

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-15061

**Final Order**  
**Extension of Time for Permit Number G-13891**

**Appeal Rights**

**This is a final order in a contested case.** This order is subject to judicial review under ORS 183.484. A request 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 file 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-13891 on April 19, 2001. The permit called for complete application of water to beneficial use by October 1, 2005. On September 15, 2005, Clive W. Cook, Jr. submitted to the Department an Application for Extension of Time for Permit G-13891. In accordance with OAR 690-315-0050(2), on July 15, 2008, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2030. The protest period closed August 29, 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. **Groundwater Condition**

The use of any water beyond 0.22 cfs under Permit G-13891 is subject to this groundwater condition.

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:

Reference Water Level Determination

The water user shall submit one static water level measurement in the month specified above, **in the year 2009**, which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. 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:

- (e) Annual water level measurements reveal an average water level decline of three or more feet per year for five consecutive years; or
- (f) Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
- (g) Annual water level measurements reveal a water level decline of 25 or more feet; or
- (h). 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 permit holder'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.

2. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2010, 2015, 2020, and 2025. A form will be enclosed with your Final Order.**

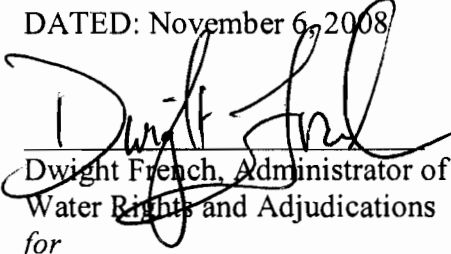
- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

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 G-15061, Permit G-13891, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use is extended to October 1, 2030.

DATED: November 6, 2008

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

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- If you have any questions about statements contained in this document, please contact Ann 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
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