

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

In the Matter of Application for Extension) FINAL ORDER APPROVING AN
of Time for Transfer Application T-7690,) EXTENSION OF TIME
Crook County)

Applicant

SARAH TESKEY
BLUE MOUNTAIN RANCH
PO BOX 14
PAULINA, OR 97751

Authority

OAR 690-380-6020 establishes an application process and criteria for the review of extensions of time for the completion of changes authorized under water right transfer applications.

Findings of Fact

1. On May 30, 2017 the Department received an application for extension of time for Transfer Application T-7690 requesting to extend the completion date from October 1, 2016 to October 1, 2019. This is the third extension request.
2. The Department issued an order approving Transfer Application T-7690 on September 29, 1998. The order was recorded in Special Order Volume 52, Pages 847-852. The order set a transfer completion date of October 1, 1998.
3. Two prior extensions have been granted as follows:
 - A final order approving the first extension request was issued January 23, 2014 (Special Order Volume 77, Pages 811-812) extending the completion date to October 1, 2013. Finding of Fact #4 in the order stated:

“The previous applicant had filed a claim of beneficial use and prematurely applied water with the misunderstanding that fish screens were not required. The current applicant is now finishing evaluations of the diversion point and potential change in place of use, and working with the Oregon Fish and Wildlife Department on selecting and designing the fish screens.”

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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.

- A final order approving the second extension request was issued May 19, 2013 (Special Order Volume 91, Pages 739-740) extending the completion date to October 1, 2016 in order to comply all the terms of the transfer final order T-7690 including the fish screening and bypass condition, and irrigating an additional 194.4 acres.
4. To fully complete the change, the applicant still needs to fully comply with all conditions set for in the final order approving the transfer T -7690 including developing a point of diversion at the new authorized location, satisfying the fish screening and bypass condition, and irrigating the additional 194.4 acres.
 5. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2019.
 6. The Department finds that marginal reasonable diligence was accomplished in the last extension period due to family hardships. The approval of any subsequent extension will be contingent upon demonstration that reasonable additional progress was made towards completing the change.

Conclusions of Law

Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown marginal reasonable diligence to complete the transfer within the time period established by orders approving two prior extensions.

Now, therefore, it is ORDERED:

The time for completion of the changes authorized by Transfer Application T-7690 shall be extended to October 1, 2019, with the condition that this will be the last extension of time granted for Transfer T-7690 unless the applicant demonstrates that reasonable additional progress was made towards completing the change between October 1, 2016 and October 1, 2019.

Dated at Salem, Oregon this 14 day of June, 2017.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director

Mailing date: JUN 19 2017

CC Watermaster #11