

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

In the Matter of Application for Extension)
of Time for Transfer Application T-12160,) FINAL ORDER APPROVING AN
Clackamas County) EXTENSION OF TIME

Applicant

OREGON DEPARTMENT OF FISH AND WILDLIFE
4034 FAIRVIEW INDUSTRIAL DR SE
SALEM, OR 97302

Authority

Oregon Administrative Rules (OAR) 690-380-5140(2) authorizes the Department to grant an extension of time to complete a transfer.

OAR 690-380-6020 establishes an application process and criteria for the review of extensions of time to complete a transfer as authorized by a final order issued under OAR Division 380.

OAR 690-380-6020 (2) establishes that extensions are granted for one year, from October 1 to October 1 of each year. Extensions may be granted for longer time if the applicant can justify the need for a longer period of time by submission of pertinent evidence.

Findings of Fact

1. On April 26, 2018, the Department received an application for extension of time for Transfer Application T-12160.
2. On July 18, 2016, the Department signed an order, which was mailed on July 20, 2016, approving Transfer Application T-12160. The order was recorded in Special Order Volume 101, Pages 425 - 429. The order set a transfer completion date of October 1, 2017.
3. Since the approval of the transfer, the applicant has not started construction, as they are waiting for jurisdictional permitting.
4. To fully complete the change, the applicant must install a gravity flow intake, and a fish screen on the Clackamas River at Estacada Lake near Rivermill Dam.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an 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.

5. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2023. The Department is approving the request for longer than one year due to the applicant awaiting jurisdictional permitting.

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-12160.

Now, therefore, it is ORDERED:

The time for completion of the changes authorized by Transfer Application T-12160 shall be extended to **October 1, 2023**.

Dated at Salem, Oregon this MAY 25 2018



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director

Mailing date: MAY 29 2018