

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-13211

Final Order
Extension of Time for Permit Number G-12484

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-12484 was issued by the Department on May 28, 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 15, 2009 Charlene Starr-Spillsbury and Kenneth Clark submitted to the Department an Application for Extension of Time for Wells A, B, and C under Permit G-12484. In accordance with OAR 690-315-0050(2), on January 26, 2010 the Department issued a Proposed Final Order proposing to extend the time to complete construction and apply water to full beneficial use from Wells A, B, and C to October 1, 2013. The protest period closed March 12, 2010 in accordance with OAR 690-315-0060(1). No protest was filed.

Let the record show that Robert Swandby was erroneously listed as partial owner of the property in the Proposed Final Order for Permit G-12484. Mr. Swandby has since been removed as partial owner and Permit G-12484 now correctly reflects Charlene Starr-Spillsbury, Kenneth Clark and Dennis Boice as owners.

At the time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit for Wells A, B, and C 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, 2010**. *A form will be enclosed with your Final Order.*

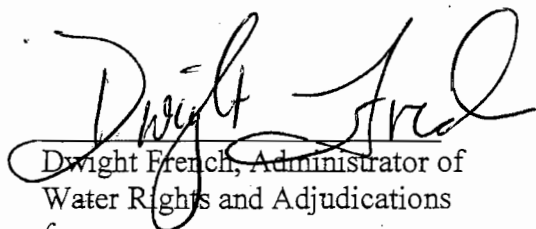
- (a) At each checkpoint, the permit holders shall submit and the Department shall review evidence of the permit holders diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder 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 applicants have 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-13211, Permit G-12484, therefore, is approved subject to conditions contained herein. The deadline for completing construction associated with Wells A, B, and C is extended to October 1, 2013. The deadline for applying water from Wells A, B, and C to full beneficial use is extended to October 1, 2013.

DATED: March 23, 2010



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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