

**Oregon Water Resources Department**  
**Water Right Services Division**

Water Rights Application  
Number S-60573

**Final Order**  
**Extension of Time for Permit Number S-46099**  
**Permit Holder: Weiss Estates Water System Co.**

**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 S-46099 was issued by the Department on October 29, 1981. The permit called for complete application of water to beneficial use by October 1, 1984. On April 12, 2010, Weiss Estates Water System Co. submitted to the Department its sixth Application for Extension of Time for Permit S-46099. In accordance with OAR 690-315-0050(2), on July 26, 2011, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2020. The protest period closed September 9, 2011, in accordance with OAR 690-315-0060(1). No protest was filed.

The Department adopts and incorporates by reference the Proposed Final Order dated July 26, 2011.

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. **Fish Screen Condition**

The permittee shall screen the intake to the current screening criteria of 3/32 inch no later than October 1, 2014. The permittee is hereby directed to contact the Oregon Department of Fish and Wildlife Southwest Field Fish Screening Coordinator at 541-826-8774.

2. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2014 and 2019. *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.

3. **Last Extension Condition**

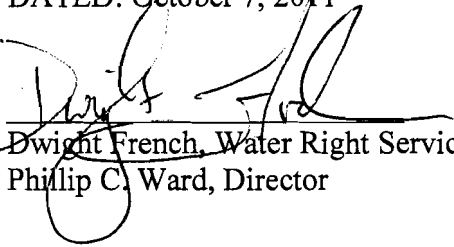
This is to be the last extension of time granted for Permit S-46099. Any future extensions of time requests will be denied.

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 S-60573, Permit S-46099, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use is extended to October 1, 2020.

DATED: October 7, 2011



Dwight French, Water Right Services Administrator, for  
Phillip C. Ward, Director

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- If you have any questions about statements contained in this document, please contact Jerry Gainey at (503) 986-0812.
  - 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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