

# Oregon Water Resources Department

## Water Right Services Division

Water Rights Application  
Number G-12262

### FINAL ORDER

Extension of Time for Permit Number G-11182  
Permit Holder: Agate Water Company

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#### Permit Information

Application File:	G-12262
Permit:	G-11182
Basin:	5 – Deschutes / Watermaster District 11
Date of Priority:	October 16, 1990
Source of Water:	Three Wells within the Deschutes River Basin
Purpose of Use:	Domestic Use for 400 Families to include irrigation of up to 1/2 acre lawn or non-commercial garden for each
Maximum Rate:	500 Gallons Per Minute (gpm), being 160 gpm each from well 1 & 2, and 180 gpm from well 3.

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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-11182 was issued by the Department on January 22, 1991. The permit called for completion of construction by October 1, 1992, and complete application of water to beneficial use by October 1, 1993. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2008. On October 7, 2011, the owner of Agate Water Company, Fred Schilling, submitted to the Department an Application for

Extension of Time for Permit G-11182. In accordance with OAR 690-315-0050(2), on May 6, 2014, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2047, and the time to fully apply water to beneficial use to October 1, 2047. The protest period closed June 27, 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 May 13, 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, 2016, 2021, 2026, 2031, 2036, 2041, and 2046. *The 2016 Form is enclosed with this 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.

2. Last extension condition

This is to be the last extension of time granted for Permit G-11182. **Any future extensions of time requests will be denied.**

## 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-12262, Permit G-11182, therefore, is approved subject to the conditions contained herein. The deadline for completing construction is extended from October 1, 2008 to October 1, 2047. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2008 to October 1, 2047.

DATED: July 18, 2014



Dwight W. French  
Water Right Services Division Administrator for  
DIRECTOR, Oregon Water Resources Department

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- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist 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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**Extension of Time  
 Progress Report Form  
 For Checkpoints**

**TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT**

Permit Holder: Agate Water Company

Application G-12262

Permit G-11182

**Progress Report for 2016**

Report Due no later than October 1, 2016

**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 G-11182.

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

DATE	PERFORMANCE WORK ACCOMPLISHED - PERTINANT TO THE EXTENSION	ANALYSIS

**2. Describe actions taken to achieve compliance with terms/conditions of the permit/extension.**

**3. Total number of acres irrigated to date: \_\_\_\_\_ (NA if not applicable)**

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

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name/Title \_\_\_\_\_