

**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-15734, Water Right Application G-16146, in the        )  
name of Tuckness Farms, Inc.   )            **FINAL ORDER**

---

**Permit Information**

Application:	G-16146
Permit:	G-15734
Basin:	10 – Malheur / Watermaster District 9
Date of Priority:	December 8, 2003
Source of Water:	A well in Malheur River Basin
Purpose of Use:	Supplemental irrigation use on 283.9 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-15734 was issued by the Department on October 14, 2004. The permit called for complete application of water to beneficial use by October 1, 2009. On January 25, 2015, Dana E. Tuckness, President of Tuckness Farms, Inc. submitted an Application for Extension of Time for Permit G-15734. In accordance with OAR 690-315-0050(2), on May 17, 2016, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2025. The protest period closed July 1, 2016, 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 May 17, 2016.

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. Last Extension Condition**

This is to be the last extension of time granted for Permit G-15734. Any future extensions of time requests will be denied.

**2. Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2020 and 2024. A form will be enclosed with your 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.

**3. Before water use may begin under this permit;**

- A. The water user shall install a meter or other suitable measuring device as approved by the Director. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director.

Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the permit.

- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

To monitor the effect of water use from the well(s) authorized under this right, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurement must be made according to the following schedule:

**Before Use of Water Takes Place**

**Initial and Annual Measurements**

The Department requires the water user to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

**Reference Water Level Determination**

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (a) Identify each well with its associated measurement; and
- (b) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (c) Specify the method used to obtain each well measurement; and
- (d) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (a) An average water level decline of three or more feet per year for five consecutive years; or
- (b) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (c) A water level decline of 25 or more feet; or
- (d) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

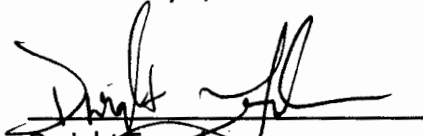
### CONCLUSION OF LAW

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-16146, Permit G-15734, 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, 2009 to October 1, 2025.

DATED: July 8, 2016



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
-