

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

In the Matter of Application for Extension)	FINAL ORDER APPROVING AN
of Time for Transfer of Water Right)	EXTENSION OF TIME
T-9373, Linn County, Oregon)	

Applicant

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

Findings of Fact

1. On January 14, 2008, 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 applicant has completed construction on two diversion structures. The design was completed on three additional diversion projects and submitted to the Department of State Lands and the US Army Corps of Engineers for permitting. The US Army Corps of Engineers would not issue permits for the three projects as proposed, therefore the applicant started a re-design on the diversions. One re-design was completed and bid for construction. Once construction was initiated, poor soil conditions halted work and forced another re-design which is currently under way. Re-design of the remaining structures should be

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.

initiated in the coming months. Additionally, through working with the Department Watermaster, it was determined that a downstream metering station will be required on the Cathey Canal diversion. This work should be completed in the coming months as well.

6. The applicant has anticipated that at least four of the six diversion sites will be completed by the current approved time of completion. The applicant is evaluating alternatives and conducting property negotiations for the fifth and sixth sites. Property negotiations have proven to be extremely difficult and the projected construction costs are greater than previously anticipated.
7. To fully complete the change, it will be necessary to accomplish finalizing of the designs, obtain the permits, obtain the easements, and complete the construction.
8. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2009.


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, 2009.

Dated at Salem, Oregon this 7th day of March, 2008


Phillip C. Ward, Director

Mailing date: MAR 13 2008