

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

Water Rights Application
Number G-16668

Final Order

**Extension of Time for Permit Number G-16241, modified by Permit
Amendment T-11032
Permit Holder: Sunnyside Dairy, LLC.**

Permit Information

Application File G-16668 Permit G-16241, modified by Permit Amendment T-11032
Basin: 12 – Malheur Lake / Watermaster District 10
Date of Priority: May 12, 2006

Authorized Use of Water

Source of Water: Well 1, Well 2, Well 3, Well 4, Well 5, Well 6, Well 10,
and Well 11 in Harney Lake Basin within the Malheur Lake
Basin
Purpose of Use: Irrigation of 1148.8 Acres
Maximum Rate: 14.0 Cubic Feet per Second (cfs)

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-16241, modified by Permit Amendment T-11032, was issued by the Department on January 17, 2008. The permit called for completion of construction and complete application of water to beneficial use by October 1, 2012. On August 26, 2013, Jon Wheeler for Sunnyside Dairy, LLC., submitted to the Department an Application for Extension of Time for Permit G-16241, modified by Permit Amendment T-11032. In accordance with OAR 690-315-0050(2), on October 15, 2013, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2017. The protest period closed November 29, 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 of fact in the Proposed Final Order dated October 15, 2013.

Exception to the Proposed Final Order:

The permit holder submitted an Application for Extension of Time to the Department on August 26, 2013, requesting the time in which to accomplish beneficial use of water to the full extent under the terms and conditions of Permit G-16241, modified by Permit Amendment T-11032, be extended from October 1, 2012, to October 1, 2017. The extension application form clearly suggests that construction is not complete, therefore, the Department determined that the permit holder's intent was to also request the time in which to complete construction of the water system also be extended from October 1, 2012, to October 1, 2017. This is the first permit extension request for Permit G-16241, modified by Permit Amendment T-11032.

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

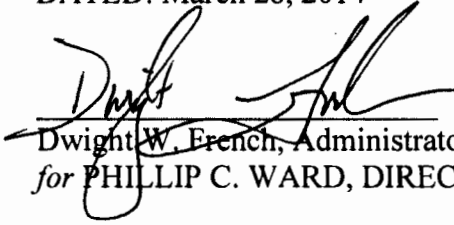
The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application G-16668, Permit G-16241, modified by Permit Amendment T-11032, therefore, is approved. The deadline for completing construction is extended to from October 1, 2012, to October 1, 2017. 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, 2017.

DATED: March 28, 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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