Oregon Water Resources Department Water Right Services Division

Application for Extension of Time

	Application for an Extension of Time, Water Right Application G-16081, in Letch De Kanter))	FINAL ORDER
	Permit Information		
Application:	G-16081		
Permit:	G-17787		
Basin:	2B – Middle Willamette / Watermaster	District 20	
Date of Priority: September 9, 2003			
Source of Water: Well 1, Well 2, Well 3, Well 4, and Well 5, in Willamette River Basin			

Purpose or Use: Nursery use on 19.6 acres

Maximum Rate: 0.489 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

On May 12, 2004, Permit G-15628 was issued by the Department. The permit specified complete application of water to beneficial use by October 1, 2008. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2018. On July 21, 2017, the Department approved Permit Amendment T-12409 (Special Order Volume 105, Page 368), and issued superseding Permit G-17787. On October 16, 2018, Keith Ketch De Kanter submitted an Application for Extension of Time for Permit G-17787. In accordance with OAR 690-315-0050(2), on December 4, 2018, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2023. The protest period closed January 20, 2018, in accordance with OAR 690-315-0060(1). No protest was filed.

Final Order: Permit G-17787

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 demonstrates, 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.

Final Order: Permit G-17787 Page 2 of 3

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

- 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

Final Order: Permit G-17787