

**Oregon Water Resources Department
Water Right Services Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit S-51736, Water Right Application S-71160) FINAL ORDER
in the name of James Butsch)

Permit Information

Application:	S-71160
Permit:	S-51736
Basin:	2 – Middle Willamette / Watermaster District 16
Date of Priority:	February 1, 1991 for 0.37 cfs and February 8, 1991 for 4.51 cfs
Source of Water:	Butte Creek, a tributary of Pudding River
Purpose of Use:	Irrigation of 30.0 acres and Supplemental Irrigation of 360.7 acres
Maximum Rate:	4.88 cubic feet per second (cfs)

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

Appeal Rights

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

Application History

Permit S-51736 was issued by the Department on November 6, 1995. The permit called for actual construction work to begin by November 6, 1996, completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 1998. On December 8, 2015, James Butsch submitted to the Department an Application for Extension of Time for

Permit S-51736. In accordance with OAR 690-315-0050(2), on January 19, 2016, the Department issued a Proposed Final Order proposing to extend the time to complete construction from October 1, 1997 to October 1, 2012 and the time to apply water to full beneficial use from October 1, 1998 to October 1, 2012. The protest period closed March 4, 2016, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

Except as expressly stated herein, the Department adopts and incorporates by reference the findings in the Proposed Final Order dated January 19, 2016.

In summary, as shown in the Proposed Final Order is corrected as follows (additions are shown in "underline" text, deletions are shown in "strikethrough" text):

In summary, the Department proposes to:

- Grant an extension of time to complete construction of the water system from October 1, 1997 to October 1, ~~2012~~ 2013.
- Grant an extension of time to apply water to full beneficial use from October 1, 1998 to October 1, ~~2012~~ 2013.

Findings of Fact 5, as shown in the Proposed Final Order is corrected as follows (additions are shown in "underline" text, deletions are shown in "strikethrough" text):

5. The permit holder, James Butsch, submitted an "Application for Extension of Time" to the Department on December 8, 2015, requesting the time in which to accomplish beneficial use of water to the full extend under the terms of Permit S-51736 be extended from October 1, 1997 to October 1, ~~2012~~ 2013. The extension application form clearly suggests that construction is not complete. The Department, therefore, determined that the permit holder's intent was to also request the time in which to complete construction of the water systems under Permit S-71160 to be extended from October 1, 1997, to October 1, ~~2012~~ 2013. This is the first permit extension request for Permit S-51736.

Findings of Fact 9, as shown in the Proposed Final Order is corrected as follows (additions are shown in "underline" text, deletions are shown in "strikethrough" text):

9. As of December 8, 2015, the permit holder states the remaining work to be completed consists of applying water to full beneficial use.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, ~~2012~~ 2013, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit S-51736 is both reasonable and necessary.

Conclusions of Law 4, as shown in the Proposed Final Order is corrected as follows (additions are shown in "underline" text, deletions are shown in "strikethrough" text):

4. Based on Finding of Facts 8 through 15, completion of construction and full application of water to beneficial use can be accomplished by October 1, ~~2012~~ 2013, as required by OAR 690-315-0040(1)(c).

Proposed Order, as shown in the Proposed Final Order is corrected as follows (additions are shown in "underline" text, deletions are shown in "strikethrough" text):

PROPOSED ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to complete construction of the water system under Permit S-51736 from October 1, 1997 to October 1, ~~2012~~ 2013.

Extend the time to apply water to beneficial use under Permit S-51736 from October 1, 1998 to October 1, ~~2012~~ 2013.

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 no additional conditions.

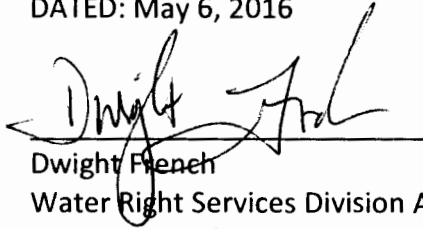
CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application S-71160, Permit S-51736, therefore, is approved. The deadline for completing construction is extended from October 1, 1997 to October 1, 2013. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 1998 to October 1, 2013.

DATED: May 6, 2016



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

-
- If you have any questions about statements contained in this document, please contact Permit Extension Specialist at (503) 986-0825.
 - 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
-