

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

Water Rights Application  
Number G-200

**Final Order**  
**Extension of Time for Permit Number G-1389**  
**Permit Holder: Coos Bay-North Bend Water Board**

**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-1389 was issued by the Department on August 10, 1959, and modified by Permit Amendment T-8161 on April 27, 1999. The permit called for completion of construction by October 1, 1960 and complete application of water to beneficial use by October 1, 1961. On December 14, 2010, Coos Bay-North Bend Water Board submitted to the Department an Application for Extension of Time for Permit G-1389. In accordance with OAR 690-315-0050(2), on August 2, 2011, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2040 and the time to fully apply water to beneficial use to October 1, 2040. The protest period closed September 16, 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 August 2, 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 condition:

**CONDITION**

**1. Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2015, October 1, 2020, October 1, 2025, October 1, 2030, October 1, 2035, and October 1, 2040.** *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.

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-200, Permit G-1389, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to from October 1, 2000 to October 1, 2040. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2000 to October 1, 2040.

DATED: December 9, 2011

  
Dwight W. French, Water Rights 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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