BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit Amendment)	FINAL ORDER
T-12027, Crook, Deschutes County)	APPROVING ADDITIONAL POINTS
)	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 April 9, 2015, AVION WATER COMPANY, INC. filed an application for an additional point of appropriation under Permit G-16026. The Department assigned the application number T-12027.
- 2. On August 31, 2006, the Department approved Permit Amendment T-10204, entered at Special Order Volume 70, Page 32, amending Permit G-16026 for changes in points of appropriation, additional points of appropriation, and a change in place of use.
- 3. On September 16, 2008, the Department approved Permit Amendment T-10488, entered at Special Order Volume 75, Page 773, amending Permit G-16026 for changes in points of appropriation and additional points of appropriation.
- 4. On March 25, 2011, the Department approved an extension of time for complete application of water to October 1, 2025.
- 5. On September 12, 2011, the Department approved a Water Management and Conservation Plan submitted by Avion Water Company, Inc. The approval order was entered at Special Order Volume 85, Page 378.

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. Notice of the application for the permit amendment was published in the Department's weekly notice on April 14, 2015, and in the Bend Bulletin newspaper on February 11, 2016 and February 18, 2016, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
- 7. Permit Amendment Application T-12027 proposed two additional points of appropriation with approximate distances from the existing points of appropriation as follows:

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Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Wells
16 S	12 E	WM	17	SE SE	DESCHUTES RIVER RANCH WELL - 484 FEET NORTH AND 1327 FEET EAST FROM THE S 1/4 CORNER OF SECTION 17	Between 14.4 and 6.5 miles
17 S	13 E	WM	16	SE NE	DESERT SPRINGS WELL - 1992 FEET SOUTH AND 1220 FEET WEST FROM THE NE CORNER OF SECTION 16	Between 12.0 and 3.9 miles

Permit Amendment Review Criteria

- 8. The change would not result in injury to other water rights.
- 9. The change does not enlarge the permit.
- 10. 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-12027 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-12027 are approved.
- 2. Permit G-17539, in the name of AVION WATER COMPANY, INC. is issued to replace Permit G-16026, and incorporates the amendments approved by this order, the orders approving Permit Amendments T-10204 and T-10488, the extension of time and the Water Management and Conservation Plan. Permit G-16026, 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 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) or at each new point of appropriation.
 - 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 is/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-17539 remain the same.

Dated at Salem, Oregon this 2 day of March, 2016.

Dwight French, Water Right Services Administrator, for

Thomas M Byler, Director

Oregon Water Resources Department

Mailing Date: APR 0 1 2016