

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

In the Matter of Application for Extension)
of Time for Transfer of Water Right)
T-10427, Umatilla County, Oregon)

FINAL ORDER APPROVING AN
EXTENSION OF TIME

Applicant

CRAIG COLEMAN
33896 E WALLS ROAD
HERMISTON, OR 97838

Receiving Landowner

FLYING J INC.
1104 COUNTRY HILLS DRIVE
OGDEN, UTAH 84403

Findings of Fact

1. On September 25, 2009, the Department received an application for extension of time for transfer of water right T-10427 from Flying J Inc.
2. The Water Resources Department issued an order approving Transfer Application T-10427 in the name of Craig Coleman and the receiving landowner in the name of Flying J Inc., on March 25, 2008. The order was recorded in Special Order Volume 74, at Page 424. The order set a transfer completion date of October 1, 2009.
3. The applicant has been pursuing the final land use approval to proceed with the water development under the transfer order. The County's land use approval was subjected to appeal by opponents, and Flying J was and remains unable to complete the changes under the transfer order until final land use approval on remand to the County is secured.
4. To fully complete the change, it will be necessary for the applicant to install a new well at the new point of appropriation and put the water to beneficial use as part of the planned truck plaza once final land use approval is secured.
5. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2012, to allow sufficient time for the land use approval to be secured, and the truck plaza to be fully constructed, and water to be put to beneficial use as part of the truck plaza's operation.

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.

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-10427.

Now, therefore, it is ORDERED:

The time for completion of beneficial use authorized by T-10427 shall be extended to October 1, 2012.

Dated at Salem, Oregon this 29th day of September, 2009



Phillip C. Ward, Director

Mailing date: OCT 01 2009