

**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-10968, Lane County,)
Oregon)

FINAL ORDER APPROVING AN
EXTENSION OF TIME

Applicant

Morse Bros., Inc.
dba Knife River, an MDU Resources Company
Attn: Jeff Steyaert
32260 Old Highway 34
Tangent, OR 97389

Findings of Fact

1. On June 2, 2014, the Department received an application for extension of time for transfer of water right from Morse Bros., Inc., dba Knife Rifer, and MDU Resources Company, landowner.
2. The Water Resources Department issued an order approving Transfer Application T-10968 on August 16, 2011. The order was recorded in Special Order Volume 85, at Page 199. The order set a transfer completion date of October 1, 2012, and the date for submission of a claim of beneficial use as October 1, 2013.
3. The applicant asserts 1) poor economic conditions created reduced local demand for crushed rock; 2) stream restoration work conducted by the City of Springfield reduced the amount of water available from the source; and 3) the new fish-screened intake required modification of the pump intake location. The applicant asserts that governmental actions associated with the completing the pump intake installation caused delays in having the water system operational by the October 1, 2012 deadline.
4. The landowner has requested the time for completion of the changes in point of diversion, place of use, and character of use be extended to October 1, 2019, to allow time to use the full authorized rate of 1.3 cfs.

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-10968.

Now, therefore, it is ORDERED:

The time for completion of the changes in the point of diversion and additional points of diversion, authorized by T-10968 shall be extended to October 1, 2019.

Dated at Salem, Oregon this 18 day of August, 2014



Dwight French, Water Right Services Administrator, for
DIRECTOR
OREGON WATER RESOURCES DEPARTMENT

Mailing date: **AUG 19 2014**