

Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number S-87365

FINAL ORDER

Extension of Time for Permit Number S-54616
Permit Holder: Kenny Unger

Permit Information

Application:	S-87365
Permit:	S-54616
Basin:	2 – Willamette / Watermaster District 16
Date of Priority:	December 12, 2008
Source of Water:	Hutchcroft Creek, a tributary of North Yamhill River; Unger 1 Reservoir, a tributary of Hutchcroft Creek and; Unger 3 Reservoir, a tributary of Hutchcroft Creek
Purpose of Use:	Agriculture and irrigation on 176.9 acres and pond maintenance
Maximum Rate/Volume:	50.0 acre-feet (AF) of water from Unger 1 Reservoir and 9.1 AF of water from Unger 3 Reservoir for agriculture and irrigation use; 0.5 cubic feet per second (cfs) from Hutchcroft creek for agriculture, and 0.5 cfs for pond maintenance of Unger 1 Reservoir, and 0.09 cfs for pond maintenance of Unger 3 Reservoir

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-54616 was issued by the Department on November 30, 2009. The permit called for completion of construction by November 30, 2014 and complete application of water to beneficial use by November 30, 2014. On November 28, 2014, Kenny Unger submitted to the Department an Application for Extension of Time for Permit S-54616. In accordance with OAR 690-315-0050(2), on January 20, 2015, the Department issued a Proposed Final Order proposing to extend the time to complete construction from November 30, 2014 to October 30, 2024 and the time to apply water to full beneficial use from November 30, 2014 to October 30, 2024. The protest period closed March 6, 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 January 20, 2015.

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, 2018 and 2023. 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.

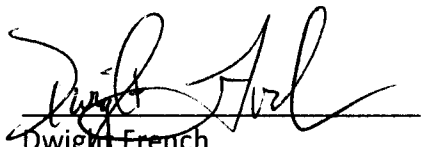
CONCLUSION OF LAW

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-87365, Permit S-54616, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from November 30, 2014 to October 30, 2024. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from November 30, 2014 to October 30, 2024.

DATED: March 13, 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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**Extension of Time
 Progress Reporting Form
 For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Kenny Unger

Application S-87365 Permit S-54616

Progress Report Form 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 perfection of Permit S-54616. **FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.**

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between November 28, 2014 and October 1, 2018	FINANCIAL INVESTMENT

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: _____