

**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 S-52617, Water Right Application S-72092 ) FINAL ORDER  
in the name of Linda K. Mallery-McLean; )  
Darrell V. Mallery; and Sandra Mallery )

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**Permit Information**

Application:	S-72092
Permit:	S-52617
Basin:	Powder / Watermaster District 8
Date of Priority:	December 23, 1991
Source of Water:	Clear Creek, Holbrook Creek and an unnamed drainage ditch
Purpose or Use:	Primary irrigation of 35.0 acres (5.0 acres from Holbrook Creek and an unnamed drainage ditch and 30.0 acres from Clear Creek and an unnamed drainage ditch) and supplemental irrigation of 125.0 acres from Holbrook Creek and an unnamed drainage ditch
Maximum Rate:	4.0 cubic feet per second (cfs), being 1.5 cfs from Clear Creek, 1.5 cfs from Holbrook Creek and 1.0 cfs from an unnamed drainage ditch

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**This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.**

**Appeal Rights**

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition 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 S-52617 was issued by the Department on August 14, 1996. The permit called for actual construction to begin by August 14, 1997, completion of construction by October 1, 1998, and complete application of water to beneficial use by October 1, 1999. On June 15, 2016, Linda K. Mallery-McLean submitted an Application for Extension of Time for Permit S-52617. In accordance with OAR 690-315-0050(2), on July 26, 2016, the Department issued a Proposed Final Order proposing to extend the time to complete construction from October 1, 1998 to October 1, 2001, and the time to apply water to full beneficial use from October 1, 1999 to October 1, 2001. The protest period closed September 9, 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 in the Proposed Final Order dated July 26, 2016.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to no additional conditions.

### **CONCLUSION OF LAW**

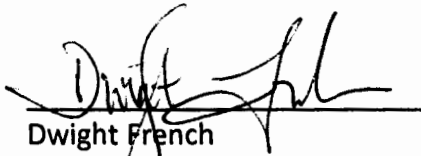
The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0040(2).

**Continued on the following page**

## ORDER

The extension of time for Application S-72092, Permit S-52617, therefore, is approved. The deadline for completing construction is extended from October 1, 1998 to October 1, 2001. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 1999 to October 1, 2001.

DATED: September 16, 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 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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