Oregon Water Resources Department

Water Right Services Division

Water Rights Application Number R-86781

Final Order

Extension of Time for Permit Number R-14517 Permit Holder: A. J. Kemp and Willa M. Kemp

<u>Permit Information</u>

Application File R-86781 Permit R-14517 Basin: 2 – Willamette / Watermaster District 18 Date of Priority: January 25, 2007

Authorized Use of Water

Source of Water:	Spring #1 and Spring #2, Tributaries to West Fork Chicken
	Creek
Purpose of Use:	Multiple Purpose, to be appropriated under Permit S-54431
	for irrigation use
Maximum Volume:	12.0 Acre Feet (AF) each year, being 0.5 AF in an
	Unnamed Reservoir, and 11.5 AF in Hawk's View
	Reservoir #1

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 R-14517 was issued by the Department on December 10, 2007. The permit called for

Final Order: Permit R-14517

completion of construction, filling of the reservoir, 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 R-14517. 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 of the water system and 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

The Department adopts and incorporates by reference the findings in the Proposed Final Order dated October 8, 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 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).

Final Order: Permit R-14517

<u>ORDER</u>

The extension of time for Application R-86781, Permit R-14517, therefore, is approved subject to conditions contained herein. The deadline for completing construction of the water system 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

- 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



Oregon Water Resources Department 725 Summer Street NE, Suite A Salem Oregon 97301-1266 (503) 986-0900 www.wrd.state.or.us

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 R-86781 Permit R-14517

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 R-14517. FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.

Positic perior of the between October 1, 2012 and October 1, 2018	an a

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

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

Provide the maximum rate, or duty if applicable, of water diverted (or stored) to date for 4. beneficial use 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)

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_____

or

Printed Name and Title For OWRD use only Date Public Noticed: _____ Reviewed by: Date: