

Permit Amendment

Name James Butsch

Address 48 Farms - 15234 Butsch Lane
Mt Angel Oregon 97132

Change in Fee
Date Filed 12/17/2021
Initial notice date 12/14/2021
DPD issued date
PD issued date
PD notice date
Date of FO 1/22/2022 Vol 125 Page 219

C-Date
COBU due date
COBU Received date
Certificate issued

Assignments:

Irrigation District

Agent Jeanne Boatwright Jeanne@boatwrightenr.com

CWRE
CC's list Marion County Planning

- Oversized map - Location

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Well

Trib. of Rocking river

Use Irrigation County Marion

Quantity of water (CFS) No. of Acres

Name of ditch

App# ~~G14407~~ G14407 Per # G13311 Cert # PR Date 11/21/2020

App# Per # Cert # PR Date

FEES PAID		
Date	Amount	Receipt #
12-7-2021	\$1,360.00	137020

FEES REFUNDED		
Date	Amount	Receipt #



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 22, 2022

JAMES BUTSCH
15234 BUTSCH LANE NE
MOUNT ANGEL, OR 97362

REFERENCE: Permit Amendment Application T-13872

Enclosed is a copy of the order approving your Permit Amendment application.

Also enclosed is a superseding permit that incorporates the amendments approved by the final order contained herein. Please read this document and abide by the requirements.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at Scott.A.Grew@oregon.gov.

Sincerely,

Julie C. Baustian
Water Rights Services Support
Transfers and Conservation Section

cc: Gregory J. Wacker, Watermaster Dist. # 16 (via email)
Marion County Planning Department
Jeanne Boatwright, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment) FINAL ORDER APPROVING A CHANGE IN
T-13872, Marion County) PLACE OF USE

Authority

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

JAMES BUTSCH
15234 BUTSCH LANE NE
MOUNT ANGEL, OR 97362

Findings of Fact

1. On December 7, 2021, JAMES BUTSCH filed an application to change in place of use under Permit G-13311. The Department assigned the application number T-13872.
2. On October 23, 2020, the Department approved an extension of time for complete application of water to October 1, 2025.
3. Notice of the application for the permit amendment was published in the Department's weekly notice on December 14, 2021, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
4. Permit Amendment Application T-13872 proposes to change the place of use of the permit to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	1 W	WM	21	SE SW	25.4
6 S	1 W	WM	28	NE NW	17.6
				Total	43.0

Permit Amendment Review Criteria

5. The change would not result in injury to other water rights.

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 and OAR 690-01-0005 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 proposed place of use is owned and/or controlled by the permit holder.
7. The change does not enlarge the permit.
8. The change does not alter any other terms of the permit.
9. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law

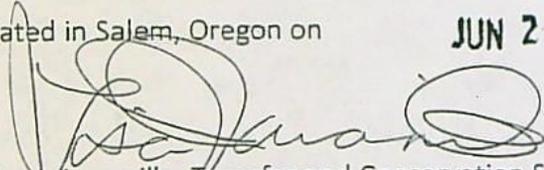
The change in place of use proposed by Permit Amendment Application T-13872 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in place of use proposed by Permit Amendment Application T-13872 is approved.
2. Permit G-18788, in the name of JAMES BUTSCH, is issued to replace Permit G-13311, and incorporates the amendments approved by this order and the extension of time. Permit G-13311, in the name of JAMES BUTSCH, is no longer of any force or effect.
3. The former place of use shall no longer be irrigated as part of this permit.
4. All other terms and conditions of Permit G-18788, remain the same.

Dated in Salem, Oregon on

JUN 22 2022


Lisa Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date:

JUN 23 2022

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JAMES BUTSCH
15234 BUTSCH LANE NE
MT ANGEL, OREGON 97362

This superseding permit is issued to describe an amendment for a change in place of use proposed under Permit Amendment Application T-13872 and approved by Special Order Vol. 125, Page 279 entered JUN 22 2022, and to describe an extension of time for complete application of water approved October 23, 2020, This permit supersedes Permit G-13311.

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-14407

SOURCE OF WATER: A WELL IN PUDDING RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 43.0 ACRES

MAXIMUM RATE: 0.537 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: NOVEMBER 12, 1996

POINT OF DIVERSION LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	1 W	WM	21	SE SW	70 FEET NORTH AND 1470 FEET EAST FROM THE SW CORNER OF SECTION 21

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2½ acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	1 W	WM	21	SE SW	25.4
6 S	1 W	WM	28	NE NW	17.6
				Total	43.0

Permit Amendment T-13638 Conditions

The former place of use shall no longer be irrigated as part of this permit.

Extension of Time Conditions

Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2024**.

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

Original Permit Conditions

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

- (1) Use of water from the well, as allowed herein, shall be controlled or shut off if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The water user shall install a meter or other measuring device suitable to the Director, and shall submit an annual report of water used to the Department by December 1 of each year.
- (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.
 - (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.
 - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.
 - (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the permittee/appropriator.
 - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.

- (e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

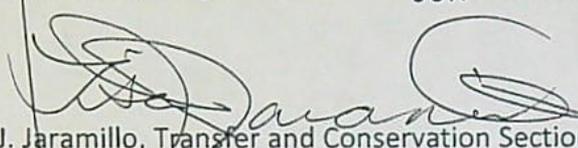
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

The original permit was issued January 30, 1998. Actual construction work was to begin within one year from issuance of the original permit. By Extension of Time Final Order dated October 23, 2020, the deadline for complete application of water to use was extended to October 1, 2025.

Dated in Salem, Oregon on **JUN 22 2022**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Permit Amendment Checklist

Transfer: T- 13872

Transfer Specialist: Scott

Transfer Type: Permit Amendment

Applicant Name/Address/email: JAMES BUTSCH 15234 BUTSCH LANE NE MOUNT ANGEL, OR 97362	Agent Name/Address/email: JEANNE BOATWRIGHT 2613 12TH ST SE SALEM, OR 97302	Rec Landowner Name/Address:
CWRE Name/Number:	Irr. District Name/Address:	Affected Gov'ts Name/Address:
Commentor(s): Name/Address:	Current Landowner Name/Address (if different than applicant):	

Permit(s) Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Superseding Permit No.
<input type="checkbox"/>	<input type="checkbox"/>	G-14407	G-13311	

Key Dates & Initial Actions

Rec'd: December 7, 2021	Proposed Action(s): PLACE OF USE	
Fees Pd: 1360.00	WM District:16	ODFW District:
Initial Notice: December 14, 2021	WM Review sent: Done:	ODFW Review sent: Done:
Acknowledgement Letter Sent: <input checked="" type="checkbox"/> Date:		GW Review sent: Done:

Processing Dates & Actions

Deficiency Contact(s): _____

Newspaper: _____

Draft Mailed: _____

If yes, date rec'd okay from agent/applicant: _____
 ODFW contact sheet sent; need? Yes or No

WM measurement sheet sent; need?
 Yes or No

not required

Date quote requested: _____

Request for news \$ sent: _____

News \$ received: _____

Request to publish sent to newspaper: _____

Affidavit of publication received: _____

Dates of publication: _____

Final Order

<p>Draft Order & Superseding Permit Review (Optional)</p> <p>Reviewer: _____ Date: _____ Coordinator: _____ Date: _____ Signature Bin Date: _____</p>	<p>Final Order & Superseding Permit Review (Salem)</p> <p>Reviewer: <u>ALD</u> Date: <u>5/20/22</u> Coordinator: <u>PKS</u> Date: <u>6/10/22</u> Signature Bin Date: <u>6/17/22</u></p>
<p>Comments/Special Issues: _____</p>	

Special Order Volume: Vol: 125 Pages 279-80

Final Order Signature Date: 6/17/22

Notice of FO e-mailed to processors: _____

Application

PR CW

- The type of change is clearly indicated.
- The application is appropriately signed.
- Appropriate fees were paid. N/A If overpayment, Refund Request submitted _____
- Land use form matches affected tax lots and is signed by proper official. (from ALL affected Govt's) _____
- N/A Ditch company, district, and/or BOR, sent a copy of the application and map, if appropriate.
- All required attachments received.
- Check application file and WRIS for assignment(s) and/or extension(s). _____

Application Map

PR CW

- The map size and scale are accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- All authorized and proposed POD's/POA's and POU are properly described on the map.
- The POD/POA location description(s) on the map match the PA application and permit descriptions.
- Map acres (to, from and rr, if applicable) match Table 2 on the PA application and as applicable, on the permit
- Have permit map(s).

Determining the "From" and "To" Lands (make working copy of application and permit(s))

PR CW

- Only the authorized POD's/POA's and/or POU's to be transferred are listed (Tables 1 & 2).
- PA application and permit tabulations (acreage) match. (Mark on appl. and permit copies and note corrections needed)
- ALL Mark on permit the acreage and amount of water being transferred.

Permit Ownership

- The applicant(s) is/are the holder(s) of the permit.
- All holders of the permit have signed the application or
- N/A If necessary, there is a notarized, signed statement of consent from permit holders other than applicant.
- N/A If necessary, the permit has been assigned to permit amendment applicant.

Evaluation Materials

- Application complete Permit Land Use form N/A Plat card
- Amendment Map Permit Map Fees paid N/A Well logs

- Reviews/comments/conditions received? Watermaster N/A ODFW N/A GW
- N/A Headgate When in the judgment Prior to diverting Existing and maintain
- N/A Measuring Devices When in the judgment Prior to diverting Existing and maintain

Type of device, if applicable: _____ totalizing flow meter: at new at existing and new

Injury: Yes No

Enlargement: Yes No

Conditions to avoid enlargement/injury -

ODFW conditions: _____

GW Conditions: _____

Watermaster Review Form: Water Right Transfer



Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Transfer Application: T-13872

Review Due Date: 01/12/2022

Applicant Name: 4B Farms James Butsch

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): G. Wacker

Date of Review: 01/12/2022

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? Yes No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)

2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred:

3. Have headgate notices been issued for the source that serves the transferred right(s)?
 Yes No Records not available.

4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? Yes No If "Yes", explain:

5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? Yes No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? Yes No

9. For POU changes: N/A Is it likely the original place of use would continue to receive water from the same source? Yes No If "Yes", explain:

10. For POU or USE changes: N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? Yes No If "Yes", explain:

11. For POU changes that involve micro-irrigation: N/A

a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

Yes No If "Yes", explain:

- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

Yes No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? Yes No If "Yes", explain:

- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? Yes No If "No", explain:

- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? Yes No If "No", explain:

- iv. Do you have any other observations regarding the temporary transfer? Yes No If "Yes", describe:

- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? Yes No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source? Yes No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur? Yes No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

Yes No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? No Yes, as checked and provided below:

For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

A Headgate should be required prior to diverting water.

Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

- Weir
- Parshall Flume
- Other: _____
- Submerged Orifice
- Flow Restrictor

Oregon Water Resources Department
Measurement Condition Information for the Applicant
(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-

[] In order to avoid enlargement of the right or injury to other rights, a [] will
be required to be installed prior to diversion of water, as a condition of this transfer:
[] at each point of diversion/appropriation (new and existing) OR
[] at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant
should contact the area Watermaster:

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved
by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device T-
(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable alternate measurement device:

Watermaster signature

District

Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

December 13, 2021

JAMES BUTSCH
15234 BUTSCH LANE NE
MOUNT ANGEL, OR 97362

Reference: Application T-13872

On December 7, 2021, OWRD received your water right Permit Amendment Application. The application was accompanied by \$1360.00. Our receipt number 137020 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water in the new place of use until a final order approving the application has been issued by the Department.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 979-9931.

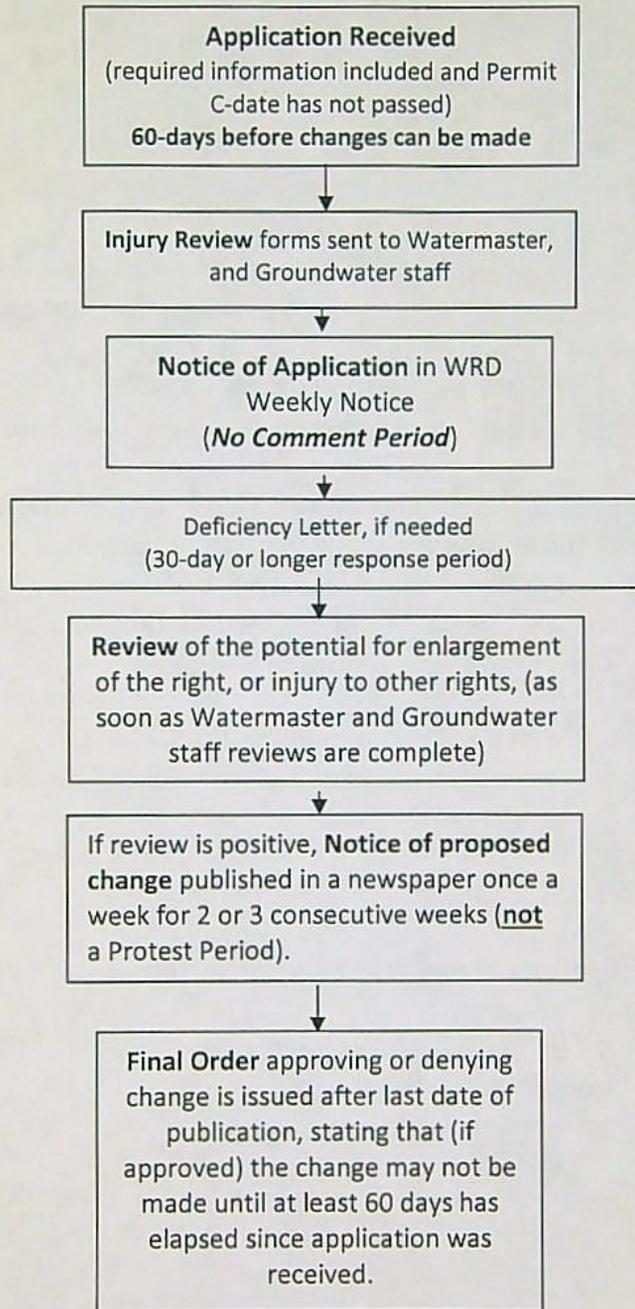
Cc: Watermaster Dist. #16, Gregory J. Wacker (via email)
Marion County Planning Department
Jeanne Boatwright, Agent

Enclosure

Permit Amendment Process

ORS 537.211

Changes: POD/POA, Place of Use



STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **137020**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: 4B Farms, Inc.

APPLICATION _____

BY: _____

PERMIT _____

TRANSFER T-13872

CASH: CHECK: # 45919 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1,360.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____

OTHER: (IDENTIFY) \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER \$ _____ 0202 \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ 1,360.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____

0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____

0231 HYDRO LICENSE FEE (FW/WRD) \$ _____

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE **RECEIVED**

OBJ. CODE _____ VENDOR # **OVER THE COUNTER**

DESCRIPTION _____ \$ _____

RECEIPT: **137020**

DATED: 12-7-2021 BY: [Signature]

Application for Permit Amendment

Part 1 of 5 – Minimum Requirements Checklist



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

This permit amendment application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

Check all items included with this application. (N/A = Not Applicable)

RECEIVED

DEC 07 2021

OWRD

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Permits to be Amended: **Number of permits to be amended: 1**
List the Permits here: G-13311
Please include a separate Part 5 for each permit. (See instructions on page 6)
- Completed Permit Amendment Application Map (Does not have to be prepared by a Certified Water Right Examiner).
- N/A Request for Assignment Form and statutory fee. The request for assignment form has to be completed if the applicant is **not** the permit holder of record and needs to be assigned to the permit; **or** the landowner of the proposed place of use is **not** the permit holder of record and needs to be assigned to the permit (the Request for Assignment Form is available online at <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>). Assignment is not needed if the applicant is the permit holder of record.
- N/A Affidavit(s) of Consent are required from all permit holder(s) of record if the permit is not assigned to the applicant **or** other permit holders of record that are not listed as applicants.
- N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500 feet from the surface water source and more than 1000 feet upstream or downstream from the point of diversion. (ORS 540.531(2) or (3)).

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- Application fee not enclosed/insufficient
- Land Use Form not enclosed or incomplete
- Additional signature(s) required
- Map not included or incomplete
- Part _____ is incomplete

Other/Explanation _____

Staff: _____ 503- _____ Date: 12/8/21 / ____ / ____

Part 2 of 5 – Permit Amendment Map Checklist

Your permit amendment application will be returned if any of the map requirements listed below are not met.

Please be sure that the map you submit includes all the items listed below and meets the requirements of OAR 690-380-3100, however, the map does not have to be prepared by a Certified Water Right Examiner. Check all boxes that apply.

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- N/A If **more than three** permits are involved, separate maps for each permit.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water use permit, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the permit is being changed, a separate hachuring is needed for the portion of the permit left unchanged.
- N/A If you are proposing a change in place of use, show the proposed place of use with hachuring that includes separate hachuring for each permit, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water use permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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Part 4 of 5 – Applicant Information and Signature

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Applicant Information

APPLICANT/BUSINESS NAME James Butsch		PHONE NO. 503.845.2485	ADDITIONAL CONTACT NO.
ADDRESS 4B FARMS 15234 BUTSCH LANE			FAX NO.
CITY MT. ANGEL	STATE OREGON	ZIP 97362	E-MAIL 4Bfarms@mtangel.net
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME JEANNE BOATWRIGHT		PHONE NO. 503.363.9225	ADDITIONAL CONTACT NO.
ADDRESS BOATWRIGHT ENGINEERING, INC. 2613 12TH STREET SE			FAX NO.
CITY SALEM	STATE OREGON	ZIP 97302	E-MAIL jeanne@boatwrightengr.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this permit amendment; and why:
My existing permit is on land that I leased at the time of the application. I no longer lease that land. I am requesting to move the place of use for my water right permit to adjacent land that I own.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Is the applicant the permit holder of record? Yes No

If NO, include either:

- A completed assignment form (with required statutory assignment fee), assigning all or a portion of the permit to the applicant(s), OR
- An affidavit of consent from the permit holder(s) of record that gives permission for the applicant to amend the permit.

Has the Completion ("C") Date of the permit(s) in this application expired? Yes No

If YES, this application will not be accepted by the Department.

If NO, what are the completion dates of the permit(s)? **Per Final Order for Extension of Time, dated October 23, 2020, the "C" date is extended to October 1, 2025.**

- If the permit completion date expires while the Permit Amendment Application is pending, the Department will not approve the Permit Amendment Application until an Extension of Time Application is approved for the permit.
- You may consider using the Reimbursement Authority process to expedite the processing of this Permit Amendment Application if the completion date of the permit expires within 6 months of the date of filing this application.

By my signature below, I confirm that I understand:

- Prior to Department approval of the permit amendment, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the permit is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper:

I (we) affirm that the information contained in this application is true and accurate.



James F Butsch
 Applicant Signature

James Butsch
 Print Name (and Title if applicable)

December 6, 2021
 Date

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Check one of the following:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The permit holder(s) of record will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to the permit holder(s) of record.

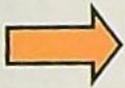
Check the appropriate box, if applicable:

- Check here if any of the permits proposed for amendment are or will be located within or served by an irrigation or other water district.

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

- Check here if water for any of the permits supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME Marion County Planning Division	ADDRESS 5155 Silverton Road NE	
CITY Salem	STATE Oregon	CITY Salem

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Use Permit Information

Please use a separate Part 5 for each permit being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

PERMIT # G-13311

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
 (Note: If the POD/POA name is not specified in the permit, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized by the permit or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	MARI 51006	6	S	1	W	21	SE	SW	----	70' N & 1470' E OF SW Cor Section 21

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- Place of Use (POU) Point of Appropriation/Well (POA)
- Point of Diversion (POD) Additional Point of Appropriation (APOA)
- Additional Point of Diversion (APOD) Surface water POD to Ground Water POA (SW/GW)

Will all of the proposed changes affect the entire water use permit?

- Yes** Complete only the proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No** Complete all of Table 2 to describe the portion of the permit to be changed.

For a change in place of use:

Does the permit holder of record own or control the land TO which the place of use is being moved?

- Yes No

If NO, the landowner of the land TO which the place of use is being moved must be assigned to the permit as a permit holder of record by submitting a completed Request for Assignment form and the required statutory fee for an assignment.

Is the proposed place of use contiguous to the authorized place of use? Yes No

The permitted place of use can be moved only to lands that are contiguous to the authorized place of use unless the change to non-contiguous lands is in furtherance of mitigation or conservation efforts undertaken for the purposes of benefiting a species listed as sensitive, threatened, or endangered under ORS 496.171 to 496.192 or the federal Endangered Species Act of 1973 (16 U.S.C. 1531 to 1544), as determined by the listing agency. Contiguous land being either adjacent land or land separated from the land to which a permit is authorized by roads, utility corridors, irrigation ditches or publicly owned rights of way.

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Are there other water rights certificates, water use permits or ground water registrations associated with the "from" or "to" lands? Yes No

If YES, list the other certificate, permit, or ground water registration numbers:

Certificate 58334 and Permit G-12208



If the permit(s) are for irrigation or supplemental irrigation use, other water rights existing on the same land for irrigation that are subject to transfer must either change concurrently or be cancelled. Any change to a water right certificate or ground water registration must be filed separately in a water right transfer application or ground water registration modification application, respectively.

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

- Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

AND/OR

- Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right

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Corporation/Limited Liability Company - Information Change

Secretary of State - Corporation Division - 266 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - sos.oregon.gov/business - Phone: (503) 986-2200
Please Type or Print Legibly in Black Ink. Attach Additional Sheet if Necessary. Fax: (503) 378-4381

REGISTRY NUMBER: 610976-80

ENTITY TYPE: DOMESTIC FOREIGN

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public. We must release this information to all parties upon request and it will be posted on our website.

FILED: JUN 2, 2020
OREGON SECRETARY OF STATE



61097680-21144844

BUTSCH PROPERTIES, LLC

AAR

1. NAME OF CORPORATION OR LIMITED LIABILITY COMPANY:

BUTSCH PROPERTIES, LLC

Complete only the sections that you are updating.

2. BUSINESS ACTIVITY

6. ADDRESS WHERE THE DIVISION MAY MAIL NOTICES:

3. PRINCIPAL PLACE OF BUSINESS: (Street Address)

7. THE NEW REGISTERED AGENT HAS CONSENTED TO THIS APPOINTMENT.

8. THE STREET ADDRESS OF THE NEW REGISTERED OFFICE AND THE BUSINESS ADDRESS OF THE REGISTERED AGENT ARE IDENTICAL.

The entity has been notified in writing of this change.

4. THE REGISTERED AGENT HAS BEEN CHANGED TO:

9. INDIVIDUAL WITH DIRECT KNOWLEDGE (Names and Addresses)
List the name and address of at least one individual who is a director, or controlling shareholder of the corporation (member or manager of the LLC) or an authorized representative with direct knowledge of the operations and business activities of the corporation or LLC.

5. REGISTERED AGENT'S PUBLICLY AVAILABLE ADDRESS:

Must be an Oregon Street Address, which is identical to the registered agent's office.

10. NAME(S) AND ADDRESS(ES) OF CORPORATE OFFICERS OR LLC MEMBERS/MANAGERS

Corporations list the name and address of one President and one Secretary (ORS 60.787, ORS 65.787, ORS 62.455, ORS 554.315).
Limited Liability Companies list the name and addresses of the managers for a manager-managed limited liability company or the name and address of at least one member for a member-managed limited liability company (ORS 63.787). Please attach a separate sheet of paper if needed.
If making changes to this section, list all current names and addresses. This replaces what is currently on the record.

PRESIDENT OR OWNER(S) (MEMBERS): (Names and Addresses)

SECRETARY OR MANAGER(S): (Names and Addresses)

James Butsch 15234 Butsch Lane N.E., Mt. Angel 97362

Lori Pavlicek 15234 Butsch Lane N.E., Mt. Angel

Jeffrey Butsch 15234 Butsch Lane N.E., Mt. Angel

Donna Butsch 15234 Butsch Lane NE USPS

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11. EXECUTION: I declare as an authorized signer, under penalty of perjury, that this document does not fraudulently conceal, obscure, alter, or otherwise misrepresent the identity of any person including officers, directors, employees, members, managers or agents. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

SIGNATURE:

PRINTED NAME:

TITLE:

James Butsch

James Butsch

Registered Agent

CONTACT NAME: (To resolve questions with this filing)

Lori Pavlicek

PHONE NUMBER: (Include area code)

503-845-2485

FEES

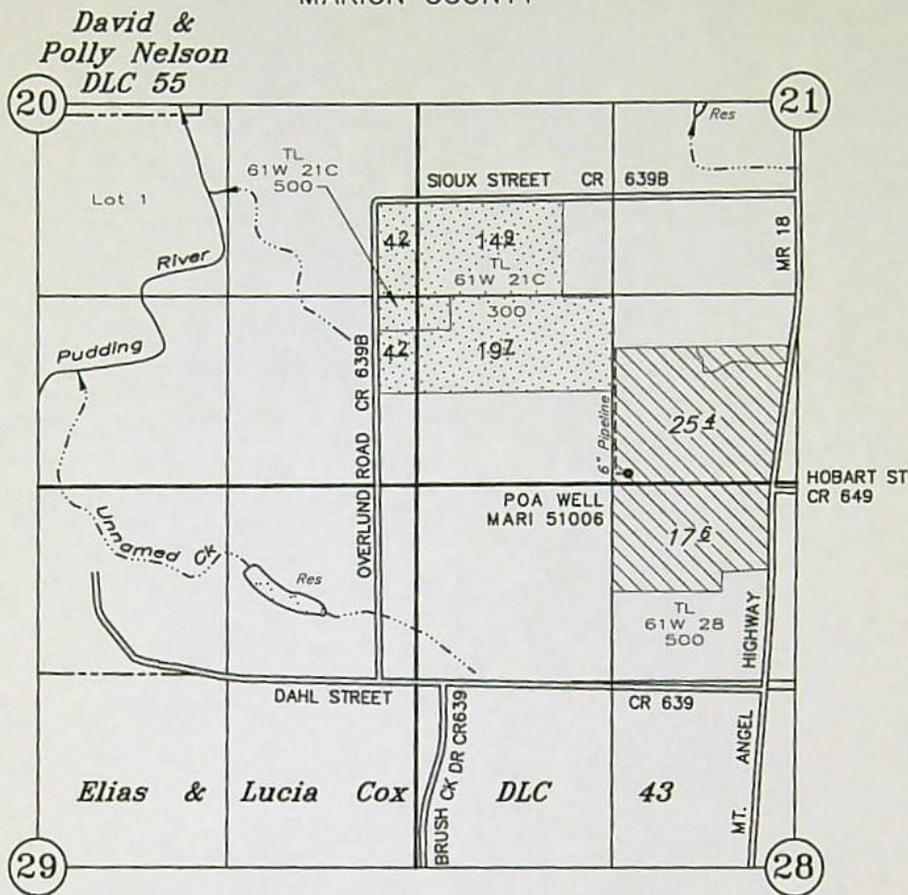
No Processing Fee

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Free copies are available at sos.oregon.gov/business using the Business Name Search program.

T6S, R1W, WM

MARION COUNTY



AUTHORIZED POA WELL MARI 51006: 1470' E & 70' N OF THE SW CORNER SECTION 21

Application for a Permit Amendment

PLACE OF USE

Application No. G-14407

Permit No. G-13311

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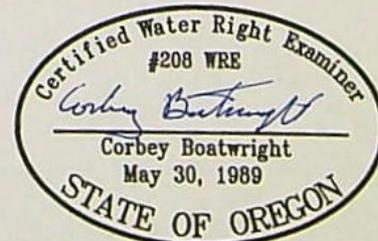
OWRD

IN THE NAME OF

James Butsch

December 3, 2021

SCALE: 1" = 1320'

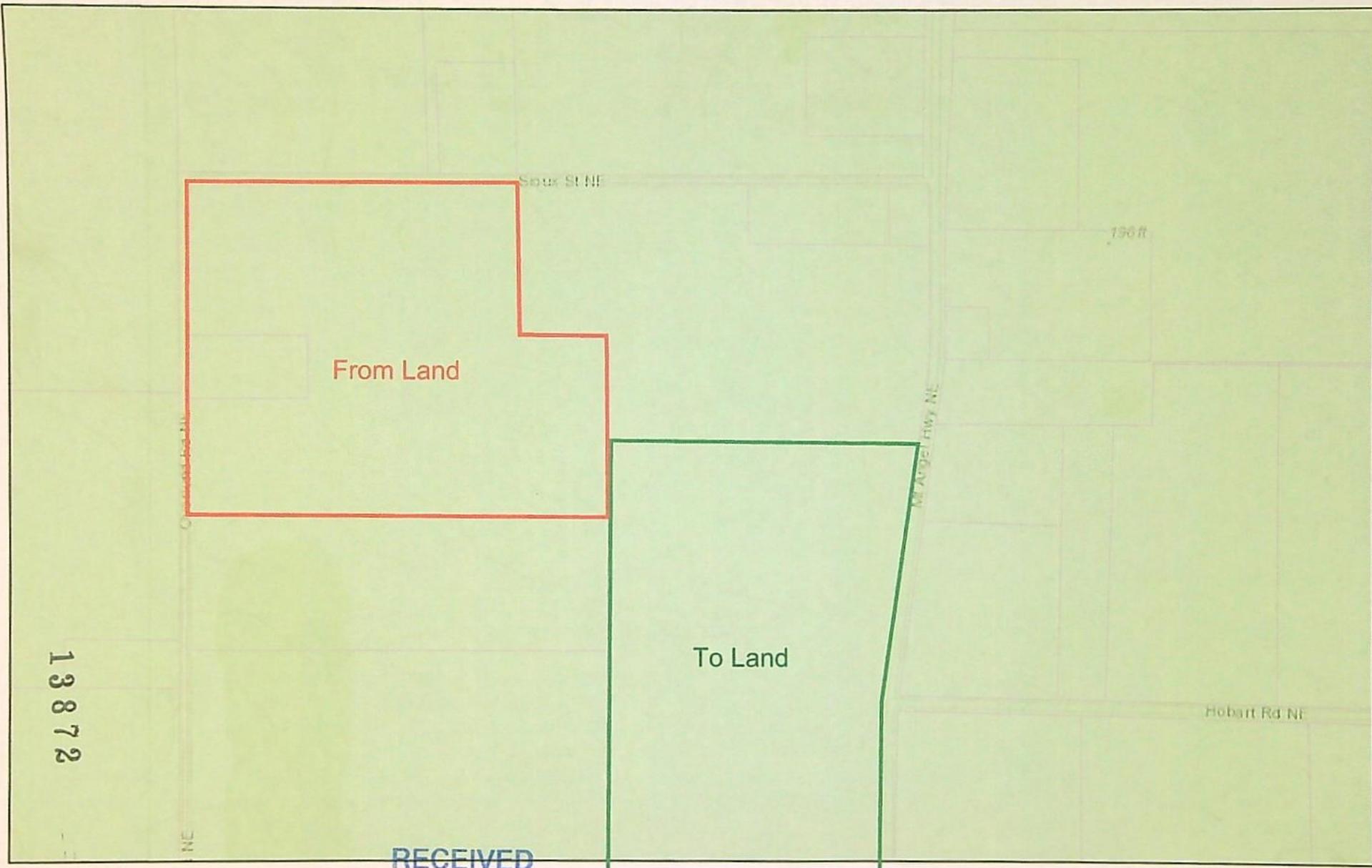


NOTE: This map is not intended to provide legal dimensions or locations of property ownership lines.

Renewal Date: December 31, 2021

13872

Marion County Land Use Planning and Zoning



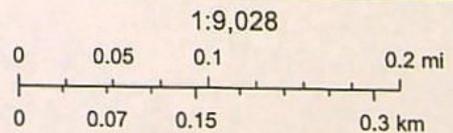
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Parcels County Zoning
EFU

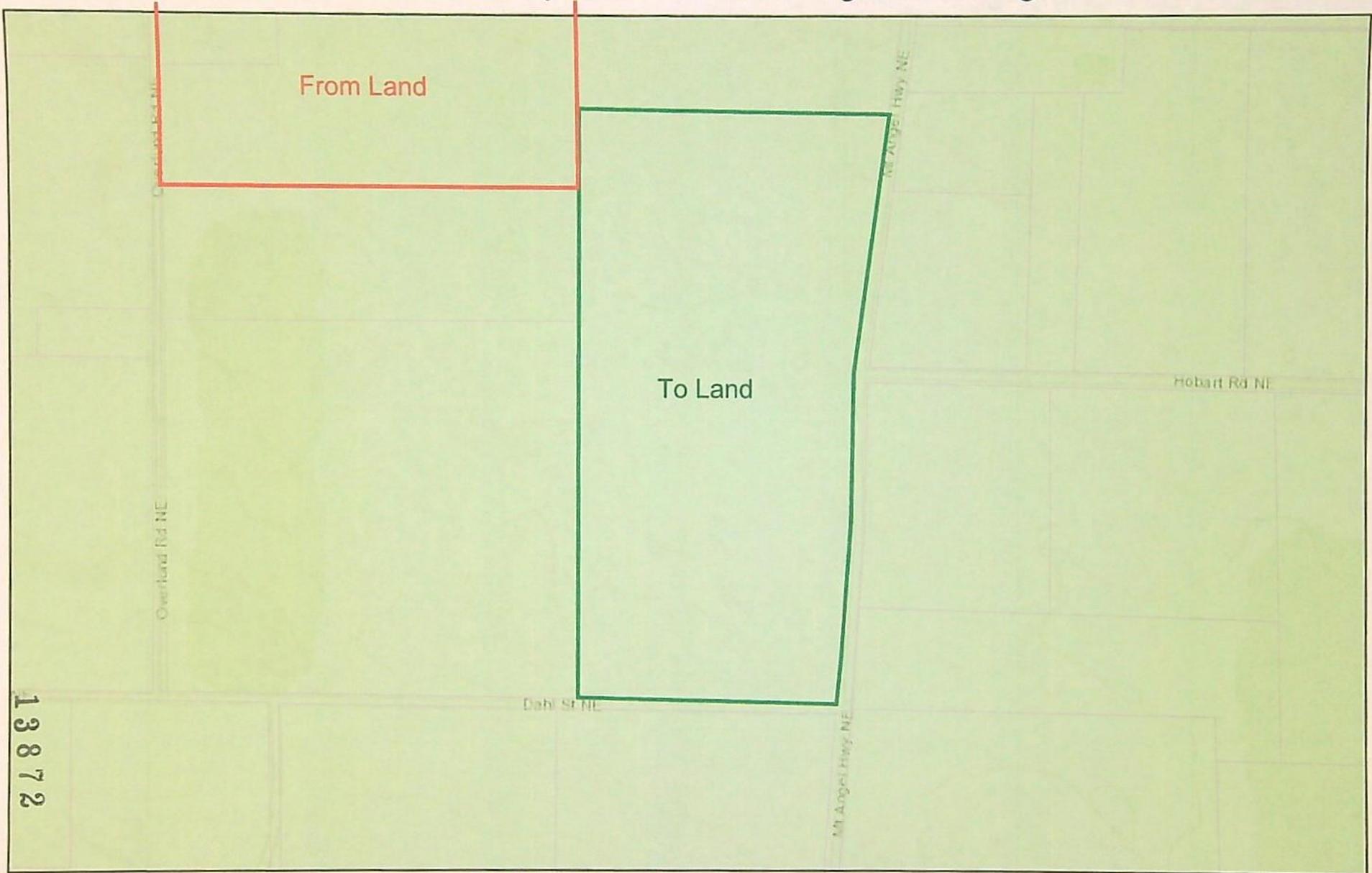


Oregon Metro, Bureau of Land Management, State of Oregon, State of

ArcGIS Web AppBuilder

Maps and spatial data made available to the public by Marion County are not legally recorded information and are not intended to be used as such. In no way does Marion County warrant the accuracy, reliability or timeliness of any of the data provided on these maps.

Marion County Land Use Planning and Zoning



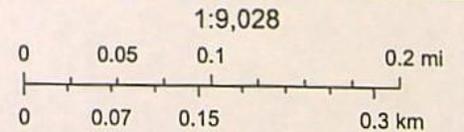
12/3/2021, 10:43:42 AM

Parcels County Zoning
EFU

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DEC 07 2021

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Oregon Metro, Bureau of Land Management, State of Oregon, State of

ArcGIS Web AppBuilder

Marion County Assessor's Property Records

Property Identificaton			
Account ID:	516844	Manufactured Home	
Tax Account ID:	516844	Details:	
Tax Roll Type:	Real Property	Other Tax Liability:	SPEC - POTENTIAL ADDITIONAL TAX LIABILITY
Situs Address:	6887 MT ANGEL HWY NE SILVERTON, OR 97381		
Map Tax Lot:	061W280000500	Subdivision:	
Owner:	BUTSCH PROPERTIES LLC 15234 BUTSCH LN NE MOUNT ANGEL, OR 97362	Related Accounts:	132273 GIS Interactive Viewer Assessor Map PDF

- Owner History +
- Property Details +
- Value Information (per most recent certified tax roll) +
- Assessment History +
- Taxes: Levy, Tax Statement, Owed, Tax Payoff +
- Tax Payment History +

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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: JAMES BUTSCH
48 FARMS 15234 BUTSCH LN, MT ANGELO OR
97362

Transaction Type: PERMIT AMENDMENT

Fees Received: \$ 1360⁰⁰

Cash

Check:

Check No. 45919

Name(s) on Check: LD FARMS INC

Address on Check: 15234 BUTSCH LN NE

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

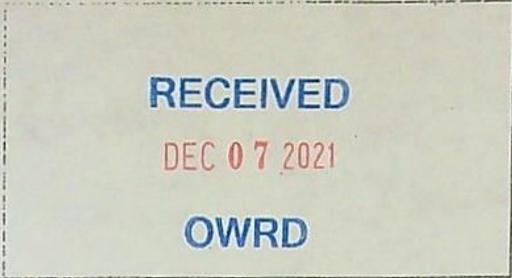
If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: [Signature]
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.



Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: JAMES BUTSCH

48 FARMS 15234 BUTSCH LN, MT ANGEL OR 97362

Transaction Type: PERMIT AMENDMENT

Fees Received: \$ 1360⁰⁰

Cash Check: Check No. 45919

Name(s) on Check: 48 FARMS INC

Address on Check: 15234 BUTSCH LN NE

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: [Signature]
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
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Permit Amendment Application Checklist

Checked by Corey C

Date 12/8/21

App # 6-14407

Permit # 6-13311

Permit Amendments are authorized for changes in

POD/POA, APOD/APOA, or POU.

(If OK, check box to left; if not, fill in the blank)

1. Is the name of the Permit Amendment applicant the same as the Water Right Permit holder(s) of record?

If not, one of the following must be included with the application:

- ___ a) An affidavit of consent from all Permit holder(s) or the other Permit holders that have not signed the Permit Amendment application form, consenting to the proposed Permit Amendment application; **OR**,
___ b) A completed Request for Assignment form (and statutory fee) to move all (or portion) of the permit into the Permit Amendment applicant's name.

If not, what is missing? _____

2. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____

3. Are fees included and correct? Fee Paid: \$1360.00
If not, the correct fee would be: _____, so the amount missing is: _____

4. Part 4 of application: Have all the applicants listed at the top of the page signed at the bottom?
If not, whose signature is missing? _____

5. Are the Permit completion date(s) current? 10/1/25
If the Permit completion date has expired, we **CANNOT** accept the application.

6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

If #1, #2, #3, #4 or #5 on this checklist is deficient, the application **CANNOT** be accepted.

It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.