

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-12716

Final Order
Extension of Time for Permit Number G-12903

Appeal Rights

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either 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

The Department issued Permit G-12903 on October 28, 1996. The permit called for completion of construction by October 1, 1998 and complete application of water to beneficial use by October 1, 1999. On August 19, 2002, Bob Dunn submitted an application to the Department for an extension of time for Permit G-12903. In accordance with OAR 690-315-0050(2), on April 10, 2007, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2015 and the time to fully apply water to beneficial use to October 1, 2015. The protest period closed May 25, 2007, in accordance with OAR 690-315-0060(1). No protest was filed.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

1. Well 2 Repair Condition

- (1) Well 2 requires construction repair. The well must be sealed to 278 feet below land surface, or 5 feet into the confining formation.
- (2) Before repairs on the well begin, the permit holder or the well driller shall contact the Department (Well Construction and Compliance Section) and seek approval of the required repairs.
- (3) Appropriation of water from Well 2 shall only be authorized upon Department approval of the required repairs.

2. Measurement, Recording and Reporting Conditions

- (1) Use of water from the well, as allowed herein, shall be controlled or shut off if the well displays:
 - a) An average water level decline of three or more feet per year for five consecutive years; or
 - b) A total water level decline of fifteen or more feet; or
 - c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) For the purpose of determining declines, a reference level of -17 feet *below* land surface (i.e. 17 feet *above* land surface) at Well 1, and -7 feet *below* land surface (i.e. 7 feet *above* land surface) at Well 2 shall be used.
- (3) Prior to use of water from Well 1 or Well 2, the water user shall install a meter or other measuring device suitable to the Director.
- (4) The permit holder/appropriator shall submit an annual report of water used to the Department by December 1 of each year, the first one being due **December 1, 2007**.
- (5) The permit holder/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.
 - a) A water level measurement shall be made each year during the period March 1 through March 31, beginning with the year **2008**.
 - b) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the permit holder/appropriator.
 - c) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
 - d) The permit holder/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when

any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

3. Checkpoint Condition

The permit holder must submit a completed Diligence Progress Report to the Department by **October 1, in the years 2008 and 2013. A form for each year is enclosed for your use.**

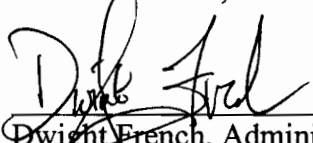
- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder 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.

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-12716, Permit G-12903, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2015. The deadline for applying water to full beneficial use is extended to October 1, 2015.

DATED: June 7, 2007


Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

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- If you have any questions about statements contained in this document, please contact Ann L. Reece at (503) 986-0813.
 - 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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