

**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-8805, Wallowa County, Oregon             )

**Applicant**

James A. Smejkal  
42142 NW Palace Drive  
Banks, Oregon 97106

**Findings of Fact**

1. On September 30, 2005, the Department received an application for extension of time for transfer of water right T-8805 from James A. Smejkal, landowner.
2. The Water Resources Department issued an order approving Transfer Application T-8805 in the name of James A. Smejkal on August 9, 2004. The order was recorded in Special Order Volume 61, at Page 10. The order set a transfer completion date of October 1, 2005, and the date for submission of a claim of beneficial use as October 1, 2006.
3. The proposed changes in use, place of use and point of diversion have been completed according to the terms and conditions of the final order. However, to fully complete beneficial use, the applicant will need to install a measuring device and fish screen. The completion of the project has been delayed due to time constraints and initial misunderstanding of the final order approving the transfer.
4. The landowner has requested that the time for completion of beneficial use be extended to October 1, 2006.

**Conclusions of Law**

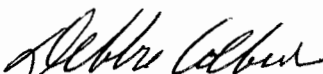
Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application T-8805.

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-8805 shall be extended to October 1, 2006.

Dated at Salem, Oregon this 6<sup>th</sup> day of October, 2005

*for*   
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Phillip C. Ward, Director

Mailing date: 10-10-2005