

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-15151

Final Order
Extension of Time for Permit Number G-14019

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-14019 was issued by the Department on June 25, 2001. The permit called for complete application of water to beneficial use by October 1, 2005. On June 18, 2008, Shield Crest Water Company submitted an application to the Department for an extension of time for Permit G-14019. In accordance with OAR 690-315-0050(2), on March 24, 2009, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2045. The protest period closed May 8, 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 the following conditions:

CONDITIONS

1. Annual Measurement Condition

The Department requires the water user to measure and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall submit the first March static water-level measurement by

April 30, 2010. 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 be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- a. Associate each measurement with an owner's well name or number and a Department well log ID; and
- b. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- c. Specify the method of 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 restricted use shall continue until the water level rises above the decline

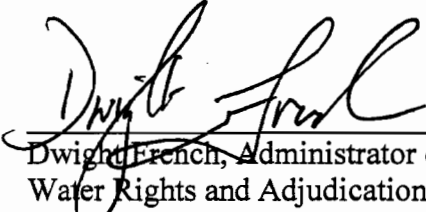
level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not 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 690-315-0080(3).

Order

The extension of time for Application G-15151, Permit G-14019, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use is extended to October 1, 2045.

DATED: May 26, 2009


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 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.
