

**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-10618,) EXTENSION OF TIME
Marion County)

Applicant

Kelly Farms, Inc.
2211 River Road NE
Saint Paul, OR 97137

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 transfer applications.

Findings of Fact

1. On May 18, 2016, the Department received an application for extension of time for Transfer Application T-10618.
2. The Department issued an order approving Transfer Application T-10618 on December 19, 2008. The order was recorded in Special Order Volume 76, Pages 921-928. The order set a transfer completion date of October 1, 2010.
3. An extension of time was requested and approved on September 30, 2010. The order was recorded in Special Order Volume 82, pages 23-24. The order set an extended completion date of October 1, 2015.
4. The applicant has completed construction of Well #3, installed a pump and connected Well #3 to the existing irrigation system. Well #3 has been used together with the existing wells for irrigation of 286.4 acres affected by the transfer. The applicant was unable to complete the changes due to financial limitations.
5. To fully complete the change, it will be necessary for the applicant to construct Well #4 and Well #5, installs pumps, connect the wells to the existing irrigation system and irrigate 286.4 acres from all five wells.
6. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2022.

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.


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-10618.

Now, therefore, it is ORDERED:

The time for completion of the changes in place of use authorized by Transfer Application T-10618 shall be extended to October 1, 2022.

Dated at Salem, Oregon this 31 day of May, 2016.



Dwight French, Water Right Services Administrator, *for*
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: JUN 07 2016