

**Oregon Water Resources Department  
Water Right Services Division**

Water Rights Application  
Number S-48909

**Final Order  
Extension of Time for Permit Number S-36515  
Permit Holder: Deschutes Valley Water District**

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**Permit Information**

**Application File S-48909/ Permit S-36515**

Basin 5 – Deschutes Basin / Watermaster District 11  
Date of Priority: December 29, 1971

**Authorized Use of Water**

Source of Water: Opal Springs, a tributary to Crooked River  
Purpose or Use: Quasi-Municipal  
Maximum Rate: 11.92 cubic feet per second (cfs)

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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**

The Department issued Permit S-36515 on March 13, 1973. The permit called for completion

of construction by October 1, 1974, and complete application of water to beneficial use by October 1, 1975. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2003. On November 26, 2012, Deschutes Valley Water District submitted an application to the Department for an extension of time for Permit S-36515. In accordance with OAR 690-315-0050(2), on December 2, 2014, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2028, and the time to fully apply water to beneficial use to October 1, 2028. The protest period closed January 16, 2015, in accordance with OAR 690-315-0060(1). No protest was filed.

## **FINDINGS OF FACT**

The Department adopts and incorporates by reference the Proposed Final Order dated December 2, 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. Development Limitations**

Diversion of any water beyond 1.28 cfs up to 11.92 cfs under Permit S-36515 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan(s) (WMCP) under OAR Chapter 690, Division 86 which grants access to a greater rate of diversion under the permit consistent with OAR 690-086-0130(7). The required WMCP shall be submitted to the Department within 3 years of this Final Order. Use of water under Permit S36515 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

The deadline established in the Extension Final Order for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders

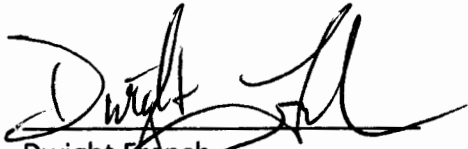
## **CONCLUSION OF LAW**

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0080(3).

## ORDER

The extension of time for Application S-48909, Permit S-36515, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2003 to October 1, 2028. The deadline for applying water to full beneficial use within the terms and conditions the permit is extended from October 1, 2003 to October 1, 2028.

DATED: January 23, 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 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

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