# 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-15989, Water Right Application G-16439	)	FINAL
(modified by Permit Amndment T-10331 and T-10528), in	)	ORDER
the name of The Miller Ranch Co		

#### **Permit Information**

Application:

G-16439

Permit:

G-15989 (modified by Permit Amndment T-10331 and T-10528)

Basin:

4 – Hood / Watermaster District 3

Date of Priority:

April 14, 2005

Source of Water:

six wells in Starvout Creek Basin

Purpose of Use:

Irrigation use on agricultral and irrigation use on 1014.2 Acres

Maximum Rate:

12.678 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-15989 was issued by the Department on December 16, 2005, and modified by Permit Amndment T-10331 on June 14, 2007, and T-10528 on May 27, 2008. The permit specified, completion of construction by October 1, 2010, and complete application of water to beneficial use by October 1, 2010. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2020. On August 27, 2020, Charley Miller, president of The Miller Ranch Co, submitted an Application for Extension of Time for Permit G-15989. In accordance with OAR 690-315-0050(2), on December 22, 2020, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2030, and the time to fully apply water to beneficial use to October 1, 2030. The protest period closed February 5, 2021, 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 22, 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. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2024 and 2029. 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

Final Order: Permit G-15989 Page 2 of 3

### **ORDER**

The extension of time for Application G-16439, Permit G-15989, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2020, to October 1, 2030. 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, 2030.

DATED: February 26, 2021

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



Reviewed by:

#### 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

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Application G-16439

Permit G-15989

# **Progress Report for 2024**

Report Due no later than October 1, 2024

			ACCOMPLISH	ED and FINANC	ermit G-15989. CIAL INVESTMENTS	FINANCIAL		
DA	ATES				and October 1, 2024	INVESTMENT		
Jse b	ack of for	rm if needed						
•	Describ (Examp	e actions to achieve les: installed a mete	er, submitted wa	ter usage reports	the permit and/or property s, submitted static water fish screen from OL	ter level		
3.	Total number of acres irrigated to date: Total acres irrigated per well,							
		Well 2A	•	Well 4A	Well 5			
	Well 6_							
4	Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this							
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For OWRD use only

Date: