

Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number S-87004

Final Order

Extension of Time for Permit Number S-54465

Permit Holder: Garth Mulkey, for Gylan & Gwendolyn Mulkey Revocable Living Trust

Permit Information

Application File S-87004 Permit S-54465

Basin: 2 – Willamette / Watermaster District 16

Date of Priority: October 3, 2007

Authorized Use of Water

Source of Water:	Gylan Mulkey Reservoir (constructed under Permit R-8167), Berry Creek, and Soap Creek, tributaries of Luckiamute River
Purpose of Use:	Irrigation use on 200.0 Acres
Maximum Rate:	45.0 Acre Feet (AF) each year, and 2.22 Cubic Feet per Second (cfs), being 1.11 cfs each from Berry Creek and Soap Creek

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

Application History

Permit S-54465 was issued by the Department on June 12, 2008. The permit called for complete application of water to beneficial use by October 1, 2012. On September 28, 2012, Garth Mulkey, for Gylan & Gwendolyn Mulkey Revocable Living Trust submitted to the Department an Application for Extension of Time for Permit S-54465. In accordance with OAR 690-315-0050(2), on August 13, 2013, the Department issued a Proposed Final Order proposing to extend the time to apply water to full beneficial use to October 1, 2014. The protest period closed September 27, 2013, in accordance with OAR 690-315-0060(1). No protest was filed.

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.

Findings of Fact

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated August 13, 2013.

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 no additional conditions.

CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0040(2).

Order

The extension of time for Application S-87004, Permit S-54465, therefore, is approved. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2012 to October 1, 2014.

DATED: October 4, 2013



Dwight W. French, Administrator
Water Right Services Division
for PHILLIP C. WARD, DIRECTOR

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- If you have any questions about statements contained in this document, please contact Michele McAleer at (503) 986-0825.
 - 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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