

Oregon Water Resources Department

Water Right Services Division

Water Rights Application
Number S-73346

FINAL ORDER

Extension of Time for Permit Number S-51540
Permit Holder: Robert and Nancy Simmons

Permit Information

Application:	S-73346
Permit:	S-51540
Basin:	2 – Middle Willamette / Watermaster District 16
Date of Priority:	February 2, 1994
Source of Water:	An unnamed stream and a reservoir constructed under Application R-73345, Permit R-11503, tributaries of Bear Creek
Purpose of Use:	Irrigation of 52.0 Acres
Maximum Rate:	0.5 cubic foot per second (cfs) from live flow and 22.0 acre-feet (AF) of water legally stored in the 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 final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition 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-51540 was issued by the Department on September 8, 1994. The permit called for actual construction to begin by September 8, 1995, completion of construction by October 1,

1996, and complete application of water to beneficial use by October 1, 1997. On February 12, 2015, Robert and Nancy Simmons submitted to the Department an Application for Extension of Time for Permit S-51540. In accordance with OAR 690-315-0050(2), on March 24, 2015, the Department issued a Proposed Final Order proposing to extend the time to complete construction from October 1, 1996 to October 30, 2018 and the time to apply water to full beneficial use from October 1, 1997 to October 30, 2018. The protest period closed May 8, 2015, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

Except as expressly stated herein, the Department adopts and incorporates by reference the findings in the Proposed Final Order dated March 24, 2015.

Final Order, as shown in the Proposed Final Order is corrected as follows (additions are shown in "underline" text, deletions are shown in "~~striketrough~~" text):

Permit Holder: ~~Richard~~ Robert and Nancy Simmons

Application History, as shown in the Proposed Final Order is corrected as follows (additions are shown in "underline" text, deletions are shown in "~~striketrough~~" text):

Permit S-51540 was issued by the Department on September 8, 1994. The permit called for actual construction to begin by September 8, 1995, completion of construction by October 1, 1996, and complete application of water to beneficial use by October 1, 1997. On February 12, 2015, ~~Richard~~ Robert and Nancy Simmons submitted to the Department an Application for Extension of Time for Permit S-51540.

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 no additional conditions.

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-73346, Permit S-51540, therefore, is approved. The deadline for completing construction is extended from October 1, 1996 to October 30, 2018. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 1997 to October 30, 2018.

DATED: May 29, 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) 986-0825.
 - 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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