

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

In the Matter of Extension of Time) FINAL ORDER APPROVING AN
Application for Transfer T-9454,) EXTENSION OF TIME
Morrow County.)

Authority

OAR 690-380-6020 establishes an application process and criteria for the review of extensions of time for the completion of changes authorized under water right transfers.

Transfer Applicant

EMERT RANCHES, INC.
C/O JOSEPH MCELLIGOTT
PO BOX 4
IONE, OR 97843

Findings of Fact

1. On December 4, 2014, the Department received an application for extension of time for water right Transfer Application T-9454 from Joe McElligott, on behalf of Emert Ranches, Inc.
2. The Water Resources Department issued an order approving Transfer Application T-9454 in the name of Emert Ranches, Inc. c/o Joseph McElligott, on August 11, 2004. The order was recorded in Special Order Volume 61, at Page 181. The order set a transfer completion date of October 1, 2005.
3. On December 15, 2008, the Department received an application for extension of time for water right transfer application T-9454.
4. The Water Resources Department issued an order approving the extension of time for water right Transfer Application T-9454 on December 26, 2008. The order was recorded in Special Order Volume 76, at Page 872. The order set the completion date of October 1, 2014.
5. The applicant has spent \$55,000 making the changes as authorized in the order approving the transfer and all the acres have been irrigated at the new place of use and from the new points of diversion.

This is a final 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.

6. The applicant had previously been unable to procure the assistance of representatives of the Oregon Department of Fish and Wildlife to meet fish screen requirements for the new points of diversion.
7. The applicant is currently working with ODFW in developing a plan for fish screen placement.
8. To fully complete the change, it will be necessary for the applicant to install fish screens and flow control infrastructure on the new points of diversion.
9. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2025.

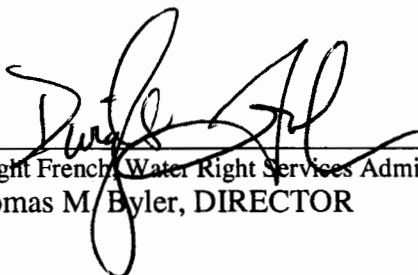
Conclusions of Law

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-9454 and the requested time is reasonable.

Now, therefore, it is ORDERED:

The time for completion of beneficial use authorized by T-9454 shall be extended to October 1, 2025.

Dated at Salem, Oregon this 3 day of March, 2015



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

Mailing date: MAR 04 2015