

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

In the Matter of Permit Amendment            )  
T-9525, Deschutes County, Oregon            )  
  )

**FINAL ORDER**

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., Jan Wick, President  
60813 Parrell Road  
Bend, Oregon 97702

**Findings of Fact**

1. Avion Water Co., Inc., filed an application to amend the points of appropriation under Permit G-12936. The Department assigned the application number T-9525.
2. The permit to be amended is as follows:

**Permit:**           G-12936, in the name of Avion Water Co., Inc.;

**Use:**             Quasi-municipal

**Priority Date:** February 8, 1994

**Quantity:**       0.53 cubic foot per second

**Source:**         Two Wells, in the Dry River Basin.

**Date Of  
Complete  
Application of  
Water:**           October 1, 2010

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:**

Township		Range		Meridian	Sec	¼ ¼		Location
15	S	14	E	W.M.	36	NE	SE	Well 1 - 1600 feet North and 695 feet West from the SE Corner of Section 36.
15	S	14	E	W.M.	36	NE	SE	Well 2 - 1585 feet North and 715 feet West from the SE Corner of Section 36.

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	
15	S	14	E	W.M.	36	NE	NE
15	S	14	E	W.M.	36	NW	NE
15	S	14	E	W.M.	36	SW	NE
15	S	14	E	W.M.	36	SE	NE
15	S	14	E	W.M.	36	NE	NW
15	S	14	E	W.M.	36	NW	NW
15	S	14	E	W.M.	36	SW	NW
15	S	14	E	W.M.	36	SE	NW
15	S	14	E	W.M.	36	NE	SW
15	S	14	E	W.M.	36	SW	SW
15	S	14	E	W.M.	36	NE	SE
15	S	14	E	W.M.	36	NW	SE
15	S	14	E	W.M.	36	SW	SE
15	S	14	E	W.M.	36	SE	SE

3. Application T-9525 proposes to change the point of appropriation of the permit to:

Township		Range		Meridian	Sec	¼ ¼		Location
15	S	14	W	W.M.	28	SW	SE	88.95 feet South and 38.27 feet East from the NW Corner of Section 28.

4. Notice of the application for permit amendment was published pursuant to ORS 540.520(5). No comments were filed in response to the notice.
5. The change would not result in injury to other water rights.
6. The change does not enlarge the permit.
7. The change does not alter all other terms of the permit.

## Conclusions of Law

The change in point of appropriation proposed by Permit Amendment Application T-9525 is consistent with the requirements of ORS 537.211.

### Now, therefore, it is ORDERED:

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

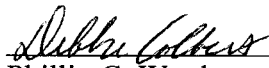
1. The quantity of water diverted at the new point of appropriation (well) shall not exceed the maximum rate and duty allowed under Permit G-12936.
2. Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

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.

The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. All other terms and conditions of Permit G-12936 remain the same.
5. Permit G-12936, in the name of Avion Water Co., Inc., is amended as described herein.

Dated at Salem, Oregon this 20<sup>th</sup> day of October, 2005.

*for*   
Phillip C. Ward,  
Director