

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

In the Matter of Permit Amendment)	FINAL ORDER
T-10918, Deschutes County)	APPROVING ADDITIONAL POINTS
)	OF APPROPRIATION, A CHANGE IN
)	POINT 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

AVION WATER CO., INC.
60813 PARRELL ROAD
BEND OR 97702

Findings of Fact

Background

1. On June 29, 2009, Avion Water Company, Inc., filed an application for additional points of appropriation, a change a point of appropriation, and a change in place of use under Permit G-10000. The Department assigned the application number T-10918.
2. The permit to be amended is as follows:

Permit:	G-10000 in the name of AVION WATER CO. INC.
Use:	GROUP DOMESTIC FOR 281 FAMILIES INCLUDING THE IRRIGATION OF LAWN AND GARDEN NOT TO EXCEED ONE-HALF ACRE FOR EACH
Priority Date:	JULY 10, 1981
Quantity:	250 GALLONS PER MINUTE (GPM); BEING 100 GPM FROM WELL 1 AND 150 GPM FROM WELL 2
Source:	WELLS within the DESCHUTES RIVER BASIN

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:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	12 E	WM	21	SW SE	WELL T - 137 FEET NORTH AND 2290 FEET WEST FROM THE SE CORNER OF SECTION 21
16 S	12 E	WM	21	SE SE	WHISPERING PINES - 20 FEET NORTH AND 20 FEET WEST FROM THE SE CORNER OF SECTION 21
16 S	12 E	WM	21	SE SE	WELL S - 20 FEET NORTH AND 20 FEET WEST FROM THE SE CORNER OF SECTION 21
16 S	12 E	WM	26	SE SE	WELL A-1 - 726 FEET NORTH AND 1210 FEET WEST FROM THE SE CORNER OF SECTION 26
16 S	12 E	WM	26	SE SE	WELL 3 - 740 FEET NORTH AND 1217 FEET WEST FROM THE SE CORNER OF SECTION 26
16 S	12 E	WM	28	SW SW	WELL W - 885 FEET NORTH AND 1395 FEET WEST FROM THE S $\frac{1}{4}$ CORNER OF SECTION 28
16 S	12 E	WM	28	SW SW	GLACIER VIEW - 885 FEET NORTH AND 1395 FEET WEST FROM THE S $\frac{1}{4}$ CORNER OF SECTION 28
16 S	12 E	WM	33	NW NW	POHAKU RANCH - 165 FEET SOUTH AND 950 FEET EAST FROM THE NW CORNER OF SECTION 33
16 S	12 E	WM	33	NW NW	WELL V - 140 FEET SOUTH AND 950 FEET EAST FROM THE NW CORNER OF SECTION 33
16 S	12 E	WM	36	SE NE	WELL 2 - 330 FEET NORTH AND 170 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 36
16 S	12 E	WM	36	SE NE	WELL Y - 400 FEET NORTH AND 155 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 36
16 S	12 E	WM	36	NE NW	WELL 1 - 930 FEET SOUTH AND 735 FEET WEST FROM THE N $\frac{1}{4}$ CORNER OF SECTION 36
16 S	12 E	WM	36	NE NW	WELL X - 894 FEET SOUTH AND 708 FEET WEST FROM THE N $\frac{1}{4}$ CORNER OF SECTION 36
16 S	12 E	WM	36	SE SE	BOONESBOROUGH MCGRATH NO. 2 - 160 FEET NORTH AND 796 FEET WEST FROM THE SE CORNER OF SECTION 36
16 S	12 E	WM	36	SE SE	BOONESBOROUGH MCGRATH NO. 1 - 131 FEET NORTH AND 693 FEET WEST FROM THE SE CORNER OF SECTION 36
17 S	12 E	WM	8	SE NW	WELL D-2 - 1600 FEET SOUTH AND 1680 FEET EAST FROM THE NW CORNER OF SECTION 8
17 S	12 E	WM	8	SE NW	WELL D-1 - 1550 FEET SOUTH AND 1700 FEET EAST FROM THE NW CORNER OF SECTION 8
17 S	12 E	WM	8	SE NW	WELL D-3 - 1700 FEET SOUTH AND 1780 FEET EAST FROM THE NW CORNER OF SECTION 8
17 S	12 E	WM	9	SE SE	WELL G - 312 FEET NORTH AND 15 FEET WEST FROM THE SE CORNER OF SECTION 9
17 S	12 E	WM	9	SE SE	WELL M - 312 FEET NORTH AND 12 FEET WEST FROM THE SE CORNER OF SECTION 9
17 S	12 E	WM	14	NW NE	WELL B - 975 FEET SOUTH AND 2000 FEET WEST FROM THE NE CORNER OF SECTION 14
17 S	12 E	WM	14	SW SW	WELL J - 343 FEET NORTH AND 892 FEET EAST FROM THE SW CORNER OF SECTION 14
17 S	12 E	WM	14	SW SW	WELL A - 343 FEET NORTH AND 792 FEET EAST FROM THE SW CORNER OF SECTION 14
17 S	12 E	WM	16	SW NE	WELL L - 1425 FEET SOUTH AND 1950 FEET WEST FROM THE NE CORNER OF SECTION 16
17 S	12 E	WM	16	SW NE	WELL C - 1393 FEET SOUTH AND 1950 FEET WEST FROM THE NE CORNER OF SECTION 16
17 S	12 E	WM	16	SE SW	WELL D - 865 FEET NORTH AND 1700 FEET EAST FROM THE

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
					SW CORNER OF SECTION 16
17 S	12 E	WM	16	SE SW	WELL K - 1973 FEET SOUTH AND 575 FEET WEST FROM THE C ¹ / ₄ CORNER OF SECTION 16
17 S	12 E	WM	23	NE SE	WELL U - 55 FEET SOUTH AND 42 FEET WEST FROM THE E ¹ / ₄ CORNER OF SECTION 23
17 S	12 E	WM	23	NE SE	WELL F - 55 FEET SOUTH AND 42 FEET WEST FROM THE E ¹ / ₄ CORNER OF SECTION 23
17 S	12 E	WM	23	NW SE	WELL E - 868 FEET SOUTH AND 116 FEET EAST FROM THE C ¹ / ₄ CORNER OF SECTION 23
17 S	12 E	WM	26	NW SE	WELL I - 868 FEET SOUTH AND 116 FEET EAST FROM THE C ¹ / ₄ CORNER OF SECTION 26
17 S	13 E	WM	19	NW NE	WELL Q - 644 FEET SOUTH AND 1826 FEET WEST FROM THE NE CORNER OF SECTION 19
17 S	13 E	WM	33	SW NW	WELL P - 455 FEET NORTH AND 1263 FEET EAST FROM THE W ¹ / ₄ CORNER OF SECTION 33
17 S	13 E	WM	33	SW SW	WELL O - 340 FEET NORTH AND 796 FEET WEST FROM THE SE CORNER OF SECTION 33
17 S	13 E	WM	33	SW SW	CODY ROAD WELL - 270 FEET NORTH AND 445 FEET EAST FROM THE SW CORNER OF SECTION 33
18 S	11 E	WM	13	SW NE	WELL A - 2400 FEET SOUTH AND 1800 FEET WEST FROM THE NE CORNER OF SECTION 13
18 S	11 E	WM	25	NW NE	WELL 2 - 250 FEET SOUTH AND 200 FEET EAST FROM THE N ¹ / ₄ CORNER OF SECTION 25
18 S	11 E	WM	26	NW NW	TUSCARORA WELL (T-7778) - 300 FEET SOUTH AND 30 FEET EAST FROM THE NW CORNER OF SECTION 26
18 S	11 E	WM	26	NW NW	WELL 1 (TUSCORORA) - 320 FEET SOUTH AND 25 FEET EAST FROM THE NW CORNER OF SECTION 26
18 S	12 E	WM	1	NE NW	WELL G-1 - 1010 FEET SOUTH AND 1805 FEET EAST FROM THE NW CORNER OF SECTION 1
18 S	12 E	WM	1	NW SE	WELL H-1 - 1413 FEET NORTH AND 1070 FEET EAST FROM THE S ¹ / ₄ CORNER OF SECTION 1
18 S	12 E	WM	2	SW NW	WELL D-1 - 90 FEET NORTH AND 700 FEET EAST FROM THE W ¹ / ₄ CORNER OF SECTION 2
18 S	12 E	WM	3	NE NW	WELL H-2 - 400 FEET SOUTH AND 86 FEET WEST FROM THE N ¹ / ₄ CORNER OF SECTION 3
18 S	12 E	WM	3	NE NW	WELL A-1 - 325 FEET SOUTH AND 200 FEET WEST FROM THE N ¹ / ₄ CORNER OF SECTION 3
18 S	12 E	WM	3	NE NW	WELL A-2 - 325 FEET SOUTH AND 86 FEET WEST FROM THE N ¹ / ₄ CORNER OF SECTION 3
18 S	12 E	WM	3	NE NW	WELL H-1 - 400 FEET SOUTH AND 200 FEET WEST FROM THE N ¹ / ₄ CORNER OF SECTION 3
18 S	12 E	WM	3	SE SE	WELL G-2 - 274 FEET NORTH AND 937 FEET WEST FROM THE SE CORNER OF SECTION 3
18 S	12 E	WM	3	SE SE	WELL B-1 - 264 FEET NORTH AND 947 FEET WEST FROM THE SE CORNER OF SECTION 3
18 S	12 E	WM	3	SE SE	WELL B-2 - 274 FEET NORTH AND 937 FEET WEST FROM THE SE CORNER OF SECTION 3
18 S	12 E	WM	3	SE SE	WELL G-1 - 264 FEET NORTH AND 947 FEET WEST FROM THE SE CORNER OF SECTION 3
18 S	12 E	WM	6	SE SE	WELL F-1 - 75 FEET NORTH AND 100 FEET WEST FROM THE SE CORNER OF SECTION 6
18 S	12 E	WM	6	SE SE	WELL F-2 - 90 FEET NORTH AND 95 FEET WEST FROM THE

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
					SE CORNER OF SECTION 6
18 S	12 E	WM	7	SW SE	WELL 1 - 70 FEET NORTH AND 2242 FEET WEST FROM THE SE CORNER OF SECTION 7
18 S	12 E	WM	10	SE NE	WELL C-1 - 2000 FEET SOUTH AND 706 FEET WEST FROM THE NE CORNER OF SECTION 10
18 S	12 E	WM	10	NW NW	WELL E-1 - 268 FEET SOUTH AND 260 FEET EAST FROM THE NW CORNER OF SECTION 10
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	18	NW SE	WELL 4 - 195 FEET SOUTH AND 260 FEET EAST FROM THE C¼ CORNER OF SECTION 18
18 S	12 E	WM	18	NW SE	WELL 2 - 240 FEET SOUTH AND 260 FEET EAST FROM THE C¼ CORNER OF SECTION 18
18 S	12 E	WM	18	SE SE	WELL 3 - 1019 FEET NORTH AND 640 FEET WEST FROM THE SE CORNER OF SECTION 18
18 S	12 E	WM	18	SE SE	WELL E-1 - 1019 FEET NORTH AND 640 FEET WEST FROM THE SE CORNER OF SECTION 18
18 S	12 E	WM	18	SE SE	WELL E-2 - 1020 FEET NORTH AND 640 FEET WEST FROM THE SE CORNER OF SECTION 18
18 S	12 E	WM	19	SW NE	RIVERBEND WELL NO. 2 - 1360 FEET SOUTH AND 1490 FEET WEST FROM THE NE CORNER OF SECTION 19
18 S	12 E	WM	19	SW NE	RIVERBEND NO. 1 - 1380 FEET SOUTH AND 1500 FEET WEST FROM THE NE CORNER OF SECTION 19
18 S	12 E	WM	20	NW NE	WELL A-2 - 868 FEET SOUTH AND 368 FEET EAST FROM THE N¼ CORNER OF SECTION 20
18 S	12 E	WM	21	SE NE	WELL F-1 - 2260 FEET SOUTH AND 315 FEET WEST FROM THE NE CORNER OF SECTION 21
18 S	12 E	WM	21	SE NE	WELL F-2 - 2260 FEET SOUTH AND 300 FEET WEST FROM THE NE CORNER OF SECTION 21
18 S	12 E	WM	21	SE NE	TEKAMPE NO. 1 - 2225 FEET SOUTH AND 315 FEET WEST FROM THE NE CORNER OF SECTION 21
18 S	12 E	WM	21	SE NE	TEKAMPE NO. 2 - 2260 FEET SOUTH AND 315 FEET WEST FROM THE NE CORNER OF SECTION 21
18 S	12 E	WM	21	SE NE	TEKAMPE NO. 3 - 2240 FEET SOUTH AND 310 FEET WEST FROM THE NE CORNER OF SECTION 21
18 S	12 E	WM	29	NE NE	CHINA HAT NO. 1 - 400 FEET SOUTH AND 900 FEET WEST FROM THE NE CORNER OF SECTION 29
18 S	13 E	WM	20	NW NE	868 FEET SOUTH AND 368 FEET EAST FROM THE N¼ CORNER OF SECTION 20
18 S	13 E	WM	22	NE NW	CONESTOGA - 283 FEET SOUTH AND 3240 FEET WEST FROM THE NE CORNER OF SECTION 22
18 S	13 E	WM	31	NW NE	SUNDANCE WELL NO. 1 - 1225 FEET SOUTH AND 2105 FEET WEST FROM THE NE CORNER OF SECTION 31
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

Authorized Place of Use:

GROUP DOMESTIC				
Twp	Rng	Mer	Sec	Q-Q
18 S	11 E	WM	22	SE SE
18 S	11 E	WM	24	NW SE
18 S	11 E	WM	24	SW SE

GROUP DOMESTIC				
Twp	Rng	Mer	Sec	Q-Q
18 S	11 E	WM	25	NE NE
18 S	11 E	WM	25	NW NE
18 S	11 E	WM	25	SW NE
18 S	11 E	WM	25	NE NW
18 S	11 E	WM	25	NW NW
18 S	11 E	WM	25	SW NW
18 S	11 E	WM	25	SE NW
18 S	11 E	WM	26	NE NE
18 S	11 E	WM	26	SW NE
18 S	11 E	WM	26	SE NE
18 S	11 E	WM	26	NE NW
18 S	11 E	WM	26	NW NW
18 S	11 E	WM	26	SE NW
18 S	11 E	WM	27	NE NE

3. Permit Amendment Application T-10918 proposes to change the point of appropriation of the Tuscorora Well approximately 90 feet to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	11 E	WM	26	NW NW	TUSCORORA WELL - 228 FEET SOUTH AND 30 FEET EAST FROM THE NW CORNER OF SECTION 26

4. Permit Amendment Application T-10918 proposes an additional point of appropriation to Well 2 (DESC 5388) located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	11 E	WM	26	NW NW	TUSCORORA WELL - 228 FEET SOUTH AND 30 FEET EAST FROM THE NW CORNER OF SECTION 26

5. Permit Amendment Application T-10918 proposes additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	12 E	WM	14	NE SE	DYER NO. 1 - 1935 FEET NORTH AND 1051 FEET WEST FROM THE SE CORNER OF SECTION 14
18 S	12 E	WM	19	SW NE	RIVERBEND NO. 3 - 1392 FEET SOUTH AND 1501 FEET WEST FROM THE NE CORNER OF SECTION 19
18 S	12 E	WM	29	NE NE	CHINA HAT NO. 2 - 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 - 254 FEET NORTH AND 327 FEET WEST FROM THE SE CORNER OF THE SW¼ NW¼ OF SECTION 30

6. Permit Amendment Application T-10918 proposes to change the place of use of the permit to:

GROUP DOMESTIC				
Twp	Rng	Mer	Sec	Q-Q
18 S	11 E	WM	22	SE SE
18 S	11 E	WM	23	SW SW
18 S	11 E	WM	24	SE SW

GROUP DOMESTIC				
Twp	Rng	Mer	Sec	Q-Q
18 S	11 E	WM	24	NE SE
18 S	11 E	WM	24	NW SE
18 S	11 E	WM	24	SW SE
18 S	11 E	WM	24	SE SE
18 S	11 E	WM	25	NE NE
18 S	11 E	WM	25	NW NE
18 S	11 E	WM	25	SW NE
18 S	11 E	WM	25	SE NE
18 S	11 E	WM	25	NE NW
18 S	11 E	WM	25	NW NW
18 S	11 E	WM	25	SW NW
18 S	11 E	WM	25	SE NW
18 S	11 E	WM	26	NE NE
18 S	11 E	WM	26	NW NE
18 S	11 E	WM	26	SW NE
18 S	11 E	WM	26	SE NE
18 S	11 E	WM	26	NE NW
18 S	11 E	WM	26	NW NW
18 S	11 E	WM	26	SE NW
18 S	11 E	WM	27	NE NE
18 S	11 E	WM	27	NW NE
18 S	12 E	WM	19	NW SW
18 S	12 E	WM	19	SW SW
18 S	12 E	WM	19	SE SW
18 S	12 E	WM	30	NW NW

7. Notice of the application for the permit amendment was published in the Department's weekly notice on July 21, 2009, and in the Bend Bulletin newspaper on August 26, September 2 and 9, 2009, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

Permit Amendment Review Criteria

8. The changes would not result in injury to other water rights.
9. The proposed place of use is controlled by the permit holder.
10. The changes do not enlarge the permit.
11. The changes do not alter any other terms of the permit.
12. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law

The additional points of appropriation, change in point of appropriation, and change in place of use proposed by Permit Amendment Application T-10918 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

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

1. 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.
2. Prior to water use from the proposed points of appropriation, the permittee shall install meters or other suitable measuring devices as approved by the Director. The permittee shall maintain the meters or measuring devices in good working order, and shall keep a complete record of the amount of water used each month.
3. All other terms and conditions of Permit G-10000 remain the same.
4. Permit G-10000, in the name of AVION WATER CO. INC., is amended as described herein.

Dated at Salem, Oregon this 15th day of September, 2009.



Phillip C. Ward, Director *in*

Mailing Date: SEP 21 2009