaling over \$200 million in infrastructure development), and the importance of the permits to broader water use and development initiatives in the region, including the importance of decreased reliance on groundwater. The Department recognizes the investment and effort in the development of the use authorized under the permit and agrees a denial of the extension of time would result in undue hardship.

**Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]**

27. The Application provides evidence of good faith of the appropriator under Permit S-55262.

The Department has determined that the applicant has shown good faith and reasonable diligence.

**Duration of Extension [OAR 690-315-0040(1)(c)]**

*Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.*

28. As of September 8, 2025, the permit holder states the remaining work to be completed consists of tying laterals into the mainline, and developing mitigation as required by the permit.

Given the amount of development left to occur, the Department has determined that the permit holder’s request to have until March 17, 2050, to accomplish the application of water to beneficial use under the terms and conditions of Permit S-55262 is both reasonable and necessary.

**Good Cause [OAR 690-315-0040(1)(d)]**

*The Department must find that there is “good cause” to approve the extension. In making a “good cause” finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).*

The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

**LIMITATIONS AND CONDITIONS**

1. OAR 690-315-0050(6) requires a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A “Checkpoint Condition” is specified under Item 1 of the “Conditions” section of this PFO to meet this condition.

**CONCLUSIONS OF LAW**

1. The Applicant has submitted a complete extension application form and the fee specified in ORS 5310.00, as required by OAR 690-315-0040(1)(a).
2. The Applicant complied with construction timeline requirements to begin construction as required by ORS 537.230, OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. Based on Finding of Facts 5, through 27, completion of construction and full application of water to beneficial use can be accomplished by March 17, 2050<sup>4</sup>, as required by OAR 690-315-0040(1)(c).
4. The Applicant can complete the project within the time period requested for the extension on the project.
5. The Applicant has demonstrated good cause for the extension.
6. For extensions exceeding five years, the Department shall establish progress checkpoints

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<sup>4</sup>Pursuant to ORS 537.230(5), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between progress check points will not exceed five years periods, as required by OAR 690-315-0050(6).

## PROPOSED ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to apply water to beneficial use under Permit S-55262 from March 17, 2025, to March 17, 2050.

Subject to the following condition:

### LIMITATIONS AND CONDITIONS

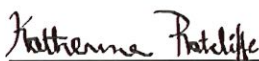
1. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2030, 2035, 2040, 2045, and 2050**. *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.

DATED: March 24, 2026



Katherine Ratcliffe  
Water Right Services Division Administrator, for  
Ivan Gall, Director  
Oregon Water Resources Department

*If you have any questions,  
please check the information  
box on the last page for the  
appropriate names and  
phone numbers.*

## Protests

Pursuant to OAR 690-315-0060(1), the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. Protests must be received by the Water Resources Department no later than May 8, 2026, at this address: Oregon Water Resources Department, Water Right Services Division, 725 Summer St NE, Suite A, Salem, OR 97301-1266. Protests may not be submitted by electronic mail. OAR 690-002-0025(3).

Protests must be in writing and include all of the following:

- The name, address, and telephone number of the protestant
- A detailed 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
- A detailed description of how the action proposed in the proposed final order would impair or be detrimental to the protestant's interest
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency
- If the applicant protests, a statement of whether a hearing is requested
- Citation of legal authority supporting the protestant, if known
- Proof of service of the protest on the water right permit holder, if protestant is other than the water right permit holder, and
- If you are the applicant, the protest fee of \$720 required by ORS 5310.00; and
- If you are not the applicant, the protest fee of \$1425 required by ORS 5310.00.

Within 60 days after the close of the period for requesting a contested case hearing, the Director shall either issue a final order on the extension request, or schedule a contested case hearing if a protest has been submitted, and, upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or, the applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests. The hearing will be conducted as provided in Oregon Revised Statutes (ORS) Chapter 183, and Oregon Administrative Rules (OAR) 137-003-0501 to 137-003-0700.

If the applicant does not request a hearing within 30 days after the close of the protest period, or if the request for a hearing is withdrawn, or the Department or the administrative law judge is notified that the protestant will not appear, or the protestant fails to appear, at a scheduled hearing, the Director may issue a Final Order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

A party may be represented by an attorney at the hearing. 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 agency representative 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 Regarding Servicemembers:** Active-duty service members have a right to stay proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll-free telephone number.

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- If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 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 503-986-0801.
  - Address any correspondence to :      Water Right Services Division  
725 Summer St NE, Suite A  
Salem, OR 97301-1266  
Fax: 503-986-0901
-