

Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number G-15063

Final Order
Extension of Time for Permit Number G-13868
Permit Holder: Vic Jansen

Permit Information

Application File G-15063 Permit G-13868

Basin: 7 – Umatilla / Watermaster District 21

Date of Priority: November 2, 1999

Authorized Use of Water

Source of Water: Ten Wells within the Willow Creek Basin

Purpose of Use: Irrigation and Temperature Control on 2802.1 Acres

Maximum Rate: Maximum cumulative total of 35.03 Cubic Feet per Second (cfs), being limited to March 1 through October 31 for irrigation and to 0.15 cfs for year round temperature control

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-13868 was issued by the Department on December 15, 2000. Pursuant to ORS 537.630(1), complete application of water under Permit G-13868 was to be made on or before December 15, 2005. On December 11, 2013, Vic Jansen submitted to the Department an Application for Extension of Time for Permit G-13868. 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 fully apply water to beneficial use to October 1, 2024. The protest period closed

March 21, 2014, in accordance with OAR 690-315-0060(1). No protest was filed.

Findings of Fact

The Proposed Final Order dated February 4, 2014 is adopted and incorporated into this Final Order with the following modifications (additions are shown in “underline” text, deletions are shown in “strikethrough” text):

Additional Finding of Fact #25:

In the Final Order for an Extension of Time issued August 18, 2006, the permit was conditioned with specific well construction conditions. On August 25, 2014, the Department determined per Groundwater Section review that a variance in the required casing and seal depth was approved by the Department for the construction of the drilled well (GILL 50022), and therefore the well construction conditions are met for the drilled well (GILL 50322).

Additional Finding of Fact #26:

In the Final Order for an Extension of Time issued August 18, 2006, the permit was conditioned with specific well construction conditions. On August 25, 2014, the Department determined per Groundwater Section review that Well Construction Condition 1.a as stated in the February 4, 2014 Proposed Final Order should be modified as follows to clearly articulate the intent of the groundwater condition:

~~a) — The wells shall be continuously cased and continuously sealed to a minimum depth of 800 feet below land surface. The final depth of the casing and seal will depend on the depth at which the top of the Grande Ronde Basalt is identified.~~

a) The wells shall be continuously cased and continuously sealed to a total depth of 1000 feet or to the top of the Grande Ronde Basalt Formation, whichever is shallower.

In this Final Order the “Condition” specified under Item 1 has been modified, as shown directly above, from the Proposed Final Order issued February 4, 2014.

Conclusion of Law #6:

As authorized in OAR 690-315-0050(5) and as described in Finding ~~15(b)~~ 16(b) above, the Department has established, as specified under Item 1 of the “Conditions” section of this Proposed Final Order for an Extension of Time, conditions to mitigate the effects of the subsequent development under Permit G-13868 on competing demands on the resource.

Conclusion of Law #7:

As authorized in OAR 690-315-0050(5) and as described in Finding ~~19~~ 20 above, the Department has established, as specified in the “Conditions” section of this PFO (Item 2), a “Last Extension Condition” in order to ensure future diligence is exercised in the development and perfection of Permit G-13868.

Conclusion of Law #8:

As required by OAR 690-315-0050(6) and as described in Finding ~~20~~ 21 above, the Department has established, as specified in the “Conditions” section of this PFO (Item 3), a progress checkpoint in order to ensure future diligence is exercised in the development and perfection of Permit G-13868.

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. Well Construction Conditions

- a) The wells shall be continuously cased and continuously sealed to a total depth of 1000 feet or to the top of the Grande Ronde Basalt Formation, whichever is shallower.
- b) The wells shall be completed in such a manner to avoid commingling of basalt aquifers below the casing and seal.
- c) The permit holder shall furnish to the Department a copy of a video log of each well constructed prior to installation of any permanent pumping equipment.
- d) An approved water-level monitoring and reporting plan, dated December 11, 2001, is on file with the Department. The wells shall have an access port with a minimum diameter of $\frac{3}{4}$ inch. The access shall be adequate to determine the water level at any time. The permit holder may install a functioning airline with a pressure gauge in addition to the access port. The airline shall be calibrated and yield accurate data. The airline shall not enter the well through the access port. The airline shall be adequate to determine the water level at any time.

2. Last Extension Condition

This is to be the last extension of time granted for Permit G-13868. Any future extensions of time requests will be denied.

3. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2019. 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-15063, Permit G-13868, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2015 to October 1, 2024.

DATED: September 5, 2014


Dwight W. French, Administrator, Water Right Services Division,
for Tom J. Paul, Acting Director

-
- 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
-



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Extension of Time Progress Report Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Vic Jansen

Application G-15063
 Permit G-13868

Report Due no later than October 1, 2019

DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

Progress Report Form for 2019

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-13868. **FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION
 BEING DENIED.**

	PERMIT G-13868 and RIN 2019-0001-0001-0001	Date
Reporting Period: From October 1, 2018, until October 1, 2019		

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: _____

