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 R-13778, Water Right Application R-85703 in the name of Springlake Community Inc.	)))	PROPOSED FINAL ORDER

Permit Information

Application:	R-85703
Permit:	R-13778
Basin:	Lower Willamette / Watermaster District 18
Date of Priority:	July 11, 2003
Source of Water:	runoff, a tributary of Jackson Creek
Storage Facility:	Springlake
Purpose or Use:	multiple purpose
Maximum Rate/Volume:	12.7 acre feet (AF)

Please read this Proposed Final Order in its entirety.

In summary, the Department proposes to:

- Grant an extension of time to apply water to full beneficial use from October 1, 2008, to October 1, 2027.[1]

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with no further action required by the Department unless a timely protest is received or the Proposed Final Order is withdrawn by the Department.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).

[1] 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
AF - acre feet

AUTHORITY

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

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 690-315-0020 provides that the Oregon Water Resources Department (Department), for good cause shown, may allow one extension of time of up to two years from the date of the extension order becomes final, provided the proposed final order approving the permit was issued before April 1, 2026.

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.

FINDINGS OF FACT

1. On November 20, 2003, Permit R-13778 was issued by the Department. The permit authorizes the storage of up to 12.7 AF of water in Springlake from runoff, a tributary of Jackson Creek, for multiple purpose use. The permit specified the reservoir shall be filled and complete application of the stored water to the use was to be made on or before October 1, 2008.

2. On April 9, 2004 an assignment from Scharf Properties Limited to Springlake Community Inc. was recorded in the records of the Water Resources Department for R-13778.

3. The Maurice Cassidy, president of Springlake Community Inc., submitted an "Application for Extension of Time" to the Department on November 12, 2025, requesting the date by which water development will be completed and water put to full beneficial use under the terms of Permit R-13778 be extended from October 1, 2008, to October 1, 2027. This is the first permit extension requested for Permit R-13778.

4. Notification of the Application for Extension of Time for Permit R-13778 was published in the Department's Public Notice dated November 25, 2025. No public comments were received regarding the extension application.

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)]

5. On November 12, 2025, the Department received a completed Application and the fee specified in ORS 536.050 from the permit holder.

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

6. According to the Application, construction of Springlake began June 1, 1995.

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 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.[2]

7. According to the Applicant, work was accomplished prior to permit issuance, and within the time allowed in the permit:

[2] **"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.

- Construction of the reservoir and installation of a 12" outlet pipe was completed prior to permit issuance.

- Installation of a fish screen and a diversion pump, power source, and conveyance system.

- Since October 1, 2008, a dedicated electrical meter was installed at the point of diversion.

Compliance with Conditions [OAR 690-315-0040(3)(c)]
The water right permit holder's conformance with the permit.

8. The Department has considered the permit holder's compliance with conditions, and has identified the following concern, the record does not show that a meter or other suitable measuring device has been installed.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]
The amount of beneficial use made of the water during the permit time limits.

9. According to the Application, a maximum volume of 12.7 AF of water has been stored from the runoff, a tributary of Jackson Creek in Springlake.

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

10. According to the Application, an approximate total of $87,000 has been invested. The costs included items associated with repairs and maintenance, and of a pump diversion[3] which are not "actual construction" under this permit and therefore are not counted towards development. After deducting these costs, the approximate total investment for "actual construction" to date is approximately $52,000 which is about 89 percent of the total projected cost for complete development of this project. An additional $6,500 investment is needed to complete this project, which includes developing the remaining acres for irrigation, installing new pivots in areas not previously irrigated, and a possible permit amendment.

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; the permit holder has not demonstrated compliance with all permit conditions, and; beneficial use has not been demonstrated. The Department has

[3] Permit R-13778, allows for the capture of runoff in Springlake, but does not provide for a pumped diversion.

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.

11. 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 R-13778; 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.

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).

12. The point of diversion is located on a tributary of Jackson Creek, and is not located within a Withdrawn Area.

13. Jackson Creek is not located within or above a state or federal scenic waterway.

14. The point of diversion is 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.

15. Jackson Creek 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 investment in project to date.

16. An approximate total of $52,000 has been invested in the project.

OAR 690-315-0040(4)(e)
Other economic interests dependent on completion of the project.

17. Other economic interests dependent on the completion of the project have been identified. Homeowners in the Springlake Community, as property values may be adversely affected.

OAR 690-315-0040(4)(f)
Other factors relevant to the determination of the market and present demand for water and power.

18. No other factors relevant to the determination of the market and present demand for water and power have been identified.

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

19. Though no direct income is derived from the authorized storage, Springlake provides aesthetic, recreational value, as well as fire protection and stormwater management, which the permit holder considers a fair return on investment.

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

20. Delay in the development of this project that was not caused by other governmental requirements have not been identified.

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

21. The Application identifies previous management turnover and inadequate document retention, leading to condition compliance issues, as unforeseen events which delayed completion.

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

22. A denial of the extension would result in undue hardship, and there are no other reasonable alternatives exist for meeting water use needs. The reservoir itself is utilized primarily for storm management and is a critical feature of the functional design of the subdivision.

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

23. The Application provides evidence of good faith of the appropriator under Permit R-13778.

Based on FOF 6, 7, 9, 10, and 16, the Department has determined that the applicant has shown good faith and reasonable diligence.

Duration of Extension [OAR 690-315-0020(1)(b)]

*Under OAR 690-315-0020(1)(b), for other than group domestic or group domestic expanded water use permits, a maximum of two years from the date of issuance of an extension final order may granted. ****The Proposed Final Order will automatically become a Final Order 33-days after the end of the protest period unless a timely protest is filed or the Department withdraws the Proposed Final Order.*****

24. The Application requested an extension of time to October 1, 2027.

The Department has determined that there is good cause to extend the date to complete construction and the date to apply water to beneficial use to October 1, 2027.

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).

CONCLUSIONS OF LAW

1. The Applicant has submitted a complete extension application form and the fee specified in ORS 536.050, 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 6, through 24, application of water to beneficial use can be accomplished by October 1, 2027[4], as required by OAR 690-315-0040(1)(c).

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 R-13778 from October 1, 2008, to October 1, 2027.

Pursuant to ORS 536.077(4) and (5), if no protest of this Proposed Final Order is received by the Department on or before December 18, 2026, and the Department does not withdraw this Proposed Final Order on or before January 20, 2027, this Proposed Final Order is a final order without any further action by the Department on January 20, 2027.

DATED: November 3, 2026

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

Matthew Harwell, Ph.D.
Water Rights Development Section Manager, for
Ivan Gall, Director
Oregon Water Resources Department

[4]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.

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 OAR 690-315-0060 and ORS 536.077(1), any person adversely affected or aggrieved by this Proposed Final Order may protest this Proposed Final Order. Protests may be mailed or hand delivered to the Oregon Water Resources Department at 725 Summer Street NE, Suite A, Salem, OR 97301. If you submit a protest by U.S. mail, please consider mailing early to ensure the Department receives the protest by the deadline. Protests may be emailed to will.d.davidson@water.oregon.gov, but payment of Protest fees cannot be accepted electronically and must be received by the Department by mail or hand delivery prior to the deadline. Protests and protest fees must be received by the Water Resources Department no later than December 18, 2026**.**

Protests must meet the following requirements:

- Be in writing;
- Include the protestant's name, address, telephone number, and email address, if the protestant has an email address;
- Include the name, address, telephone number, and email address of the protestant's attorney, if the protestant is represented by an attorney;
- 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 reasonably available arguments that support the protestant's position;
- 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.

Requests for Party Status: Under the provisions of OAR 690-315-0060 and ORS 536.077(2), 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. There is no need for the applicant to file a request for party status. The applicant will automatically be a party to any contested case proceeding on this Proposed Final Order. Requests for party status may be mailed or hand delivered to the Oregon Water Resources Department at 725 Summer Street NE, Suite A, Salem, OR 97301. If you submit a request for party status by U.S. mail, please consider mailing early to ensure the Department receives the request by the deadline. Requests for party status may be emailed to will.d.davidson@water.oregon.gov, but payment of request for party status fees cannot be accepted electronically and must be received by the Department by mail or hand delivery prior to the deadline. Requests for party status and request for party status fees must be received by the Water Resources Department no later than **January 17, 2027**.

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

- Names,addresses, and email addresses (if any) of the requestor and any organization the requestor represents;
- Name, address, and email address of the requestor'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 requestor seeks to protect a personal interest in the outcome of any contested case hearing on the Proposed Final Order, a detailed statement of the requestor's interest, economic or otherwise, and how such interest may be affected by the results of the hearing;
- If the requestor 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 requestor'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 requestor 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 690-002-0225.

Additional Notices

Notice of requirement to provide updated contact information: Parties must timely provide the Department with updated contact information, including any change of address or primary means of electronic communication. The contact information provided in the protest or request

for party status, as applicable, is presumed to be valid for the purposes of service and notification of upcoming referral to the Office of Administrative Hearings unless timely updated by the party. OAR 609-002-0081.

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 690-002-0235; 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 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through http://legalassistance.law.af.mil.

- If you have any questions about statements contained in this document, please contact Jeffrey D. Pierceall at (503) 979-3213.

- 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
  Fax: 503-986-0901 Salem, OR 97301-1266

Mailing List for Extension PFO Copies

PFO Date: November 3, 2026

Copies Mailed

Application: R-85703
Permit: R-13778

By: _____
On: _____

Original mailed to Applicant:

Springlake Community Inc.
51590 Westlake Dr.
Scappoose, OR 97056

Copies sent to:

1. WRD - App. File R-85703/ Permit R-13778
2. Agents or CWRE's representing the Permit Holder
3. Other permit holders of record besides applicant

Fee paid as specified under ORS 536.050 to receive copy:

4. None

Receiving via e-mail (10 AM Tuesday of signature date)
(DONE BY EXTENSION SPECIALIST)

5. WRD - Watermaster District 18, Jake Constans

CASEWORKER: JDP