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-16352, Water Right Application G-16936, in the

name of 4-DSD, LLC.

FINAL ORDER

Permit Information

Application: G-16936 Permit: G-16352

Basin: 6 – John Day / Watermaster District 4

Date of Priority: October 1, 2007

Source of Water: Well 1 (WHEE 50331), Well 2 (WHEE 50335), and Well 6 (WHEE

50334) in Willow Creek Basin; Well 3 (WHEE 50328) in Tub Creek Basin; and Well 4 (WHEE 50337) and Well 5 (WHEE 50330) in

Indian Creek Basin

Purpose of Use: Irrigation use on 800.0 acres

Maximum Rate: 10.0 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-16352 was issued by the Department on July 10, 2008. The permit called for completion of construction by October 1, 2012 and complete application of water to beneficial use by October 1, 2012. On March 3, 2016, 4-DSD LLC submitted an Application for Extension of Time for Permit G-16352. In accordance with OAR 690-315-0050(2), on May 10, 2016, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2019, and the time to fully apply water to beneficial use to October 1, 2019. The protest period closed July 24, 2016, in accordance with OAR 690-315-0060(1). No protest was filed.

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FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated May 10, 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. Well Construction Condition

The use of any water under Permit G-16352 is subject to this Well Construction Condition.

The permit holder shall provide documentation that all the wells authorized under Permit G-16352 are continuously cased and continuously sealed to a minimum of 350 feet below ground surface <u>before any water is appropriated</u> under Permit G-16352.

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-16936, Permit G-16352, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2012 to October 1, 2019. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2012 to October 1, 2019.

DATED: July 29, 2016

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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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