# Oregon Water Resources Department Water Right Services Division

# **Application for Extension of Time**

In the Matter of the Application for an Extension of Time	)	FINAL ORDER
for Permit G-12944 (modified by PA T-9778), Water Right	)	
Application G-13865, in the name of Michael Joseph Werner	)	

# **Permit Information**

Application:

G-13865

Permit:

G-12944(modified by PA T-9778)

Basin:

1 – North Coast / Watermaster District 18

Date of Priority:

November 1, 2994

Source of Water:

six wells within the Columbia River Basin

Purpose of Use:

Irrigation use on Acres

Maximum Rate:

0.11 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 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 G-12944 was issued by the Department on October 29, 1996, and modified by Permit Amendment T-9778 on April 15, 2010. The permit specified actual construction of the well to begin by October 29, 1997, completion of construction by October 1, 1998 and complete application of water to beneficial use by October 1, 1999. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2010. On October 24, 2018, Michael Joseph Werner submitted an Application for Extension of Time for Permit G-12944. In accordance with OAR 690-315-0050(2), on January 15, 2019, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2024, and the time to fully apply water to beneficial use to October 1, 2024. The protest period closed February 3, 2019, in accordance with OAR 690-315-0060(1). No protest was filed.

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### FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated January 15, 2019. 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-12944. Any future extensions of time request may be denied, unless the permit holder can provide the Department with evidence that diligence is shown during this extension period. In addition, all normal extension standards and rules will be evaluated. ORS 539.010(5); OAR 690-315-0040.

#### 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**

extension of time for Application G-13865, Permit G-12944, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2010, to October 1, 2024. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2010, to October 1, 2024.

DATED: March 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

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