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
Allocation of Conserved Water Application)	
CW-88, Douglas County, Oregon)	

Applicant

Timothy Foley 429 Country Hill Drive Roseburg, OR 97471 mach1llc@msn.com

Agent

Nathan Reed, CWRE 1113 SE Cass Avenue Roseburg, OR 97470 nreed68@hotmail.com

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 November 23, 2020, Timothy Foley filed a 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. The Applicant has completed work on approximately 80% of the conversion to drip irrigation, which included building a pond and associated plumbing.

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.

- 4. The Applicant has diligently worked to complete all of the required changes; however, due to health issues and the current COVID-19 pandemic, the Applicant does not anticipate completion of the proposed project until September 30, 2021.
- 5. 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, 2021. The Applicant is not requesting an extension of time to request finalization of the allocation.

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, 2021. 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 this <u>25</u> day of November 2020.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for

THOMAS M. BYLER, DIRECTOR

Oregon Department of Water Resources

Mailing date: by e-mail November 25, 2020