

Oregon Water Resources Department

Water Right Services Division

Water Rights Application
Number G-14085

FINAL ORDER

Extension of Time for Permit Number G-12772
Permit Holder: Aquatic Lawn Growers, Inc.

Permit Information

Application:	G-14085
Permit:	G-12772
Basin:	14 – Klamath / Watermaster District 17
Date of Priority:	June 1, 1995
Source of Water:	A well in Sprague River Basin
Purpose of Use:	Irrigation of 40.0 Acres and Commercial Use, to maintain an unnamed reservoir, to be constructed under Application R-80289, Permit R-12028
Maximum Rate:	2.372 cubic feet per second (cfs) total, being 0.5 cfs for irrigation and 1.872 cfs for commercial use

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-12772 was issued by the Department on September 11, 1996. The permit called for actual construction of the well to begin by September 11, 1997, completion of construction by October 1, 1998 and complete application of water to beneficial use by October 1, 1999. The most recent extension authorized completion of construction by October 1, 2009 and complete application of water to beneficial use by October 1, 2010. On May 15, 2015, Aquatic Lawn Growers, Inc. submitted to the Department an Application for Extension of Time for Permit G-

12772. In accordance with OAR 690-315-0050(2), on July 7, 2015, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2035, and the time to fully apply water to beneficial use to October 1, 2035. The protest period closed August 21, 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 of fact in the Proposed Final Order dated July 7, 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, 2024, 2029, and 2034. 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).

ORDER

The extension of time for Application G-14085, Permit G-12772, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2009 to October 1, 2035. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2010 to October 1, 2035.

DATED: August 28, 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 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
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**Extension of Time
Progress Report Form
For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Aquatic Lawn Growers, Inc.

Application G-14085

Permit G-12772

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 development and perfections of Permit G-12772.

FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.

STATE WORK ACCOMPLISHED AND FINANCIAL INVESTMENT		
FOR THE PERIOD OF TIME BETWEEN MAY 22, 2018 AND 2019		

2. Describe actions to achieve compliance with 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, to date.

Maximum rate used to date = _____ cfs (cubic feet per second)

or

Maximum rate used to date = _____ gpm (gallons per minute)

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 _____

Diligence Shown ☐ Yes ☐ No

Date Public Noticed: _____
For OWRD use only

Reviewed by: _____ Date: _____