

**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 G-12411, Water Right Application G-13570,) FINAL ORDER
in the name of Forrest D. Evans, Jr.)

Permit Information

Application: G-13570
Permit: G-12411
Basin: 4 – Hood / Watermaster District 3
Date of Priority: December 1, 1993, for 0.22 cfs; and November 25, 1994, for 0.47 cfs
Source of Water: A well in Dry Creek Basin
Purpose or Use: Irrigation of 56.17 Acres
Maximum Rate: 0.69 cubic foot per second (cfs)

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request 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 file 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 G-12411 was issued by the Department on April 26, 1996. The permit called for actual construction to begin by completion of construction by October 1, 1998, and complete application of water to beneficial use by October 1, 1999. One previous extension request resulted in the completion dates for construction and full application of water being extended to October 1, 2006. On December 16, 2016, Forrest D. Evans, Jr. submitted to the Department an Application for Extension of Time for Permit G-12411. In accordance with OAR 690-315-0050(2), on February 13, 2018, the Department issued a Proposed Final Order proposing to deny the time to complete construction to October 1, 2026, and the time to fully apply water to beneficial use to October 1, 2026. The protest period closed March 30, 2018, in accordance with OAR 690-315-0060(1). On March 30, 2018, the Applicants submitted a timely protest and the

fee specified in ORS 536.050. The Applicant protested the Proposed Final Order to Deny the extension of time for the following reason, the denial would result in a substantial adverse effect of their interest

FINDINGS OF FACT

Except as expressly stated herein, The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated February 13, 2018.

The following finding of fact is modified to correct a typographical error as follows (addition is shown in "underline" text, deletion is shown in "~~strikethrough~~" text):

Denial of the Extension Will Result in Undue Hardship [OAR 690-315-0040(2)(h) (i)]

27. No undue hardship that would result from a denial of the Application has been identified.


CONCLUSION OF LAW

The applicant has not demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application G-13570, Permit G-12411, therefore, denied.

DATED: August 17, 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 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
-