

**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-12301, Water Right Application G-12559, in the                             )  
name of Sunnyside Dairy, LLC   )                     FINAL ORDER

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**Permit Information**

Application:                     G-12559  
Permit:                            G-12301  
Basin:                             12 – Malheur Lake / Watermaster District 10  
Date of Priority:                June 7, 1991  
Source of Water:                A well within Malheur Lake Basin  
Purpose of Use:                 Irrigation use on 255.0 acres  
Maximum Rate:                 3.19 cubic feet 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-12301 was issued by the Department on February 29, 1996. The permit called for actual construction of the well to begin by February 29, 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, 2014. On February 17, 2015, Sunnyside Dairy, LLC submitted an Application for Extension of Time for Permit G-12301. 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, 2025, and the time to fully apply water to beneficial use to October 1, 2025. The protest period closed July 15, 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 31, 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-12301. Any future extensions of time requests will be denied.

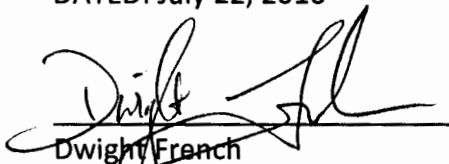
## CONCLUSION OF LAW

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-12559, Permit G-12301, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2014 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 1, 2014 to October 1, 2025.

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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