

Final Order
Extension of Time for Permit Number S-40277

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 17, 1997, Seal Rock Water District submitted an application to the Department for an extension of time for permit number S-40277. The Department issued permit number S-40277 on May 3, 1976. The permit called for completion of construction by October 1, 1977, and complete application of water to beneficial use by October 1, 1978. In accordance with OAR 690-315-0050(2), on October 12, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project and the time to fully apply water to beneficial use to October 1, 2043. The protest period closed November 26, 2004, 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 beyond 0.96 cfs under Permit #S-40277 shall only be authorized upon issuance of a final order approving a new/revised Water Management and Conservation Plan consistent with OAR Chapter 690, Division 86. The required Water Management and Conservation Plan shall be submitted to the Department within 3 years from the date this extension is final.

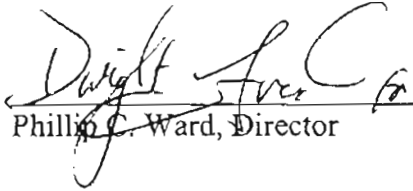
The deadline established in this Final Order for submittal of a Water Management and Conservation Plan shall not relieve a permittee of any existing or future requirements for submittal of a Plan at an earlier date as established through other orders of the Department. A Plan submitted to meet the requirements of this Final Order may also meet the Plan submittal requirements of other Department orders.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630, 539.010(5) and/or OAR 690-315-0040(2).

Order

The extension of time for Application Number S-50094, Permit Number S-40277, therefore, is approved. The deadline for completing construction is extended to October 1, 2043. The deadline for applying water to full beneficial use is extended to October 1, 2043.

DATED: February 23, 2005


Phillip C. Ward, Director

If you have any questions about statements contained in this document, please contact Lisa Juul 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.