

**Oregon Water Resources Department**  
**Water Right Services Division**

**Application for Extension of Time**

In the Matter of the Application for an Extension of Time ) FINAL  
for Permit R-12894, Water Right Application R-73855 ) ORDER  
in the name of Jack, Sheri, or Barbra Fugate ) DENIAL

---

**Permit Information**

Application:	R-73855
Permit:	R-12894
Basin:	South Coast / Watermaster District 15
Date of Priority:	January 20, 1994
Source of Water:	three unnamed streams (#2, 4, 5) and field runoff, tributaries of Two Mile Creek, and Two Mile Creek, a tributary of the Pacific Ocean
Storage Facility:	Reservoirs #2, #4, #5, #6, and #7
Purpose of Use:	to be appropriated under Application S-73857, Permit 53694 for cranberry operations
Maximum Volume:	32.0 acre-feet (AF), being 5.0 AF in Reservoir #2, 5.0 AF in Reservoir #4, 4.0 AF in Reservoir #5, 9.0 AF in Reservoir #6, and 9.0 AF in Reservoir #7

---

**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

On August 15, 2000, Permit R-12894 was issued by the Department. The permit called for completion of construction by October 1, 2004, and complete application of water to beneficial

use by October 1, 2004. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2015. On August 5, 2021, Jack, Fugate submitted an Application for Extension of Time for Permit R-12894. In accordance with OAR 690-315-0050(2), on November 30, 2021, the Department issued a Proposed Final Order proposing to deny the time to complete construction from October 1, 2015, to October 1, 2031, and the time to apply water to full beneficial use from October 1, 2015, to October 1, 2031. The protest period closed January 14, 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 9, 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 not be extended.

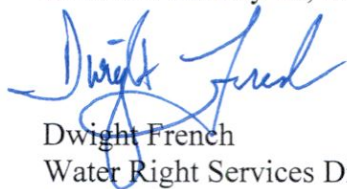
### **CONCLUSION OF LAW**

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 R-73855, Permit R-12894, therefore, is Denied.

DATED: January 28, 2022



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 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
-