

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-5524

Final Order
Extension of Time for Permit Number G-5410

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-5410 on February 21, 1975. The permit called for completion of construction by October 1, 1976, and complete application of water to beneficial use by October 1, 1977. On January 11, 2005, The City of Mosier submitted an application to the Department for an extension of time for Permit G-5410. In accordance with OAR 690-315-0050(2), on May 31, 2005, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2020, and the time to fully apply water to beneficial use to October 1, 2020. The protest period closed July 15, 2005, in accordance with OAR 690-315-0060(1). No protest was filed.

Conditions

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 condition:

The permit holder must either repair or abandon Mosier Well #3 consistent with the terms of the Stipulated Order signed by the Department on July 18, 1989. If the City of Mosier intends to repair Mosier Well 3 to comply with the stipulated order, the City shall, prior to commencement of construction, provide a schedule of completion and a plan for the work to be completed to the Water Resources Department's Enforcement Section. All work must be in compliance with applicable administrative rules for water supply well construction.

Since the issuance of the Proposed Final Order, based on OWRD's continuing evaluation the including a March 17, 2008 Permit Extension Groundwater Review which noted on-going water

level declines, the Department concluded that the permit may be extended subject to the following Municipal Use Extension Condition:

The water user shall develop a plan to monitor and report the impact of water use under Permit G-5410 on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the Extension Order is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted wells or and adequate substitute such as water levels in nearby wells.

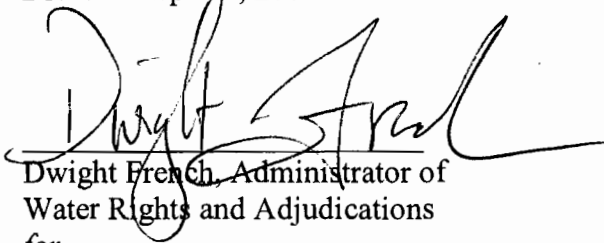
On March 17, 2008, the Department determined in its Permit Extension Groundwater Review that there is not the potential for substantial interference with surface water under OAR Chapter 690 Division 9. Therefore, the permit extension application for Permit G-5410 is not subject to OAR 690-315-0080(1)(f).

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-5524, Permit G-5410, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2020. The deadline for applying water to full beneficial use is extended to October 1, 2020.

DATED: April 3, 2008



Dwight French, Administrator of
Water Rights and Adjudications

for

Phillip C. Ward, Director

If you have any questions about statements contained in this document, please contact Ann L. Reece at (503) 986-0827.

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