Oregon Water Resources Department

Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time)	
for Permit R-13429, Water Right Application R-85057)	FINAL ORDER
in the name of Dennis Miller for Earl and Mildred Miller, LLC)	

Permit Information

Application: R-85057 Permit: R-13429

Basin: 2 – Middle Willamette / Watermaster District 2

Date of Priority: February 14, 2002

Source of Water: Runoff, a tributary of Cox Creek

Purpose of Use: Recreation

Maximum Volume: 77.00 Acre-Feet (AF) each year

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 R-13429 was issued by the Department on October 31, 2002. The permit called for actual construction to begin by October 31, 2003, and complete application of water to beneficial use by October 1, 2006. On August 5, 2015, Dennis Miller for Earl and Mildred Miller, LLC submitted to the Department an Application for Extension of Time for Permit R-13429. In accordance with OAR 690-315-0050(2), on September 15, 2015, the Department issued a Proposed Final Order proposing to extend the time to apply water to full beneficial use from

Final Order: Permit R-13429 Page 1 of 3

2006 to October 1, 2021. The protest period closed October 30, 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 September 15, 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. 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).

Final Order: Permit R-13429 Page 2 of 3

ORDER

The extension of time for Application R-85057, Permit R-13429, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2006 to October 1, 2021.

DATED: November 6, 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 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

Final Order: Permit R-13429 Page 3 of 3



Extension of Time Progress Reporting Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Dennis Miller for Earl and Mildred Miller, LLC

Application R-85057

Permit R-13429

Progress Report Form for 2020

Report Due no later than October 1, 2020 DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

DATES	FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN LIST ALL WORK ACCOMPLISHED and FI For the period of time between August 5	INANCIAL INVESTMENTS	FINANCIAL INVESTMENT
	Installed a meter or other suitable measuring device		
Descri	be actions taken to comply with terms/cond	itions of the permit and/or pr	evious extension.
	number of acres irrigated to date :		in and a this
Provid	number of acres irrigated to date: le the maximum rate, or duty if applicable, or t, if any, made to date.	Report the rate in the s measurement as specif	ame units of ied in the permit, beir
Provid permit	le the maximum rate, or duty if applicable, o	f water diverted for beneficial Report the rate in the s	ame units of ied in the permit, bein nd), gpm (gallons per et). Do not provide
Provid permit	le the maximum rate, or duty if applicable, or t, if any, <u>made to date</u> .	Report the rate in the s measurement as specif cfs (cubic feet per seco minute) or AF (acre-fe	ame units of ied in the permit, bein nd), gpm (gallons per et). Do not provide
Provid permit Acre Fe	le the maximum rate, or duty if applicable, or t, if any, made to date. et stored to date =AF	Report the rate in the s measurement as specif cfs (cubic feet per seco minute) or AF (acre-fe daily, monthly or anni	ame units of ied in the permit, bein nd), gpm (gallons per et). Do not provide

		For OWRD use only	
Diligence Shown	☐ Yes ☐ No	Date Public Noticed:	
Reviewed by:		Date:	

Mailing List for Extension FO Copies

	FO Date: November 6, 2015	Copies Mailed
	Application: R-85057 Permit: R-13429	By:
	Original mailed to permit holder	
	Dennis Miller for Earl and Mildred Miller, LLC 35208 Spicer Dr Lebanon, OR 97355	
	Copies sent to:	
1.	WRD - App. File R-85057/ Permit R-13429	
2.	K & D Engineering, Inc. 276 NW Hickory Street Po Box 725 Albany, OR 97321	
	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 2, Michael Mattick	
	ress Reports are included: BY EXTENSION SPECIALIST)	
Ad	d record to Progress Report tracking sheet.xls Done: by	_Date
CASEV	VORKER: CAC	

Final Order: Permit R-13429 Page 1 of 1