

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

In the Matter of Permit Amendment            )    FINAL ORDER  
T-11324, Deschutes County                    )    APPROVING ADDITIONAL POINTS  
  )    OF APPROPRIATION

**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 RD  
BEND, OR 97702

**Findings of Fact**

**Background**

1. On December 5, 2011, AVION WATER CO. INC. filed an application for additional points of appropriation under Permit G-9284. The Department assigned the application number T-11324.
2. On May 10, 1983, the Department approved an extension of time for complete application of water to October 1, 1987.
3. On July 8, 1988, the Department approved an extension of time for complete application of water to October 1, 1992.
4. On January 6, 1993, the Department approved an extension of time for complete application of water to October 1, 1997.
5. On September 15, 2005, the Department approved an extension of time for complete application of water to October 1, 2009.
6. On March 25, 2011, the Department approved an extension of time for complete application of water to October 1, 2014.

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.

7. The applicant has submitted information that better describes the location of the authorized point of appropriation of Permit G-9284 as being:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	13 E	WM	22	NE NW	CONESTOGA WELL - 370 FEET SOUTH AND 300 FEET WEST FROM THE N¼ CORNER OF SECTION 22

8. Permit Amendment Application T-11324 proposes additional points of appropriation between approximately 2 and 9.5 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	12 E	WM	29	NE NE	CHINA HAT NO. 1 WELL - 400 FEET SOUTH AND 900 FEET WEST FROM THE NE CORNER OF SECTION 29
18 S	12 E	WM	29	NE NE	CHINA HAT NO. 2 WELL - 400 FEET SOUTH AND 1024 FEET WEST FROM THE NE CORNER OF SECTION 29
18 S	12 E	WM	30	SW NW	DESCHUTES RIVER WOODS WELL - 254 FEET NORTH AND 327 FEET WEST FROM THE SE CORNER OF THE SW¼ NW¼ OF SECTION 30
18 S	12 E	WM	17	SW SW	PARRELL ROAD WELL - 200 FEET NORTH AND 570 FEET EAST FROM THE SW CORNER OF SECTION 17
18 S	12 E	WM	19	SW NE	RIVERBEND NO. 1 WELL - 1380 FEET SOUTH AND 1500 FEET WEST FROM THE NE CORNER OF SECTION 19
18 S	12 E	WM	19	SW NE	RIVERBEND NO. 2 WELL - 1360 FEET SOUTH AND 1490 FEET WEST FROM THE NE CORNER OF SECTION 19
18 S	12 E	WM	19	SW NE	RIVERBEND NO. 3 WELL - 1392 FEET SOUTH AND 1501 FEET WEST FROM THE NE CORNER OF SECTION 19
18 S	13 E	WM	31	NW NE	SUNDANCE WELL NO. 2 - 1225 FEET SOUTH AND 1985 FEET WEST FROM THE NE CORNER OF SECTION 31
18 S	12 E	WM	21	SE NE	TEKAMPE NO. 1 WELL - 2240 FEET SOUTH AND 310 FEET WEST FROM THE NE CORNER OF SECTION 21
18 S	12 E	WM	21	SE NE	TEKAMPE NO. 2 WELL - 2240 FEET SOUTH AND 325 FEET WEST FROM THE NE CORNER OF SECTION 21
18 S	12 E	WM	21	SE NE	TEKAMPE NO. 3 WELL - 2260 FEET SOUTH AND 315 FEET WEST FROM THE NE CORNER OF SECTION 21
17 S	12 E	WM	14	NE SE	DYER NO. 1 WELL - 1935 FEET NORTH AND 1051 FEET WEST FROM THE SE CORNER OF SECTION 14
18 S	13 E	WM	20	NW NE	GOSNEY WELL - 868 FEET SOUTH AND 368 FEET EAST FROM THE N¼ CORNER OF SECTION 20

9. Notice of the application for the permit amendment was published in the Department's weekly notice on December 13, 2011, and in the Bend Bulletin newspaper on August 24, 31 and September 7, 2012, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

***Permit Amendment Review Criteria***

10. The change would not result in injury to other water rights.
11. The change does not enlarge the permit.
12. The change does not alter any other terms of the permit.

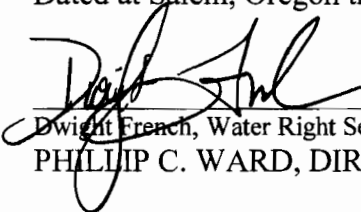
**Conclusions of Law**

The additional points of appropriation proposed by Permit Amendment Application T-11324 are consistent with the requirements of ORS 537.211.

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

1. The additional points of appropriation proposed by Permit Amendment Application T-11324 are approved.
2. Permit G-16949, in the name of AVION WATER CO. INC., is issued to replace Permit G-9284, and incorporates the amendments approved by this order, and the extensions of time. Permit G-9284, in the name of AVION WATER CO. INC., is no longer of any force or effect.
3. The combined quantity of water diverted at the new additional points of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
4. 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.
5. Water shall be acquired from the same aquifer as the original point of appropriation.
6. All other terms and conditions of Permit G-16949 remain the same.

Dated at Salem, Oregon this 17 day of September, 2012.

  
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Dwight French, Water Right Services Administrator, for  
PHILIP C. WARD, DIRECTOR

Mailing Date: SEP 19 2012