

Application for Extension of Time

Permit Information

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OAR 690-315-0060(1). Barnett Estate Partnership filed a timely protest and supplied additional information to the Department.

Except as expressly stated herein, the Department adopts and incorporates by reference the findings of fact and conclusions of law of the Proposed Final Order dated February 28, 2017.

FINDINGS OF FACT

Finding of Fact (FOF) #9 is replaced with the following to reflect the work accomplished during the most recent Extension of Time period:

9. The Application states that work was accomplished during the most recent extension of time period, being October 1, 2011, to October 1, 2013, included addition excavation of Pond 1.

FOF #20 is replaced with the following to reflect the financial investment made during the most recent Extension of Time period.

20. The Application states that an investment of \$750 towards the development of Pond 1 was made during the previous extension of time period.

Additional information provided by the applicant after the issuance of the Proposed Final Order demonstrated additional work, enough to qualify as the minimum necessary for the Department to find good cause and reasonable diligence towards complete application of water to its beneficial use, was accomplished during the most recent extension of time period.

CONCLUSION OF LAW

Conclusion of law #2 is herein replaced with the following:

2. The applicant has complied with the construction timeline requirements to begin actual construction as required by ORS 537.630, OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).

Conclusion of law #3 is herein replaced with the following:

3. Based on Finding of Facts 7 through 34, completion of construction and full application of water to beneficial use can be accomplished by October 1, 2020, as required by OAR 690-315-0040(1)(c).

ADDITIONAL CONCLUSIONS OF LAW

4. The applicant can complete the project within the time period requested for the extension on the project, but the extension is conditioned to mitigate the effects of the subsequent development on competing demands on the resource and is granted only for the reasonable time necessary to complete water development and apply water to beneficial use. OAR 690-315-0050(5).
5. The applicant has demonstrated good cause for the extension, but the extension must be conditioned to ensure this is the last extension granted in order to ensure future diligence; OAR 690-315-0050(5).

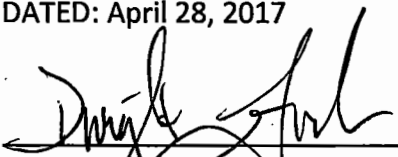
ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to complete construction of the water system under Permit G-16196 from October 1, 2013, to October 1, 2020.

Extend the time to apply water to beneficial use under Permit G-16196 from October 1, 2013, to October 1, 2020.

DATED: April 28, 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 the 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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