

**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-8966, Jackson County, Oregon             )

**Applicant**

Philip & Merrell Schwimmer  
501 Little Applegate Road  
Jacksonville, OR 97530

**Findings of Fact**

1. On January 20, 2009, the Department received an application for extension of time for transfer of water right T-8966 from Philip and Merrell Schwimmer.
2. The Water Resources Department issued an order approving Transfer Application T-8966 in the name of Philip and Merrell Schwimmer, on September 8, 2004. The order was recorded in Special Order Volume 61, at Page 415. The order set a transfer completion date of October 1, 2005.
3. The applicant has completed the construction of the additional point of diversion and completion of application of water to beneficial use.
4. Completion of the change was not accomplished within the time prescribed on the order. An extension of the time to complete the project is necessary for the applicant to fully comply with the terms of the order approving the transfer.
5. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2008.

<p>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.</p>
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**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-8966.

**Now, therefore, it is ORDERED:**

The time for completion of beneficial use authorized by T-8966 shall be extended to October 1, 2008.

Dated at Salem, Oregon this 20<sup>th</sup> day of February, 2009

  
for Phillip C. Ward, Director

Mailing date: FEB 25 2009