

Oregon Water Resources Department  
Water Rights Division



Water Rights Application  
Number G-14819

**Final Order**  
**Extension of Time for Permit Number G-13645**

**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**

Permit G-13645 was issued by the Department on May 14, 1999. The permit called for complete application of water to beneficial use by October 1, 2003. On March 31, 2008, Double H Ranch, LLC submitted to the Department an Application for Extension of Time for Permit G-13645. In accordance with OAR 690-315-0050(2), on February 17, 2009, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2015. The protest period closed April 3, 2009, 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. **Static Water Level Measurement and Reporting Condition**

The Department requires the water user to measure and report annual static water levels for each well on the permit. Or the water user can measure other wells in close proximity to the permitted wells, if the Department's Groundwater Staff determines that the substitute observation wells will provide adequate data to assess the impacts from the permitted wells. The static water level shall be measured in the month of March, beginning in the year **2010**. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall submit an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to measure and report additional water levels each year if more data are needed to evaluate the aquifer system.

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. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall only be made using an electric tape or steel tape that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- E. Associate each measurement with an owner's well name or number and a Department well log ID; and
- F. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- G. Specify the method of measurement; and
- H. Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate of volume of withdrawal from the well if annual water-level measurements reveal a water-level decline of 10 or more feet.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or 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 causing substantial interference with senior water rights. The water use shall not allow

excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

**2. Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2009, and 2014. Forms will be enclosed with your Final Order.**

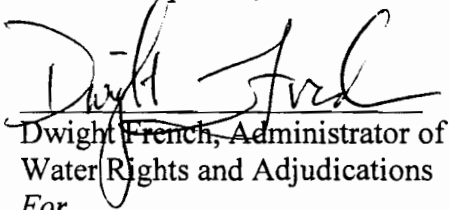
- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder 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-14819, Permit G-13645, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use is extended to October 1, 2015.

DATED: April 14, 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 Scott Kudlemyer at (503) 986-0813.
  - 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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