

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

In the Matter of Application for Extension    )  
of Time for Completion of Allocation of       )  
Conserved Water Application CW-37,         )  
Deschutes Counties, Oregon

FINAL ORDER APPROVING AN  
EXTENSION OF TIME

**Applicant**  
Tumalo Irrigation District  
64697 Cook Avenue  
Bend, OR 97701

**Attorney**  
Carl Hopp, Jr.  
168 N.W. Greenwood  
Bend, OR 97701

**Findings of Fact**

1. On January 24, 2013 the Tumalo Irrigation District filed a request for an extension of time to complete the conservation project described in Allocation of Conserved Water Application CW-37. The District also submitted the \$500.00 fee required by ORS 536.050(1)(k).
2. On December 9, 2005, the Department issued Special Order Volume 67, Pages 509 through 517, approving Allocation of Conserved Water Application CW-37. The Order required the Applicant to file a notice of completion of the conservation measures by October 31, 2015, or request an extension of time.
3. On June 25, 2008 the Department issued an order finalizing the first increment of CW-37 as recorded at Special Order Volume 75, Pages 202 through 206.
4. On February 28, 2012 the Department issued an order finalizing the second increment of CW-37 as recorded at Special Order Volume 87, Pages 99 through 104.
5. The Applicant has completed work on approximately 9,562 feet out of the 32,617 feet (approximately 6 miles) of the conservation project approved by CW-37; however, completion of the project will require the District to pipe approximately 23,000 feet (approximately 4.4 miles) of currently open ditch.

This is a final order in other than 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 either 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.

6. The Applicant has diligently worked to complete all of the required changes; however, due to severe economic hardship the Applicant does not anticipate completion of the proposed project until October 31, 2025.
7. The applicant has requested that the time for completion of the project approved by Allocation of Conserved Water Application CW-37 be extended until October 31, 2025.

**Conclusions of Law**

Pursuant to OAR 690-380-6020, 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-37.

**Now, therefore, it is ORDERED:**

The time for completion of the conservation project approved by Allocation of Conserved Water CW-37, shall be extended to October 1, 2025.

  
Dwight French, Water Rights Services Administrator *for*  
Phillip C. Ward, Director

Mailing date: FEB 11 2013