

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated December 4, 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 condition:

LIMITATIONS AND CONDITIONS

1. **Last Extension Condition**

This may be the last extension of time granted for Permit G-17787. Any future extensions of time request shall be denied, unless the Department has determined diligence is shown during this extension period. To show diligence, the permit holder must demonstrate, at minimum, one of the following benchmarks has been achieved on or before October 1, 2023, being the date the date by which complete application of water to the beneficial use. In addition to the requirements of this condition, for future extension requests, all normal extension standards and rules will be evaluated. ORS 539.010(5); OAR 690-315-0040.

Benchmark 1:

To demonstrate diligence under Benchmark 1, the permit holder must submit a map prepared by a Certified Water Rights Examiner which illustrates development to the beneficial use on an additional 7.5 acres of land as authorized under the terms and conditions of the permit or any subsequent permit amendment to change the place of use. The 7.5 acres of land must be in addition to the 4.9 acres that have been previously developed as illustrated in the map attached to the Application for Extension of Time submitted to the Department on October 16, 2018. A copy of this map is included in this proposed final order, and is referenced as Attachment "A".

Benchmark 2:

To demonstrate diligence under Benchmark 2, the permit holder must submit a report, certified by a Certified Water Rights Examiner, which demonstrates that beneficial use of a minimum of 180.0 gpm [0.401 cfs] of water has been achieved as authorized under the terms and conditions of the permit or any subsequent permit amendment. The report must include documentation of the maximum rate of water put to beneficial use from each point of appropriation, the volume of water put to beneficial use from each point of appropriation, the nature of the use from each point of appropriation, and documentation of compliance with permit conditions from each point of appropriation.

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-16081, Permit G-17787, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2018, to October 1, 2023.

DATED: February 8, 2019



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 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
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