

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

In the Matter of Application for Extension)
of Time for Transfer of Water Right)
Authorized by T-9287, Marion County,)
Oregon)

FINAL ORDER APPROVING AN
EXTENSION OF TIME

Applicant

D & D Frank Family LLC
Drawer 79
Mill City, OR 97360

Findings of Fact

1. On September 15, 2008, the Department received an application for extension of time for transfer of water right from Dennis Frank of D & D Frank Family LLC.
2. The Water Resources Department issued an order approving Transfer Application T-9287 on April 23, 2003. The order was recorded in Special Order Volume 57, at Page 503. The order set a transfer completion date of October 1, 2004, and the date for submission of a claim of beneficial use as October 1, 2005.
3. The Water Resources Department issued an order approving an extension of time dated September 21, 2004. The order was recorded in Special Order Volume 61, Page 583. The order set a transfer completion date of October 1, 2008.
4. The applicant has constructed both Wells #6 and #7. A pump has been installed in Well #7 and it is piped into the irrigation system.
5. The applicant has requested another extension because they are unable to develop the additional point of appropriation by the completion date. A pump must be installed in Well #6 and piped into the irrigation system. The Department's ground water section has a water stage recorder installed in Well #6 and is monitoring ground water conditions in that area.
6. The applicant requests an extension until October 1, 2018, to complete construction.

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.

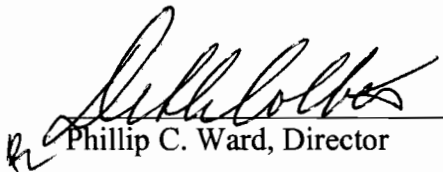
Conclusions of Law

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-9287.

Now, therefore, it is ORDERED:

The time for completion of beneficial use authorized by T-9287 shall be extended to October 1, 2018.

Dated at Salem, Oregon this 15th day of October, 2008


Phillip C. Ward, Director

Mailing date: OCT 16 2008