

Final Order
Extension of Time for Permit Number G-13633

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 September 23, 2004, Rocky Prairie Farms / Mark J. Mazeski submitted an application to the Department for an extension of time for permit number G-13633. The Department issued permit number G-13633 on April 16, 1999. The permit called for complete application of water to beneficial use by OCTOBER 1, 2003. In accordance with OAR 690-315-0050(2), on April 11, 2006, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to OCTOBER 1, 2007, and the time to fully apply water to beneficial use to OCTOBER 1, 2007. The protest period closed May 26, 2006, 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. 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.

Measurements must be made according to the following schedule:

Seven Consecutive Annual Measurements

Beginning in March of 2007, the user shall submit seven consecutive annual reports of static water level measurements. The reference level against which future annual measurements will be compared is 321.5 feet below land surface, established by a March 15, 2001 measurement provided by the permittee. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The

additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water level measurements reveal an average water level decline of three or more feet per year for five consecutive years; or
- B. Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water level measurements reveal a water level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

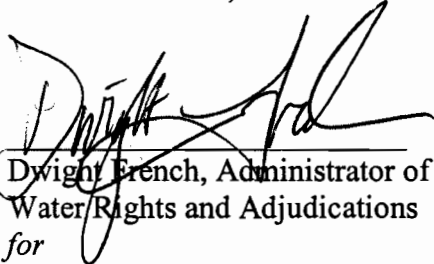
The period of non or restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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 Number G-14773, Permit Number G-13633, therefore, is approved. The deadline for completing construction is extended to OCTOBER 1, 2007. The deadline for applying water to full beneficial use is extended to OCTOBER 1, 2007.

DATED: June 2, 2006



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