

**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-54725, Water Right Application S-87597 ) FINAL ORDER  
in the name of John Roth and Northwest Farm Credit Services, FLCA )

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**Permit Information**

Application:	S-87597
Permit:	S-54725
Basin:	South Coast / Watermaster District 19
Date of Priority:	April 28, 2010
Source of Water:	Windhurst Reservoir, constructed under Permit R-12928
Purpose or Use:	Cranberry Use on 58.7 Acres
Maximum Rate/Volume:	105.0 acre-feet (AF)

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**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-54725 was issued by the Department on September 13, 2011. The permit specified completion of construction by September 13, 2016, and complete application of water to beneficial use by, September 13, 2016. On September 14, 2018, John Roth submitted an Application for Extension of Time for Permit S-54725. In accordance with OAR 690-315-0050(2), on October 30, 2018, the Department issued a Proposed Final Order proposing to

extend the time to complete construction from September 13, 2016, to October 1, 2025, and the time to apply water to full beneficial use from September 13, 2016, to October 1, 2025. The protest period closed December 14, 2018, in accordance with OAR 690-315-0060(1). No protest was filed.

## **FINDINGS OF FACT**

The Department adopts and incorporates by reference the findings in the Proposed Final Order dated October 30, 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. Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2023**. *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.

**continued on following page**

## ORDER

The extension of time for Application S-87597, Permit S-54725, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from September 13, 2016, to October 1, 2025. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from September 13, 2016, to October 1, 2025.

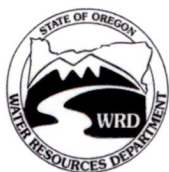
DATED: December 21, 2018



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

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- If you have any questions about statements contained in this document, please contact 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
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Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem Oregon 97301-1266

**Extension of Time  
 Progress Reporting Form  
 For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: John Roth and Northwest Farm Credit Services, FLCA

Application S-87597  
 Permit S-54725

**Progress Report Form for 2023**

Report Due no later than October 1, 2023

**DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE**

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfection of Permit S-54725. **FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.**

**INCOMPLETE REPORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM.**

**FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.**

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between September 14, 2018 and October 1, 2023	FINANCIAL INVESTMENT

2. Describe actions taken to comply with terms/conditions of the permit and/or previous extension. (Examples: installed a meter, submitted water usage reports, installed a fish screen, etc.)

3. Total number of acres in cranberry operation to date: \_\_\_\_\_ Primary \_\_\_\_\_

Diligence Shown <input type="checkbox"/> Yes <input type="checkbox"/> No		<i>For OWRD use only</i>
Reviewed by: _____		Date Public Noticed: _____
Date: _____		

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

Maximum rate/volume used to date = \_\_\_\_\_ AF

*Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water*

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name/Title \_\_\_\_\_

*For OWRD use only*

Diligence Shown  Yes  No

Date Public Noticed: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_