

**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-7145,) OF TIME
Jackson County)

Applicant

15877 N. APPLGATE ROAD LLC
2728 W MAIN ST, #115
MEDFORD, OR 97501

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 September 30, 2020, the Department received an application for a third extension of time for Transfer Application T-7145.
2. On April 7, 2003, the Department issued an order approving Transfer Application T-7145, which was recorded in Special Order Volume 57, Pages 355-361. The order set a transfer completion date of October 1, 2004.
3. On July 29, 2011, the Department signed an order, which was mailed on August 1, 2011, approving the first extension of time. The order was recorded in Special Order Volume 84, Pages 909-910. The order extended the transfer completion date to October 1, 2015.
4. On October 21, 2015, the Department signed an order, which was mailed on October 26, 2015, approving the second extension of time. The order was recorded in Special Order

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.

Volume 98, Pages 147-148. The order extended the transfer completion date to October 1, 2020.

5. Since the approval of the last extension, the applicant has installed pumps, flowmeters, and piping, and irrigated 12 acres.
6. To fully complete the change the applicant's new point of appropriation (POA), a sump, must not exceed a depth of 10 feet in order to meet the well construction standards pursuant to OAR 690 Division 210-0400 (Construction of Dug Wells). There has been a period of 17 years from the issuance of the final order for T-7145 in which to comply with construction standards for a sump, which is more than a reasonable amount of time. In addition, to fully complete the change the applicant needs to irrigate an additional 9.5 acre
7. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2021. Consistent with OAR 690-380-6020(3), the Department will extend the transfer completion date to October 1, 2021.

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-7145.

Now, therefore, it is ORDERED:

The time for completion of the changes authorized by Transfer Application T-7145 shall be extended to **October 1, 2021**.

Signed at Salem, Oregon on NOV 05 2020.



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

Mailing date: NOV 06 2020