

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-35791, Water Right Application S-39223) FINAL ORDER
in the name of Powder Valley Water Control District)

Permit Information

Application:	S-39223
Permit:	S-35791
Basin:	Powder / Watermaster District 8
Date of Priority:	October 31, 1963
Source of Water:	Wolf Creek Reservoir, Wolf Creek and Anthony Fork, a tributary of Powder River
Purpose of Use:	Irrigation and Recreation
Maximum Rate/Volume:	11,100 AF (10,350 AF for Irrigation and 750 AF for Recreation) and 170 cfs (140 cfs from Anthony Fork and 30 cfs from Wolf Creek)

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-35791 was issued by the Department on April 21, 1972. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 1986. The permit called for completion of construction by November 1974 and complete application of water to beneficial use by October 1, 1975. On June 23, 2016, Powder Valley Water Control District submitted an Application for Extension of Time for Permit S-35791. In accordance with OAR 690-315-0050(2), on August 2, 2016, the Department issued a Proposed Final Order proposing to extend the time to complete construction from October 1, 1986, to October 1, 2028, and the time to apply water to full beneficial use from

October 1, 1986, to October 1, 2028. On September 13, 2016, the Department issued an Order Withdrawing the Proposed Final Order to allow for clarification of the findings of fact and determinations. On November 1, 2016, the Department issued a Proposed Final Order proposing to extend the time to complete construction from October 1, 1986, to October 1, 2021, and the time to apply water to full beneficial use from October 1, 1986, to October 1, 2021. The protest period closed December 16, 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 August 2, 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 the following conditions:

CONDITIONS

1. Certified Water Right Examiner COBU

The permit holder shall submit a Claim of Beneficial Use, which includes a map and report, prepared by a Certified Water Rights Examiner meeting the minimum requirements under OAR 690-014-0100 through OAR 690-014-0170 by October 1, 2022.

CONCLUSION OF LAW

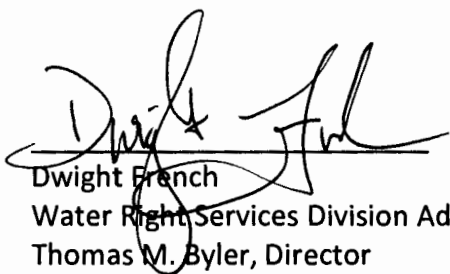
The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0040(2).

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ORDER

The extension of time for Application S-39223, Permit S-35791, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 1986, to October 30, 2021. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 1986, to October 30, 2021.

DATED: December 23, 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) 986-0802.
 - 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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