Oregon Water Resources Department Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Exten	sion of Time)	
for Permit G-16156, Water Right Application	n G-16400, in)	FINAL
the name of Daniel Chin, Gregory Drew Hea	ton, Scott)	ORDER
Bedford, MLM Property, LLC, and Wong Po	otatoes, Inc		

Permit Information

Application:

G-16400

Permit:

G-16156

Basin:

14 – Klamath / Watermaster District 17

Date of Priority:

March 1, 2005

Source of Water:

Well 1 (KLAM 53043) in Dodds Hollow Basin; Well 2 (KLAM 10518) in

Lost River Basin

Purpose or Use:

supplemental irrigation use on 315.05 acres

Maximum Rate:

3.94 cfs, being 3.23 cubic feet per second (cfs) from Well 1 for

supplemental irrigation on 258.4 acres, and 0.71 cfs from Well 2for

supplemental irrigation on 56.65 acres

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-16156 was issued by the Department on February 15, 2007. The permit specified completion of construction by October 1, 2011, and complete application of water to beneficial use by October 1, 2011. On April 2, 2019, Michael McKoen, owner of MLM Property, LLC,

Final Order: Permit G-16156

submitted an Application for Extension of Time for Permit G-16156. In accordance with OAR 690-315-0050(2), on May 14, 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 June 28, 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 May 14, 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. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2023. 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.

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).

continued on following page

Final Order: Permit G-16156 Page 2 of 3

ORDER

The extension of time for Application G-16400, Permit G-16156, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2011, 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, 2011, to October 1, 2024.

DATED: July 26, 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-16156



Extension of Time Progress Report Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: MLM Property, LLC Application	n G-16400 Permit G-16156
--	--------------------------

Progress Report for 2023

Report Due no later than October 1,2023

As authorized	d in ORS 690-315-0050(6), this progres	ss report is required in order to ensure dil	igence is
DATES		perfections of Permit G-16156. ED and FINANCIAL INVESTMENTS April 2, 2019 and October 1, 2023	FINANCIAL INVESTMENT
2. Descr (Exan measi	nples: installed a meter, submitted wat urements, installed a fish screen, obtai	th conditions of the permit and/or prev ter usage reports, submitted static water ined approval for fish screen from ODF	level
Total acres in	number of acres irrigated to date: Strigated per well, 1 Well 2 Well 3	иррієтептаї	
permi Maxin Maxin	de the maximum rate, or duty if appliit, if any, to date. mum rate used to date =cfs mum Rate per well: 1 Well 2 Well 3	Report the rate in the same specified in the permit, being second), gpm (gallons per not provide daily, mont volume totals.	units of measurement as ag cfs (cubic feet per ninute) or AF (acre-feet).
INCOMPLET FAILURE T	TE REPORTS WILL BE RETURNED. A	IN ANSWER IS <u>REQUIRED</u> IN EACH IN MOST LIKELY RESULT IN ANY FU	
Signature		Date	
Printed Name	e/Title		
Diligence Show		olic Noticed:	
Reviewed by:	Date:	The use only	