

**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-17749, Water Right Application G-11640, in ) **FINAL**  
the name of Thomas MacDonald ) **ORDER**

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Permit Information

Application: G-11640  
Permit: G-17749  
Basin: 13 – Goose and Summer Lakes / Watermaster District 12  
Date of Priority: April 7, 1987 for 10.0 cubic feet per second (cfs) for fish culture and 7.73 cfs for irrigation; and June 14, 1989 for 7.8 cfs for fish culture  
Source of Water: Nine wells in the Ana River Basin  
Purpose or Use: Fish culture, irrigation use of 50.1 acres and supplemental irrigation of 569.6 acres  
Maximum Rate: 17.80 cfs, being 7.73 cfs for irrigation and 17.80 cfs for fish culture

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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-11024 was issued by the Department on April 30, 1990. The permit was subsequently modified by two permit amendments, the most recent being Permit Amendment T-11749, approved on October 24, 2016. Superseding Permit G-17282, was issued to describe the changes. The permit specified actual construction of the well to begin by April 30, 1991, completion of construction by October 1, 1992, and complete application of water to beneficial use by October 1, 1993. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2020. On May 18, 2020, Thomas MacDonald submitted an Application for Extension of Time for Permit G-17749. In accordance with OAR 690-315-0050(2), on October 6, 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 November 20, 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 October 6, 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 conditions:

## **LIMITATIONS AND CONDITIONS**

### **1. Last Extension Condition**

This may be the last extension of time granted for Permit G-17749. Any future extensions of time request may be denied, unless the permit holder can provide the Department with evidence that diligence is shown during this extension period. Diligence will be determined based on the permit holder's adherence to the benchmark achievements detailed below, and reported on annually. The annual reports will be in the form of Progress Reports submitted in accordance with Item 2 in this Conditions and Limitations section. In addition, all normal extension standards and rules will be evaluated. ORS 539.010(5); OAR 690-315-0040.

### **BENCHMARKS:**

- By October 1, 2021, installation of totalizing flow meters or other suitable measuring devices on all existing permitted wells; completion of first proposed well replacement in accordance with the conditions of the permit resulting from Permit Amendment T-13337; and submitting the first annual progress report.
- By October 1, 2022, completion of second proposed well replacement in accordance with the conditions of the permit resulting from Permit Amendment T-13337; and submit the second annual progress report.
- By October 1, 2023, complete reconstruction or decommissioning of the wells replaced by the wells proposed by Permit Amendment T-13337; and submit third annual progress report.
- By October 1, 2024, submit fourth annual progress report describing how compliance with all permit conditions has been achieved.

**continued on following page**

2. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2021, 2022, 2023, and 2024**. *A complete Claim of Beneficial Use submitted prior to the due date of any of these progress reports may substitute for any subsequent progress report. Forms 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.

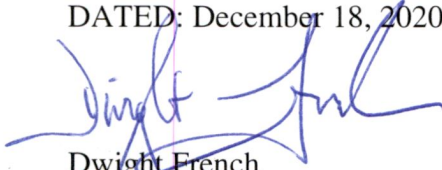
### CONCLUSION OF LAW

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-11640, Permit G-17749, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2020, 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, 2020, to October 1, 2025.

DATED: December 18, 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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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: Thomas MacDonald

Application G-11640

Permit G-17749

**Progress Report for 2021**

Report Due no later than October 1, 2021

**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-17749.

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between May 18, 2020 and October 1, 2021	FINANCIAL INVESTMENT

Use back of form if needed

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

Totalizing flow meters or other suitable measuring devices installed (Provide the date of installation for each well)

Well 1 – LAKE 3030 \_\_\_\_\_ Well 2 – LAKE 1507 \_\_\_\_\_ Well 3 – LAKE 4444 \_\_\_\_\_  
 Well 4 – LAKE 3029 \_\_\_\_\_ Well 5 – LAKE 52764 \_\_\_\_\_ Well 6 – LAKE 52368 \_\_\_\_\_  
 Well 7 – LAKE 52369 \_\_\_\_\_ Well 8 – LAKE 52487 \_\_\_\_\_ Well 9 – \_\_\_\_\_  
 Well 10 - \_\_\_\_\_ Well 11 - \_\_\_\_\_

**3. Has the first replacement well been constructed in accordance with the terms and conditions of the permit?**

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



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**Extension of Time  
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 For Checkpoints**

**TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT**

Permit Holder: Thomas MacDonald

Application G-11640

Permit G-17749

**Progress Report for 2022**

Report Due no later than October 1, 2022

**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-17749.

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2021 and October 1, 2022	FINANCIAL INVESTMENT

Use back of form if needed

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

**3. Has the second replacement well been constructed in accordance with the terms and conditions of the permit?**

**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	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date Public Noticed: _____
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**Extension of Time  
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**TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT**

Permit Holder: Thomas MacDonald

Application G-11640

Permit G-17749

**Progress Report for 2023**

Report Due no later than October 1, 2023

**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-17749.

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2022 and October 1, 2023	FINANCIAL INVESTMENT

Use back of form if needed

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

3. Has the well repair and/or well abandonment been accomplished in accordance with the terms and conditions of the permit?

**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	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date Public Noticed: _____
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 For Checkpoints**

**TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT**

Permit Holder: Thomas MacDonald

Application G-11640

Permit G-17749

**Progress Report for 2024**

Report Due no later than October 1, 2024

**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-17749.

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2023 and October 1, 2024	FINANCIAL INVESTMENT

Use back of form if needed

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

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