



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
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Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

June 22, 2011

DONALD W GIDDINGS
PO BOX 999
PACIFIC CITY, OR 97135

REFERENCE: Application S-72364 / Permit S-53237

Dear Permit Holder:

On June 22, 2005, the Department issued a Final Order approving an Extension of Time for Permit S-53237. This Final Order included a condition that required the permit holder to submit a written progress report to the Department by October 1, 2010 as well as a future progress report(s) due by October 1, 2015 and 2020.

This letter is being sent to you because the Department has not yet received the progress report that was due on October 1, 2010.

For your convenience, I have enclosed a **Progress Report Form** for you to fill out and submit. In order to maintain the ability to continue developing water under this permit, you should submit your overdue progress report immediately.


As per your most recent extension, the date by which water must be applied to full beneficial use within the terms and conditions of your permit is October 1, 2022. ***Failure to submit a written progress report may jeopardize continued development of your permit beyond October 1, 2001. Furthermore, future extensions are evaluated on past due diligence, and consequently may not be granted.***

If you have any questions concerning this matter, you may contact me by telephone at (503) 986-0827.

Sincerely,

Ann Reece
Extensions
Water Rights Services Division

Enclosure

cc:  Application S-72364
Watermaster District 1 – Greg Beaman

Final Order
Extension of Time for Permit Number S-53237

Appeal Rights

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either 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

On September 4, 2002, Donald W. Giddings submitted an application to the Department for an extension of time for permit number S-53237. The Department issued permit number S-53237 on July 28, 1997. The permit called for complete application of water to beneficial use by October 1, 2001. In accordance with OAR 690-315-0050(2), on May 3, 2005, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2022. The protest period closed June 17, 2005, in accordance with OAR 690-315-0060(1). No protest was filed.

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. **In accordance with OAR 690-315-0050(6), the permittee must submit written progress reports to the Department by October 1, 2010, 2015, and 2020.** The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:
 - a) The amount of construction completed;
 - b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
 - c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
 - d) Financial investments made toward developing the beneficial water use.

If you have any questions about statements contained in this document, please contact Lisa Juul at (503) 986-0808.

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.