

**Oregon Water Resources Department
Water Rights Division**

Water Right Permit Extension Application
for Permit Number G-12687

Water Right Application Number G-13692

Proposed Final Order

This Proposed Final Order applies only to permit number G-12687.

Summary of Recommendation

The Department proposes to:

deny the extension for complete application of water from October 1, 1998 to October 1, 2000.

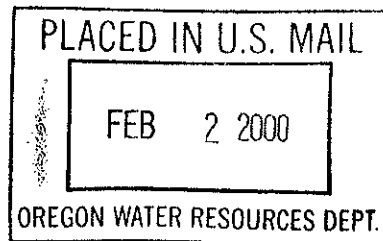
Application History

Permit no. G-12687 was granted by the Water Resources Department on August 14, 1996. The permit authorizes use of 0.67 cfs of water from a well for irrigation and agriculture for nursery operations in the Thompson Creek basin. It specified that water be applied to full beneficial use by October 1, 1999. A copy of permit no. G-12687 is attached.

On September 22, 1999, the Department received an application from Farm Credit Services for an extension of time to apply water to full beneficial use. The applicant has requested until October 1, 2000, to apply water to full beneficial use. This is the first permit extension request.

Findings of Fact

ORS 537.230(2) and 537.630 (1) allows the Department to grant an extension of time to perfect a water right for good cause. In evaluating good cause, the Department has considered the written record in the permit application file in relation to the requirements of ORS 537.230(2), ORS 537.630 (1) and ORS 539.010(5) and makes the following findings.



1. The applicant is legally entitled to apply for an extension on this permit.
2. The applicant has submitted the required fee but has *not* submitted a completed permit extension form. The appurtenant questions were not completely answered on the form and the application was not signed.
2. The applicant has identified that the right has been perfected in good faith and with reasonable diligence. Failure to submit the claim of beneficial use by a certified water rights examiner is not a valid reason for approval of the extension.
3. Based on the request, the Department finds there is *not* good cause to approve the extension request. Per the application, the applicant has perfected the right according to the terms and conditions of the permit.
4. Due to the reasons outlined above in item 4 and 5 the Department finds that the extension is not necessary.

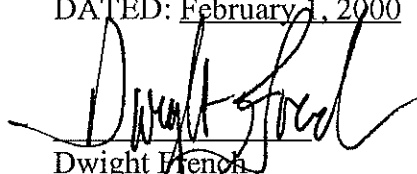
Conclusions of Law

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230, and ORS 537.630.
2. The applicant has submitted the fee required by ORS 536.050(1)(L); however, the extension application form was not completed or signed.
3. Per the extension request, the applicant has perfected the right in accordance with the terms and conditions of the permit.
4. The applicant has *not* shown good cause for the extension, pursuant to ORS 537.230(2), and ORS 537.630 (1).
5. The permit extension should *not* be approved until October 1, 2000, because the application of water was completed in accordance with the terms of the permit.

Recommendation

The Department proposes to issue an order to:
deny the request to extend the time to complete application of water from October 1, 1999 to October 1, 2000.

DATED: February 1, 2000


Dwight French
Water Rights Section Manager

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Protest Rights and Comments

1. Under the provisions of OAR 690-320-0010(8) you have the right to protest this proposed final order. Your protest must be in writing and must include the following:
 - a) Your name, address and telephone number;
 - b) Your interest in this proposed final order, and if you claim to represent the public interest, a precise statement of the public interest represented;
 - c) A detailed description of how the action in the proposed final order would impair or be detrimental to your interest;
 - d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e) Any citation of legal authority supporting your protest, if known; and
 - f) The \$25 protest fee required under ORS 536.050 (1)(j).
2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.
3. The Water Resources Department must receive written protests or written comments no later than **March 17, 2000**.
4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

This document was prepared by Russell W. Klassen. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 266. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496