## **Oregon Water Resources Department**

Water Right Services Division

Water Rights Application Number G-16826

### **FINAL ORDER**

Extension of Time for Permit Number G-16318

Permit Holder: John Ensz Farms LLC

#### **Permit Information**

Application:

G-16826

Permit:

G-16318

Basin:

12 - Malheur Lake / Watermaster District 10

Date of Priority:

April 9, 2007

Source of Water:

A well in Malheur Slough Basin

Purpose of Use:

Irrigation use on 160.0 Acres

Maximum Rate:

2.0 cubic feet per second (cfs)

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 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 G-16318 was issued by the Department on May 16, 2008. The permit called for completion of construction by October 1, 2012 and complete application of water to beneficial use by October 1, 2012. On April 30, 2015, John Ensz Farms LLC submitted to the Department an Application for Extension of Time for Permit G-16318. In accordance with OAR 690-315-0050(2), on June 16, 2015, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2020, and the time to fully apply water to beneficial use to October 1, 2020. The protest period closed July 31, 2015, in accordance with OAR 690-315-0060(1). No protest was filed.

Final Order: Permit G-16318 Page 1 of 3

#### **FINDINGS OF FACT**

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated June 16, 2015.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, 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, 2019. 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 537.630, 539.010(5) and OAR 690-315-0040(2).

Final Order: Permit G-16318 Page 2 of 3

### ORDER

The extension of time for Application G-16826, Permit G-16318, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to from October 1, 2012 to October 1, 2020. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2012 to October 1, 2020.

DATED: August 14, 2015

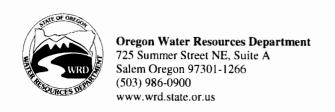
Dwigh French

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 the 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



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

# TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: John Ensz Farms LLC

Reviewed by:

Application G-16826

Permit G-16318

# **Progress Report for 2019**

Report Due no later than October 1, 2019 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

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between April 30, 2015 and October 1, 201	9 FINANCIAL INVESTMENT
. Descri	be actions to achieve compliance with conditions of the permit and/o	r previous extension.
	number of acres irrigated to date:(NA if not applicable)	ficial use under this
permi	t, if any, to date.  num rate used to date =cfs (cubic feet per second)	
or	num rate used to date =gpm (gallons per minute)	units of measurement as specified in the permit, being cfs (cubic feet per
or Maxim NCOMPLETE REI	num rate used to date =gpm (gallons per minute)  PORTS WILL BE RETURNED. AN ANSWER IS <u>REQUIRED</u> IN EACH ITEM.	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
or Maxim NCOMPLETE REI	num rate used to date =gpm (gallons per minute)	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,

Date:

# **Mailing List for Extension FO Copies**

FO Date: August 14, 2015	Copies Mailed			
Application: G-16826 Permit: G-16318	By: On:			
Original mailed to permit holder				
John Ensz Farms LLC 10606 N Road V Ulysses, KS 67880				
Copies sent to:				
1. WRD - App. File G-16826/ Permit G-16318				
Fee paid as specified under ORS 536.050 to receive copy:				
2. None				
Receiving notification via e-mail - FO available in WRIS for review (DONE BY EXTENSION SPECIALIST)				
3. WRD - Watermaster District 10, JR Johnson				
If Progress Reports are included: (Done by extension Specialist) Add record to Progress Report tracking sheet.xls Done: byDate				

Final Order: Permit G-16318

CASEWORKER: CAC