

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 R-13455, Water Right Application R-84668) FINAL ORDER
in the name of Terry Long)

Permit Information

Application:	R-84668
Permit:	R-13455
Basin:	John Day / Watermaster District 21
Date of Priority:	February 14, 2001
Source of Water:	Bear Creek, a tributary of Bridge Creek
Storage Facility:	Long Reservoir
Purpose or Use:	aquatic life, wildlife, fire, protection and recreation
Maximum Volume:	23.0 acre-feet (AF)

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 R-13455 was issued by the Department on November 6, 2002. The permit specified completion of construction by October 1, 2007, and complete application of water to beneficial use by October 1, 2007. On October 25, 2021, Terry Long submitted an Application for Extension of Time for Permit R-13455. In accordance with OAR 690-315-0050(2), on January 18, 2022, the Department issued a Proposed Final Order proposing to extend the time to complete construction from October 1, 2007, to October 1, 2026, and the time to apply water to full beneficial use from October 1, 2007, to October 1, 2026. The protest period closed March 4, 2022, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

Except as expressly stated herein, The Department adopts and incorporates by reference the findings in the Proposed Final Order dated January 18, 2022. Modifications to the Final Order are shown as follows: additions are shown in underlined text; deletions are shown in ~~strikethrough~~ text. Finding of Fact number 2 of the Proposed Final Order is corrected as follows.

2. On October 25, 2021, Terry Long, submitted an "Application for Extension of Time" (Application) to the Department, requesting the time to apply water to full beneficial use under the terms and conditions of Permit R-13455 be extended from October 1, 2007, to October 1, 2026. This is the first permit extension requested for Permit R-13455. On November 2, 2021, notification of the Application for Permit R-13455 was published in the Department's Public Notice. ~~No public comments were received.~~ Brian Posewitz of WaterWatch of Oregon submitted the following comment:

"The extension application was submitted more than three years after a claim of beneficial use, suggesting irregularities with development of the permit. Moreover, given declining flow levels on this important tributary in the lower John Day Basin, the "market and present demand" for water may have changed such that the application for extension of time should be denied. Further review of the application for extension of time is not possible because the application is not available through the WRIS. However, we will request a copy of the file and may provide additional comments at a later stage of processing."

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. **Water Use Reporting Condition**

The water user shall keep a complete record of the amount of volume water stored each month, and shall submit a report which includes water storage measurements to the Department annually, or more frequently as may be required by the Director.

2. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2024. 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.

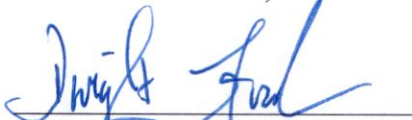
CONCLUSION OF LAW

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

ORDER

The extension of time for Application R-84668, Permit R-13455, 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 1, 2007, to October 1, 2026.

DATED: March 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 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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Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1266
 (503) 986-0900

**Extension of Time
 Progress Reporting Form
 For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Terry Long

Application R-84668 Permit R-13455

Progress Report Form for 2024

Report Due no later than October 1, 2024

DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfection of Permit R-13455. **FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.**

INCOMPLETE REPORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM.

FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 25, 2021 and October 1, 2024	FINANCIAL INVESTMENT

2. Describe actions taken to comply with terms/conditions of the permit and/or previous extension. (Examples: installed a meter, submitted water usage reports, installed a fish screen, etc.)

3. Provide the maximum annual volume of water diverted for storage under this permit, if any, made to date.

Maximum rate/volume used to date = _____ AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water

Signature _____ Date _____

Printed Name/Title _____

For OWRD use only

Diligence Shown Yes No Date Public Noticed: _____

Reviewed by: _____ Date: _____