

**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-5383(modified by Permit Amendments)
T-7846, and T-9767), Water Right Application G-5478, in)
the name of Pete’s Mountain Water Company)
FINAL
ORDER

Permit Information

Application: G-5478
Permit: G-5383 (modified by Permit Amendments T-7846, and T-9767)
Basin: 2c – Lower Willamette / Watermaster District 18
Date of Priority: April 7, 1971
Source of Water: two wells in Tualatin River Basin
Purpose or Use: group domestic expanded for 300 families, including irrigation of not to exceed 1/2 acre lawn and garden each family
Maximum Rate: 0.67 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-5383 was issued by the Department on February 21, 1976, and modified by Permit Amendment T-9767 on August 28, 2007. The permit specified actual construction of the well to begin by February 21, 1975, completion of construction by October 1, 1976, and complete application of water to beneficial use by October 1, 1977. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2018. On September 30, 2019, Pete’s Mountain Water Company submitted an Application for Extension of Time for Permit G-5383. In accordance with OAR 690-315-0050(2), on January 25, 2022, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2038, and the time to fully apply water to beneficial use to October 1, 2038. The protest period closed March 11, 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 of fact in the Proposed Final Order dated January 25, 2022.

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. **Measurement Tube Condition**

The permit holder shall install a dedicated water-level measuring tube on CLAC 50840, deepened under CLAC 52191 (Well 2) by no later than October 1, 2026. The purpose of the tube is to allow unobstructed access for measuring water levels in the borehole. The tube shall be at least 3/4" inch in diameter, and shall extend from the top of the well head to the top of the pump, shall be perforated over at least the lowermost 20 feet, shall be located inside any liners, shall be attached to the pump column, shall be maintained in good working order, and shall be kept free of wire and other obstructions. The diameter, length, and perforated interval of the measurement tube, accompanied by the owner's well name, the permit or certificate number, and the well tag number or the OWRD logid shall be reported in writing to the Department within 30 days of installation or alteration.

If the required dedicated measuring tube is not installed on Well 2 by October 1, 2026, appropriation of water from Well 2 shall be regulated off until the required dedicated measuring tube is installed.

2. **Annual Static Water Level Measurement**

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be

made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The Department may require the discontinuance of groundwater use, or reduce the rate or volume of withdrawal, from the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

3. Benchmark Condition

The permit holder must demonstrate progress towards demonstrating compliance with conditions and diligence in the development of beneficial use of water under the permit. Demonstration of compliance with conditions and diligence in the development of beneficial use of water will be measured by the permit holder demonstrating achievement based on Benchmarks set by the Department, as identified in the Progress Report Forms provided as part of the Checkpoint Condition described in item 5 below. The benchmarks may include, but not limited to, requirements to install dedicated measuring tubes, and monitoring wells, minimum additional connections added to the water system, implementation of a water conservation program,

4. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2026, 2031, and 2036. 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-5478, Permit G-5383, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2018, to October 1, 2038. 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, 2038.

DATED: March 25, 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) #N/A.
 - 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
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**Extension of Time
 Progress Report Form
 For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Pete's Mountain Water Company

Application G-5478

Permit G-5383

Progress Report for 2026

Report Due no later than October 1, 2026

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 perfections of Permit G-5383.

1.

| DATES | BENCHMARKS TO BE ACCOMPLISHED BY OCTOBER 1, 2026 (Failure to achieve benchmarks may result in termination of the extension of time from October 1, 2018, to October 1, 2038) | FINANCIAL INVESTMENT |
|-------|---|----------------------|
| | Install dedicated measuring tube in well CLAC 50840, deepened under CLAC 52191 (Well 2) | |
| | Submit an Application for a Permit Amendment to change the place of use from the expanded service area to the original service area. | |
| | Submit Annual March Static Water Level Measurements for all wells authorized for use under the permit. | |
| | Submittal of Annual Water Use Reports | |

Describe actions take to achieve the above Benchmarks:

2.

| DATES | LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between September 30, 2019, and October 1, 2026 | FINANCIAL INVESTMENT |
|-------|--|----------------------|
| | Number of new service connections: | |
| | | |
| | | |
| | | |

Use back of form if needed

3. Describe actions to achieve compliance with conditions of the permit and/or previous extension.
(Examples: installed a meter, submitted water usage reports, submitted static water level measurements, installed a fish screen, obtained approval for fish screen from ODFW etc.)

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, to date.

Maximum rate used to date = _____ cfs

Maximum Rate per well:

Well 1 _____ Well 2 _____

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 volume totals.

5. Provide the total number of households connected to the water service:

Active Accounts _____; Inactive Accounts _____; Total household connections _____

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.

Signature _____ Date _____

Printed Name/Title _____

Diligence Shown Yes No Date Public Noticed: _____ For OWRD use only Reviewed by: _____ Date: _____