

Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number S-86782

Final Order

Extension of Time for Permit Number S-54431
Permit Holder: A. J. Kemp and Willa M. Kemp

Permit Information

Application File S-86782 Permit S-54431
Basin: 2 – Willamette / Watermaster District 18
Date of Priority: January 25, 2007

Authorized Use of Water

Source of Water:	Hawk's View Reservoir #1, to be constructed under permit R-14517, Tributary to West Fork Chicken Creek
Purpose of Use:	Irrigation of 61.75 Acres
Maximum Volume:	11.5 Acre-feet (AF)

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

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-54431 was issued by the Department on December 10, 2007. The permit called for completion of construction and complete application of water to beneficial use by October 1, 2012. On January 31, 2013, A. J. Kemp and Willa M. Kemp submitted to the Department an

Application for Extension of Time for Permit S-54431. In accordance with OAR 690-315-0050(2), on October 8, 2013, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2022, and the time to apply water to full beneficial use to October 1, 2022. The protest period closed November 22, 2013, in accordance with OAR 690-315-0060(1). No protest was filed.

Findings of Fact

Except as expressly stated herein, the Department adopts and incorporates by reference the findings in the Proposed Final Order dated October 8, 2013.

Finding of Fact 9.a. is corrected as follows (additions are shown in "underline" text, deletions are shown in "~~striketrough~~" text):

Since the issuance of Permit S-54431 on December 10, 2007, the permit holder has used ~~5 AF~~ 0.3 AF of water diverted from the Hawk's View Reservoir #1, constructed under permit R-14517, Tributary to West Fork Chicken Creek for irrigation of 3.5 acres. The authorized amount of water for irrigation use is 11.5 ~~efs~~ AF.

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. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2018**.

(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.

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-86782, Permit S-54431, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2012 to October 1, 2022. 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, 2022.

DATED: March 14, 2014



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 Steven Parrett 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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 Salem Oregon 97301-1266
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Extension of Time Progress Reporting Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: A. J. Kemp and Willa M. Kemp Application S-86782. Permit S-54431

Progress Report Form for 2018 Report Due no later than October 1, 2018 DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit S-54431. **FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.**

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2012 and October 1, 2018	TOTAL COST

2. Describe actions taken to comply with terms and conditions of permit and/or previous extension.

3. Total number of acres irrigated to date = _____ (write N/A if not applicable)

4. Provide the maximum rate of water diverted (or stored) for beneficial use to date under this permit, if any.

Maximum rate used to date = _____ cfs (cubic feet per second)
 or
 Maximum rate used to date = _____ gpm (gallons per minute)
 or
 Acre Feet stored to date = _____ AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

INCOMPLETE REPORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM.

Signature _____ Date _____

Printed Name/Title _____

For OWRD use only

Diligence Shown Yes No

Date Public Noticed: _____

Reviewed by: _____

Date: _____