

# Oregon Water Resources Department

## Water Right Services Division

Water Rights Application  
Number S-69654

### FINAL ORDER

Extension of Time for Permit Number S-53703  
Permit Holder: Windhurst Road Water Corporation

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#### Permit Information

|                      |  |
|----------------------|--|
| Application:         | S-69654  |
| Permit:              | S-53703  |
| Basin:               | 17 – South Coast / Watermaster District 19   |
| Date of Priority:    | June 30, 1998  |
| Source of Water:     | Bill Creek, a tributary of Bear Creek, and legally stored water under Permit R-12928   |
| Purpose of Use:      | Cranberry operations on 162.4 acres, agricultural use on 27.7 acres, and supplemental cranberry operations on 18.1 acres   |
| Maximum Rate/Volume: | 614.00 acre feet (AF) of stored water; maximum instantaneous diversion rate from Bill Creek authorized under this permit, combined with the diversion authorized under Permit R-12928, not to exceed 2.75 cubic feet per second (cfs) November 1 through May 31 from natural flow and year round from stored water |

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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 S-53703 was issued by the Department on October 10, 2000. The permit called for actual construction to begin by October 10, 2001, and complete application of water to beneficial use by October 1, 2005. The most recent extension authorized complete application of water to beneficial use by October 1, 2014. On September 26, 2014, Windhurst Road Water Corporation submitted to the Department an Application for Extension of Time for Permit S-53703. In accordance with OAR 690-315-0050(2), on November 18, 2014, the Department issued a Proposed Final Order proposing to extend the time to apply water to full beneficial use from October 1, 2014 to October 30, 2019. The protest period closed January 2, 2015, 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 November 18, 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 additional conditions.

## CONDITIONS

### 1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2016. 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 S-69654, Permit S-53703, therefore, is approved. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2014 to October 30, 2019.

DATED: January 9, 2015



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 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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**Oregon Water Resources Department**  
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**Extension of Time  
 Progress Reporting Form  
 For Checkpoints**

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

Permit Holder: Windhurst Road Water Corp      Application S-69654      Permit S-53703

**Progress Report Form 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 perfection of Permit S-53703. **FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.**

| DATE | LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS<br>For the period of time between September 26, 2015 and October 1, 2016 | FINANCIAL INVESTMENT |
|------|---|----------------------|
|      | Submitted Water use report to the Department  |                      |
|      | Submitted rating curve and stream flow measurements to the Department and Watermaster District 19                             |                      |
|      |   |                      |
|      |   |                      |
|      |   |                      |

2. Describe actions taken to comply with terms/conditions of the permit and/or previous 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, **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.

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

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

*For OWRD use only*

Diligence Shown     Yes     No

Date Public Noticed: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_