

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-70056

Final Order
Extension of Time for Permit Number S-52885

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 April 9, 2003, City of Millersburg submitted an application to the Department for an extension of time for Permit S-52885. The Department issued Permit S-52885 on October 30, 1996. The permit called for completion of construction by October 1, 1998 and complete application of water to beneficial use by October 1, 1999. In accordance with OAR 690-315-0050(2), on March 25, 2008 the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2049 and the time to fully apply water to beneficial use to October 1, 2049. The protest period closed May 9, 2008 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. **Development Limitations**

Diversion of water any under Permit S-52885 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86. A WMCP shall be submitted to the Department within 3 years of an approved extension of time application. Use of water under Permit S-52885 shall be consistent with this and subsequent WMCP's approved under OAR Chapter 690,

Division 86 on file with the Department.

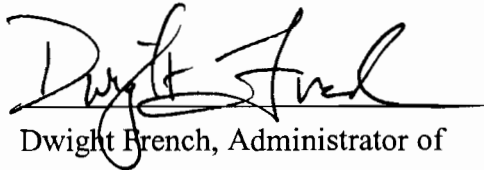
The deadline established in this PFO for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0080(3).

Order

The extension of time for Application S-70056, Permit S-52885, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2049. The deadline for applying water to full beneficial use is extended to October 1, 2049.

DATED: May 23, 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) 986-0808.

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