

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

In the Matter of Extension of Time            )     FINAL ORDER APPROVING AN  
Application for Transfer T-8527,                )     EXTENSION OF TIME  
Benton County, Oregon                         )

**Authority**

OAR 690-380-6020 establishes an application process and criteria for the review of extensions of time for the completion of changes authorized under water right transfers.

**Applicant**

City of Philomath  
Dept. of Public Works  
P.O. Box 400  
Philomath, OR 97370

**Findings of Fact**

1. On June 16, 2011, the Department received an application for extension of time for transfer of water right T-8527 from the Department of Public Works, for the City of Philomath.
2. The Water Resources Department issued an order approving Transfer Application T-8527 in the name of City of Philomath, Department of Public Works, on March 31, 2006. The order was recorded in Special Order Volume 68, at Page 234. The order set a transfer completion date of October 1, 2011 to convert the irrigation rights to municipal use and apply the water to beneficial use within the service area of the City of Philomath.
3. The applicant has completed 40 additional connections to the municipal system, added a fire line and hydrants to facilitate expansion of the Benton County Historical Museum, Wetlab Inc. and the Philomath School District. The City has engaged Westech Engineering and Schroeder Law Office, P.C. for consultation toward completion of T-8527. Westech Engineering has provided cost estimates and consultation with respect to constructing new facilities for either piping water upstream to the City's currently existing water treatment plant or constructing a new water treatment plant at the T-8527 point of diversion.

This is a final 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.

4. To fully complete the change, it will be necessary for the applicant to construct additional infrastructure to deliver water into the City's municipal system in one of three ways: 1) by construction of a pipeline between a new water intake and the City's existing water treatment plant; or 2) by abandoning the existing treatment plant and construction of a new water treatment plant at the T-8527 point of diversion; or 3) by retaining the City's existing treatment plant, and constructing a new 1.0 million gallon per day treatment plant at the point of diversion for T-8527, thereby operating two water treatment plants.
5. The City has not yet been able to pursue construction of the necessary infrastructure due to an erroneous expectation that the project could be financed internally. Therefore the City focused its resources on its aging sanitary sewer system and then was surprised to find that the projected cost estimate for the T-8527 was significantly higher than expected. It was not politically or practically feasible to request that citizens so quickly take on the additional costs associated with this major capital improvement project.
6. The City has requested that the time for completion of beneficial use be extended to October 1, 2016, in order to allow for the additional funding and construction to develop the delivery capacity, and also to allow for the population growth that will create demand to be able to put the full amount of water to beneficial use.

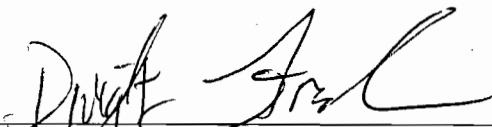
#### **Conclusions of Law**

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-8527.

#### **Now, therefore, it is ORDERED:**

The time for completion of beneficial use authorized by T-8527 shall be extended to October 1, 2016.

Dated at Salem, Oregon this 13 day of July, 2011

  
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Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

Mailing date: JUL 14 2011