

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

In the Matter of Permit Amendment) FINAL ORDER APPROVING
T-11650, Deschutes County) ADDITIONAL POINTS OF
) APPROPRIATION, AND A CHANGE
) IN PLACE OF USE

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

SUNRIVER WATER LLC
PO BOX 3699
SUNRIVER, OR 97707

Findings of Fact

1. On August 19, 2013, SUNRIVER WATER, LLC filed an application for additional points of appropriation and to change the place of use under Permit G-13249. The Department assigned the application number T-11650.
2. Notice of the application for the permit amendment was published in the Department's weekly notice on August 27, 2013, and in the Bend Bulletin newspaper on October 8 and 15, 2014, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
3. On August 28, 2014, the applicant requested to amend the application to include language describing the place of use as within the service boundaries of Sunriver Water LLC.
4. On November 25, 1989, the Department approved the assignment of permit G-13249 to Sunriver Water LLC, as recorded in the Miscellaneous Records, Volume 8, Page 302.
5. On April 28, 2005, the Department approved an extension of time for complete application of water to October 1, 2034.
6. On July 12, 2005, the Department issued a final order for T-9730 amending permit G-13249 as evidenced in Special Order Vol. 65, Page 333, to change the location of a point of appropriation Well 12 and add an additional point of appropriation Well 12A to the total quantity of water allocated for Well 12.

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. On April 13, 2007, the Department issued a final order for T-10106 as evidenced by Special Order Vol.71, Page 510, amending permit G-13249 to change the place of use and correct a scrivener's error in the description of the authorized place of use.
8. On September 24, 2013, the Department issued a final order for a Water Management and Conservation Plan for Sunriver Water, LLC as evidenced by Special Order Volume 91, Page 387. Special Order Vol. 91, Page 387, removed the 7.22 cfs (3,240 gpm) limitation as described in the extension of time issued on April 28, 2005, and established a new limitation of 8.24 cfs (3700 gpm).
9. Permit Amendment Application T-11650 proposes additional points of appropriation with approximate distances from the authorized points of appropriation (POA) described below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized POA
19 S	11 E	WM	32	SW SW	WELL #2 (DESC 5749): 1070 FEET NORTH AND 1300 FEET EAST FROM THE SW CORNER OF SECTION 32	WELL #9 – 1.74 Miles WELL #12 –1.23 Miles WELL #12A (aka-14) -0.80 Mile
20 S	11 E	WM	5	NE NE	WELL #16: 890 FEET SOUTH AND 352 FEET WEST FROM THE NE CORNER OF SECTION 5	WELL #9 –1.94 Miles WELL #12 –1.28 Miles WELL #12A (aka-14) –0.004 Mile

10. Permit Amendment Application T-11650 also proposes to change the place of use for the portion of the permit described as Quasi-Municipal uses to:

Quasi-Municipal Uses
WITHIN THE SERVICE BOUNDRIES OF SUNRIVER WATER LLC.

11. The place of use for irrigation will remain unchanged.

Permit Amendment Review Criteria

12. The changes would not result in injury to other water rights.
13. The proposed place of use is owned and/or controlled by the permit holder.
14. The changes do not enlarge the permit.
15. The changes do not alter any other terms of the permit.
16. The proposed place of use is contiguous to the authorized place of use.

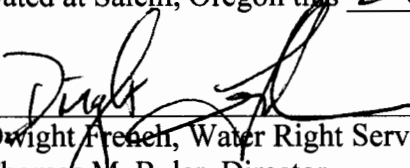
Conclusions of Law

The additional points of appropriation and change in place of use proposed by Permit Amendment Application T-11650 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional points of appropriation and change in place of use proposed by Permit Amendment Application T-11650 are approved.
2. Permit G-17288, in the name of Sunriver Water LLC, is issued to replace Permit G-13249, and incorporates the amendments approved by this order, Special Order Volume 65, Page 333, Special Order Volume 71, Page 510, the extension of time, and the Water Management and Conservation Plan, Special Order Volume 91, Page 387. Permit G-13249, in the name of SUNRIVER UTILITIES COMPANY, is no longer of any force or effect.
3. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
4. 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.
5. Water shall be acquired from the same aquifer as the original points of appropriation.
6. All other terms and conditions of Permit G-13249 remain the same.

Dated at Salem, Oregon this 21 day of November 2014



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

Mailing Date: NOV 25 2014