

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

Water Rights Application
Number G-17035

**Final Order
Extension of Time for Permit Number G-16386
Permit Holder: Heffernan Family Trust; Chris Heffernan**

Permit Information

Application File G-17035 Permit G-16386

Basin: 9 – Powder / Watermaster District 8

Date of Priority: April 10, 2008

Authorized Use of Water

Source of Water: Wells 1, 2, & 3 within the Peach Creek Basin

Purpose of Use: Irrigation of 400.0 Acres

Maximum Rate: 2.23 Cubic Feet per Second (cfs), not to exceed
600 Acre-Feet (AF) per season

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-16386 was issued by the Department on September 16, 2008. The permit called for completion of construction by October 1, 2012 and complete application of water to beneficial use by October 1, 2012. On August 26, 2013, Heffernan Family Trust; Chris Heffernan submitted to the Department an Application for Extension of Time for Permit G-16386. In accordance with OAR 690-315-0050(2), on February 4, 2014, the Department issued a Proposed Final Order proposing to extend the time to complete construction to 2022 and the time to fully apply water to beneficial use to October 1, 2022. The protest period closed March 21, 2014, 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 February 4, 2014.

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 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 form will be enclosed with your Final Order.*

- (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.

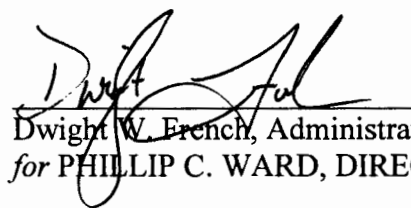
CONCLUSION OF LAW

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

Order

The extension of time for Application G-17035, Permit G-16386, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to 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 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 Ann Reece at (503) 986-0834.
 - 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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Oregon Water Resources Department
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 Salem Oregon 97301-1266
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**Extension of Time
 Progress Report Form
 For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Heffernan Family Trust; Chris Heffernan

Application G-17035
 Permit G-16386

Report Due no later than October 1, 2018

DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

Progress Report Form for 2018

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 G-16386. FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.

PERIOD	ACTUAL WORK COMPLETED AND FINANCIAL INVESTMENTS	FINANCIAL INVESTMENTS
From 10/1/17 to 10/1/18	From 10/1/17 to 10/1/18	From 10/1/17 to 10/1/18

2. **Compliance with terms and conditions of the permit and/or previous extension.**

3. **Total number of acres irrigated to date= _____ (if applicable)**

4. **Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.**

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. USE N/A FOR ITEM 3 IF THE USE IS NOT IRRIGATION.

Signature _____ Date _____

For OWRD use only

Diligence Shown Yes No

Date Public Noticed: _____

Reviewed by: _____

Date: _____