

**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 G-16797, Water Right Application G-17306,)
in the name of K and P Enterprises LLC)

FINAL ORDER

Permit Information

Application:	G-17306
Permit:	G-16797
Basin:	12 – Malheur Lake / Watermaster District 10
Date of Priority:	February 4, 2010
Source of Water:	Well 1, Well 2, and Well 3 in Malheur Lake Basin
Purpose of Use:	Irrigation of 394.04 Acres
Maximum Rate:	4.93 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-16797 was issued by the Department on October 14, 2010. The permit called for completion of construction by October 14, 2015 and complete application of water to beneficial use by October 14, 2015. On February 19, 2015, K and P Enterprises LLC submitted to the Department an Application for Extension of Time for Permit G-16797. In accordance with OAR 690-315-0050(2), on August 11, 2015, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2025, and the time to fully apply water to beneficial use to October 1, 2025. The protest period closed September 25, 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 August 11, 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 **February 19, 2020 and 2025. 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-17306, Permit G-16797, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to from October 14, 2015 to October 1, 2025. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 14, 2015 to October 1, 2025.

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 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
-



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 Report Form
For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: K and P Enterprises LLC

Application G-17306

Permit G-16797

Progress Report for 2020

Report Due no later than February 19, 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 perfections of Permit G-16797.

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 February 19, 2015 and February 19, 2020	FINANCIAL INVESTMENT
	Constructed Well 2	
	Constructed irrigation system	
	Installed a totalizing flow meter on Well 1	
	Annual Water Use Report submitted	
	March Static Water Level Measurements submitted	
	Installed a Dedicated Measuring Tube Well 1	

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

3. Total number of acres irrigated to date: _____

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)

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: _____

Mailing List for Extension FO Copies

FO Date: November 6, 2015

Copies Mailed

Application: G-17306

By: _____

Permit: G-16797

On: _____

Original mailed to permit holder

K and P Enterprises LLC
67719 Hwy 78
Burns, OR 97720

Copies sent to:

1. WRD - App. File G-17306/ Permit G-16797

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: by _____ Date _____

CASEWORKER: CAC