

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

In the Matter of Application for Extension) FINAL ORDER APPROVING AN
of Time for Transfer of Water Right) EXTENSION OF TIME
T-10618, Marion County, Oregon)

Applicant

KELLY FARMS, INC.
22111 RIVER ROAD NE
SAINT PAUL, OR 97137

Findings of Fact

1. The Water Resources Department issued an order approving Transfer Application T-10618 in the name of Kelly Farms, Inc. on December 19, 2008. The order was recorded in Special Order Volume 76, at Page 921. The order set a transfer completion date of October 1, 2010.
2. On September 30, 2010, the Department received an application for extension of time for transfer of water right T-10618 from Tom Kelly, Vice President of Kelly Farms, Inc.
3. The applicant has completed the construction of Well #3, installed a pump and connected Well #3 to the existing irrigation system. Well #3 has been used together with the existing wells for irrigation of 286.4 acres affected by the transfer.
4. To fully complete the change, it will be necessary for the applicant to construct Well #4 and Well #5, install pumps in the wells and connect the wells to the existing irrigation system. The applicant has faced financial limitations.
5. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2015.

Conclusions of Law

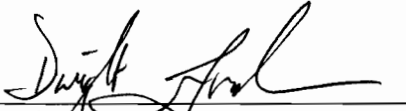
Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application T-10618.

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.

Now, therefore, it is ORDERED:

The time for completion of beneficial use authorized by T-10618 shall be extended to October 1, 2015.

Dated at Salem, Oregon this 6th day of October, 2010



Dwight French for
PHILLIP C. WARD, DIRECTOR

Mailing date: OCT 08 2010