

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-14031

Final Order
Extension of Time for Permit Number G-12506

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-12506 was issued by the Department on June 19, 1996. The permit called for completion of construction by October 1, 1998 and complete application of water to beneficial use by October 1, 1999. On May 2, 2008 Brian and Susan Thompson - NW Farm Credit Services, PCA submitted to the Department an Application for Extension of Time for Permit G-12506. In accordance with OAR 690-315-0050(2), on April 21, 2009 the Department issued a Proposed Final Order proposing to deny the time to complete construction to October 1, 2012 and the time to fully apply water to beneficial use to October 1, 2012. The protest period closed May 29, 2009 in accordance with OAR 690-315-0060(1). No protest was filed. The Department issued a Final Order on June 9, 2009 denying the request for an extension of time.

On July 13, 2009 the Department received a request for reconsideration from the applicants' attorney, Martha Pagel. Included in the request were copies of water use reports not previously submitted to the Department which causes the Department to now find that in fact there is good cause to grant an extension of time to complete construction and apply water to full beneficial use from October 1, 2006 until October 1, 2012.

At the time of issuance of this Final Order the Department concluded that, based on the factors now demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2011**. *A form will be enclosed with your Final Order.*

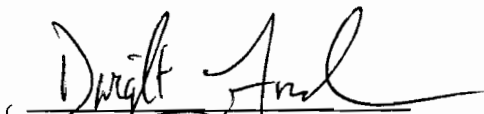
- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder 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 Number G-14031, Permit Number G-12506, therefore, is approved. The deadline for completing construction is extended to October 1, 2012. The deadline for applying water to full beneficial use is extended to October 1, 2012.

Dated: July 17, 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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