

**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-9373, Linn County, Oregon)

FINAL ORDER APPROVING AN
EXTENSION OF TIME

Applicant

City of Albany, Oregon
333 Broadalbin Street SW
Albany, Oregon 97321

Findings of Fact

1. On January 27, 2009, the Department received an application for extension of time for transfer of water right T-9373 from Jeff Blaine for the City of Albany, Oregon.
2. The Water Resources Department issued an order approving Transfer Application T-9373 in the name of City of Albany, on August 26, 2005. The order was recorded in Special Order Volume 66, at Page 127. The order set a transfer completion date of October 1, 2006.
3. The Water Resources Department issued an order approving an extension of time dated April 20, 2006. The order was recorded in Special Order Volume 68, at Page 286. The order set a transfer completion date of October 1, 2007.
4. The Water Resources Department issued an order approving an extension of time dated March 15, 2007. The order was recorded in Special Order Volume 71, at Page 355. The order set a transfer completion date of October 1, 2008.
5. The Water Resources Department issued an order approving an extension of time dated March 7, 2008. The order was recorded in Special Order Volume 74, at Page 333. The order set a transfer completion date of October 1, 2009.
6. The applicant has completed construction on five out of the six diversion structures. Additionally, construction has been completed on the downstream metering station for

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| <p>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.</p> |
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Cathey Canal. The applicant has also initiated the design for the sixth and final diversion site.

7. To fully complete the change, it will be necessary to accomplish finalizing of the design and complete the construction of the sixth and final diversion point.
8. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2010.

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-9373.

Now, therefore, it is ORDERED:

The time for completion of beneficial use authorized by T-9373 shall be extended to October 1, 2010.

Dated at Salem, Oregon this 10th day of February, 2009


for Phillip C. Ward, Director

Mailing date: FEB 18 2009