

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

In the Matter of Extension of Time                 )     **FINAL ORDER APPROVING AN**  
Application for Transfer T-10677,                 )     **EXTENSION OF TIME**  
Umatilla County                                     )

**Authority**

OAR 690-380-6020 establishes an application process and criteria for the review of extensions of time for the completion of changes authorized under water right transfers.

**Applicant**  
Mark Unger  
33540 SW Unger Rd  
Cornelius, OR 97113

**Agent**  
Stuntzner Engineering and Forestry, LLC  
Attn – Dylan Hitner  
2137 19<sup>th</sup> Ave.  
Forest Grove, OR 97116

**Findings of Fact**

1. On October 9, 2013, the Department received an application for extension of time for water right Transfer Application T-10677 from Mark Unger.
2. The Water Resources Department issued an order approving Transfer Application T-10677 on September 15, 2009. The order was recorded in Special Order Volume 78, at Pages 906 – 909. The order set a transfer completion date of October 1, 2010.
3. On April 15, 2011, the Department issued an order approving an extended time for completion of beneficial use authorized by Transfer Application T-10677 to October 1, 2013.
4. The applicant has worked to develop an irrigation system for the place of use. The applicant applied for additional water rights with the Department but was denied on November 15, 2011. In the summer of 2012, the applicant pursued the installation of a power source near the new point of diversion and cleared the pump site and installed a platform. The applicant was informed by Portland General Electric would install the power source the summer of 2013. In September 2013, the power source still has not been installed however, there are indications that the power source will be installed soon.

<p>This is a final 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.</p>
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5. To fully accomplish the change the applicant must have Portland General Electric install the power so, install a new pump and suction, install above ground irrigation pipes and overhead sprinklers, a measurement device and apply water to beneficial use.
6. The applicants have requested that the time for completion of beneficial use be extended to October 1, 2016.

**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-10677 and the requested time is reasonable.

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

The time for completion of beneficial use authorized by Transfer Application T-10677 shall be extended to October 1, 2016.

Dated at Salem, Oregon this 22 day of October, 2013.

  
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Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

Mailing date:           OCT 28 2013