# 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-16209, Water Right Application G-16030, in the name of Klamath Basin Improvement District  )		FINAL ORDER			
Permit Information					
Application:	G-16030				
Permit:	G-16209				
Basin:	14 – Klamath / Watermaster Dist	rict 17			
Date of Priority:	June 4, 2003				
Source of Water:	a well (KLAM 53737) in Nuss Lake Basin				
Purpose of Use:	supplimental irrigation of 8959.8	2 acres			
Maximum Rate:	11.14 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-16209 was issued by the Department on July 19, 2007. The permit completion of construction by October 1, 2011 and complete application of water to beneficial use by October 1, 2011. On April 13, 2020, George N. Rajnus, president of Klamath Basin Improvement District submitted an Application for Extension of Time for Permit G-16209. In accordance with OAR 690-315-0050(2), on June 9, 2020, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2025, and the time to fully apply water to beneficial use to October 1, 2025. The protest period closed July 24, 2020, in accordance with OAR 690-315-0060(1). No protest was filed.

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### FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated June 9, 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. <u>Checkpoint Condition</u>

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2024. 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).

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### **ORDER**

The extension of time for Application G-16030, Permit G-16209, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2011, to October 1, 2025. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2011, to October 1, 2025.

DATED: August 7, 2020

Dwight French

Water Right Services Division Administrator, for

Thomas M. Byler, Director

Oregon Water Resources Department

- 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

Final Order: Permit G-16209



### 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: Klamath Basin Improvement District G-16209	Application G-16030 Permit	
Progress Report for 2024  Report Due no later than October 1,  DO NOT SUBMIT PRIOR TO 30 DAYS BEFORM  As authorized in ORS 690-315-0050(6), this progress report is required exercised in the development and perfections of Perm	ORE DUE DATE in order to ensure diligence is ait G-16209.	
DATES  LIST ALL WORK ACCOMPLISHED and FINANCIA For the period of time between April 13, 2020 and 0	LINANCIAL	
Use back of form if needed		
<ol> <li>Describe actions to achieve compliance with conditions of the (Examples: installed a meter, submitted water usage reports, st measurements, installed a fish screen, obtained approval for fi.</li> <li>Total number of acres irrigated to date: Supplemental</li></ol>	abmitted static water level sh screen from ODFW etc.)	
4. Provide the maximum rate, or duty if applicable, of water di	verted for beneficial use under this	
permit, if any, to date.		
Maximum rate used to date =cfs Maximum Rate per well:	Report the rate in the same units of measuremen as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). <b>Do not provide daily, monthly, or</b>	
KLAM 53737	annual water volume totals.	
INCOMPLETE REPORTS WILL BE RETURNED. AN ANSWER IS REC FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY R EXTENSION BEING DENIED.		
SignatureDate		
Printed Name/Title		

Diligence Shown	☐ Yes ☐ No	Date Public Noticed:	
		For OWRD use only	

Data: