

**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-17336, Water Right Application G-17802, in )  
the name of Rustin Smith ) **FINAL  
ORDER**

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Permit Information

Application: G-17802  
Permit: G-17336  
Basin: 9 – Powder / Watermaster District 8  
Date of Priority: March 17, 2014  
Source of Water: Well 1 and Well 4 in Baldock Slough Basin  
Maximum Rate: 4.58 cubic feet per second (cfs), being 0.10 cfs for primary  
And Use: irrigation of 6.1 acres and 4.48 cfs for supplemental irrigation of  
269.0 acres

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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-17336 was issued by the Department on December 31, 2014. The permit specified completion of construction by December 31, 2019 and complete application of water to beneficial use by December 31, 2019. On March 27, 2019, Rustin Smith submitted an Application for Extension of Time for Permit G-17336. In accordance with OAR 690-315-0050(2), on May 26, 2020, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2029, and the time to fully apply water to beneficial use to October 1, 2029. The protest period closed July 10, 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 May 26, 2020.

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. **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).

**continued on following page**

## ORDER

The extension of time for Application G-17802, Permit G-17336, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from December 31, 2019, to October 1, 2029. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from December 31, 2019, to October 1, 2029.

DATED: August 7, 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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 725 Summer Street NE, Suite A  
 Salem Oregon 97301-1266  
 (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: Rustin Smith

Application G-17802

Permit G-17336

**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-17336.

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between March 27, 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.  
*(Examples: installed a meter, submitted water usage reports, submitted static water level measurements, installed a fish screen, obtained approval for fish screen from ODFW etc.)*

3. Total number of acres irrigated to date: \_\_\_\_\_ Primary \_\_\_\_\_ Supplemental \_\_\_\_\_  
 Total acres irrigated per well,  
 Well 1 (BAKE 52601) \_\_\_\_\_  
 Well 4 (BAKE 52640) \_\_\_\_\_

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 4 \_\_\_\_\_

*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*

Revised by \_\_\_\_\_

Date: \_\_\_\_\_