

**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 G-13887, Water Right Application G-14960, in)
the name of Dan Nichols)
FINAL
ORDER

Permit Information

Application: G-14960
Permit: G-13887
Basin: 12 – Malheur Lake / Watermaster District 10
Date of Priority: April 1, 1999
Source of Water: a well in the Malheur Lake Basin
Purpose or Use: Irrigation of 105.2 acres
Maximum Rate: 1.31 cubic feet 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-13887 was issued by the Department on April 27, 2001. The permit specified actual construction of the well to begin by February 22, 2002, and complete application of water to beneficial use by October 1, 2005. The most recent extension authorized complete application of water to beneficial use by October 30, 2018. On November 19, 2018, Dan Nichols submitted an Application for Extension of Time for Permit G-13887. 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 fully apply water to beneficial use to October 1, 2019. The protest period closed March 1, 2019, in accordance with OAR 690-315-0060(1). No protest was filed.

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 conditions:

LIMITATIONS AND CONDITIONS

1. Permit Amendment Condition

The use of any water beyond 1.31 cfs from the authorized Well 4 under Permit G-13887 is subject to this Condition.

No water may be use from any well not currently authorized under Permit G-13887. If additional wells are authorized by the approval of Permit Amendment T-12379, the water user must demonstrate beneficial use of water from the newly authorized points of appropriation, by October 1, 2019.

2. Last Extension Condition

This shall be the last extension of time granted for Permit G-13887. Any future extensions of time request shall be denied.

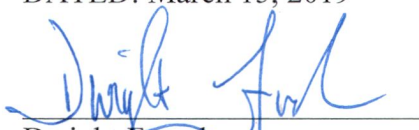
CONCLUSION OF LAW

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-14960, Permit G-13887, 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 30, 2018, to October 1, 2019.

DATED: March 15, 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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