

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

Water Rights Application  
Number G-13710

**FINAL ORDER**

Extension of Time for Permit Number G-17031  
Permit Holder: Davenport Newberry Holdings, LLC.

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**Permit Information**

Application:	G-13710
Permit:	G-17031
Basin:	5 – Deschutes / Watermaster District 11
Date of Priority:	June 10, 1994
Source of Water:	Two wells in Paulina Creek Basin
Purpose of Use:	Industrial use
Maximum Rate:	0.89 cubic foot per second (cfs)

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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-12571 was issued by the Department on June 25, 1996 and modified by Permit Amendment T-11460 on May 28, 2013, a superseding Permit G-17031 was issued. The original permit specified for actual construction of the well was to begin by June 25, 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 and complete application of water to beneficial use by October 1, 2015. On June 1, 2015, Davenport Newberry Holdings, LLC, submitted to the Department an Application for Extension of Time for Permit G-17031. In accordance with OAR 690-315-0050(2), on July 28, 2015, the Department issued a Proposed Final Order proposing to extend the time to complete

construction to October 1, 2030, and the time to fully apply water to beneficial use to October 1, 2030. The protest period closed August 28, 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 28, 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, and 2029. 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.

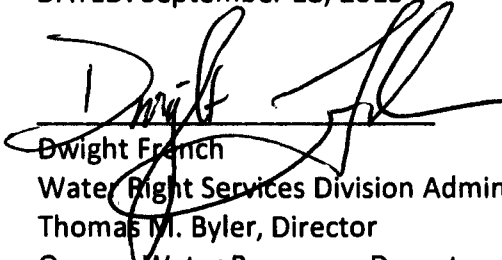
## CONCLUSION OF LAW

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-13710, Permit G-17031, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to from October 1, 2015 to October 1, 2030. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2015 to October 1, 2030.

DATED: September 18, 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) 986-0802.
  - 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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**Extension of Time  
 Progress Report Form  
 For Checkpoints**

**TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT**

Permit Holder: Davenport Newberry Holdings, LLC. Application G-13710 Permit G-17031

**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-17031.

**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 June 1, 2015 and October 1, 2019	FINANCIAL INVESTMENT

**2. Describe actions to achieve compliance with conditions of the permit and/or previous extension.**

**3. 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)

*INCOMPLETE REPORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM.*

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name/Title \_\_\_\_\_

*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.*

Diligence Shown <input type="checkbox"/> Yes <input type="checkbox"/> No	Date Public Noticed: _____ <i>For OWRD use only</i>
Reviewed by: _____	Date: _____