

**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-12913, Water Right Application G-13084, in)
the name of Joe Hitz)
FINAL
ORDER

Permit Information

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| Application: | G-13084 |
| Permit: | G-12913 |
| Basin: | 2B – Middle Willamette / Watermaster District 16 |
| Date of Priority: | August 20, 1992 |
| Source of Water: | two wells in Butte Creek Basin |
| Purpose of Use: | irrigation of 44.6 acres and supplemental irrigation of 19.5 acres |
| Maximum Rate: | 0.641 cubic foot 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-12913 was issued by the Department on October 28, 1996. The permit specified actual construction of the well to begin by October 28, 1997, completion of construction by October 1, 1998 and complete application of water to beneficial use by October 1, 1999. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2020. On August 31, 2020, Joe Hitz submitted an Application for Extension of Time for Permit G-12913. In accordance with OAR 690-315-0050(2), on October 27, 2020, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2027, and the time to fully apply water to beneficial use to October 1, 2027. The protest period closed December 11, 2020, 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 October 27, 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. **Last Extension Condition**

This may be the last extension of time granted for Permit G-12913. Any future extensions of time request will be denied, unless the only work left to be accomplished is to demonstrate compliance with any permit conditions necessary to perfect the water use. Future extension may only be granted for sufficient time to demonstrate compliance with conditions, and will not be granted for additional development or alteration by permit amendment. Future changes in place of use after the completion of this development period, ending October 1, 2027, may only be approved after a water right certificate is issued confirming the beneficial use of water under this permit. If the permit holder intends to submit a permit amendment to request changes under this permit, it is the responsibility of the permit holder to submit the request with sufficient time for the Department to review the request, and issue a determination. Any permit amendment submitted after October 1, 2026, will not be provided additional time for the completion of review of the request.

2. **Permit Amendment Condition**

If a Permit Amendment is submitted requesting the change in place of use for any portion of the currently authorized lands not owned by the permit holder, the Permit Holder shall submit proof of authorization from the current land owners to move the place of use from the land currently authorized.

No change in place of use may be authorized unless the owners of the underlying land provide authorization allowing the change.

3. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2023. 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).

ORDER

The extension of time for Application G-13084, Permit G-12913, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2020, to October 1, 2027. 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, 2027.

DATED: February 18, 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 the 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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