

**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-17038, Water Right Application G-16997, in the ) FINAL ORDER  
name of Steve E. and Kristi Rickman )

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**Permit Information**

Application:	G-16997
Permit:	G-17038
Basin:	12 – Malheur Lake / Watermaster District 10
Date of Priority:	January 28, 2008
Source of Water:	Well 1, 2, and 3 in Poison Creek Slough Basin
Purpose of Use:	Irrigation use on 209.4 Acres
Maximum Rate:	2.62 cubic feet per second (cfs), being no more than 0.53 cfs from Well 1 and 2.45 cfs from Well 2

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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-16654 was issued by the Department on March 11, 2010, and superceding permit G-17038 was issued on April 16, 2013 to incorporated changes by Permit Amendment T-11411. The permit called for completion of construction by March 11, 2015 and complete application of water to beneficial use by March 11, 2015. On February 5, 2016, Steve Rickman submitted an Application for Extension of Time for Permit G-17038. In accordance with OAR 690-315-0050(2), on May 31, 2016, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2020, and the time to fully apply water to beneficial use to October 1, 2020. The protest period closed July 15, 2016, in accordance with OAR 690-315-0060(1). No protest was filed.

## FINDINGS OF FACT

Except as expressly stated herein, The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated May 31, 2016.

Finding of Fact 14, as shown in the Proposed Final Order is corrected as follows (additions are shown in "underline" text, deletions are shown in "strikethrough" text):

~~14. The Department has considered the permit holder's compliance with conditions, and has identified the following concern: (1) the record does not show that Well 2 (HARN 51917) or Well 3 (HARN 51887) are continuously cased or continuously seal to a minimum depth of 100 feet bgs.~~

~~The Department has determined that this extension will allow Well 2 (HARN 51917) and Well 3 (HARN 51887) to be continuously cased or continuously seal to a minimum depth of 100 feet bgs after March 11, 2015 to satisfy compliance of the condition of "The wells shall be continuously cased and continuously seal to a minimum depth of 100 feet below land surface", in an effort to make proof of beneficial use of the water as required by Permit G-17038~~

~~Failure to comply with permit conditions constitutes illegal use of water. Beneficial use of water under this permit, therefore, has not yet been demonstrated. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.~~

14. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

- a. Since March 11, 2015 the permit holder has submitted the annual water use records, for Well 3 (HARN 51887) required under Permit G-17038.
- b. Department records show annual water use reports have been submitted for Well 1 (HARN 51617) for 2013-2015, Well 2 (HARN 51917) for 2013-2015, and Well 3 (HARN 51887) for 2015.
- c. Department records show the following March static water level measurements were submitted for Well 1 (HARN 51617):
  - March 14, 2013 and March 23, 2013;
  - March 22, 2014;
  - March 25, 2015; and
  - March 29, 2016.

- d. Department records show the following March static water level measurements were submitted for Well 2 (HARN 51917):
- March 14, 2013 and March 23, 2013;
  - March 22, 2014;
  - March 25, 2015; and
  - March 29, 2016.
- e. Department records show the following March static water level measurements were submitted for Well 3 (HARN 51887):
- March 23, 2013;
  - March 22, 2014;
  - March 25, 2015; and
  - March 29, 2016.
- f. Department records show the permit holder obtained written approval from the Department on May 16, 2012, approving the seal depth of Well 3 (HARN 51887) to 75 feet below ground surface (bgs).
- g. Department records show the permit holder obtained written approval from the Department on February 28, 2013, approving the seal depth of Well 2 (HARN 51917) to 58 feet bgs.

The Department has determined that this extension will allow the annual water use report for Well 3 (HARN 51887) submitted after March 11, 2015, to satisfy compliance of the condition of "The permittee shall maintain the meter or measuring device 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," in an effort to make proof of beneficial use of the water as required by Permit G-17038.

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 no additional conditions.

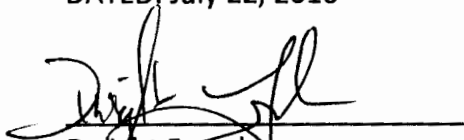
### **CONCLUSION OF LAW**

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-16997, Permit G-17038, therefore, is approved. The deadline for completing construction is extended from March 11, 2015 to October 1, 2020. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from March 11, 2015 to October 1, 2020.

DATED: July 22, 2016



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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