BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit Amendment T-13352, Deschutes County)	FINAL ORDER APPROVING AN
)	ADDITIONAL POINT OF
•)	APPROPRIATION

Authority

Oregon Revised Statute (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 COMPANY INC. ATTN: JASON WICK 60813 PARRELL RD BEND, OR 97702

Findings of Fact

- 1. On January 23, 2020, AVION WATER COMPANY INC. ATTN: JASON WICK filed an application for an additional point of appropriation under Permit G-17551. The Department assigned the application number T-13352.
- 2. Notice of the application for the permit amendment was published in the Department's weekly notice on February 4, 2020, and in the The Bulletin newspaper on September 19 and September 26, 2020, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
- 3. Permit Amendment Application T-13352 proposes an additional point of appropriation approximately 1.9 miles from BROWN #1 WELL, 1.9 miles from BROWN #2 WELL, and 8.0 miles from DYER #2 WELL to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	12 E	WM	29	NE NE	CHINA HAT 3 - 663 FEET SOUTH AND 771 FEET WEST FROM THE NE CORNER OF SECTION 29

Permit Amendment Review Criteria

- 4. The change would not result in injury to other water rights.
- 5. The change does not enlarge the permit.

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 and OAR 690-01-0005 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.

6. The change does not alter any other terms of the permit.

Conclusions of Law

The additional point of appropriation proposed by Permit Amendment Application T-13352 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

- 1. The additional point of appropriation proposed by Permit Amendment Application T-13352 is approved.
- 2. Permit G-18474 in the name of AVION WATER CO., is issued to replace Permit G-17551, and incorporates the amendments approved by this order. Permit G-17551, in the name of AVION WATER CO., is no longer of any force or effect.
- 3. The combined quantity of water diverted at the new additional point of appropriation (China Hat 3 Well), together with that diverted at the old points of appropriation (Brown 1 Well, Brown 2 Well and Dyer 2 Well) shall not exceed the quantity of water lawfully available at the original points of appropriation (Brown 1 Well, Brown 2 Well and Dyer 2 Well).
- 4. Measurement, Recording and Reporting Conditions:
 - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each new point of appropriation. The permittee shall maintain the device(s) in good working order.
 - B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
 - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval
- 5. The former place of use shall no longer be irrigated as part of this permit.

6. All other terms and conditions of Permit G-18474 remain the same.

NOV 09 2020

Dated in Salem, Oregon on

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for THOMAS M BYLER, DIRECTOR

Oregon Water Resources Department

Mailing Date: