

**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-16352, Water Right Application G-16936, in) FINAL
the name of 4-DSD, LLC) ORDER

Permit Information

Application: G-16936
Permit: G-16352
Basin: 6 – John Day / Watermaster District 4
Date of Priority: October 1, 2007
Source of Water: Well 1 (WHEE 50331), Well 2 (WHEE 50335) and Well 6 (WHEE 50334) in Willow Creek Basin; Well 3 (WHEE 50328) in Tubb Creek Basin; and Well 4 (WHEE 50337) and Well 5 (WHEE 50330) in Indian Creek Basin
Purpose or Use: Irrigation use on 800.0 acres
Maximum Rate: 10.0 cubic feet 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-16352 was issued by the Department on July 10, 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, 2019. On October 23, 2019, 4-DSD, LLC submitted an Application for Extension of Time for Permit G-16352. In accordance with OAR 690-315-0050(2), on December 3, 2019, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2027, and the time to fully apply water to beneficial use to October 1, 2027. The protest period closed January 19, 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 of fact in the Proposed Final Order dated December 3, 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. Permit Amendment Condition

The use of water from under Permit G-16352 is subject to this Condition.

The permit holder shall submit a Permit Amendment Application, requesting authorization of wells constructed as replacement for the well specified in Permit G-16352. No water may be appropriated from the replacement wells unless approved.

2. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2025. 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).

ORDER

The extension of time for Application G-16936, Permit G-16352, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2019, to October 1, 2027. 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, 2027.

DATED: February 7, 2019



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 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
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Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

**Extension of Time
 Progress Report Form
 For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: 4-DSD, LLC

Application G-16936

Permit G-16352

Progress Report for 2025

Report Due no later than October 1, 2025

DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit G-16352.

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 23, 2019 and October 1, 2025	FINANCIAL INVESTMENT

Use back of form if needed

2. Identify the date compliance with the following conditions have been satisfied for each well authorized by the permit or an approved permit amendment.

	Well 1	Well 2	Well 3	Well 4	Well 5	Well 6
Authorized by permit or permit amendment						
350' casing and seal						
Meter installed						
March static water level measured						

If conditions have not been complied with, please provide an explanation and a date when compliance will be achieved.

3. Total number of acres irrigated to date: _____

Total acres irrigated per well,

Well 1 _____ Well 2 _____ Well 3 _____ Well 4 _____ Well 5 _____ Well 6 _____

continued on following page

Diligence Shown	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date Public Noticed: _____
		<i>For OWRD use only</i>
Reviewed by: _____	Date: _____	

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, to date.

Maximum rate used to date = _____ cfs

Maximum Rate per well:

Well 1 _____ Well 2 _____ Well 3 _____ Well 4 _____ Well 5 _____ Well 6 _____

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly, or annual water volume totals.

INCOMPLETE REPORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM. FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.

Signature _____ Date _____

Printed Name/Title _____

Diligence Shown Yes No

Date Public Noticed: _____

For OWRD use only

Reviewed by: _____

Date: _____

Mailing List for Extension FO Copies

FO Date: February 7, 2019

Copies Mailed

Application: G-16936

By: _____

Permit: G-16352

On: _____

Original mailed to permit holder

4-DSD, LLC
175 Phillips Rd.
Woodside, CA 94062

Copies sent to:

1. WRD - App. File G-16936/ Permit G-16352
2. David Newton
H.A. McCoy Engineering and Surveying
1180 SW Lake Rd.
Redmond, OR 97756

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving notification via e-mail - FO available in WRIS for review
(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 4, Eric Julsrud

CASEWORKER: JDP