

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-12766

Final Order
Extension of Time for Permit Number G-12446

Appeal 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 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.

Application History

On July 24, 2001, Kenneth and Dianne Buscher submitted an application to the Department for an extension of time for permit number G-12446. The Department issued permit number G-12446 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2006. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). No protest was filed.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
 - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
 - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or

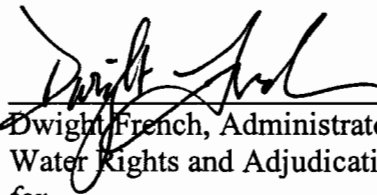
- c. Unless use is made consistent with a critical ground water area order, the Department using available data shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

Order

The extension of time for Application Number G-12766, Permit Number G-12446, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use is extended to October 15, 2006.

DATED: June 29, 2006


Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

If you have any questions about statements contained in this document, please contact Ann L. Reece at (503) 986-0808.

If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900