

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-7632

Final Order
Extension of Time for Permit Number G-7341

Appeal Rights

This is a final order in other than 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-7341 was issued by the Department on August 5, 1977. The permit called for completion of construction by October 1, 1978 and complete application of water to beneficial use by October 1, 1979. On May 21, 2008 Oregon Shores Recreation Club submitted to the Department an Application for Extension of Time for Permit G-7341. In accordance with OAR 690-315-0050(2), on May 5, 2009 the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2051 and the time to fully apply water to beneficial use to October 1, 2051. The protest period closed June 19, 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

The use of any water beyond 0.48 cfs under Permit G-7341 is subject to these Groundwater Conditions.

1. Measurement, Recording and Reporting Conditions:

- a. Before any water use may begin under this extension, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- b. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

2. 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 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 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.

3. Interference Condition:

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

4. Scenic Waterway Condition:

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic

waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

5. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2009, 2014, 2019, 2024, 2029, 2034, 2039, 2044, and 2049..** *Forms will be enclosed with your Final Order.*

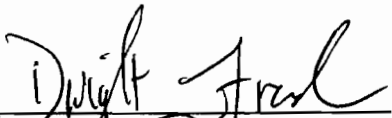
- a. At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder 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-7632, Permit G-7341, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2051. The deadline for applying water to full beneficial use is extended to October 1, 2051.

DATED: June 23, 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