

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

Water Rights Application
Number S-85514

**Final Order
Extension of Time for Permit Number S-53985
Permit Holder: Nesika Beach Ophir Water District**

Permit Information

Application File S-85514/ Permit S-53985

Basin 17 – South Coast Basin / Watermaster District 19

Date of Priority: March 25, 2003

Authorized Use of Water

Source of Water: Greggs Creek, a Tributary of the Pacific Ocean
Purpose or Use: Quasi-Municipal
Maximum Rate: 1.0 Cubic Feet per Second (cfs); being 1.0 cfs from
November 1 through June 30; 0.9 cfs from July 1
through July 31; 0.7 cfs from August 1 through
August 31; and 0.6 cfs from September 1 through
October 31

**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

The Department issued Permit S-53985 on December 18, 2003. The permit called for complete application of water to beneficial use by October 1, 2008. On March 2, 2015, Nesika Beach Ophir Water District submitted an application to the Department for an extension of time for Permit S-53985. In accordance with OAR 690-315-0050(2), on April 14, 2015, the Department issued a Proposed Final Order proposing to the time to fully apply water to beneficial use to October 1, 2033. The protest period closed May 29, 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 April 14, 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. Development Limitations

Diversion of any water up to 1.0 cfs under Permit S-53985 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 S53985 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-85514, Permit S-53985, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions the permit is extended from October 1, 2008 to October 1, 2033.

DATED: June 5, 2015



Dwight French
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 Machele A Bamberger 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
