

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

In the Matter of Extension of Time) FINAL ORDER APPROVING AN
Application for Transfer Application) EXTENSION OF TIME
T-10955, Columbia 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

PORTLAND GENERAL ELECTRIC CO.
ATTN: RICK TETZLOFF
121 SW SALMON ST
PORTLAND, OR 97204

OREGON DEPARTMENT OF ENERGY
ATTN: CHRIS GREEN, SITING ANALYST
625 MARION STREET NE
SALEM, OR 97301-3737

Findings of Fact

1. On March 7, 2013, the Department received an application for extension of time for water right transfer T-10955 from Portland General Electric Co., the transfer applicant, pursuant to finding 1.4 of the Certificate Holder's Request for Ninth Amendment to the Site Certificate for the Port Westward Generating Project.
2. The Water Resources Department issued an order approving Transfer Application T-10955, in the name of Portland General Electric Co., on April 27, 2010. The order was recorded in Special Order Volume 80, at Page 763. The order set a transfer completion date of October 1, 2014.
3. The applicant has completed preparation of PGE's Integrated Resource Plan (IRP) and request for proposals (RFP) and these have been acknowledged by the OPUC. PGE has established its reasonable diligence by its diligent pursuit of OPUC approval of the IRP, its preparation of the RFP, its prompt issuance of the RFP upon OPUC approval, and its inclusion of Unit 2 in the competitive RFP process. However, Section 1.6.2 of the Amendment Request states that the Certificate Holder has been unable to fully complete the changes by the deadline because the Certificate Holder (PGE) cannot construct and operate Unit 2 of the Port Westward Generating Project unless and until its bid is selected in the RFP.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

4. To fully complete the changes, it will be necessary to select a final bid and then construct the project (which is expected to take approximately two years).
5. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2015, in conjunction with the Certificate Holder's Request for Ninth Amendment to the Site Certificate for the Port Westward Generating Project, which requests to amend Condition D.13(11)(e) of the Site Certificate as follows:

"The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, ~~2014~~ 2015. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the Certificate Holder to the Department within one year after the deadline for completion of the changes and full beneficial use of the water."

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-10955 and the requested time is reasonable.

Now, therefore, it is ORDERED:

The time for completion of beneficial use authorized by T-10955, in OWRD's Special Order Volume 80, at Page 763 shall be extended to October 1, 2015, in concurrence with the proposed change to the Certificate Holder's Request for Ninth Amendment to the Site Certificate for the Port Westward Generating Project, which requests to amend Condition D.13(11)(e) of the Site Certificate.

Dated at Salem, Oregon this 3 day of April, 2013.


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

Mailing date: APR 05 2013