

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

In the Matter of Application for Extension)
of Time for Transfer Application T-8681,)
Union County) **FINAL ORDER APPROVING AN EXTENSION
OF TIME**

Applicant

FRED WALLENDER
65228 AIRPORT LANE
LA GRANDE, OR 97850

Authority

Oregon Administrative Rules (OAR) 690-380-5140(2) authorizes the Department to grant an extension of time to complete a transfer.

OAR 690-380-6020 establishes an application process and criteria for the review of extensions of time to complete a transfer as authorized by a final order issued under OAR Division 380.

OAR 690-380-6020 (3) establishes that extensions are granted for one year, from October 1 to October 1 of each year. Extensions may be granted for longer time if the applicant can justify the need for a longer period of time by submission of pertinent evidence.

Findings of Fact

1. On May 20, 2003, the Department signed an order, which was recorded in Special Order Volume 57, Pages 634-637 approving Transfer T-8681. The order set a transfer completion date of October 1, 2003.
2. A claim of beneficial use was submitted on January 7, 2005.
3. On April 2, 2019 the transfer holder of record was notified by the Department that a transfer extension of time was needed to comply with all transfer conditions.
4. On April 22, 2019, the Department received an application for extension of time for Transfer Application T-8681.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an 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.

5. Since the approval of the transfer, the applicant installed a pump, meter and fish screen at the additional point of diversion on Ladd Creek.
6. To fully complete the change, the applicant needs to install a weir at the direction of the watermaster on Ladd Creek during a period of sufficiently low flows.
7. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2024. The applicant provided sufficient justification in the extension application to grant an extension for only three years. Consistent with OAR 690-380-6020(3), the Department will extend the transfer completion date to October 1, 2022 to allow for three seasons for the occurrence of period of sufficiently low flows necessary for weir installation.

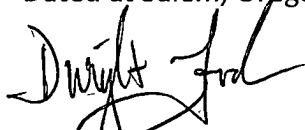
Conclusions of Law

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-8681.

Now, therefore, it is ORDERED:

The time for completion of the changes authorized by Transfer Application T-8681 shall be extended to **October 1, 2022**.

Dated at Salem, Oregon on JUN 03 2019.



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

Mailing date: JUN 04 2019