

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13524

Final Order
Extension of Time for Permit Number G-11963

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-11963 on February 28, 1995. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 1998. On December 28, 1998, Jon Sather submitted to the Department an Application for Extension of Time for Permit G-11963. In accordance with OAR 690-320-0010, on March 14, 2000, the Department issued a Proposed Final Order proposing to deny an extension of time to complete construction of the water development project to October 1, 1999, and the time to fully apply water to beneficial use to October 1, 1999. The protest period closed April 28, 2000, in accordance with OAR 690-320-0010(8). A written protest was timely filed by a lessee of the property upon which the well for irrigation described in Permit G-11963 is located. The lessee subsequently relinquished the land and the landowner sold the land. On April 28, 2003, Maynard and Jacolyn Alves made a request for an assignment by proof of ownership; Permit G-11963 has been assigned by the Department to Maynard and Jacolyn Alves.

At time of issuance of the Proposed Final Order, the Department concluded that permit conditions had not been met, namely proof had not been submitted to the Department demonstrating that the well authorized under Permit G-11963 was repaired prior to water use, and water use records and static water level measurements had not been reported to the department.

Subsequent to the issuance of the Proposed Final Order, on January 12, 2009 the Department determined upon review of proof submitted by the current permit holders that the well has been repaired to conform to current well construction standards. One water use record and two static water level measurements have been submitted to the Department.

The Department's continuing evaluation, therefore, reveals that based on the factors demonstrated by the permit holders, the permit may be extended subject to the following conditions:

CONDITIONS

1. Measurement, recording and reporting conditions


The water user must report a static water level measurement for **March 2009**, and **continue reporting** until seven consecutive annual static water level measurements have been submitted to the Department. All measurements, recording and reporting must be done as directed in Permit G-11963, including the static water level measurements mentioned above, and including keeping a complete record of the amount of water used each month, and submitting a report of recorded water use to the Department annually, or as otherwise directed in Permit G-11963.

The permit holders have 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-13524, Permit G-11963 therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2009. The deadline for applying water to full beneficial use is extended to October 1, 2009.

DATED: January 27, 2009


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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