

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 S-53703, Water Right Application S-69654) FINAL ORDER
in the name of Windhurst Water Inc.)

Permit Information

Application:	S-69654
Permit:	S-53703
Basin:	South Coast / Watermaster District 15
Date of Priority:	June 30, 1988
Source of Water:	Bill Creek, a tributary of Bear Creek, and legally stored water under Permit R-12928
Purpose or Use:	cranberry operations on 162.4 acres, agricultural use on 27.7 acres, and supplemental cranberry operations on 18.1 acres
Maximum Rate/Volume:	614.0 acre-feet (AF) of stored water; not to exceed 2.75 cfs combined under Permit R-12928 and S-53703 from Bill Creek

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 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 S-53703 was issued by the Department on October 10, 2000. The permit specified completion of construction by , and complete application of water to beneficial use by, October 1, 2005. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 30, 2019. On September 13, 2021, Jack Haga of Windhurst Water Inc. submitted an Application for Extension of Time for Permit S-53703. In accordance with OAR 690-315-0050(2), on November 23, 2021, the Department issued a Proposed Final Order proposing to extend the time to complete construction from October 1,

2005, or October 30, 2019, to October 1, 2024, and the time to apply water to full beneficial use from October 1, 2005, or October 30, 2019, to October 1, 2024. The protest period closed January 7, 2022, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings in the Proposed Final Order dated November 23, 2021.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, 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 S-53703. Future extensions of time request will only be approved for a period of two years, and will only allow for the demonstration of compliance with permit conditions. No additional development of the beneficial use will be authorized beyond October 1, 2024. ORS 539.010(5); OAR 690-315-0040.

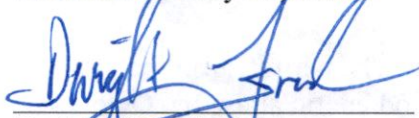
CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application S-69654, Permit S-53703, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 30, 2019, to October 1, 2024.

DATED: January 28, 2022



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 Permit Extension Specialist at (503)979-3213.
 - 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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