

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

In the Matter of a Request for an)	FINAL ORDER APPROVING AN EXTENSION
Extension of Time for Completion of)	OF TIME FOR COMPLETION OF
Allocation of Conserved Water Application)	ALLOCATION OF CONSERVED WATER
CW-107, Douglas County, Oregon)	APPLICATION CW-107

Project Holder of CW-107

OR PH, LLC
PO Box 2542
Redway, CA 95560

Authority

Oregon Administrative Rules (OAR) 690-018-00550(4) establishes the criteria for an allocation of conserved water application.

OAR 690-018-0050(4)(i) specifies the Department shall determine the periods to be allowed for the applicants to file a notice of completion of the conservation measures and to request the allocation be finalized. The time allowed between filing the notice of completion and the conservation measures and the requesting the allocation be finalized shall not exceed five years.

Findings of Fact

1. On December 8, 2021, Ms. Ellie Nickell, on behalf of OR PH, LLC, submitted by email, a request for an extension of time to complete the conservation project described in Allocation of Conserved Water Application CW-107.
2. On July 3, 2019, the Department issued a Final Order of Approval on Completion and of Finalization Allocation of Conserved Water CW-107 and Change in Point of Diversion for Certificate 5033 (Finalization Order), recorded at Special Order Volume 113, Pages 518-526. The Finalization Order required completion of the conservation measures and completion of the point of diversion change by October 1, 2020, consistent with the terms of the Finalization Order.

<p>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.</p>

3. On November 29, 2021, the Department issued an Order on Assignment and Requiring Submission of Claim of Beneficial Use for Applicant's Portion of Conserved Water (Assignment Order), recorded at Special Order Volume 113, Pages 518-526. OR PH, LLC, became the project holder of CW-107.
4. Due to a series of unfortunate events involving the project holder's tenants, the water system that had been set in place was completely destroyed and removed from the property. This resulted in the lack of water usage according to the terms and conditions of CW-107.
5. The original Applicant had diligently worked to complete all the required changes; however, due to the series of unfortunate events that destroyed the water system, the project holder does not anticipate completion of the proposed project until the year 2023.
6. The project holder has requested that the time for completion of the project approved by Allocation of Conserved Water Application CW-107 be extended until 2023. The Department will extend the time for completion to October 1, 2023. The Applicant is not requesting an extension of time to complete beneficial use of the applicant's portion of conserved water.

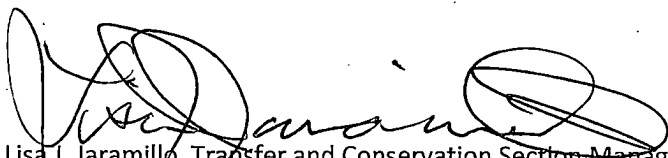
Conclusions of Law

The Department has determined that the Applicant has shown reasonable diligence to complete the conservation project within the time period established by the Order Approving Allocation of Conserved Water CW-107.

Now, therefore, it is ORDERED:

The time for completion of the conservation project approved by the Finalization Order issued on July 3, 2019, shall be extended to October 1, 2023. The deadline of October 1, 2023, for making complete application to the conserved water to beneficial use shall remain as listed in Assignment Order issued on November 29, 2021.

DATED at Salem, Oregon DEC 28 2021



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

Mailing date: DEC 29 2021