

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

In the Matter of Application for Extension)
of Time for Transfer of Water Right)
T-9454, Morrow County, Oregon)

FINAL ORDER APPROVING AN
EXTENSION OF TIME

Applicant

EMERT RANCHES, INC.
C/O JOSEPH MCELLIGOTT
PO BOX 4
IONE, OR 97843

Findings of Fact

1. On December 15, 2008, the Department received an application for extension of time for transfer of water right T-9454 from Emert Ranches, Inc. c/o Joseph McElligott.
2. The Water Resources Department issued an order approving Transfer Application T-9454 in the name of Emert Ranches, Inc. c/o Joseph McElligott, on August 11, 2004. The order was recorded in Special Order Volume 61, at Page 181. The order set a transfer completion date of October 1, 2005.
3. The applicant has spent \$55,000 making the changes as authorized in the order approving the transfer and all the acres have been irrigated at the new place of use and from the new points of diversion.
4. To fully complete the change, it will be necessary for the applicant to install fish screens as required in the approving order. The applicant was unable to complete the change due to failed attempts to meet with representatives of the Fish and Wildlife Department for assistance and requirements.
5. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2014.

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-9454.

Now, therefore, it is ORDERED:

The time for completion of beneficial use authorized by T-9454 shall be extended to October 1, 2014.

Dated at Salem, Oregon this 26th day of December, 2008



a Phillip C. Ward, Director

Mailing date: JAN 02 2009