

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14632

Final Order

Extension of Time for Permit Number G-13527 (modified by Permit Amendment T-8615)

Appeal Rights

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either 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

The Department issued Permit G-13527 (modified by Permit Amendment T-8615) on November 4, 1998. The permit called for complete application of water to beneficial use by October 1, 2002. On June 1, 2006, Thomas F. & Donna V. Fitzpatrick submitted to the Department an Application for Extension of Time for Permit G-13527 (modified by Permit Amendment T-8615). In accordance with OAR 690-315-0050(2), on June 12, 2007, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2012. The protest period closed July 27, 2007, in accordance with OAR 690-315-0060(1). No protest was filed.

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:

CONDITIONS

1. Static Water Level Measurement and Reporting Condition

- (1) The permit holder/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the wells.
 - a) A water level measurement shall be made each year during the period March 1 through March 31, beginning with the year **2008**.

- b) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the permit holder/appropriator.
- c) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
- d) The permit holder/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

2. **Checkpoint Condition**

The permit holder must submit a completed Diligence Progress Report to the Department by **October 1, 2010**. *A form is enclosed for your use.*

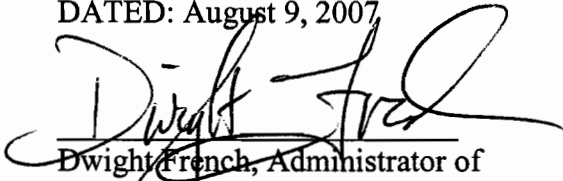
- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder 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.

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-14632, Permit G-13527 (modified by Permit Amendment T-8615), therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use is extended to October 1, 2012.

DATED: August 9, 2007,


Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

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- If you have any questions about statements contained in this document, please contact Kim French at (503) 986-0813.
 - 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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