

# Oregon Water Resources Department

## Water Right Services Division

Water Rights Application  
Number G-16983

### FINAL ORDER

Extension of Time for Permit Number G-16461  
Permit Holder: Andy Root

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#### Permit Information

Application:	G-16983
Permit:	G-16461
Basin:	12 – Malheur Lake / Watermaster District 10
Date of Priority:	December 17, 2007
Source of Water:	Well 1, Well 2, and Well 3 in Harney Lake Basin
Purpose of Use:	Irrigation use on 400.0 Acres
Maximum Rate:	5.0 cubic feet per second (cfs)

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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-16461 was issued by the Department on April 3, 2009. The permit called for completion of construction by April 3, 2014 and complete application of water to beneficial use by April 3, 2014. On June 20, 2014, Andy Root submitted to the Department an Application for Extension of Time for Permit G-16461. In accordance with OAR 690-315-0050(2), on October 28, 2014, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 30, 2019, and the time to fully apply water to beneficial use to October 30, 2019. The protest period closed December 12, 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 October 28, 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 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 537.630, 539.010(5) and OAR 690-315-0040(2).

## ORDER

The extension of time for Application G-16983, Permit G-16461, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to from April 3, 2014 to October 30, 2019. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from April 3, 2014 to October 30, 2019.

DATED: December 19, 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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