

**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-16278, Water Right Application G-16801, in)
the name of Tom Phillips)

FINAL
ORDER

Permit Information

Application: G-16801
Permit: G-16278
Basin: 10 – Malheur / Watermaster District 9
Date of Priority: February 16, 2007
Source of Water: a well (MALH 52978) in Mallett Drain Basin
Purpose of Use: Irrigation use on 32.0 Acres
Maximum Rate: 0.22 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-16278 was issued by the Department on January 17, 2008. The permit specified completion of construction by October 1, 2012 and complete application of water to beneficial use by October 1, 2012. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2017. On May 13, 2019, Tom Phillips submitted an Application for Extension of Time for Permit G-16278. In accordance with OAR 690-315-0050(2), on June 25, 2019, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2022, and the time to fully apply water to beneficial use to October 1, 2022. The protest period closed August 9, 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 June 25, 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. **Last Extension Condition**

This may be the last extension of time granted for Permit G-16278. 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, being until October 1, 2022. In addition, all normal extension standards and rules will be evaluated. ORS 539.010(5); OAR 690-315-0040.

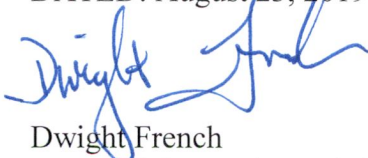
CONCLUSION OF LAW

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

The extension of time for Application G-16801, Permit G-16278, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2017, to October 1, 2022. 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, 2022.

DATED: August 23, 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
-