

**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 Application T-9376,    )    EXTENSION OF TIME  
Marion County

**Applicant**

RAINBOW ORCHARDS VIII, LLC  
MIKE SMITH  
PO BOX 11089  
TERRA BELLA, CA 93270

**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.

**Findings of Fact**

1. On July 11, 2018, the Department received an application for extension of time for Transfer Application T-9376.
2. On April 10, 2008, the Department signed an order, which was mailed on April 15, 2008, approving Transfer Application T-9376. The order was recorded in Special Order Volume 74, Pages 545 - 548. The order set a transfer completion date of October 1, 2009.
3. Since the approval of the transfer, the applicant purchased the property appurtenant to lands involved in T-9376. The applicant at time of purchase was under the impression that the water rights were in order. The applicant has contacted the certified water rights examiner and the local Watermaster. The applicant has started construction for the change in point of diversion, and has communicated with ODFW, to ensure installation of an approved fish screening device.

**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.

4. To fully complete the change, the applicant must complete construction and apply the water beneficially.
5. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2019.

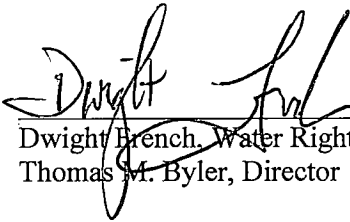
**Conclusions of Law**

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-9376.

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

The time for completion of the changes authorized by Transfer Application T-9376 shall be extended to **October 1, 2019**.

Dated at Salem, Oregon this SEP 19 2018.



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

Mailing date: SEP 20 2018