

Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number S-4982

FINAL ORDER

Extension of Time for Permit Number S-3011
Permit Holder: City of Bandon

Permit Information

Application:	S-4982
Permit:	S-3011 (modified by Permit Amendment T-8195)
Basin:	17 – South Coast / Watermaster District 19
Date of Priority:	June 19, 1916
Source of Water:	Geiger Creek, Geiger Creek Reservoir constructed under Application R-5017, Permit R-368, a tributary of Ferry Creek, and below the confluence of Ferry Creek and Geiger Creek
Purpose of Use:	Domestic Supply
Maximum Rate:	5.0 cubic-feet-per- second (cfs)

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-3011 was issued by the Department on July 24, 1916, and modified by Permit Amendment T-8195 on March 29, 2000. The permit called for actual construction to begin by

July 24, 1917, completion of construction by October 1, 1921 and complete application of water to beneficial use by October 1, 1924. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2000. On May 13, 2015, City of Bandon submitted to the Department an Application for Extension of Time for Permit S-3011. In accordance with OAR 690-315-0050(2), on June 23, 2015, the Department issued a Proposed Final Order proposing to extend the time to complete construction from October 1, 2000 to October 30, 2050 and the time to apply water to full beneficial use from October 1, 2000 to October 30, 2050. The protest period closed August 7, 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 June 23, 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, 2020, 2025, 2030, 2035, 2040, 2045 and 2050. 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.

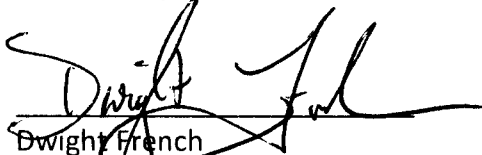
CONCLUSION OF LAW

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-4982, Permit S-3011, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2000 to October 30, 2050. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2000 to October 30, 2050.

DATED: August 14, 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
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

**Extension of Time
 Progress Reporting Form
 For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: City of Bandon

Application S-4982 Permit S-3011

Progress Report Form for 2020

Report Due no later than October 1, 2020

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-3011. **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 May 13, 2015 and October 1, 2020	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: _____

Mailing List for Extension FO Copies

FO Date: August 14, 2015

Copies Mailed

Application: S-4982

By: _____

Permit: S-3011

On: _____

Original mailed to permit holder

City of Bandon
PO Box 67
Bandon, OR 97411

Copies sent to:

1. WRD - App. File S-4982/ Permit S-3011
2. The Dyer Partnership Engineers
Attention: Barbara Negherbon, PE
1330 Teakwood, Ave
Coos Bay, OR 97420

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving notification via e-mail FO available in WRIS for review
(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 19, Mitch Lewis

If Progress Reports are included:

(DONE BY EXTENSION SPECIALIST)

Add record to Progress Report tracking sheet.xls Done: by _____ Date _____

CASEWORKER: MAB

Final Order: Permit S-30113011 (modified by Permit Amendment T-8195)

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