

Oregon Water Resources Department  
Water Rights Division



Water Rights Application  
Number G-6228

**Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-6728**

**Application History**

Permit G-6728 was issued by the Department on June 23, 1976. The permit called for completion of construction by October 1, 1977 and complete application of water to beneficial use by October 1, 1978. On March 2, 2009 Clackamas River Water submitted an application to the Department for an extension of time for Permit G-6728. In accordance with OAR 690-315-0050(2), on August 4, 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 18, 2009, in accordance with OAR 690-315-0060(1). Clackamas River Water filed a timely protest.

The August 4, 2009 Proposed Final Order, Finding of Fact #12, incorrectly stated Peak Water Demand in Clackamas River Water's service area boundaries in 2007 is 2.05 cfs. Find of Fact # 12 is hereby corrected to read "Peak Water Demand in Clackamas River Water's service area boundaries in 2007 is approximately 23.0 cfs".

The August 4, 2009 Proposed Final Order, Finding of Fact # 14, incorrectly stated the projected Peak Day Demand in 2029 for Service Areas 2 and 3 is 15.36 cfs. Finding of Fact # 14 is hereby corrected to read "Peak Day Demand in 2029 for Service Areas 2 and 3 is approximately 17.5 cfs".

A settlement agreement was executed by the applicant/protestant on December 2, 2009. The terms of said Settlement Agreement are incorporated into this Final Order. A copy of the Settlement Agreement is attached hereto and made a part of hereof as if set forth in full, and is included below.

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. 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. Annual measurements are required whether or not the well is used.

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.

### 2. Development Limitations

Diversion of any water beyond 2.05 cfs under Permit G-6728 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86. The required WMCP shall be submitted to the Department within 3 years of an approved extension application. Use of water under Permit G-6728 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

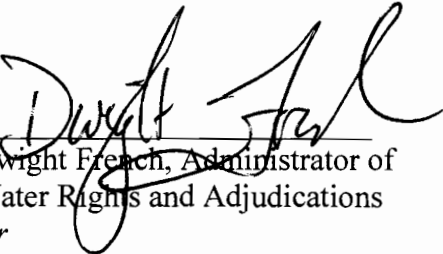
The deadline established in this PFO for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet 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-6228, Permit G-6728, 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: December 15, 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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