

### Application for Extension of Time

### Permit Information

| MONTH                  | CUBIC FOOT PER SECOND |
|------------------------|-----------------------|
| DECEMBER THROUGH APRIL | 0.24                  |
| MAY                    | 0.137                 |
| JUNE                   | 0.087                 |
| JULY                   | 0.037                 |
| AUGUST                 | 0.02                  |
| SEPTEMBER              | 0.018                 |
| OCTOBER                | 0.023                 |
| NOVEMBER               | 0.06                  |

### Appeal Rights

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### Application History

Permit G-16073 was issued by the Department on July 6, 2006. The permit called for completion of construction and complete application of water to beneficial use by October 1, 2010. On September 2, 2016, Brett Kacalek of Bullfrog Properties LLC submitted an Application for Extension of Time for Permit G-16073. In accordance with OAR 690-315-0050(2), on October 25, 2016, the Department issued a Proposed Final Order proposing to extend the time to complete construction, and the time to fully apply water to beneficial use to October 1, 2026. The protest period closed December 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 of fact in the Proposed Final Order dated October 25, 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-16073. Any future extensions of time requests shall be denied.

2. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2020 and 2025. 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-16557, Permit G-16073, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2010 to October 1, 2026. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2010 to October 1, 2026.

DATED: December 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 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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