

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

Water Rights Application
Number G-14888

Final Order

**Extension of Time for Permit Number G-13730
Permit Holder: Andy Root**

Permit Information

Application File G-14888 Permit G-13730
Basin: 12 – Malheur Lake / Watermaster District 10
Date of Priority: December 22, 1998 for 3.0 cfs and March 12, 1999, for 0.08 cfs

Authorized Use of Water

Source of Water: Well 8 and Well 9 in the Rattlesnake Creek Basin
Purpose of Use: Irrigation of 246.4 Acres
Maximum Rate: 3.08 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-13730 was issued by the Department on September 1, 1999. The permit called for actual construction of the well to begin by July 30, 2000, and complete application of water to beneficial use by October 1, 2003, previously extended to October 1, 2011. On March 26, 2013, Andy Root submitted to the Department an Application for Extension of Time for Permit G-13730. 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 of the water

system and the time to fully apply water to beneficial use to October 1, 2018. The protest period closed November 8, 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 September 24, 2013.

Exception to the Proposed Final Order:

The permit does not contain a deadline date by which construction must be completed, so it is not necessary to extend the deadline for completing construction of the water system as was requested in the Application for Extension of Time and as proposed by the Department in the Proposed Final Order. This Final Order, therefore, does not incorporate an extension of the time to complete construction of the water system.

The Application for Extension of Time notes the construction of "Well 10" in December, 2009. Well 10 is not currently authorized by Permit G-13730 as a water source on this permit. A Permit Amendment to add this well must be approved by the Department prior to becoming an authorized well under this permit.

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-14888, Permit G-13730, 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, 2011 to October 1, 2018.

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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