

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

Water Rights Application
Number G-16790

Final Order

**Extension of Time for Permit Number G-16250, modified by Permit
Amendment T-10902
Permit Holder: Ash Grove Cement Company**

Permit Information

Application File G-16790 Permit G-16250, modified by Permit Amendment T-10902
Basin: 9 – Powder / Watermaster District 8
Date of Priority: February 5, 2007

Authorized Use of Water

Source of Water: Well 3 (BAKE 1474), Well 4, and Well 5, plus additional wells added by Permit Amendment T-10920: Well 6, Well 7, Well 8, Well 9, and Well 10 all within the Burnt River Basin
Purpose of Use: Mining and Industrial Use
Maximum Rate: 0.66 Cubic Feet per Second (cfs), not to exceed 0.22 cfs from each of Wells 3,4 and 5

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

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-16250 was issued by the Department on November 29, 2007, and modified by Permit Amendment T-10902 on October 13, 2009. A correcting Final Order was issued for T-10902 on February 11, 2010. The permit called for completion of construction and complete application of

water to beneficial use by October 1, 2012. On September 4, 2012, Ash Grove Cement Company submitted to the Department an Application for Extension of Time for Permit G-16250, modified by Permit Amendment T-10902. In accordance with OAR 690-315-0050(2), on September 24, 2013, the Department issued a Proposed Final Order proposing to extend the time to complete construction and the time to fully apply water to beneficial use to October 1, 2017. The protest period closed November 8, 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 of fact in the Proposed Final Order dated September 24, 2013.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, 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 537.630, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application G-16790, Permit G-16250, modified by Permit Amendment T-10902, therefore, is approved. The deadline for completing construction and applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2012 to October 1, 2017.

DATED: March 21, 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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