# Oregon Water Resources Department Water Right Services Division

# **Application for Extension of Time**

In the Matter of the Application for an Extensio	n of Time )	
for Permit G-15267 (modified by Permit Amend	dment T- )	FINAL
9652), Water Right Application G-15690, in the	e name of )	ORDER
John L. McPherson and Jani K. McPherson		

## **Permit Information**

Application:

G-15690

Permit:

G-15267 (modified by Permit Amendment T-9652)

Basin:

14 – Klamath / Watermaster District 17

Date of Priority:

January 25, 2002

Source of Water:

three wells in Spring Lake Basin

Purpose or Use: Maximum Rate:

Irrigation use on 422.0 acres and supplemental irrigation of 181.0 acres Not to exceed a maximum cumulative rate of 7.54 cubic feet per second

(cfs), being no more than 4.46 cfs from each well, further limited to 5.28

cfs for irrigation and 2.26 cfs for supplemental irrigation

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-15267 was issued by the Department on November 12, 2002, modified by Permit Amendment T-9652 on July 12, 2004. The permit specified complete application of water to beneficial use by October 1, 2007. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2017. On October 3, 2017, Jani K. McPherson submitted an Application for Extension of Time for Permit G-15267. In accordance with OAR 690-315-0050(2), on April 30, 2019, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2026. The protest period closed June 14, 2019, in accordance with OAR 690-315-0060(1). No protest was filed.

Final Order: Permit G-15267

#### FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated April 30, 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

Development of Permit G-15267 is limited to a maximum combined rate of 3.35 cfs of water from Well 1 (KLAM 53940, Well 2, and Well 3, for irrigation of 422.0 acres, and supplemental irrigation of 181.0 acres. No additional rate of water may be developed under Permit G-15267.

# 2. <u>Checkpoint Condition</u>

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2024. 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.

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## **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).

Final Order: Permit G-15267

## **ORDER**

The extension of time for Application G-15690, Permit G-15267, 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, 2017, to October 1, 2026.

DATED: June 28, 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 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

Mailing List for Extension FO Copies	
FO Date: June 28, 2019	Copies Mailed
Application: G-15690 Permit: G-15267	By: On:
Original mailed to permit holder	
John L. McPherson and Jani K. McPherson 13555 Tingley Lane Klamath Falls, OR 97603	
Copies sent to:	
1. WRD - App. File G-15690/ Permit G-15267	
2. Agents or CWREs representing the Permit Holder	
Fee paid as specified under ORS 536.050 to receive copy:	
3. None	
Receiving notification via e-mail - FO available in WRIS for (Done by extension Specialist)	or review
4. WRD - Watermaster District 17, Danette Watson	
If Progress Reports are included: (Done by extension Specialist) Add record to Progress Report tracking sheet.xls Done: by_	Date

CASEWORKER: JDP



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Reviewed by:

☐ Yes ☐ No

Extension of Time Progress Report Form For Checkpoints

# TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

TO THE DIRECTOR	OF THE ORE	GON WATER RES	JURCES L	EPAKI.	MENI
Permit Holder: John L. McPherson and Jani K. McPherson		Application (	G-15690	Peri	mit G-15267
	Progress	s Report for 2024			
ī		ater than October 1, 2	024		
		TO 30 DAYS BEFOR		ATE	
As authorized in ORS 690-315-0050				nsure dili	gence 1s
		l perfections of Permi			
DATEC		ED and FINANCIAL October 3, 2017 and C			FINANCIAL INVESTMENT
Use back of form if needed					
(Examples: installed a meter measurements, installed a fit.)  3. Total number of acres irrigently Well 1 Well Supplemental Well 1 We	sh screen, obta	ined approval for fish			
4. <b>Provide the maximum rate</b> Maximum rate used to date =		rted for beneficial us	e under thi	s permit	, to date.
Maximum Rate per well:  Well 1 Well 2			me bet (go <b>D</b> o	asurement a ing cfs (cubic ullons per mi	in the same units of is specified in the permit, is feet per second), gpm inute) or AF (acre-feet). It daily, monthly, or annual otals.
INCOMPLETE REPORTS WILL BE FAILURE TO SUBMIT THIS RE EXTENSION BEING DENIED.					
Signature		Date		_	
Printed Name/Title				_	

Date Public Noticed: \_\_\_\_\_\_ For OWRD use only

Date: