

**Final Order Incorporating Settlement Agreement
Extension of Time for Permit Number G-6639**

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

On November 7, 1997, Rockwood People's Utility District submitted an application to the Department for an extension of time for Permit G-6639. The Department issued Permit G-6639 on March 24, 1976. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 1978. In accordance with OAR 690-315-0050(2), on August 15, 2006, the Department issued a Proposed Final Order (PFO) proposing to extend the time to complete construction to October 1, 2047, and the time to fully apply water to beneficial use to October 1, 2047, and to make the extension subject to certain conditions. The protest period closed on September 29, 2006, in accordance with OAR 690-315-0060(1). On September 29, 2006, the Department received a protest from the Applicant.

At time of issuance of the PFO the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to a number of conditions that were listed in the PFO.

However, based on consideration of issues raised in the Applicant's protest and related issues, the Department has determined that the extension should be subject to only the following conditions.

CONDITIONS

1. **Interference Condition**

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

2. **Static Water Level Measurements**

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of **March**. Reports shall be submitted to the Department within 30 days of measurement.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- A. Identify each well with its associated measurement; and
- B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method used to obtain each well measurement; and
- D. Certify the accuracy of all measurements and calculations submitted to the Department.

3. **Well Location Condition**


If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0080(3).

Order

The extension of time for Application G-7217, Permit G-6639, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2047. The deadline for applying water to full beneficial use is extended to October 1, 2047.

DATED: Dec 8, 2006, 2006


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