

**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-17272, Water Right Application G-17068, in)	FINAL ORDER ON
the name of Rupp Ranches)	EXTENSION
)	INCORPORATING
)	SETTLEMENT
)	AGREEMENT

Permit Information

Application:	G-17068
Permit:	G-17272
Basin:	7 – Umatilla / Watermaster District 5
Date of Priority:	June 10, 2008
Source of Water:	Well 1, Well 2, Well 3, and Well 4, in Columbia River Basin
Purpose or Use:	Irrigation use on 1,000 Acres
Maximum Rate:	12.5 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-17272 (resulting from permit amendment T-11586 on G-16671) was issued by the Department on April 13, 2010. The permit required completion of construction by April 13, 2015 and complete application of water to beneficial use by April 13, 2015. On March 29, 2016, Rupp Ranches submitted an Application for Extension of Time for Permit G-17272. In accordance with OAR 690-315-0050(2), on August 21, 2018, the Department issued a Proposed Final Order proposing to deny the time to complete construction to October 1, 2020, and the time to fully apply water to beneficial use to October 1, 2020. The protest period closed October 5, 2018, in accordance with OAR 690-315-0060(1). Rupp Ranches filed a timely protest.

FINDINGS OF FACT

The findings of fact in the Proposed Final Order dated August 1, 2018, are adopted and incorporated herein.

ADDITIONAL FINDINGS OF FACT

On April 7, 2021, the Department and Rupp Ranches signed a Settlement Agreement, which is incorporated herein and made a part of this order, resolving all issues raised in the protest.

The terms of the Agreement include:

1. The permit holder will comply with all existing permit conditions prior to any use of groundwater from the wells authorized under this permit, including water chemistry samples and analysis, and a groundwater resource characterization report. The groundwater resource characterization report shall be sealed and signed by a Registered Geologist in the State of Oregon as per ORS 672.505 to 672.705.
2. The permit holder will comply with all existing permit conditions prior to any use of groundwater from any well regardless of water levels and change in regulation order.
3. The permit holder will resume water use from a given well only after static water levels for that well, measured in the month of February by a qualified individual as per the conditions of the permit, have recovered to the “Minimum Water Level to Begin Use” as specified below.

Owner Well #	Well LogID	Reference Level Date	Reference Level (feet below land surface)	Minimum Water Level to Begin Use (Reference Level + 25 feet) (feet below land surface)
1	UMAT 57044	02/21/2013	502.40	527.40
2	UMAT 57042	02/21/2013	243.00	268.00
3	UMAT 57041	02/21/2013	239.30	264.30
4	UMAT 57043	03/13/2013	573.20	598.20

Prior to any use from a given well the water level will be confirmed by Department staff. The permit holder will notify the District 5 Watermaster in writing that the water level in a given well meets or exceeds the minimum level to begin use, provide the water level measurement to the Watermaster and request a confirmation measurement. The confirmation measurement will be taken within two weeks of the permit holder’s measurement. To arrange the confirmation measurement, Department staff will call and text Randy Rupp on his cell (509-628-7516) at least 48 hours in advance of the date and time they would like access. Mr. Rupp

will arrange for someone to accompany OWRD on site, and the parties may negotiate a mutually agreeable date and time to meet on site that is no more than 72 hours later than the access date and time requested by the Department. If Mr. Rupp does not respond to OWRD's initial call or text requesting access within 24 hours of the request, OWRD will contact John Androlewicz at (208) 914-8013 to make arrangements for accompanied access to the wells.

4. Department staff will have access to wells to monitor GW levels and flowmeter readings as needed. Department staff will call and text Randy Rupp on his cell (509-628-7516) at least 48 hours in advance of the date and time they would like access. Mr. Rupp will arrange for someone to accompany OWRD on site, and the parties may negotiate a mutually agreeable date and time to meet on site that is no more than 72 hours later than the access date and time requested by the Department. If Mr. Rupp does not respond to OWRD's initial call or text requesting access within 24 hours of the request, OWRD will contact John Androlewicz at (208) 914-8013 to make arrangements for accompanied access to the wells.
5. No further extensions of time for Permit G-17272 will be requested.

CONCLUSION OF LAW

With the forgoing additional findings of fact, the Department finds there is 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-17068, Permit G-17272, therefore, is approved subject to the terms contained herein and the Settlement Agreement. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from April 13, 2015, to October 1, 2026.

The permit holder will comply with all existing permit conditions prior to any use of groundwater from the wells authorized under this permit, including water chemistry samples and analysis, and a groundwater resource characterization report. The groundwater resource characterization report shall be sealed and signed by a Registered Geologist in the State of Oregon as per ORS 672.505 to 672.705.

The permit holder will comply with all existing permit conditions prior to any use of groundwater from any well regardless of water levels and change in regulation order.

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No further extensions of time for Permit G-17272 will be requested.

DATED: April 23, 2021

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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C. Terms of the Agreement

1. The permit holder will comply with all existing permit conditions prior to any use of groundwater from the wells authorized under this permit, including water chemistry samples and analysis, and a groundwater resource characterization report. The groundwater resource characterization report shall be sealed and signed by a Registered Geologist in the State of Oregon as per ORS 672.505 to 672.705.
2. The permit holder will comply with all existing permit conditions prior to any use of groundwater from any well regardless of water levels and change in regulation order.
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4. The Department will approve a 5-year extension of the permit from the date of the final order approving the extension.
5. Department staff will have access to wells to monitor GW levels and flowmeter readings as needed. Department staff will call and text Randy Rupp on his cell (509-628-7516) at least

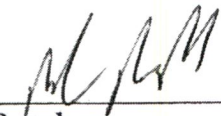
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6. No further extensions of time for Permit G-17272 will be requested.
7. Once each Party has signed this Agreement, the Department will issue a Final Order on Extension Incorporating Settlement Agreement consistent with the attached draft Final Order on Extension Incorporating Settlement Agreement.
8. Each Party to this Agreement represents, warrants, and agrees that the person who executes this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that Party and bind that Party to the terms of this Agreement.
9. Each Party to this Agreement certifies that it has had a reasonable opportunity to review and request changes to the Agreement, and that it has signed this Agreement of its own free will and accord.
10. The Parties agree that nothing in this Agreement or the Final Order on Extension Incorporating Settlement Agreement establishes factual, legal, or policy precedent.
11. This Agreement may be signed in counterparts.



Dwight French, Administrator,
Water Right Services Division
for Thomas M. Byler, Director
Oregon Water Resources Department

April 1, 2021
Date



Rupp Ranches

4-7-21
Date