

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

In the Matter of Application for Extension) FINAL ORDER APPROVING AN EXTENSION
of Time for Transfer Application T-12175,) OF TIME
Douglas County)

Applicant

OREGON DEPARTMENT OF TRANSPORTATION (ODOT)
Attn: Glen Pederson
REGION 3 - DISTRICT 7
3500 NW STEWART PARKWAY
ROSEBURG, OR 97470

Authority

Oregon Administrative Rules (OAR) 690-380-5140(2) authorizes the Department to grant an extension of time to complete a transfer.

OAR 690-380-6020 establishes an application process and criteria for the review of extensions of time to complete a transfer as authorized by a final order issued under OAR Division 380.

OAR 690-380-6020 (3) establishes that extensions are granted for one year, from October 1 to October 1 of each year. Extensions may be granted for longer time if the applicant can justify the need for a longer period of time by submission of pertinent evidence.

Findings of Fact

1. On October 2, 2019, the Department received an application for extension of time for Transfer Application T-12175.
2. On December 21, 2016, the Department signed an order, which was mailed on December 30, 2016, approving Transfer Application T-12175. The order was recorded in Special Order Volume 103, Pages 578-581. The order set a transfer completion date of October 1, 2019.
3. Since the approval of the transfer, the applicant has removed deficient worker access and repaired bridge structure necessary for the installation of the irrigation system.

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.

4. To fully complete the change, the Oregon Department of Transportation (applicant) needs complete the project according to the following schedule: 2020 - install scaffolding for access, install the irrigation system, and repairing an existing water line; 2021 – install irrigation pumps; 2022 – acquire funding for and construct the irrigation system across the bridge; 2023-2024 – bore under the freeway and connect to irrigation facilities and put water to beneficial use.
5. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2024. Consistent with OAR 690-380-6020, the applicant provided sufficient justification in the extension application to grant an extension for more than one year. Due to the scope of the project, the Department will extend the transfer completion date to October 1, 2024.

Conclusions of Law

Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application T-12175.

Now, therefore, it is ORDERED:

The time for completion of the changes authorized by Transfer Application T-12175 shall be extended to **October 1, 2024**.

Signed at Salem, Oregon on DEC 13 2019


Lisa J. Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: DEC 17 2019