

**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 G-18474, Water Right Application G-17606,) FINAL
in the name of the Avion Water Company Inc.) ORDER

Permit Information

Application File G-17606 / Permit G-18474

Basin 5 – Deschutes Basin / Watermaster District 11

Date of Priority: December 14, 2012

Authorized Use of Water

Source of Water: Brown #1 Well, Brown #2 Well, Dyer #2 Well and China Hat 3 Well within the Deschutes River Basin Basin

Purpose or Use: Quasi-Municipal

Maximum Rate: 10.00 Cubic Feet per Second (cfs)

**This Extension of Time request is being processed in accordance with
Oregon Revised Statute 537.630 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 G-175514 was issued by the Department on April 14, 2016, and modified by Permit Amendment T-13352 (Special Order Volume 118, Page 47). Superseding Permit G-18474 was issued to reflect the changes. The permit called for complete application of water to beneficial use by April 14, 2021. On March 1, 2021, Avion Water Company Inc. submitted an application for an extension of time for Permit G-18474. In accordance with OAR 690-315-0050(2), on March 15, 2022, the Department issued a Proposed Final Order proposing to extend the time to apply water to full beneficial use to October 1, 2040. On March 28, 2022, the permit holder

submitted additional information clarifying the maximum rate of appropriation under the permit. On April 12, 2022, the Department issued a Superseding Proposed Final Order proposing to extend the time to apply water to full beneficial use to October 1, 2040. The protest period closed May 27, 2022, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Superseding Proposed Final Order dated April 12, 2022.

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

CONDITIONS

1. Development Limitations

A maximum appropriation of 3.97 cfs of water is currently allowed under Permit G-18474. Any appropriation of water beyond 3.97 cfs (not to exceed the maximum amount authorized under this permit, being 10.00 cfs) shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan(s) (WMCP) under OAR Chapter 690, Division 86 that grants access to a greater rate of appropriation of water under the permit consistent with OAR 690-086-0130(7). The required WMCP shall be submitted to the Department within 3 years of this Final Order. Use of water under Permit G-18474 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

The Development Limitation established in the above paragraph supersedes any prior limitation of the appropriation of water under Permit G-18474 that has been established under a prior WMCP or Extension final order issued by the Department.

The deadline established in the Extension Final Order for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders.

CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0080(3).

ORDER

The extension of time for Application G-17606, Permit G-18474, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from April 14, 2021, to October 1, 2040.

DATED: July 1, 2022



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 Jeffrey Pierceall at 503-979-3213.

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.
