

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-11994, Deschutes County	)	ADDITIONAL POINTS OF
	)	APPROPRIATION AND CHANGE IN
	)	PLACE OF USE

**Authority**

Oregon Revised Statute (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

AVION WATER COMPANY  
60813 PARRELL RD  
BEND, OR 97702

**Findings of Fact**

1. On March 2, 2015, AVION WATER COMPANY filed an application for additional points of appropriation and to change the place of use under Certificate 85743. The Department assigned the application number T-11994.
2. Notice of the application for transfer was published on March 10, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 14, 2015, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11994 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 14, 2015, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.

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.

4. On October 27, 2015, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11994 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on November 3, 2015, and in the Bend Bulletin newspaper on November 7 and 14, 2015, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. The right to be transferred is as follows:

**Certificate:** 85743 in the name of AVION WATER COMPANY, INC. (perfected under Permit G-11389)  
**Use:** QUASI-MUNICIPAL USES  
**Priority Date:** NOVEMBER 13, 1987  
**Rate:** 1.0 CUBIC FOOT PER SECOND (CFS)  
**Limit/Duty:** The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.0 cubic foot per second or its equivalent in case of rotation, measured at the well.

**Source:** A WELL within the DESCHUTES RIVER BASIN

**Authorized Point of Appropriation:**

Well	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Tekampe Well #2	18 S	12 E	WM	21	SE NE	2240 FEET SOUTH AND 325 FEET WEST FROM THE NE CORNER OF SECTION 21

**Authorized Place of Use:**

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
17 S	12 E	WM	34	SE SW
17 S	12 E	WM	34	SW SE
17 S	12 E	WM	35	SE SW
17 S	12 E	WM	36	NE SW
17 S	12 E	WM	36	SW SE
17 S	12 E	WM	36	SE SE
17 S	13 E	WM	31	NE SW
17 S	13 E	WM	31	SW SW
17 S	13 E	WM	31	SE SW
17 S	13 E	WM	31	NW SE
18 S	12 E	WM	1	NE NE
18 S	12 E	WM	1	NW NE
18 S	12 E	WM	1	SW NE
18 S	12 E	WM	1	SE NE
18 S	12 E	WM	1	NE NW
18 S	12 E	WM	1	NW NW
18 S	12 E	WM	1	SW NW
18 S	12 E	WM	1	SE NW
18 S	12 E	WM	1	NE SW
18 S	12 E	WM	1	NW SW
18 S	12 E	WM	1	SW SW

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
18 S	12 E	WM	1	SE SW
18 S	12 E	WM	1	NW SE
18 S	12 E	WM	1	SW SE
18 S	12 E	WM	2	NE NE
18 S	12 E	WM	2	NW NE
18 S	12 E	WM	2	SW NE
18 S	12 E	WM	2	SE NE
18 S	12 E	WM	2	NE NW
18 S	12 E	WM	2	NW NW
18 S	12 E	WM	2	SW NW
18 S	12 E	WM	2	NE SW
18 S	12 E	WM	2	NW SW
18 S	12 E	WM	2	SW SW
18 S	12 E	WM	2	SE SW
18 S	12 E	WM	2	NE SE
18 S	12 E	WM	2	NW SE
18 S	12 E	WM	2	SW SE
18 S	12 E	WM	2	SE SE
18 S	12 E	WM	3	NE NE
18 S	12 E	WM	3	NW NE
18 S	12 E	WM	3	SW NE

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
18 S	12 E	WM	3	SE NE
18 S	12 E	WM	3	NE NW
18 S	12 E	WM	3	SE NW
18 S	12 E	WM	3	NE SE
18 S	12 E	WM	3	NW SE
18 S	12 E	WM	3	SW SE
18 S	12 E	WM	3	SE SE
18 S	12 E	WM	4	SW SE
18 S	12 E	WM	9	NE NE
18 S	12 E	WM	9	NW NE
18 S	12 E	WM	10	NE NE
18 S	12 E	WM	10	NW NE
18 S	12 E	WM	10	SW NE
18 S	12 E	WM	10	SE NE
18 S	12 E	WM	10	NE NW
18 S	12 E	WM	10	NW NW
18 S	12 E	WM	10	SW NW
18 S	12 E	WM	10	SE NW
18 S	12 E	WM	10	NE SW
18 S	12 E	WM	10	NW SW
18 S	12 E	WM	10	SW SW
18 S	12 E	WM	10	SE SW
18 S	12 E	WM	10	NE SE
18 S	12 E	WM	10	NW SE
18 S	12 E	WM	10	SW SE
18 S	12 E	WM	10	SE SE
18 S	12 E	WM	12	NW NE
18 S	12 E	WM	12	SW NE
18 S	12 E	WM	12	SW NW
18 S	12 E	WM	12	SE NW
18 S	12 E	WM	12	NE SW
18 S	12 E	WM	12	NW SW
18 S	12 E	WM	12	NW SE

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
18 S	12 E	WM	12	SW SE
18 S	12 E	WM	14	NE NW
18 S	12 E	WM	14	NW NW
18 S	12 E	WM	14	SW NW
18 S	12 E	WM	14	SE NW
18 S	12 E	WM	15	NW NE
18 S	12 E	WM	15	SW NE
18 S	12 E	WM	15	NE NW
18 S	12 E	WM	15	SE NW
18 S	12 E	WM	15	NE SW
18 S	12 E	WM	15	SE SW
18 S	12 E	WM	16	SW SE
18 S	12 E	WM	21	NE NE
18 S	12 E	WM	21	NW NE
18 S	12 E	WM	21	SW NE
18 S	12 E	WM	21	SE NE
18 S	12 E	WM	21	NE NW
18 S	12 E	WM	21	SE NW
18 S	12 E	WM	21	NE SE
18 S	12 E	WM	21	NW SE
18 S	12 E	WM	22	NW NW
18 S	12 E	WM	22	SW NW
18 S	12 E	WM	22	NW SW
18 S	12 E	WM	22	SW SW
18 S	12 E	WM	22	SE SW
18 S	12 E	WM	22	SW SE
18 S	12 E	WM	27	NE NW
18 S	13 E	WM	6	NE NE
18 S	13 E	WM	6	NW NE
18 S	13 E	WM	6	SW NE
18 S	13 E	WM	6	SE NE
18 S	13 E	WM	6	NW NW

6. Transfer Application T-11994 proposes additional points of appropriation:

Well	Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Existing Well
Highland Well #1	16 S	12 E	WM	30	NW NE	1143 FEET SOUTH AND 1942 FEET WEST FROM THE NE CORNER OF SECTION 30	11.4 miles
Tumalo Rim Well #1	17 S	12 E	WM	6	NW SW	1346 FEET NORTH AND 980 FEET EAST FROM THE SW CORNER OF SECTION 6	9.1 miles
Tumalo Rim Well #2	17 S	12 E	WM	6	NW SW	1395 FEET NORTH AND 862 FEET EAST FROM THE SW CORNER OF SECTION 6	9.0 miles

7. Transfer Application T-11994 also proposes to change the place of use of the right to:

QUASI-MUNICIPAL USES					
Well	Twp	Rng	Mer	Sec	Q-Q
Highland Well #1	16 S	12 E	WM	30	NE NE
Highland Well #1	16 S	12 E	WM	30	NW NE
Highland Well #1	16 S	12 E	WM	30	SW NE
Highland Well #1	16 S	12 E	WM	30	SE NE
Highland Well #1	16 S	12 E	WM	30	NE NW
Highland Well #1	16 S	12 E	WM	30	NE SE
Highland Well #1	16 S	12 E	WM	30	NW SE
Tumalo Rim Wells 1 & 2	17 S	11 E	WM	1	NE NE
Tumalo Rim Wells 1 & 2	17 S	11 E	WM	1	SE NE
Tumalo Rim Wells 1 & 2	17 S	12 E	WM	6	SW NW
Tumalo Rim Wells 1 & 2	17 S	12 E	WM	6	NW SW
Tumalo Rim Wells 1 & 2	17 S	12 E	WM	6	SW SW
Tekampe Well #2	17 S	12 E	WM	34	SE SW
Tekampe Well #2	17 S	12 E	WM	34	SW SE
Tekampe Well #2	17 S	12 E	WM	35	SE SW
Tekampe Well #2	17 S	12 E	WM	36	NE SW
Tekampe Well #2	17 S	12 E	WM	36	SW SE
Tekampe Well #2	17 S	12 E	WM	36	SE SE
Tekampe Well #2	17 S	13 E	WM	31	NE SW
Tekampe Well #2	17 S	13 E	WM	31	SW SW
Tekampe Well #2	17 S	13 E	WM	31	SE SW
Tekampe Well #2	17 S	13 E	WM	31	NW SE
Tekampe Well #2	18 S	12 E	WM	1	NE NE
Tekampe Well #2	18 S	12 E	WM	1	NW NE
Tekampe Well #2	18 S	12 E	WM	1	SW NE
Tekampe Well #2	18 S	12 E	WM	1	SE NE
Tekampe Well #2	18 S	12 E	WM	1	NE NW
Tekampe Well #2	18 S	12 E	WM	1	NW NW
Tekampe Well #2	18 S	12 E	WM	1	SW NW
Tekampe Well #2	18 S	12 E	WM	1	SE NW
Tekampe Well #2	18 S	12 E	WM	1	NE SW
Tekampe Well #2	18 S	12 E	WM	1	NW SW
Tekampe Well #2	18 S	12 E	WM	1	SW SW
Tekampe Well #2	18 S	12 E	WM	1	SE SW
Tekampe Well #2	18 S	12 E	WM	1	NW SE
Tekampe Well #2	18 S	12 E	WM	1	SW SE
Tekampe Well #2	18 S	12 E	WM	2	NE NE
Tekampe Well #2	18 S	12 E	WM	2	NW NE
Tekampe Well #2	18 S	12 E	WM	2	SW NE
Tekampe Well #2	18 S	12 E	WM	2	SE NE
Tekampe Well #2	18 S	12 E	WM	2	NE NW
Tekampe Well #2	18 S	12 E	WM	2	NW NW
Tekampe Well #2	18 S	12 E	WM	2	SW NW
Tekampe Well #2	18 S	12 E	WM	2	NE SW
Tekampe Well #2	18 S	12 E	WM	2	NW SW
Tekampe Well #2	18 S	12 E	WM	2	SW SW
Tekampe Well #2	18 S	12 E	WM	2	SE SW
Tekampe Well #2	18 S	12 E	WM	2	NE SE
Tekampe Well #2	18 S	12 E	WM	2	NW SE
Tekampe Well #2	18 S	12 E	WM	2	SW SE

QUASI-MUNICIPAL USES					
Well	Twp	Rng	Mer	Sec	Q-Q
Tekampe Well #2	18 S	12 E	WM	2	SE SE
Tekampe Well #2	18 S	12 E	WM	3	NE NE
Tekampe Well #2	18 S	12 E	WM	3	NW NE
Tekampe Well #2	18 S	12 E	WM	3	SW NE
Tekampe Well #2	18 S	12 E	WM	3	SE NE
Tekampe Well #2	18 S	12 E	WM	3	NE NW
Tekampe Well #2	18 S	12 E	WM	3	SE NW
Tekampe Well #2	18 S	12 E	WM	3	NE SE
Tekampe Well #2	18 S	12 E	WM	3	NW SE
Tekampe Well #2	18 S	12 E	WM	3	SW SE
Tekampe Well #2	18 S	12 E	WM	3	SE SE
Tekampe Well #2	18 S	12 E	WM	4	SW SE
Tekampe Well #2	18 S	12 E	WM	9	NE NE
Tekampe Well #2	18 S	12 E	WM	9	NW NE
Tekampe Well #2	18 S	12 E	WM	10	NE NE
Tekampe Well #2	18 S	12 E	WM	10	NW NE
Tekampe Well #2	18 S	12 E	WM	10	SW NE
Tekampe Well #2	18 S	12 E	WM	10	SE NE
Tekampe Well #2	18 S	12 E	WM	10	NE NW
Tekampe Well #2	18 S	12 E	WM	10	NW NW
Tekampe Well #2	18 S	12 E	WM	10	SW NW
Tekampe Well #2	18 S	12 E	WM	10	SE NW
Tekampe Well #2	18 S	12 E	WM	10	NE SW
Tekampe Well #2	18 S	12 E	WM	10	NW SW
Tekampe Well #2	18 S	12 E	WM	10	SW SW
Tekampe Well #2	18 S	12 E	WM	10	SE SW
Tekampe Well #2	18 S	12 E	WM	10	NE SE
Tekampe Well #2	18 S	12 E	WM	10	NW SE
Tekampe Well #2	18 S	12 E	WM	10	SW SE
Tekampe Well #2	18 S	12 E	WM	10	SE SE
Tekampe Well #2	18 S	12 E	WM	12	NW NE
Tekampe Well #2	18 S	12 E	WM	12	SW NE
Tekampe Well #2	18 S	12 E	WM	12	SW NW
Tekampe Well #2	18 S	12 E	WM	12	SE NW
Tekampe Well #2	18 S	12 E	WM	12	NE SW
Tekampe Well #2	18 S	12 E	WM	12	NW SW
Tekampe Well #2	18 S	12 E	WM	12	NW SE
Tekampe Well #2	18 S	12 E	WM	12	SW SE
Tekampe Well #2	18 S	12 E	WM	14	NE NW
Tekampe Well #2	18 S	12 E	WM	14	NW NW
Tekampe Well #2	18 S	12 E	WM	14	SW NW
Tekampe Well #2	18 S	12 E	WM	14	SE NW
Tekampe Well #2	18 S	12 E	WM	15	NW NE
Tekampe Well #2	18 S	12 E	WM	15	SW NE
Tekampe Well #2	18 S	12 E	WM	15	NE NW
Tekampe Well #2	18 S	12 E	WM	15	SE NW
Tekampe Well #2	18 S	12 E	WM	15	NE SW
Tekampe Well #2	18 S	12 E	WM	15	SE SW
Tekampe Well #2	18 S	12 E	WM	16	SW SE
Tekampe Well #2	18 S	12 E	WM	21	NE NE
Tekampe Well #2	18 S	12 E	WM	21	NW NE

QUASI-MUNICIPAL USES					
Well	Twp	Rng	Mer	Sec	Q-Q
Tekampe Well #2	18 S	12 E	WM	21	SW NE
Tekampe Well #2	18 S	12 E	WM	21	SE NE
Tekampe Well #2	18 S	12 E	WM	21	NE NW
Tekampe Well #2	18 S	12 E	WM	21	SE NW
Tekampe Well #2	18 S	12 E	WM	21	NE SE
Tekampe Well #2	18 S	12 E	WM	21	NW SE
Tekampe Well #2	18 S	12 E	WM	22	NW NW
Tekampe Well #2	18 S	12 E	WM	22	SW NW
Tekampe Well #2	18 S	12 E	WM	22	NW SW
Tekampe Well #2	18 S	12 E	WM	22	SW SW
Tekampe Well #2	18 S	12 E	WM	22	SE SW
Tekampe Well #2	18 S	12 E	WM	22	SW SE
Tekampe Well #2	18 S	12 E	WM	27	NE NW
Tekampe Well #2	18 S	13 E	WM	6	NE NE
Tekampe Well #2	18 S	13 E	WM	6	NW NE
Tekampe Well #2	18 S	13 E	WM	6	SW NE
Tekampe Well #2	18 S	13 E	WM	6	SE NE
Tekampe Well #2	18 S	13 E	WM	6	NW NW

**Transfer Review Criteria (OAR 690-380-4010)**

8. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A pump and pipeline system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-11994.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

**Conclusion of Law**

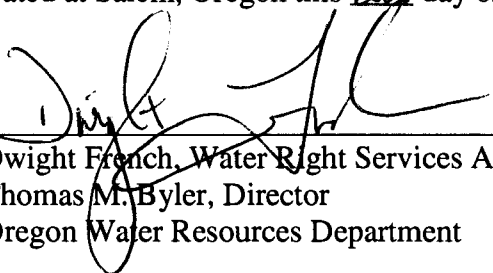
The additional points of appropriation and change in place of use proposed in Transfer Application T-11994 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The additional points of appropriation and change in place of use proposed in Transfer Application T-11994 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 85743 and any related decree.

3. Water right Certificate 85743 is cancelled.
4. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 22<sup>nd</sup> day of December, 2015.

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

Mailing date: DEC 23, 2015