

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

In the Matter of Application for Extension     )  
of Time for Transfer Application T-10239,     )  
Wasco County                                     )

FINAL ORDER APPROVING AN  
EXTENSION OF TIME

**Applicant**

¾ CIRCLE A RANCH  
4120 RIVER ROAD  
THE DALLES, OR 97058

**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 (2) 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 December 5, 2017, the Department received an application for extension of time for Transfer Application T-10239.
2. On June 12, 2008, the Department signed an order, which was mailed on June 20, 2008, approving Transfer Application T-10239. The order was recorded in Special Order Volume 75, Pages 61-65. The order set a transfer completion date of October 1, 2009.
3. On February 17, 2011, the Department signed an order, which was mailed on February 22, 2011, approving an extension of time to complete the transfer to October 1, 2013.
4. Since the approval of the transfer, the applicant has completed the construction of the pump and has run power to the site. The applicant is working with Oregon Fish and Wildlife Department on selecting and designing the fish screens or by-pass structure for the site. Since the approval of the last extension of time, the applicant has met with the Oregon Department of Fish and Wildlife to further discuss fish screen/by-pass structure designs.

**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. To fully complete the change, the applicant needs to install a measuring device and fish screen and/or by-pass, and irrigate the land covered in the final order.
6. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2022. The Department is approving the request for longer than one year due to the difficult nature of fashioning a screening device that will accommodate the flow conditions on the White River.

**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-10239.

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

The time for completion of the changes authorized by Transfer Application T-10239 shall be extended to **October 1, 2022**.

Dated at Salem, Oregon this 22 day of December, 2017.

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

Mailing date: JAN 05 2017