

**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-18326, Water Right Application G-12088, in)	FINAL
the name of Vineyard Mountain Water and Improvement)	ORDER
District)	

Permit Information

Application:	G-12088
Permit:	G-18326
Basin:	2B – Middle Willamette / Watermaster District 16
Date of Priority:	April 26, 1990
Source of Water:	four wells in the Willamette River Basin
Purpose or Use:	group domestic uses for 130 homes
Maximum Rate:	0.3 cubic foot per second (cfs) in any combination from the wells; further limited to 0.13 cfs from Well 2, 0.04 cfs from Well 3, 0.3 cfs from Well 4, and 0.13 cfs from Well 5

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-12315 was issued by the Department on March 15, 1996, and modified by Permit Amendment T-8868 on November 26, 2002. The permit specified actual construction of the well to begin by March 15, 1997, completion of construction by October 1, 1998 and complete application of water to beneficial use by October 1, 1999. Permit G-12315 was again modified by Permit Amendment T-12684 on September 21, 2017. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2019. On October 21, 2019, Ray Topping, president of Vineyard Mountain Water and Improvement District, submitted an Application for Extension of Time for Permit G-18326. In accordance with OAR 690-315-0050(2), on December 17, 2019, the Department issued a

Proposed Final Order proposing to extend the time to complete construction to October 1, 2096, and the time to fully apply water to beneficial use to October 1, 2096. The protest period closed January 31, 2020, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

Except as expressly stated herein, The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated December 17, 2019. Modifications to the Final Order are shown as follows: deletions are shown in ~~striketrough~~ text.

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. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2020, 2025, 2030, 2035, 2040, 2045, 2050, 2055, 2060, 2065, 2070, 2075, 2080, 2085, 2090, and 2095**. *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.

2. Last Extension Condition

This shall be the last extension of time granted for Permit G-18326. Any future extensions of time request will be denied.

3. Development Benchmark Condition

The permit holder is required to submit a Claim of Beneficial Use within one year of the submittal of a Progress Report, as described in Item 1 of this section, which demonstrates that 130 homes have been connected to the District water system, and full beneficial use of the water has been made. Upon determination by the Department, that the Progress

Report submitted demonstrates full development of the permit, the Department may order the permit holder to submit a Claim of Beneficial Use within one year.

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-12088, Permit G-18326, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2019, to October 1, 2096. 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, 2096.

DATED: February 14, 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 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
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**Extension of Time
 Progress Report Form
 For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Vineyard Mountain Water and Improvement District
 Permit G-18326

Application G-12088

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-18326.

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 21, 2019 and October 1, 2025	FINANCIAL INVESTMENT

Use back of form if needed

2. Describe actions to achieve compliance with conditions of the permit and/or previous extension.

3. Total number of homes served: _____

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

Maximum rate used to date = _____ cfs

Maximum Rate per well:

Well 2 _____ Well 3 _____ Well 4 _____ Well 5 _____

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 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: _____