

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

In the Matter of Application for Extension) FINAL ORDER APPROVING AN EXTENSION
of Time for Transfer Application T-11843,) OF TIME FOR A PERMANENT TRANSFER
Umatilla County)

Applicant

Steve and Patricia Malcom
70831 Schroeder Dr.
Pendleton, OR 97801

Applicant

Robert and Trina Merriman
4207 SW Sheridan
Pendleton, OR 97801

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 (3) 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 June 11, 2015, the Department signed an order, which was mailed on June 18, 2015, approving Transfer Application T-11843 to change in point of appropriation. The order was recorded in Special Order Volume 96, Pages 182-187. The order set a transfer completion date of October 1, 2018.
2. On December 11, 2018, the Department signed an order, which was mailed on December 12, 2018, approving an extension of time. The order was recorded in Special Order Volume 112, Pages 34-35. The order extended the transfer completion date to October 1, 2020.
3. On June 17, 2022, the Department received a second application for extension of time for Transfer Application T-11843.

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. Since the approval of the first extension of time, the applicant has drilled the well and installed the pump and has irrigated a portion of the proposed place of use.
5. To fully complete the change, the applicant needs to install an additional irrigation pipe to finish irrigating the entire proposed place of use.
6. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2024. The applicant did not provide sufficient justification in the extension application to grant an extension for more than one year. Consistent with OAR 690-380-6020(3), the Department will extend the transfer completion date to October 1, 2023.

Conclusions of Law

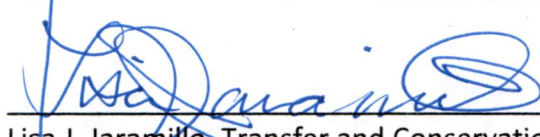
Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application T-11843.

Now, therefore, it is ORDERED:

The time for completion of the changes authorized by Transfer Application T-11843 shall be extended to **October 1, 2023**.

AUG 10 2022

Signed at Salem, Oregon on _____.



Lisa J. Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: **AUG 11 2022** _____