

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13353

Final Order
Extension of Time for Permit Number G-12114

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 12114 on June 30, 1995. The permit called for completion of construction by October 1, 1998, and complete application of water to beneficial use by October 1, 1999. On September 7, 2006, Manke Lumber (dba Parrett Mountain, LLC) submitted an application to the Department for an extension of time for Permit 12114. In accordance with OAR 690-315-0050(2), on April 17, 2007, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2027. The protest period closed June 1, 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:

~~More detailed conditions found on page 1340 of the permit file.~~

(New wording in **bold with underlining** and deleted wording in brackets [].)

“Use of water from the well(s) shall [not be allowed] **be controlled or shut off** if the well(s) displays an (A) average water level decline of 3 or more feet per year for 5 consecutive years, or (B) a water level decline of 15 or more feet in fewer than 5 consecutive years, or (C) a water level decline of 25 or more feet, or (D) a hydraulic interference decline of 25 or more feet in any neighboring well with a senior priority which provides water for an authorized use.

If the well displays any one or more of the conditions above, the permittee shall reduce the rate or volume of withdrawal or shall discontinue use from the well as

determined by the Watermaster or Director. Such action shall be taken until the water level recovers to the observed decline level or until such time as the Department may determine, based on the data and analysis available and in the possession of the Department, that no further action is necessary because the aquifer in question can sustain the reduced observed declines without adversely affecting the resource or senior water rights.

The Water Resources Department has determined that the initial water level in the well(s) are those of the [initial] March report **for 2001, the year in which water use began under the permit.** That is the level from which the cited declines in (A), (B), and (C) above will be referenced.”

Subject to the following Checkpoint Condition:

Checkpoint Condition

The permit holder must submit a completed Diligence Progress Report to the Department by **October 1, in the years 2012, 2017, and 2022.** *A “Diligence Progress Reporting 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 13353, Permit 12114, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use is extended to October 1, 2027.

DATED: June 14, 2007


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

If you have any questions about statements contained in this document, please contact Kim R. French 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