

**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 February 27, 2006, the Department received an application for extension of time for transfer of water right T-9373 from Mark Yeager 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 applicant has completed construction on two diversion structures. Three diversion structures are currently in design and will soon move in to the permitting stage. Construction is planned for those structures in the summer of 2007. One diversion structure will remain for construction in 2008.
5. To fully complete the change, it will be necessary for the applicant to complete the designs, obtain the permits, obtain the easements, and complete the construction of all diversion structures.
6. The landowner has requested that the time for completion of beneficial use be extended to October 1, 2008.

<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>

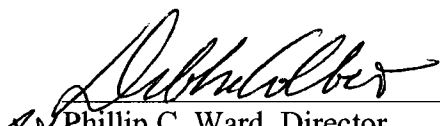
Conclusions of Law

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, 2008.

Dated at Salem, Oregon this 15th day of March, 2007



Phillip C. Ward, Director

Mailing date: MAR 20 2007