

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

In the Matter of Application for Extension)
of Time for Transfer of Water Right)
Authorized by T-3999, Marion County,)
Oregon)

FINAL ORDER APPROVING AN
EXTENSION OF TIME

Applicant

BOISE CASCADE CORPORATION &
CITY OF SALEM
555 LIBERTY STREET SE ROOM 325
SALEM OR 97301

Findings of Fact

1. On March 5, 2009, the Department received an application for extension of time for transfer of water right from the City of Salem.
2. The Water Resources Department issued an order approving Transfer Application T-3999 on October 6, 1978. The order was recorded in Special Order Volume 31, at Page 298. The order set a transfer completion date of October 1, 1985.
3. The Water Resources Department issued an order approving an extension of time dated September 24, 1985. The order was recorded by a letter from the Department. The order set a transfer completion date of October 1, 1990.
4. The Water Resources Department issued an order approving an extension of time dated June 10, 1991. The order was recorded by a letter from the Department. The order set a transfer completion date of October 1, 1995.
5. The Water Resources Department issued an order approving an extension of time dated December 11, 1995. The order was recorded in Special Order Volume 49, at Page 458. The order set a transfer completion date of October 1, 2000.

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 approving an extension of time dated March 2, 2004. The order was recorded in Special Order Volume 59, at Page 304. The order set a transfer completion date of October 1, 2010.
7. The City has constructed Phase 1-3 of the 75 MGD transmission line at a cost of \$24 million from 2001 to 2008. The City has also constructed capacity improvements at Geren Island Water Treatment Plant at a cost of \$41.3 million from 1997 through 2001. The City is continuing to work on easements and permitting.
8. To fully complete the change, it will be necessary for the City to construct Phase 4-5 of the 75 MGD transmission line at an estimated cost of \$55.3 million. In addition to completing these changes, the City must work in combination with existing water rights and will need to construct a second 75 MGD pipeline.
9. The City has not been able to complete the change within the times allowed because of the cost and complexity of the project.

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-3999.

Now, therefore, it is ORDERED:

The time for completion of beneficial use authorized by T-3999 shall be extended to October 1, 2030.

Dated at Salem, Oregon this 28th day of April, 2009


Phillip C. Ward, Director *Pu*

Mailing date: APR 29 2009