

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-17234, Water Right Application G-17235, in the	)	FINAL ORDER
name of Dean and Jodi Nikkel	)	

Permit Information

Application:	G-17235
Permit:	G-17234
Basin:	12 – Malheur Lake / Watermaster District 10
Date of Priority:	June 10, 2009
Source of Water:	Wells 1, 2 & 3 in Ninemile Slough Basin
Purpose of Use:	Irrigation use on 160.0 acres
Maximum Rate:	2.67 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-16700 was issued by the Department on May 6, 2010 and modified by Permit Amendment T-7490 on July 25, 2014. Superseding Permit G-17234, issued on July 25, 2014, called for completion of construction and application of the water shall be made within five years of the date of issuance of Permit G-16700, May 5, 2016. On April 22, 2016, Dean and Jodi Nikkel submitted an Application for Extension of Time for Permit G-17234. In accordance with OAR 690-315-0050(2), on June 14, 2016, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2021, and the time to fully apply water to beneficial use to October 1, 2021. The protest period closed July 29, 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 June 14, 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. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2020**. ***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.

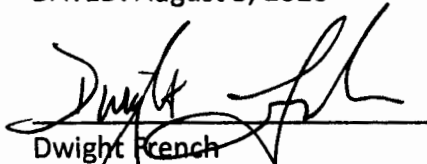
CONCLUSION OF LAW

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-17235, Permit G-17234, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from May 5, 2016 to October 1, 2021. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from May 5, 2016 to October 1, 2021.

DATED: August 5, 2016

A handwritten signature in black ink, appearing to read "Dwight French", is written over a horizontal line.

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) 986-0802.
 - 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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