

# Oregon Water Resources Department

## Water Right Services Division

Water Rights Application  
Number R-83459

### FINAL ORDER

Extension of Time for Permit Number R-12477  
Permit Holder: Ted Simon

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#### Permit Information

Application File:	R-83459
Permit:	R-12477
Basin:	2 – Willamette / Watermaster District 16
Date of Priority:	June 20, 1997
Source of Water:	Runoff, a tributary of Ash Swale
Purpose of Use:	To be appropriated under application S-83460, Permit S-53408, for irrigation and agricultural use
Maximum Volume:	32 acre-feet each year

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**This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 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 R-12477 was issued by the Department on June 22, 1998. The permit called for complete application of water to beneficial use by October 1, 2001. On September 17, 2013, permit holder Ted Simon submitted to the Department an Application for Extension of Time for Permit R-12477. In accordance with OAR 690-315-0050(2), on September 9, 2014, the

Department issued a Proposed Final Order proposing to extend the time to apply water to full beneficial use to October 1, 2022. The protest period closed October 24, 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 in the Proposed Final Order dated September 9, 2014.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, 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, 2017**. *A 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.

## CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0040(2).

## ORDER

The extension of time for Application R-83459, Permit R-12477, 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, 2001 to October 1, 2022.

DATED: October 31, 2014



Dwight French  
Water Right Services Division Administrator, for  
Thomas M Byler 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) 986-0802.
  - 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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