

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	)	FINAL ORDER
Permit G-17960, Water Right Application G-14594, in the	)	INCORPORATING
name of Wayne O. Bennett and Barbra M Bennett	)	SETTLEMENT
		AGREEMENT

Permit Information

Application:	G-14594
Permit:	G-17960
Basin:	5 – Deschutes / Watermaster District 11
Date of Priority:	August 11, 1997
Source of Water:	two wells in Dry Creek Basin
Purpose or Use:	Irrigation use on 4.8 Acres
Maximum Rate:	0.06 cubic foot per second (cfs), being 0.056 cfs from Well 1 and 0.056 cfs from Well 2, provided further the total quantity diverted in combination with any other right perfected under Permit G-13426 shall not exceed 0.223 cfs for Well 1 and 0.223 cfs for Well 2

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-17960 was issued by the Department on June 22, 1998. The permit called for actual construction to begin by April 30, 1999 completion of construction by October 1, 2002, and complete application of water to beneficial use by October 1, 2002. The most recent Extension of Time specified completion of construction and complete application of the water was to be made by October 1, 2018. On November 2, 2018, Wayne O. Bennett and Barbra M Bennett submitted to the Department an Application for Extension of Time for Permit G-17960. In accordance with OAR 690-315-0050(2), on December 18, 2018, the Department issued a Proposed Final Order proposing to deny the time to complete construction to October 1, 2023,

and the time to fully apply water to beneficial use to October 1, 2023. The protest period closed February 3, 2019, in accordance with OAR 690-315-0060(1). On January 30, 2019, Wayne and Barbra Bennett submitted a protest to the Proposed Final Order.

Except as expressly stated herein, the findings of fact and conclusions of law of the Proposed Final Order are adopted and incorporated by reference as if fully set out in the Final Order.

ADDITIONAL FINDING OF FACT

On May 15, 2019, the Department and Wayne O. Bennett and Barbra M. Bennett entered into a Settlement Agreement, obligating the permit holders to submit a permit amendment requesting authorization of the use of water from well CROO 52472 (Well ID tag # L-66571), for irrigation of 4.8 acres under Permit G-17960, and evidence of the installation of a meter on well CROO 52472 (Well ID tag # L-66571), by no later than July 8, 2019. The Settlement Agreement is attached hereto and incorporated by reference as fully set out in the Final Order Incorporating Settlement Agreement.

CONCLUSION OF LAW

Conclusion of Law #3, on page 9 of the Proposed Final Order, is herein modified to read as follows:

Good cause exists to approve an extension of time to apply water to full beneficial use from October 1, 2018, to October 1, 2020, pursuant to ORS 537.630, ORS 539.010(5), and OAR 690-315-0040(2).

CONDITIONS

1. **Permit Amendment Condition**

The permit holder shall submit a permit amendment to amend Permit G-17960 to change the point of appropriation from the wells listed on the permit to well CROO 52472 (Well ID tag # L-66571), for irrigation of 4.8 acres, by July 8, 2019.

If the permit holder does not submit the required permit amendment by July 8, 2019, the extension of time to October 1, 2020, will be terminated.

If the application for permit amendment is denied, the extension of time to October 1, 2020, will be terminated.

If the application for permit amendment is approved, the water user shall comply with all permit conditions, including any additional conditions contained within the Permit Amendment Final Order by October 1, 2020. Within one year after making beneficial use of water, the permit holder shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

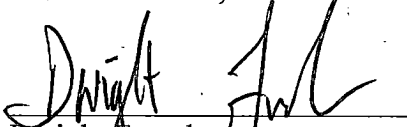
2. **Last Extension Condition**

This is the last extension of time granted for Permit G-17960, or any superseding permit originating from Permit G-17960. Any future requests for an extension of time may be denied.

ORDER

The extension of time for Application G-14594, Permit G-17960, therefore, is approved subject to the conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2018, to October 1, 2020.

DATED: June 7, 2019



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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**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

In the Matter of the Application for an Extension of	)	
Time for Permit G-17960, Water Right Application	)	SETTLEMENT AGREEMENT
G-14594 in the name of Wayne O. Bennett and	)	
Barbara M. Bennett	)	
<i>Applicant, Protestant</i>	)	

The Oregon Water Resources Department ("Department") and Wayne O. Bennett and Barbara M. Bennett ("Bennett") ("parties") do hereby stipulate and agree in this Settlement Agreement as follows:

A. Background

1. On November 2, 2018, Bennett submitted an "Application for Extension of Time" to the Department, requesting the time to apply water to full beneficial use under the terms and conditions of Permit G-17960 be extended from October 1, 2018, to October 1, 2023.
2. On December 18, 2018, the Department issued a Proposed Final Order recommending denial of the application.
3. On January 30, 2019, Bennett filed a timely protest.
4. The Department and Bennett agree that the protest is resolved solely on the terms set forth in this Agreement.

B. Consent

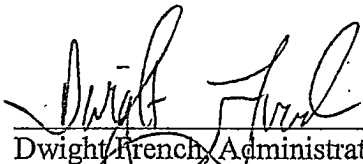
1. Each Party to this Agreement certifies that it has read the entire Settlement Agreement, including the draft Final Order Incorporating Settlement Agreement, and understands and agrees with the contents thereof.
2. Each Party to this Agreement understands and agrees that this Agreement and all documents incorporated by reference set forth the entire agreement of the parties.
3. Each Party to this Agreement understands and agrees that this Agreement and the Final Order Incorporating Settlement Agreement constitute the complete and final resolution of the protest.
4. Effective upon the signing of this Agreement by the Parties, Bennet waives any and all right to petition for judicial review of this Agreement, and waives any and all right to request reconsideration, petition for judicial review, or appeal the Final Order Incorporating Settlement Agreement.

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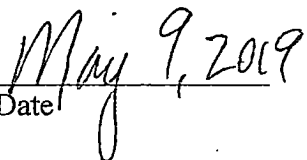
C. Terms of the Agreement

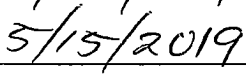
1. Wayne O. Bennett and Barbara M. Bennett shall submit a permit amendment requesting authorization of the use of water from well CROO 52472 (Well ID tag # L-66571), for irrigation of 4.8 acres under Permit G-17960, and evidence of the installation of a meter on well CROO 52472 (Well ID tag # L-66571), by no later than 30 days from the date the Final Order Incorporating Settlement Agreement is issued.
2. 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.
3. 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.
4. The Parties agree that nothing in this Agreement or the Final Order Incorporating Settlement Agreement establishes factual, legal, or policy precedent.
5. This Agreement may be signed in counterparts.


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



Wayne O. Bennett and
Barbara M. Bennett


Date



Date

**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-17960, Water Right Application G-14594, in the
name of Wayne O. Bennett and Barbara M. Bennett)

**FINAL ORDER
INCORPORATING
SETTLEMENT
AGREEMENT**

Permit Information

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Permit: G-17960
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Application History

Permit G-17960 was issued by the Department on June 22, 1998. The permit called for actual construction to begin by April 30, 1999, completion of construction by October 1, 2002, and complete application of water to beneficial use by October 1, 2002. The most recent Extension of Time specified completion of construction and complete application of the water was to be made by October 1, 2018. On June 21, 2018, the Department issued a Final Order approving assignment of Water Right Permit and Issuance of Replacement Water Right Permits [Split A Permit] requested under Application T-12804. Permits G-17959, G-17960, and G-17961, were issued to supersede Permit G-13426. On November 2, 2018, Wayne O. Bennett and Barbara M.

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Bennett submitted an Application for Extension of Time for Permit G-17960. In accordance with OAR 690-315-0050(2), on December 18, 2018, the Department issued a Proposed Final Order proposing to deny an extension of the time to complete construction to October 1, 2023, and to fully apply water to beneficial use to October 1, 2023. The protest period closed February 3, 2019, in accordance with OAR 690-315-0060(1). On January 30, 2019, Wayne and Barbara Bennett submitted a protest to the Proposed Final Order.

Except as expressly stated herein, the findings of fact and conclusions of law of the Proposed Final Order are adopted and incorporated by reference as if fully set out in the Final Order.

ADDITIONAL FINDING OF FACT

On <DATE>, the Department and Wayne O. Bennett and Barbara M. Bennett entered into a Settlement Agreement, obligating the permit holders to submit a permit amendment requesting authorization of the use of water from well CROO 52472 (Well ID tag # L-66571), for irrigation of 4.8 acres under Permit G-17960, and evidence of the installation of a meter on well CROO 52472 (Well ID tag # L-66571), by no later than 30 days from the date of issuance of this Final Order Incorporating Settlement Agreement. The Settlement Agreement is attached hereto and incorporated by reference as if fully set out herein.

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If the permit holder does not submit the required permit amendment within 30 days from the date of issuance of this Final Order Incorporating Settlement Agreement, the extension of time to October 1, 2020, will be terminated.

If the application for permit amendment is denied, the extension of time to October 1, 2020, will be terminated.

If the application for permit amendment is approved, the water user shall comply with all

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permit conditions, including any additional conditions contained within the Permit Amendment Final Order by October 1, 2020. Within one year after making beneficial use of water, the permit holder shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

2. **Last Extension Condition**

This is the last extension of time granted for Permit G-17960, or any superseding permit originating from Permit G-17960. Any future requests for an extension of time may be denied.

ORDER

The extension of time for Application G-14594, Permit G-17960, therefore, is approved subject to the conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2018, to October 1, 2020.

DATED: _____, 2019.

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

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