

**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-8963,) **EXTENSION OF TIME**
Jackson County, Oregon)

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

JAMES A. ARMSTRONG
475 LITTLE APPLGATE RD.
JACKSONVILLE, OR 97530

Findings of Fact

1. The Water Resources Department issued an order approving Transfer Application T-8963 in the name of James A. Armstrong, on September 8, 2004. The order was recorded in Special Order Volume 61, at Pages 424-426. The order set a transfer completion date of October 1, 2005.
2. On January 20, 2009, the Department received an application for extension of time for transfer of water right T-8963 from Jim (James) Armstrong.
3. The applicant had completed the development of the plans and the budget for the project. The application for the grants had been submitted and approved and the applicant was waiting for the process of the grant funding to be issued. The applicant requested that the time for completion of beneficial use be extended to October 1, 2010.
4. On February 24, 2009, the Department approved an extension of time for transfer of water right T-8963 from Jim (James) Armstrong. The order was recorded in Special Order Volume 77, at Page 314. The order set a transfer completion date of October 1, 2010.
5. On October 10, 2010, the Department received an application for a second extension of time for transfer of water right T-8963 from Jim (James) Armstrong, requesting the completion date be extended to October 1, 2011, because funds had not yet been delivered.

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.

6. On October 12, 2010, the Department approved an extension of time. The order was recorded in Special Order Volume 82, Pages 82-83, extending the completion date to October 1, 2011.
7. On March 5, 2012, the Department received an application for a third extension of time for water right transfer T-8963 from Jim Armstrong, applicant.
8. The applicant has completed installation of mainline risers, pump, foot valve and the electrical panel, but the delay in obtaining funding, awarding and completion of contract work prevented him from finishing the irrigation system and putting the water to beneficial use by the deadline.
9. To fully complete the change, it will be necessary for the applicant to install wheel lines, plant a crop and put the water to beneficial use, and also submit a time-limited transfer to instream use for fisheries enhancement, along with the Claim of Beneficial Use.
10. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2013.
11. On November 6, 2013, the Department received an application for the fourth extension of time for water right transfer T-8963 from James Armstrong, applicant.
12. The applicant has installed the fish screen and main pipeline. The on-farm equipment was purchased, and a total of 40.92 acres were irrigated. However, the irrigation occurred a few days after the October 1, 2013 deadline.
13. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2014.


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-8963 and subsequent extension orders. The additional requested time is reasonable.

Now, therefore, it is ORDERED:

The time for completion of beneficial use authorized by T-8963 shall be extended to October 1, 2014.

Dated at Salem, Oregon this 23 day of January, 2014.


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

Mailing date: JAN 27 2014