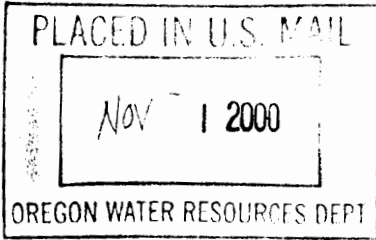


**Oregon Water Resources Department
Water Rights Division**



Water Right Permit Extension Application
for Permit Number G 13052

Water Right Application Number G 13163

Proposed Final Order

This Proposed Final Order applies only to permit number G 13052.

Summary of Recommendation

The Department proposes to:

- grant the extension for complete construction of the water system from October 1, 1998 to October 1, 2001, and
- grant the extension for complete application of water from October 1, 1999 to October 1, 2001.

Application History

Permit no. G 13052 was granted by the Water Resources Department on DECEMBER 18, 1996. The permit authorizes use of 0.16 CFS of water from A WELL for AGRICULTURAL USE AND IRRIGATION OF 8.4 ACRES in the ILLINOIS RIVER basin. It specified that construction must be completed by October 1, 1998, and water applied to full beneficial use by October 1, 1999. A copy of permit no. G 13052 is attached.

On SEPTEMBER 25, 2000, the Department received an application from JOHN SEIDLER for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2001 to complete construction of the water system and to apply water to full beneficial use. This is the first permit extension request.

Findings of Fact

ORS 537.230(2) and 537.630 (1) allows the Department to grant an extension of time to perfect a water right for good cause. In evaluating good cause, the Department has considered the written record in the permit application file in relation to the requirements

of ORS 537.230(2), ORS 537.630 (1) and ORS 539.010(5) and makes the following findings.

1. The applicant is legally entitled to apply for an extension on this permit.
2. The applicant has submitted a completed permit extension form and the required fee.
3. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit.
4. Progress in perfecting the permit is being held up because the project requires more time and expense than planned. The applicant found it more difficult to develop soil, provide predator and wind protection, and weed control than expected.
5. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
 - a) Work on the water development project completed to date includes construction of the well, pump and most of system. Water has been applied to 5 acres of the project.
 - b) The applicant has invested approximately \$ 28,885 of an estimated total water system project cost of \$ 38,065.
 - c) The work remaining to be completed consists of the remaining construction of the water delivery system and complete application of water.
6. Based on the written record, the Department finds there is good cause to approve the extension request. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
7. Due to the reasons outlined above in item 4 and the water development progress to date, the Department finds that the length of time requested for completion of construction and the length of time requested for completion of the application of water should be extended to October 1, 2001 as requested by the applicant.

Conclusions of Law

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230, and ORS 537.630.
2. The applicant has submitted an extension application form and the fee required by ORS 536.050(1)(L).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. The applicant has shown good cause for the untimely completion of the water development project and complete application of water to full beneficial use pursuant to ORS 537.230(2), and ORS 537.630 (1).
5. The permit extension should be approved until October 1, 2001 to complete

construction and until October 1, 2001 to complete the application of water.

Recommendation

The Department proposes to issue an order to:
extend the permit time to complete construction from October 1, 1998 to October 1, 2001
and
extend the permit time to complete application of water from October 1, 1999 to October 1, 2001.

DATED: OCTOBER 30, 2000


Dwight French
Water Rights Section Manager

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Protest Rights and Comments

1. Under the provisions of OAR 690-320-0010(8) you have the right to protest this proposed final order. Your protest must be in writing and must include the following:
 - a) Your name, address and telephone number;
 - b) Your interest in this proposed final order, and if you claim to represent the public interest, a precise statement of the public interest represented;
 - c) A detailed description of how the action in the proposed final order would impair or be detrimental to your interest;
 - d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e) Any citation of legal authority supporting your protest, if known; and
 - f) The \$25 protest fee required under ORS 536.050 (1)(j).
2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.
3. The Water Resources Department must receive written protests or written comments no later than **DECEMBER 15, 2000**.
4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

This document was prepared by Dallas Miller. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 272. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Brendalee Wilson. Her extension number is 276.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496.