

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

In the Matter of Application for Extension)
of Time for Transfer Application T-11926,)
Marion County)

FINAL ORDER APPROVING AN
EXTENSION OF TIME

Applicant

DITCHEN BERRY FARM, LLC
9712 NUSOM RD NE
SILVERTON, OR 97381

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 (2) establishes that extensions are granted for one year, from October 1 to October 1 of each year.

Findings of Fact

1. On July 12, 2018, the Department received an application for extension of time for Transfer Application T-11926.
2. On September 17, 2015, the Department signed an order, which was mailed on September 22, 2015, approving Transfer Application T-11926. The order was recorded in Special Order Volume 96, Pages 933-934. The order set a transfer completion date of October 1, 2018.
3. Since the approval of the transfer, the applicant has drilled for a well, however, the well was dry and consequently abandoned. A geo-hydrologist has been hired to locate the best area for a second well attempt.
4. To fully complete the change, the applicant must drill a well, drawn from the same aquifer as the original point of appropriation, and use the water beneficially.

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.

5. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2022. However, according to the extension of time request the construction of the well will be completed prior to October 1, 2019. Thus, the Department is approving the extension until October 1, 2019.

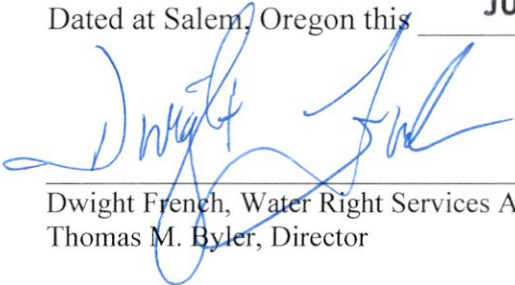
Conclusions of Law

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-11926.

Now, therefore, it is ORDERED:

The time for completion of the changes authorized by Transfer Application T-11926 shall be extended to **October 1, 2019**.

Dated at Salem, Oregon this **JUL 19 2018** .



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director

Mailing date: **JUL 20 2018**