

**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-7058, Clackamas County County,)
Oregon)

Applicant

Beacon Homes, Inc.
Kurt Dalbey
1865 NW 169th Place
Beaverton, Oregon 97706

Receiving Landowner

Hal James and Priscilla Graff Oien
22750 SW 65th Avenue
Tualatin, Oregon 97062

Findings of Fact

1. On October 9, 2007, the Department received an application for extension of time for transfer of water right T-7058 from Hal James and Priscilla Graff Oien, receiving landowners.
2. The Water Resources Department issued an order approving Transfer Application T-7058 in the name of Beacon Homes, Inc., Kurt Dalbey, on November 30, 1995. The order was recorded in Special Order Volume 49; at Page 437. The order set a transfer completion date of October 1, 1997.
3. The Water Resources Department issued an order amending and approving Transfer Application T-7058 in the name of Beacon Homes, Inc., Kurt Dalbey, on December 22, 1995. The order was recorded in Special Order Volume 49, at Page 474.
4. A request for reconsideration of the order was received. The Water Resources Department issued an order of reconsideration, amending and approving Transfer Application T-7058 in the name of Beacon Homes, Inc., Kurt Dalbey, on September 19, 1996. The order was recorded in Special Order Volume 50, at Page 580. The order set a transfer completion date of October 1, 1997.
5. The applicants petitioned the Clackamas County Circuit Court for review of the order, which was remanded by the bench to the Water Resources Department for a contested case hearing.

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.

6. The Water Resources Department issued an order on March 27, 1997 rescinding the previous order. That order was recorded in Special Order Volume 51, at Page 312.
7. Subsequently, the Water Resources Department issued an order approving Transfer Application T-7058 in the name of Beacon Homes, Inc., Kurt Dalbey, on November 13, 2002. The order was recorded in Special Order Volume 56, at Page 2027. The order set a transfer completion date of October 1, 2004.
8. The Water Resources Department issued an order approving an extension of time dated December 9, 2003. The order was recorded in Special Order Volume 58, Page 343. The order set a transfer completion date of October 1, 2005.
9. The applicant has completed the installation of 3500 feet of pipe, main water trunks were placed in 2005 and all elements required by the Department have been done.
10. The applicant has fully completed the changes issued in the order; however the changes were not completed in the time allowed in the final order. Therefore, in order to fully comply with the terms and conditions of the transfer order, the applicant needs to have the deadline for completion extended.
11. The landowner has requested that the time for completion of beneficial use be extended to October 1, 2008.

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-7058.

Now, therefore, it is ORDERED:

The time for completion of beneficial use authorized by T-7058 shall be extended to October 1, 2008.

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


Phillip C. Ward, Director

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Mailing date: MAR 13 2008