# **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

#### **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)

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.

Final Order: Permit G-16461

## 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).

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## **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

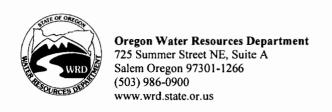
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Water Right Services Division Administrator, for

Thomas M. Byler, Director

Oregon Water Resources Department

- 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



Extension of Time Progress Report Form For Checkpoints

## TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Andy Root

Reviewed by:

Application G-16983

Permit G-16461

# **Progress Report for 2018**

Report Due no later than October 1, 2018
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-16461.

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

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENT For the period of time between June 20, 2014 and October		
	Installed totalizing flow meters on all three wells		
	Annual reports of water usage submitted to the Department		
2. Descr	ribe actions to achieve compliance with conditions of the permit an	nd/or previous extension.	
4. Provi	number of acres irrigated to date:(NA if not applicable)  de the maximum rate, or duty if applicable, of water diverted for b  it, if any, to date.	eneficial use under this	
Maxir or Maxir	mum rate used to date =cfs (cubic feet per second) mum rate used to date =gpm (gallons per minute)	Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per	
or Acre l	Feet stored to date =AF	second), gpm (gallons per minute) or AF (acre-feet).	
NCOMPLETE RE	EPORTS WILL BE RETURNED. AN ANSWER IS <u>REQUIRED</u> IN EACH ITEM.	Do not provide daily, monthly or annual water	
Signature	Date	volume totals.	
Printed Name	e/Title		
Diligence Show	vn		

Date: