

Oregon Water Resources Department  
Water Rights Division



Water Rights Application  
Number G-13965

**Final Order**  
**Extension of Time for Permit Number G-13017**

**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-13017 was issued by the Department on December 11, 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 February 19, 2009 Miller Tree Farm, LLC submitted an application to the Department for an extension of time for Permit G-13017. In accordance with OAR 690-315-0050(2), on July 28, 2009 the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2029 and to extend the time to fully apply water to beneficial use to October 1, 2029. The protest period closed September 11, 2009 in accordance with OAR 690-315-0060(1). No protest was filed.

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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. Development Limitations

Diversion of any water beyond 0.00 cfs under Permit G-13017 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86 should the property be developed under the City of Bend revised urban growth boundary. The required WMCP shall be submitted to the Department within 3 years of an approved extension application. Use of water under Permit G-13017 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

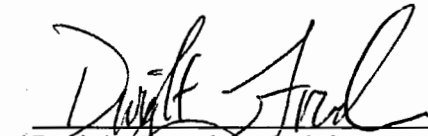
The deadline established in this PFO for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders

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-13965, Permit G-13017, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2029. The deadline for applying water to full beneficial use is extended to October 1, 2029.

DATED: September 29, 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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