

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

In the Matter of a Request for an)
Extension of Time for Completion of)
Allocation of Conserved Water Application)
CW-88, Douglas County, Oregon)

FINAL ORDER APPROVING AN EXTENSION
OF TIME

Applicant

Timothy Foley
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Agent

Nathan Reed, CWRE
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Roseburg, OR 97470
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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 September 14, 2021, Timothy Foley filed a second request for an extension of time to complete the conservation project described in Allocation of Conserved Water Application CW-88.
2. On August 19, 2018, the Department issued Special Order Volume 96, Pages 827-833, approving Allocation of Conserved Water Application CW-88. The Order required the Applicant to file a notice of completion of the conservation measures by June 30, 2020.
3. On November 25, 2020, the Department issued a Final Order Approving an Extension of Time (Extension Order) which extended the deadline for completing the conservation

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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.

measures to September 30, 2021. The Extension Order is recorded in Special Order Volume 118, Pages 114-115.

4. Due to the COVID-19 pandemic, the Applicant has experienced supply difficulties in obtaining the remaining 2500 linear feet of PVC pipe required to complete the conversion to drip irrigation. In addition, the cost volatility of the pipe has caused delays in purchasing large quantities of pipe.
5. The Applicant has diligently worked to complete all of the required changes; however, due to the current COVID-19 pandemic, the Applicant does not anticipate completion of the proposed project until September 30, 2023.
6. The applicant has requested that the time for completion of the project approved by Allocation of Conserved Water Application CW-88 be extended until September 30, 2023. The Applicant is not requesting an extension of time to request finalization of the allocation, which is scheduled for June 30, 2025.

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-88.

Now, therefore, it is ORDERED:

The time for completion of the conservation project approved by Allocation of Conserved Water CW-88, shall be extended to September 30, 2023. The deadline of June 30, 2025, for submitting the Request for Finalization shall remain as listed in the Final Order Approving Allocation of Conserved Water CW-88 issued on August 19, 2015.

DATED SEP 22 2021



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

Mailing date: SEP 23 2021