

**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 R-13073, Water Right Application R-84588) FINAL ORDER
in the name of David McKibben and Lowell Ford)

Permit Information

Application:	R-84588
Permit:	R-13073
Basin:	Middle Willamette / Watermaster District 16
Date of Priority:	November 20, 2000
Source of Water:	Middle Fork Ash Creek, a tributary of Ash Creek
Storage Facility:	Mount Pisgah Reservoir
Purpose or Use:	To be appropriated under Application S-84589, Permit 53746, for irrigation of 181.8 acres. To be maintained under Permit 53746 for fish and wildlife use
Maximum Volume:	45.0 Acre-Feet (AF) per year

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 R-13073 was issued by the Department on August 23, 2001. The permit specified the reservoir shall be filled and complete application of the stored water to the use by October 1, 2005. On October 26, 2016, David McKibben and Lowell Ford submitted an Application for Extension of Time for Permit R-13073. In accordance with OAR 690-315-0050(2), on December 20, 2016, the Department issued a Proposed Final Order proposing to extend the time to apply

water to full beneficial use from October 1, 2005 to October 1, 2012. The protest period closed February 3, 2017, 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 December 20, 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).

ORDER

The extension of time for Application R-84588, Permit R-13073, therefore, is approved. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2005 to October 1, 2012.

DATED: February 10, 2017



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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