

**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-9809, Multnomah County,    )  
Oregon    )

FINAL ORDER APPROVING AN  
EXTENSION OF TIME

**Applicant**

CITY OF FAIRVIEW  
PO BOX 337  
FAIRVIEW, OR 97204

**Findings of Fact**

1. The Water Resources Department issued an order approving Transfer Application T-9809 on March 28, 2005. The order was recorded in Special Order Volume 63, at Page 497. The order set a transfer completion date of October 1, 2006, and the date for submission of a claim of beneficial use as October 1, 2007.
2. The Water Resources Department issued an order approving an extension of time dated November 17, 2006. The order was recorded in Special Order Volume 70, Page 597. The order set a transfer completion date of October 1, 2009.
3. On September 10, 2009, the Department received an application for extension of time for transfer of water right from City of Fairview.
4. The applicant has used the original point of appropriation, Well 3, for municipal water supply within the updated service area approved by Transfer T-9809. The applicant has also completed an alternative well siting evaluation for the additional point of appropriation, Well 9, and prepared a public bid package in preparation for advertising and selection of a contractor for the drilling and construction of Well 9. The applicant has applied for funding from the State Revolving Funds for the construction of the Well 9.
5. To fully complete the change it will be necessary for the applicant to drill and construct the additional point of appropriation, Well 9, and the associated pump station.

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 funding required to drill and construct the additional point of appropriation, Well 9, did not become available within the time frame expected. The applicant recently obtained a State Revolving Fund grant and loan which the applicant will use for the construction of Well 9. The applicant anticipates that the well and pump station will be constructed by 2012 and will be placed in service in 2013.
7. The applicant has requested that the time for completion be extended to October 1, 2014.

**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-9809.

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

The time for completion of beneficial use authorized by T-9809 shall be extended to October 1, 2014.

Dated at Salem, Oregon this 15<sup>th</sup> day of September, 2009

  
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Phillip C. Ward, Director *pcw*

Mailing date: SEP 21 2009