

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

In the Matter of Permit Amendment	)	FINAL ORDER
T-12839, Crook 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 February 2, 2018, AVION WATER COMPANY INC., ATTN; JASON WICK, filed an application for additional points of appropriation under Permit G-12192. The Department assigned the application number T-12839.
2. On November 28, 2009, the Department approved an assignment of the permit to Avion Water Inc.
3. On March 25, 2011, the Department approved an extension of time for complete application of water to October 1, 2020.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on February 20, 2018, and in the Bend Bulletin newspaper on May 9 and 16, 2019, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
5. Permit Amendment Application T-12839 proposes additional points of appropriation within the boundaries of Central Oregon Irrigation District. The district was notified by phone on November 29, 2018 of the proposed permit amendment and did not provide any comment.

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. Permit Amendment Application T-12839 proposes additional points of appropriation with approximate distances from the existing point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Well
16 S	14 E	WM	33	NE NW	BRASADA 1 - 1120 FEET SOUTH AND 1510 FEET EAST FROM THE NW CORNER OF SECTION 33	2.4 Miles
16 S	14 E	WM	33	NE NW	BRASADA 2 - 1070 FEET SOUTH AND 1425 FEET EAST FROM THE NW CORNER OF SECTION 33	2.4 Miles

***Permit Amendment Review Criteria***

7. The change would not result in injury to other water rights.
8. The change does not enlarge the permit.
9. The change does not alter any other terms of the permit.

**Conclusions of Law**

The change in points of appropriation proposed by Permit Amendment Application T-12839 is 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-12839 is approved.
2. Permit G-18151, in the name of Avion Water Company, Inc., Attn: Jason Wick, is issued to replace Permit G-12192, and incorporates the amendments approved by this order, the extension of time, and the assignment. Permit G-12192, in the name of Avion Water Inc., is no longer of any force or effect.
3. The combined quantity of water diverted at the new points of appropriation Brasada 1 and Brasada 2, together with that diverted at the old point of appropriation (PBVE Well 1), shall not exceed the quantity of water lawfully available at the original point 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 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 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 point of appropriation.
6. All other terms and conditions of Permit G-18151 remain the same.

Dated at Salem, Oregon this JUL 24 2019

A handwritten signature in blue ink, appearing to read 'Lisa J. Jaramillo', is written over a horizontal line.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

Mailing Date: JUL 25 2019