

The protest raised the following concern:

- The Proposed Final Order does not allow for continued irrigation from the water source currently being utilized while the Permit Amendment is being processed, which would harm the Applicant.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated June 26, 2018.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, the permit may be extended subject to the following conditions:

LIMITATIONS AND CONDITIONS

1. Permit Amendment Condition

The permit holder may submit a Permit Amendment to request either a change in point of appropriation, or request an additional point of appropriation be authorized for use under Permit G-11728. No water may be appropriated from any unauthorized point of appropriation under Permit G-11728, until a Permit Amendment is approved authorizing the use.

2. Water Use / Last Extension Condition

This may be the last extension of time granted for Permit G-11728. Any future extensions of time request may be denied, unless water is appropriated from an authorized point of appropriation under Permit G-11728. In addition, all normal extension standards and rules will be evaluated. ORS 539.010(5); OAR 690-315-0040.

3. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2022**. *A form will be enclosed with your Final Order.*

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on

the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

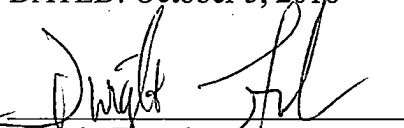
CONCLUSION OF LAW

The applicant has 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-12683, Permit G-11728, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2003, to October 1, 2023. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2003, to October 1, 2023.

DATED: October 5, 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 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
-