

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

In the Matter of Application for Extension)
of Time for Transfer of Water Right)
Authorized by T-8239, Klamath County,)
Oregon)

FINAL ORDER APPROVING AN
EXTENSION OF TIME

Applicant

Kenneth & Connie Masten
4550 Burgdorf Road
Bonanza, Oregon 97623

Findings of Fact

1. On November 30, 2004, the Department received an application for extension of time for transfer of water right from Kenneth & Connie Masten.
2. The Water Resources Department issued an order approving Transfer Application T-8239 on August 21, 2002. The order was recorded in Special Order Volume 56, at Page 858. The order set a transfer completion date of October 1, 2003, and the date for submission of a claim of beneficial use as October 1, 2004.
3. The Water Resources Department also issued an order on November 2, 2004. The order was recorded in Special Order Volume 62, Page 114. This order was correcting an error on Special Order Volume 56, Page 858.
3. The applicant requested an extension of time because they have not begun construction of the fish screen. The applicant has spoken to the Department of Fish & Wildlife about the fish screen.
4. The applicant has irrigated 168.1 acres of the water right.

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-8239.

Now, therefore, it is ORDERED:

The time for completion of the change in point of diversion, authorized by T-8239 shall be extended to October 1, 2005.

Dated at Salem, Oregon this 20th day of January 2005



for Phillip C. Ward, Director

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