

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

In the Matter of Permit Amendment)	FINAL ORDER
T-10828, Deschutes County)	APPROVING A CHANGE IN POINTS
)	OF APPROPRIATION, AN
)	ADDITIONAL POINT OF
)	APPROPRIATION, AND A CHANGE
)	IN PLACE OF USE

Authority

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

AVION WATER CO., INC.
60813 PARRELL ROAD
BEND, OR 97702

Findings of Fact

Background

1. On March 18, 2009, Avion Water Co., Inc., filed an application to change the points of appropriation, an additional point of appropriation and to change in place of use under Permit G-10019. The Department assigned the application number T-10828.

2. The permit to be amended is as follows:
 - Permit:** G-10019 in the name of AVION WATER CO., INC.
 - Use:** GROUP DOMESTIC SUPPLY FOR 203 FAMILIES INCLUDING THE IRRIGATION OF NOT TO EXCEED ONE-HALF ACRE LAWN AND NONCOMMERCIAL GARDEN FOR EACH
 - Priority Date:** JULY 24, 1981
 - Quantity:** 0.63 CUBIC FOOT PER SECOND (CFS), BEING 0.13 CFS FROM WELL 1, 0.15 CFS FROM WELL 2, AND 0.35 CFS FROM WELL 3
 - Source:** WELLS 1, 2, AND 3, within the DESCHUTES RIVER BASIN

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 137-004-080 and OAR 690-01-005 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

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	12 E	WM	36	SW SE	WELL 1 - 1230 FEET NORTH AND 948 FEET EAST FROM THE S¼ OF SECTION 36
15 S	12 E	WM	36	NE SW	WELL 2 - 2100 FEET NORTH AND 110 FEET WEST FROM THE S¼ CORNER OF SECTION 36
15 S	12 E	WM	36	NE SW	WELL 3 - 2070 FEET NORTH AND 130 FEET WEST FROM THE S¼ CORNER OF SECTION 36

Authorized Place of Use:

GROUP DOMESTIC SUPPLY FOR 203 FAMILIES INCLUDING THE IRRIGATION OF NOT TO EXCEED ONE-HALF ACRE LAWN AND NONCOMMERCIAL GARDEN FOR EACH					
Twp	Rng	Mer	Sec	GLot	Q-Q
15 S	12 E	WM	36		SW NE
15 S	12 E	WM	36		SE NE
15 S	12 E	WM	36		NE NW
15 S	12 E	WM	36		SW NW
15 S	12 E	WM	36		SE NW
15 S	12 E	WM	36		NE SW
15 S	12 E	WM	36		NW SW
15 S	12 E	WM	36		SW SW
15 S	12 E	WM	36		SE SW
15 S	12 E	WM	36		NE SE
15 S	12 E	WM	36		NW SE
15 S	12 E	WM	36		SW SE
15 S	12 E	WM	36		SE SE
15 S	13 E	WM	31		SW SW
16 S	12 E	WM	1	2	SW NE
16 S	12 E	WM	1	1	SE NE
16 S	12 E	WM	1	3	SE NW
16 S	12 E	WM	1		NW SW
16 S	12 E	WM	2	1	SE NE
16 S	12 E	WM	2		NE SE

3. Permit Amendment Application T-10828 proposes to move the authorized points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	12 E	WM	36	SW SE	WELL 1 – 1230 FEET NORTH AND 955 FEET EAST FROM THE S¼ OF SECTION 36
15 S	12 E	WM	36	NE SW	WELL 2 – 2097 FEET NORTH AND 68 FEET WEST FROM THE S¼ CORNER OF SECTION 36
15 S	12 E	WM	36	NE SW	WELL 3 – 2089 FEET NORTH AND 78 FEET WEST FROM THE S¼ CORNER OF SECTION 36

4. Permit Amendment Application T-10828 proposes an additional point of appropriation at:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	12 E	WM	36	NE SW	WELL 4 – 2072 FEET NORTH AND 90 FEET WEST FROM THE S¼ CORNER OF SECTION 36

5. Permit Amendment Application T-10828 also proposes to change the place of use of the permit to:

GROUP DOMESTIC SUPPLY FOR 203 FAMILIES INCLUDING THE IRRIGATION OF NOT TO EXCEED ONE-HALF ACRE LAWN AND NONCOMMERCIAL GARDEN FOR EACH					
Twp	Rng	Mer	Sec	GLot	Q-Q
15 S	12 E	WM	35		SE SE
15 S	12 E	WM	36		SW NE
15 S	12 E	WM	36		SE NE
15 S	12 E	WM	36		NE NW
15 S	12 E	WM	36		SW NW
15 S	12 E	WM	36		SE NW
15 S	12 E	WM	36		NE SW
15 S	12 E	WM	36		NW SW
15 S	12 E	WM	36		SW SW
15 S	12 E	WM	36		SE SW
15 S	12 E	WM	36		NE SE
15 S	12 E	WM	36		NW SE
15 S	12 E	WM	36		SW SE
15 S	12 E	WM	36		SE SE
15 S	13 E	WM	31		SW SW
16 S	12 E	WM	1	2	SW NE
16 S	12 E	WM	1	1	SE NE
16 S	12 E	WM	1	3	SE NW
16 S	12 E	WM	1		NW SW
16 S	12 E	WM	2		NW NE
16 S	12 E	WM	2	1	SE NE
16 S	12 E	WM	2		NE SE
The proposed place of use is in bold type					

6. Notice of the application for the permit amendment was published in the Department's weekly notice on April 7, 2009 pursuant to ORS 540.520(5). No comments were filed in response to the notice.

Permit Amendment Review Criteria

7. The changes would not result in injury to other water rights.
8. The proposed place of use is controlled by the permit holder.
9. The changes do not enlarge the permit.
10. The changes do not alter any other terms of the permit.
11. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law

The change in points of appropriation, additional point of appropriation and change in place of use proposed by Permit Amendment Application T-10828 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

The changes and subsequent use of water shall be subject to the following conditions:

1. The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original points of appropriation.
2. The combined quantity of water diverted at the additional point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
3. The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.
4. Water shall be acquired from the same aquifer as the original points of appropriation.
5. All other terms and conditions of Permit G-10019 remain the same.
6. Permit G-10019, in the name of AVION WATER CO., INC., is amended as described herein.

Dated at Salem, Oregon this 26th day of January, 2010.

William E. Feiler
Phillip C. Ward, Director

Mailing Date: JAN 29 2010