

**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-54799, Water Right Application S-87734 ) FINAL ORDER  
in the name of Robert L. and Leann R. McKee )

---

**Permit Information**

Application: S-87734  
Permit: S-54799  
Basin: Middle Willamette / Watermaster District 16  
Date of Priority: July 6, 2011  
Source of Water: Lower Reservoir and Upper Reservoir (to be constructed under Application R-87735), runoff, and two unnamed springs, tributaries to Salt Creek  
Purpose or Use: Irrigation of 103.0 Acres and pond maintenance  
Maximum Rate: 1.64 cubic feet per second (cfs), being 1.0 cfs for irrigation of 103.0 acres and 0.64 cfs for pond maintenance  
Maximum Volume: 57.7 Acre Feet (AF), being 3.5 AF from Lower Reservoir and 54.2 AF from Upper Reservoir

---

**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-54799 was issued by the Department on February 28, 2013. The permit specified completion of construction by February 28, 2018, and complete application of water to beneficial use by, February 28, 2018. On February 27, 2018, Robert L. McKee submitted an Application for Extension of Time for Permit S-54799. In accordance with OAR 690-315-0050(2), on April

24, 2018, the Department issued a Proposed Final Order proposing to extend the time to complete construction from February 28, 2018, to October 1, 2023, and the time to apply water to full beneficial use from February 28, 2018, to October 1, 2023. The protest period closed June 8, 2018, in accordance with OAR 690-315-0060(1). No protest was filed.

## **FINDINGS OF FACT**

Except as expressly stated herein, The Department adopts and incorporates by reference the findings in the Proposed Final Order dated April 24, 2018.

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 condition:

## **LIMITATIONS AND CONDITIONS**

### **1. Water Use Condition**

If no water is applied to beneficial use under the terms and conditions of Permit S-54799 on or before October 1, 2023, this may be the be the last extension of time granted for Permit S-54799. Any future extensions of time request may be denied, unless the permit holder can provide the Department with evidence that beneficial use of the water is shown during this extension period. In addition, all normal extension standards and rules will be evaluated. ORS 539.010(5); OAR 690-315-0040.

## **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).

**continued on following page**

## ORDER

The extension of time for Application S-87734, Permit S-54799, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from February 28, 2018, to October 1, 2023. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from February 28, 2018, to October 1, 2023.

DATED: June 22, 2018



Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

- 
- If you have any questions about statements contained in this document, please contact Permit Extension Specialist at (503) 986-986-0802.
  - 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
-