

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 R-13591, Water Right Application R-85435) FINAL ORDER
in the name of Michael Banks and Marianne Anderson)

Permit Information

Application:	R-85435
Permit:	R-13591
Basin:	Umatilla / Watermaster District 5
Date of Priority:	January 21, 2003
Source of Water:	Couse Creek, a tributary of Walla Walla River
Storage Facility:	West Pond
Purpose or Use:	Multiple Purpose
Maximum Rate/Volume:	4.0 acre-feet (AF) each year

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 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 R-13591 was issued by the Department on May 1, 2003. The permit specified completion of construction by October 1, 2007, and 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, 2019. On September 23, 2019, Michael Banks and Marianne Anderson submitted an Application for Extension of Time for Permit R-13591. In accordance with OAR 690-315-0050(2), on November 19, 2019, the Department issued a Proposed Final Order proposing to extend the time to complete construction from October 1, 2019, to October 1, 2022, and the time to apply water to full beneficial use from October 1, 2019, to October 1, 2022. The protest period closed January 6, 2020, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings in the Proposed Final Order dated November 19, 2019.

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 condition:

LIMITATIONS AND CONDITIONS

1. Last Extension Condition

This shall be the last extension of time granted for Permit R-13591. Any future extensions of time request will be denied.

CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application R-85435, Permit R-13591, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2019, 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, 2019, to October 1, 2022.

DATED: January 17, 2020



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

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- If you have any questions about statements contained in this document, please contact 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
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