

Oregon Water Resources Department  
Water Rights Division



Water Rights Application  
Number G-13606

**Final Order**  
**Extension of Time for Permit Number G-12040**

**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-12040 was issued by the Department on December 13, 1995 and modified by Permit Amendment T-9977 on January 14, 2008. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 1998. On February 18, 2009 Lamonti Improvement District submitted to the Department an Application for Extension of Time for Permit G-12040.

In accordance with OAR 690-315-0050(2), on October 6, 2009 the Department issued a Proposed Final Order proposing to extend the time to complete construction and apply water to full beneficial use to October 1, 2013. The protest period closed November 20, 2009 in accordance with OAR 690-315-0060(1). No protest was filed.

On November 20, 2009 a comment letter was received from James Naugle. The comment letter was titled by Mr. Naugle as a "Letter of Reconsideration." The comments in the letter were reviewed and considered. OAR 690-315-0050(5) provides for extension orders to include, but are not limited to, any condition or provision needed to ensure future diligence, and/or mitigate the effects of the subsequent development on competing demands on the resource. The department has determined to include an additional condition, see condition #2 below, to ensure

future diligence. The department notes the permittee is required to submit a pump test prior to receiving a certificate for this water right.

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

## **CONDITIONS**

### **1. Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2010**. *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.

Since the issuance of the Proposed Final Order the Department concluded based on the factors demonstrated by the applicant and comments received, the permit may be extended subject to the additional following condition:

### **2. Development Limitations**

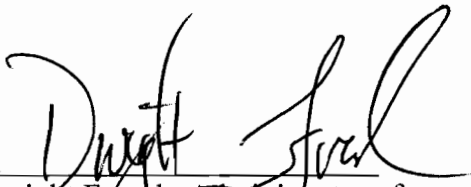
The permit holder shall submit the results of a pump test meeting the Department's standards by **October 1, 2011**. Diversion of any water beyond 0.325 cfs under Permit G-12040 shall only be authorized upon submittal and approval of said pump test.

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-13606, Permit G-12040, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2013. The deadline for applying water to full beneficial use is extended to October 1, 2013.

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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