

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14179

Final Order
Extension of Time for Permit Number G-12845

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-12845 was issued by the Department on October 10, 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 July 7, 2010 the Springfield Utility Board (SUB) submitted an application to the Department for an extension of time for Permit G-12845. In accordance with OAR 690-315-0050(2), on October 19, 2010, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2002 and to extend the time to fully apply water to beneficial use to October 1, 2002. The protest period closed December 3, 2010, in accordance with OAR 690-315-0060(1). No protest was filed.

Based on comments on the PFO from the Springfield Utility Board, and the Department's continuing evaluation reveals that certain changes should be made to the PFO.

The following two Findings of Fact are replaced as set forth below:

Finding of Fact #13:

13. In addition to the 4.46 cfs of water authorized under Permit G-12845 SUB holds the following (one) quasi-municipal and municipal water rights:
- Permit G-2643, modified by Permit Amendment T-9356 (quasi-municipal) for 1.00 cfs of water from two wells within the Willamette Middle Fork Basin;
 - Certificate 27979 for 2.00 cfs of water from Well # 8 within the Willamette Middle Fork Basin;
 - Certificate 35650 for 0.89 cfs of water from Well # 9 within the Willamette Middle Fork Basin;
 - Certificate 35651 for 3.30 cfs of water from Well # 11 within the Willamette Middle Fork Basin;
 - Certificate 35754 for 2.40 cfs of water from Well # 10 within the Willamette Middle Fork Basin;
 - Certificate 52375 for 2.22 cfs of water from Well # 12 within the

Willamette Middle Fork Basin;

- Certificate 85381 for 1.44 cfs of water, being 0.72 cfs from Well # 13 and 0.72 cfs from Well # 14, both within the Willamette Middle Fork;
- Certificate 56430 for 1.78 cfs of water from SP Well within the McKenzie River Basin;
- Certificate 82801 for 2.23 cfs of water from Maia Well within the McKenzie River Basin;
- Certificate 42085 for 1.67 cfs of water from Thurston Well # 1 within the McKenzie River Basin;
- Certificate 42086 for 2.14 cfs of water from Thurston Well # 2 within the McKenzie River Basin;
- Certificate 42088 for 1.11 cfs of water from Thurston Well # 3 within the McKenzie River Basin;
- Certificate 56427 for 0.45 cfs of water from Thurston Well # 4 within the McKenzie River Basin;
- Certificate 56428 for 0.56 cfs of water from Platt Well # 1 within the McKenzie River Basin;
- Certificate 56429 for 1.00 cfs of water from Platt Well # 2 within the McKenzie River Basin;
- *Certificate 45301 for 5.6 cfs of water, being 1.80 cfs from Weyerhaeuser Well # 1, 1.10 cfs from Weyerhaeuser Well # 2, 1.80 cfs from Weyerhaeuser Well # 3, and 0.90 cfs of water from Weyerhaeuser Well # 4, all within the McKenzie River Basin;
- Permit GR-3134 for 900 gpm (2.0 cfs) of water from Well # 1 within the Willamette Middle Fork Basin;
- Permit GR-3135 for 1250 gpm (approx. 2.785 cfs) of water from Well # 3 within the Willamette Middle Fork Basin;
- Permit GR-3136 for 1250 gpm (approx. 2.785 cfs) of water from Well # 4 within the Willamette Middle Fork Basin;
- Permit GR-3137 for 1250 gpm (approx. 2.785 cfs) of water from Well # 9 within the Willamette Middle Fork Basin;
- Permit GR-3138 for 1250 gpm (approx. 2.785 cfs) of water from Well # 12 within the Willamette Middle Fork Basin;
- Permit GR-3139 for 600 gpm (approx. 1.34 cfs) of water from Well # 6 within the Willamette Middle Fork Basin;
- Permit GR-3140 for 1250 gpm (approx. 2.785 cfs) of water from Well # 8 within the Willamette Middle Fork Basin;
- Permit G-16149 for 4.02 cfs of water, being 1.34 cfs from Thurston Well # 8, 1.34 cfs from Thurston Well # 9, and 1.34 cfs of water from Thurston Well # 11, all within the Cedar Creek Basin;
- Permit G-16148 for 4.91 cfs of water, being 1.34 cfs from Thurston Well # 5, 1.34 cfs of water from Thurston Well # 6, 0.89 cfs of water from Thurston Well # 7, and 1.34 cfs of water from Thurston Well # 10, all within the Cedar Creek Basin;

- Permit G-16147 for 1.78 cfs of water from two wells, being 0.89 cfs from each well, both within the Cedar Creek Basin;
- Permit S-54378, modified by Permit Amendment T-10402, for 35.9 cfs of water from the McKenzie River, a tributary of the Willamette River; and
- Permit S-22200 for 20.0 cfs of water from the Middle Fork of the Willamette River, a tributary of the Willamette River.

*One half of Certificate G-45301 is owned by Rainbow Water District. Weyerhaeuser Wellfield is jointly owned by Springfield Utility Board and Rainbow Water District

Finding of Fact #14:

14. SUB's (one) quasi-municipal use permit and multiple use municipal certificates, groundwater registrations and permits transfers total 118.13 cfs of water, being 62.23 cfs of ground water and 55.9 cfs of surface water.

Finding of Fact #30 is deleted in its entirety.

Reason for deletion: The Department does not need to condition the extension of time with the "Municipal Use Extension Condition." SUB has already submitted a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well. The plan was approved by the Department on March 4, 2003.

The Conclusions of Law is modified as follows:

The last paragraph in the Conclusions of Law paragraph is deleted in its entirety. SUB has already submitted a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well. The plan was approved by the Department on March 4, 2003.

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 a "Municipal Use Extension Condition." However, that condition was erroneously included in the Proposed Final Order, and has been removed. Based on the factors demonstrated by the applicant, the permit may be extended subject to no additional conditions.

Springfield Utility Board requested an extension of time until October 1, 2002 to complete construction and to apply water to full beneficial use. Upon further review, the Department has determined that SUB needs an extension to October 1, 2003 in order to be able to demonstrate proof of full beneficial use of water. Permit G-12845 contains a condition that the permit holder was to submit a plan, subject to approval by the Department, to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well. The plan was approved by the Department on March 4, 2003, outside of the extension date requested by SUB. Therefore, the Department will approve the extension to October 1, 2003.

Order

The extension of time for Application G-14179, Permit G-12845, therefore, is approved. The deadline for completing construction is extended to October 1, 2003. The deadline for applying water to full beneficial use is extended to October 1, 2003.

DATED: December 8, 2010



Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

If you have any questions about statements contained in this document, please contact Ann Reece at (503) 986-0827.

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.
