

STATE OF OREGON

COUNTY OF CROOK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

AVION WATER COMPANY INC.
60813 PARRELL ROAD
BEND, OR 97701

This superseding permit is issued to describe an amendment for additional points of appropriation proposed under Permit Amendment Application T-12839 and approved by Special Order Vol. 113, Page 710, entered July 24, 2009, and to describe an extension of time for complete application of water approved March 25, 2011 and an assignment to a new permittee approved November 23, 2009. This permit supersedes Permit G-12192.

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13446

SOURCE OF WATER: THREE WELLS IN DRY RIVER BASIN

PURPOSE OR USE: GROUP DOMESTIC USE FOR 102 HOUSEHOLDS INCLUDING UP TO ONE-HALF ACRE OF LAWN AND NON-COMMERCIAL GARDEN FOR EACH.

MAXIMUM FLOW RATE: 0.29 CFS

SEASON OF USE: YEAR ROUND

DATE OF PRIORITY: JUNE 25, 1993

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	14 E	WM	17	SE SW	PBVE WELL 1 (Original) - 70 FEET NORTH AND 2520 FEET EAST FROM THE SW CORNER OF SECTION 17
16 S	14 E	WM	33	NE NW	BRASADA 1 - 1120 FEET SOUTH AND 1510 FEET EAST FROM THE NW CORNER OF SECTION 33
16 S	14 E	WM	33	NE NW	BRASADA 2 - 1070 FEET SOUTH AND 1425 FEET EAST FROM THE NW CORNER OF SECTION 33

THE PLACE OF USE IS LOCATED AS FOLLOWS:

GROUP DOMESTIC FOR 102 HOUSEHOLDS INCLUDING UP TO ONE-HALF ACRE OF LAWN AND NON- COMMERCIAL GARDEN FOR EACH				
Twp	Rng	Mer	Sec	Q-Q
16 S	14 E	WM	15	NE SW
16 S	14 E	WM	15	NW SW
16 S	14 E	WM	15	SW SW
16 S	14 E	WM	15	SE SW
16 S	14 E	WM	15	NE SE
16 S	14 E	WM	15	NW SE
16 S	14 E	WM	15	SW SE
16 S	14 E	WM	15	SE SE
16 S	14 E	WM	22	NE NE
16 S	14 E	WM	22	NW NE
16 S	14 E	WM	22	SW NE
16 S	14 E	WM	22	SE NE
16 S	14 E	WM	23	NE NW
16 S	14 E	WM	23	NW NW
16 S	14 E	WM	23	SW NW

Permit Amendment T-12839 Conditions:

The combined quantity of water diverted at the new points of appropriation (Brasada Wells 1 and 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 (PBVE Well 1).

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.

Water shall be acquired from the same aquifer as the original point of appropriation.

Extension of Time Conditions:**Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2014 and 2019.

- a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and

compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

- b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

Original Permit Conditions:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this permit or certificate may be regulated if analysis of data available after the permit or certificate is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

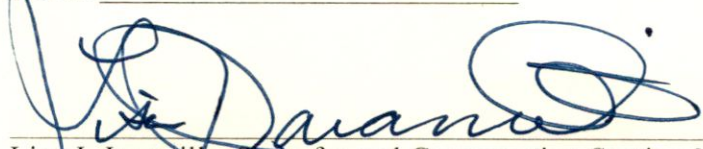
The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

The original permit was issued October 30, 1995. Actual construction of the well was to begin within one year from permit issuance. By Extension of Time Final Order dated March 25, 2011 the deadline for complete application of water was extended to October 1, 2020.

JUL 24 2019

Issued _____



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