

Temporary

Name Broken Top Community ClubAddress 62000 Broken Top Dr.
Bend, OR 97702Change in POU, APOADate Filed 2/2/2024Initial notice date 2/13/2024

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 5/20/2025 Vol 134 Page 711-714

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream A wellTrib. of Deschutes River BasinUse Quasi-MunicipalCounty Deschutes

Quantity of water (CFS) _____

No. of Acres _____

Name of ditch _____

App# G 12033Per # G11091Cert # 93055PR Date 2-22-1990

App# _____

Per # _____

Cert # _____

PR Date _____

App# _____

Per # _____

Cert # _____

PR Date _____

App# _____

Per # _____

Cert # _____

PR Date _____

App# _____

Per # _____

Cert # _____

PR Date _____

FEES PAID

Date	Amount	Receipt #
<u>2-2-24</u>	<u>81,370.00</u>	<u>142348</u>

FEES REFUNDED

Date	Amount	Receipt #
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Assignments: _____

Irrigation District Arnold ID, Central Oregon ID, Swalley ID, Tumalo IDAgent Trevor Grandy - GSI Water Solutions
tgrandy@gsiws.com

CWRE _____

CC's list Deschutes County Community Development
City of Bend Planning Dept.☐ - Oversized map - Location _____



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

May 20, 2025

Broken Top Community Club
62000 Broken Top Dr
Bend, OR 97702

REFERENCE: District Temporary Transfer Application T-14402

Enclosed is a copy of the final order approving your TEMPORARY water right transfer application.

The temporary change shall be effective at the **beginning of the 2025 irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2028 irrigation season**.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at Scott.a.grew@water.oregon.gov.

Sincerely,

David V. Jones Jr
Water Rights Services Support
Transfers and Conservation Section

cc: Jeremy T. Giffin, Watermaster Dist. # 11 (via email)
Trevor Grandy, Agent
Irrigation District: Arnold Irrigation District, Central Oregon Irrigation District, Swalley
Irrigation District, Tumalo Irrigation District
Local Government: Deschutes County Community Development, City of Bend Planning
Department
Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING A TEMPORARY
T-14402, Deschutes County)	CHANGE IN PLACE OF USE AND
)	ADDITIONAL POINTS OF APPROPRIATION

Authority

Oregon Revised Statute (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of appropriation authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

BROKEN TOP COMMUNITY CLUB
62000 BROKEN TOP DR
BEND, OR 97702

Findings of Fact

1. On February 2, 2024, Broken Top Community Club filed an application to temporarily change the place of use and add points of appropriation to serve the proposed place of use under Certificate 93055 for a period of 5 years. The Department assigned the application number T-14402.
2. Notice of the application for transfer was published on February 13, 2024, pursuant to OAR 690-380-4000.
3. On August 19, 2024, the Department received correspondence from Josh Newton, Attorney for the Confederated Tribes of the Warm Springs Reservation of Oregon (Tribe). The Tribe does not object to the Department processing the Transfer Application T-14402, in accordance with applicable law, and the Department's customary practice.

This is a final order in other than a 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, you may 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.

4. The right to be transferred is as follows:

Certificate: 93055 in the name of GOLD RING HOLDINGS LLC (perfected under Permit G-11091)
Use: QUASI-MUNICIPAL USE
Priority Date: FEBRUARY 22, 1990
Rate: 2.7 CUBIC FEET PER SECOND
Source: ONE WELL in the DESCHUTES RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	11 E	WM	1	NW SE	WELL 1 - 2650 FEET SOUTH AND 1400 FEET WEST FROM NE CORNER OF SECTION 1

Authorized Place of Use:

QUASI-MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
18 S	11 E	WM	1	NE NE
18 S	11 E	WM	1	NW NE
18 S	11 E	WM	1	SW NE
18 S	11 E	WM	1	SE NE
18 S	11 E	WM	1	NE NW
18 S	11 E	WM	1	NW NW
18 S	11 E	WM	1	SW NW
18 S	11 E	WM	1	SE NW
18 S	11 E	WM	1	NE SW
18 S	11 E	WM	1	NW SW

QUASI-MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
18 S	11 E	WM	1	SW SW
18 S	11 E	WM	1	SE SW
18 S	11 E	WM	1	NE SE
18 S	11 E	WM	1	NW SE
18 S	11 E	WM	1	SW SE
18 S	11 E	WM	1	SE SE
18 S	11 E	WM	2	SE NE
18 S	11 E	WM	12	NW NE
18 S	11 E	WM	12	NE NW
18 S	12 E	WM	6	NW SW

5. Temporary Transfer Application T-14402 proposes to temporarily change the place of use of the right to:

QUASI-MUNICIPAL USE
WITHIN THE BROKEN TOP COMMUNITY ASSOCIATION SERVICE AREA
WITHIN THE GREATER AVION SERVICE AREA

6. Additional points of appropriation are necessary to convey the water to the proposed temporary place of use with approximate distances as described below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Well in Miles (mi.)
17 S	12 E	WM	14	NE SE	DYER 2 - 1930 FEET NORTH AND 1150 FEET WEST FROM THE SE CORNER OF SECTION 14	6.3 mi. NW
18 S	12 E	WM	29	NE NE	CHINA HAT WELL 3 - 663 FEET SOUTH AND 771 FEET WEST FROM THE NE CORNER OF SECTION 29	4.2 mi. SE

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Well in Miles (mi.)
18 S	12 E	WM	29	NE NE	CHINA HAT WELL 4 - 760 FEET SOUTH AND 840 FEET WEST FROM THE NE CORNER OF SECTION 29	4.2 mi. SE

7. Water right Certificate 93055 does not list a duty of water; however, the limit of the water right is the maximum quantity that could be beneficially used without waste. Therefore, to prevent enlargement of this right, the maximum diverted annual volume of water for quasi-municipal use under this right should be limited to 1,951.29 acre-feet (AF) per year (2.7 cfs x 1.98 AF/day x 365 days).

Temporary Transfer Review Criteria

8. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
10. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary change in place of use and additional points of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-14402 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

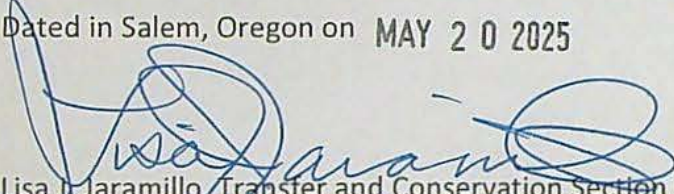
Now, therefore, it is ORDERED:

1. The temporary change in place of use and additional points of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-14402 are approved.
2. The use shall revert to the authorized place of use at the end on December 31, 2028. The authorization to use the temporary points of appropriation shall be terminated concurrently.
3. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
4. A subsequent application for permanent transfer of Certificate 93055 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter

690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.

5. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 93055.
6. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
7. The use of water under this temporary transfer shall be limited to a total quantity of water diverted of 1,951.29 AF per year.
8. 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.

Dated in Salem, Oregon on MAY 20 2025



Lisa J. Jaramillo, Transfer and Conservation Section Manager for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing Date: MAY 21 2025

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14402

Transfer Specialist: *Scott*

Transfer Type: Temporary Transfer

DROUGHT? ☐

Applicant: Broken Top Community Club 62000 Broken Top Dr Bend, OR 97702	Agent: Trevor Grandy 147 Shelvin Hixon Dr, STE. 201 Bend, OR 97702	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District: Arnold Irrigation District
Affected Local Gov'ts: Deschutes County Community Development	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			

Key Dates & Initial Actions (Support Staff)

Rec'd: February 2, 2024	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd: 1370.00	Acknowledgement Letter Sent <input type="checkbox"/>	Basin: 5 Deschutes
Initial Public Notice: 2/13/2024	County sent cc: of Ack Letter <input type="checkbox"/>	County: DESCHUTES
WM District: 11 Jeremy T. Giffin	WM Review request sent:	WM Review date received:
Groundwater	GW Review sent:	GW Review date received:

Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
FO	Date: <i>5/1/25</i> Initials: <i>Scott</i>	Date: <i>5/6/25</i> Initials: <i>Joan</i>	Date: <i>5/13/25</i> Initials: <i>Boney</i>	Date: <i>5/13/25</i> Initials: <i>Scott</i>	Date: <i>5/13/25</i> No. of docs for sig: <i>1</i> WM Sheet <input checked="" type="checkbox"/>	Date: <i>5/29/25</i>

Special Issues: _____

Special Order Volume: Vol. *134* Pages *711-714*

Groundwater Transfer Review Summary Form

Transfer/PA # T- 14402

GW Reviewer Joe Kemper Date Review Completed: 2/12/2024

Summary of Same Source Review:

☐ The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

Summary of Injury Review:

☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

Summary of GW-SW Transfer Similarity Review:

☐ The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Ground Water Review Form:

- ☐ Water Right Transfer
☐ Permit Amendment
☐ GR Modification
☒ Other (Temporary Transfer)

Application: T-14402

Applicant Name: Broken Top Community Club

Proposed Changes: ☐ POA ☒ APOA ☐ SW→GW ☐ RA
☐ USE ☒ POU ☐ OTHER

Reviewer(s): Joe Kemper

Date of Review: 2/12/2024

Date Reviewed by GW Mgr. and Returned to WRSD: _____

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- ☐ The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- ☐ The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- ☐ Other _____

-
1. Basic description of the changes proposed in this transfer: Certificate 93055 authorizes 2.7 cfs of quasi-municipal use from a single well (DESC 8410). This transfer proposes to temporarily change the place of use to include the greater Avion Service Area and to add three APOAs from the Avion system to provide this water (see well details in table below).
 2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: The valid POA (DESC 8410) and proposed APOAs all access the Deschutes regional groundwater system.
 3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No _____
b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____
 4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
☒ Yes ☐ No Comments: This transfer would move groundwater production from DESC 8410 to the China Hat and Dyer well groups. There are a moderate number of exempt use and permitted wells adjacent to these well groups, which may experience an increase in interference as a result of this transfer.
b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

☐ Yes ☒ No If yes, explain: There is already considerable groundwater pumpage within the China Hat and Dyer well groups, but there is little indication that other groundwater users in the area have experienced interference sufficient enough to be considered injury. POAs within the China Hat and Dyer well groups would likely experience measurable well-to-well interference, but that is not considered in this review as they are owned by Avion Water Co. LLC.

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

☐ Yes ☒ No Comments: The Deschutes regional groundwater system is largely disconnected from surface water in the Bend area until the Crooked and Deschutes River confluence area, which is 25-30 miles to the north. Assuming that there is no enlargement of this water right, this transfer would not increase interference with surface water because the location change of pumping is minimal compared to the nearest connection with surface water.

b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: _____

☐ Minimal ☐ Significant

Stream: _____

☐ Minimal ☐ Significant

Provide context for minimal/significant impact: _____

6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

☐ Yes ☐ No Comments: _____

7. What conditions or other changes in the application are necessary to address any potential issues identified above: _____

8. Any additional comments: Current transfer rules do not directly consider whether the proposed changes would increase groundwater pumpage in areas of groundwater declines. Still, it should be noted that the Dyer well group are in an area of the Deschutes regional groundwater system that has experienced persistent, year-on-year declines since the mid-1990s.

References

Gannett, M. W. and Lite, K. E., 2004, Simulation of Regional Ground-Water Flow in the Upper Deschutes Basin, Oregon, USGS Water Resources Investigation Report 2003-4195, 84 p., <https://pubs.er.usgs.gov/publication/wri034195>

Gannett, M. W., Lite Jr, K. E., Morgan, D. S., and Collins, C. A., 2001, Ground-Water Hydrology of the Upper Deschutes Basin, Oregon, USGS Water-Resources Investigations Report 00-4162, 74 p., <https://pubs.usgs.gov/wri/wri004162/pdf/WRIR004162.pdf>

Gannett, M.W., Lite, K.E., Jr., Risley, J.C., Pischel, E.M., and La Marche, J.L., 2017, Simulation of groundwater and surface-water flow in the upper Deschutes Basin, Oregon: U.S. Geological Survey Scientific Investigations Report 2017-5097, 68 p., <https://doi.org/10.3133/sir20175097>.

Groundwater Information System (GWIS). Oregon Water Resources Department. https://apps.wrd.state.or.us/apps/gw/gw_info/gw_info_report/gw_search.aspx Accessed 2/12/2024

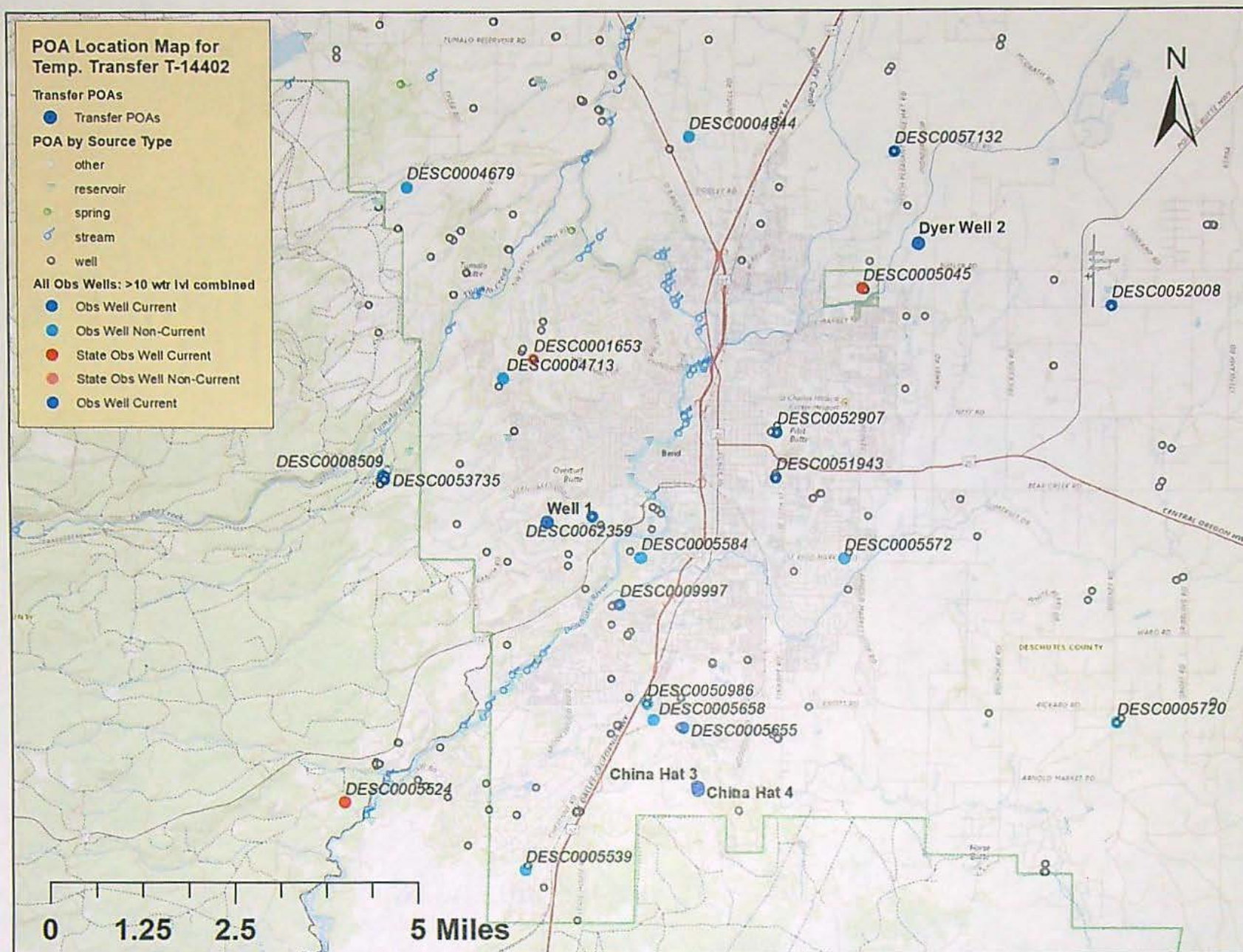
Lite, K. E. and Gannett, M. W., 2002, Geologic Framework of the Regional Ground-Water Flow System in the Upper Deschutes Basin, Oregon. USGS Water-Resources Investigation Report 02-4015, 44 p., <https://pubs.er.usgs.gov/publication/wri024015>

Sherrod, D. R., Taylor, E. M., Ferns, M. L., Scott, W. E., Conrey, R. M. and Smith, G. A., 2004, Geologic Map of the Bend 30-x-60-Minute Quadrangle, Central Oregon. U. S. Geological Survey Geologic Investigations Series Map I-2683, 49p., <https://pubs.usgs.gov/imap/i2683/>

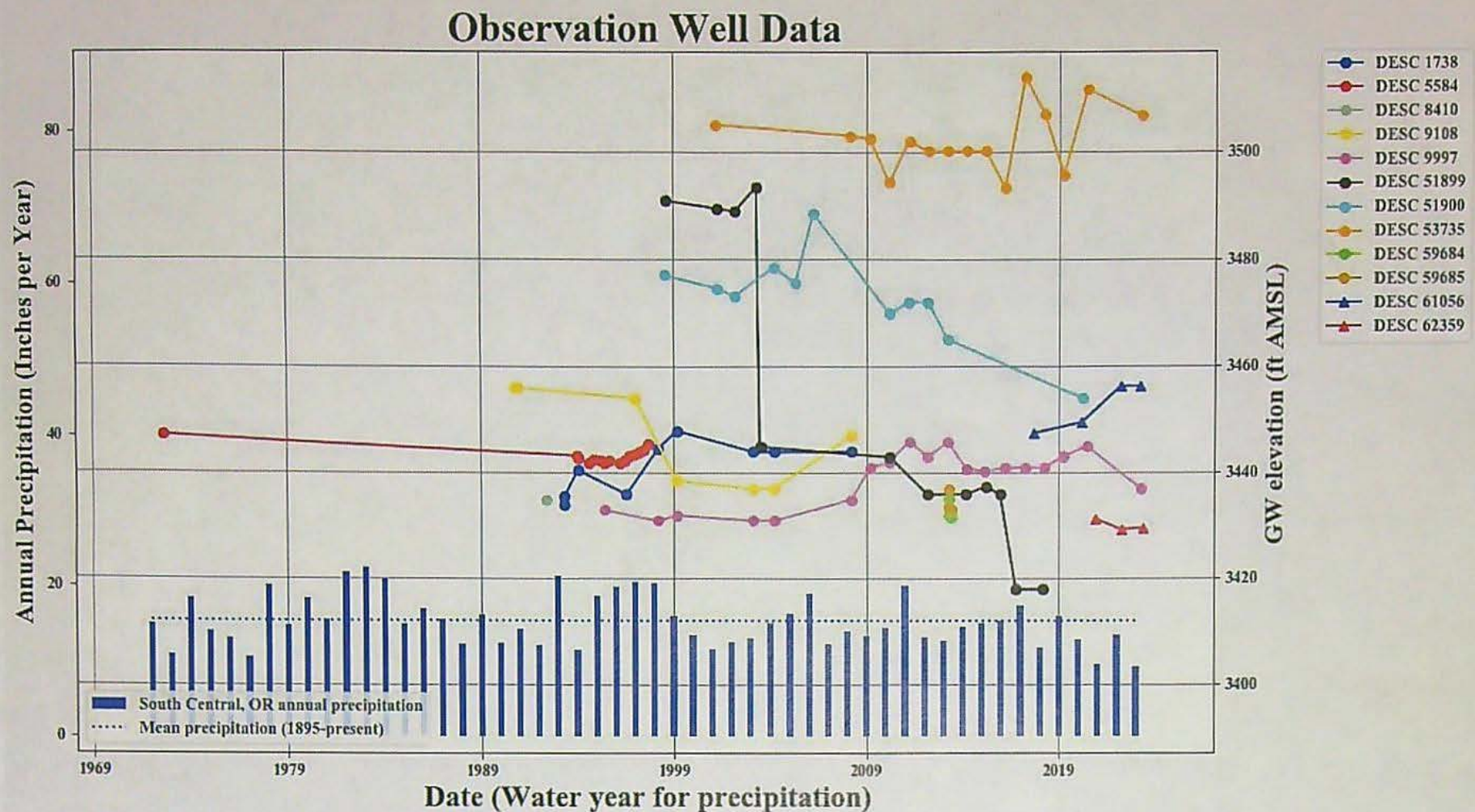
Well Summary Table

POA #	POA Name	POA Status	OWRD LOGID	TRS	Legal Location	Permitted Rate (cfs)
1	Well 1	Authorized	DESC 8410	18S/11E-1 NW-SE	2650' S, 1400' W fr NE cor S 1	2.7
2	China Hat Well 3	Proposed	DESC 61639	18S/12E-29 NE-NE	663' S, 771' W fr NE cor S 29	2.7
3	China Hat Well 4	Proposed	Not Yet Drilled	18S/12E-29 NE-NE	760' S, 840' W fr NE cor S 29	2.7
4	Dyer Well 2	Proposed	DESC 62703	17S/12E-14 NE-SE	1930' N, 1150' W fr SE cor S 14	2.7

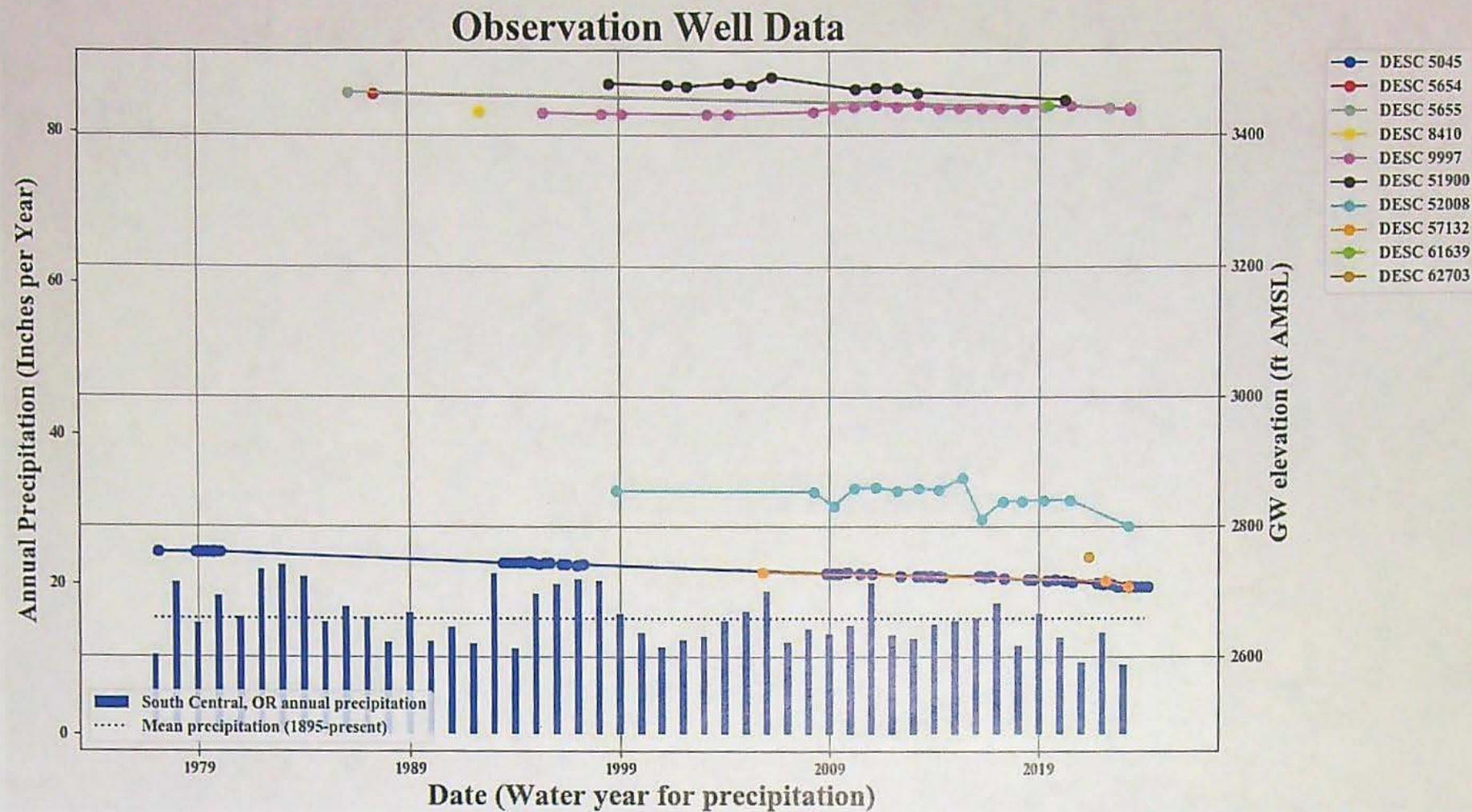
Transfer Map



Hydrograph 1 – Groundwater level elevations near DESC 8410



Hydrograph 2 - Groundwater level elevations across all wells on transfer



Watermaster Review Form: Water Right Transfer



Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Transfer Application: T-14402

Review Due Date: 03/09/2024

Applicant Name: Broken Top Community Club

Proposed Changes: ☒ POU ☐ POD ☒ POA ☐ USE ☐ OTHER

Reviewer(s): Giffin

Date of Review: 02/12/2024

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☒ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

☒ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☐ N/A Is it likely the original place of use would continue to receive water from the same source? ☒ Yes ☐ No If "Yes", explain:

There are multiple city GW rights that can serve these areas.

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☒ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:

- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☒ Yes ☐ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☒ No If "Yes", explain:

- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:

- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☒ Yes ☐ No If "No", explain:

- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:

- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☒ Yes ☐ No If "No", explain:

Temp Transfer T-13140 was in place for 5 years and did not have any issues.

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source? ☐ Yes ☒ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur? ☐ Yes ☒ No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☐ Yes ☒ No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☐ No ☒ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☐ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

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 diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

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.

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

a. Before water use may begin under this order, the water user shall install staff gages, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 14402



In order to avoid enlargement of the right or injury to other rights, a Totalizing flowmeter will be required to be installed prior to diversion of water, as a condition of this transfer:



at each point of diversion/appropriation (new and existing) **OR**



at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Jeremy Giffin

District: 11

Address: 231 Scalehouse Lp, STE 103

City/State/Zip: Bend, Or 97702

Phone: 541-306-6885

Email: Jeremy.T.Giffin@Water.Oregon.Gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device

T-

(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable alternate measurement device:

Watermaster signature

District

Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

GREW Scott A * WRD

From: Trevor Grandy <tgrandy@gsiws.com>
Sent: Tuesday, April 8, 2025 11:25 AM
To: GREW Scott A * WRD
Subject: RE: Temporary T-14402 incomplete Table 2
Attachments: temporary_wr_transfer_app_Cert 93055_p-8.pdf

Scott,

This fell off my radar. Apologies for the delay, but attached is an updates page 8 for the Certificate 93055 temporary transfer application (T-14402).

Let me know if you need a full application or anything else.

Cheers,

Trevor Grandy, RG, CWRE

Project Hydrogeologist

direct: 971.200.8545 | mobile: 614.493.7292

147 SW Shevlin Hixon Dr. # 201, Bend, OR 97702

GSI Water Solutions, Inc. | www.gsiws.com

From: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Sent: Wednesday, April 2, 2025 9:46 AM
To: Trevor Grandy <tgrandy@gsiws.com>
Cc: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: RE: Temporary T-14402 incomplete Table 2

Thank you Trevor,

Yes, please e-mail me the updated page.

Best,

Scott Grew
Transfer Specialist
Oregon Water Resources Department
503-986-0890

From: Trevor Grandy <tgrandy@gsiws.com>
Sent: Wednesday, April 2, 2025 9:41 AM
To: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: RE: Temporary T-14402 incomplete Table 2

Oooohhh. Okay got it. Thanks Scott.

Can I email the updated application to you?

GREW Scott A * WRD

From: GREW Scott A * WRD
Sent: Monday, March 31, 2025 11:08 AM
To: tgrandy@gsiws.com
Cc: GREW Scott A * WRD
Subject: Temporary T-14402 incomplete Table 2

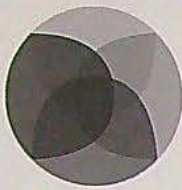
Trevor,

The Confederated Tribes of the Warm Springs Reservation of Oregon has not objected to Temporary Transfer T-14402. I am moving forward and noticed that the application is not complete. You had mentioned the Avion Service Area however Table 2 does not include the list the TRSQQ for the TO lands.

Please update your Table 2 with all the lands that are going to be included in the temporary.

Thank you,
Scott

Scott Grew
Transfer Specialist
Oregon Water Resources Department
503-986-0890



BBK

BEST BEST & KRIEGER LLP
ATTORNEYS AT LAW

Alison K. Toivola
Partner
(541) 318-9836
alison.toivola@bbklaw.com

March 12, 2025

VIA E-MAIL ONLY:

JEREMY.T.GIFFIN@WATER.OREGON.GOV

ANN.L.REECE@WATER.OREGON.GOV

SARAH.A.HENDERSON@WATER.OREGON.GOV

Jeremy Giffin
Watermaster - District 11
Oregon Water Resources Department
231 SW Scalehouse Loop, Suite 103
Bend, OR 97702

Ann Reece
Sarah A. Henderson
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: CTWS Approval of Ten (10) Water Rights Transfer Applications

Dear Mr. Giffin, Ms. Reece, and Ms. Henderson:

We represent the Confederated Tribes of the Warm Springs Reservation of Oregon ("Tribe"). The Department of Water Resources ("Department") has provided the Tribe with certain information concerning several water rights transfer applications. This letter pertains to the following:

1. T-14402, which is further identified in Appendix A - T-14402 hereto;
2. T-14430, which is further identified in Appendix B - T-14430 hereto;
3. T-14503, which is further identified in Appendix C - T-14503 hereto;
4. T-14538, which is further identified in Appendix D - T-14538 hereto;
5. T-14539, which is further identified in Appendix E - T-14539 hereto;
6. T-14545, which is further identified in Appendix F - T-14545 hereto;
7. T-14562, which is further identified in Appendix G - T-14562 hereto;
8. T-14570, which is further identified in Appendix H - T-14570 hereto;
9. T-14582, which is further identified in Appendix I - T-14582 hereto;¹ and
10. T-14583, which is further identified in Appendix J - T-14583 hereto.

¹ There is one nonmaterial discrepancy in T-14582. The application identifies a balance in the tables of 0.60 acres (ON and OFF) and the text below the map balances at 0.60 acres; however, there is 0.07 acres "ON" missing from the map itself.

Jeremy Giffin
Ann Reece
Sarah A. Henderson
March 12, 2025
Page 2

The above-identified transfer applications are collectively referred to as the "Applications." The Applications are available at the following link:

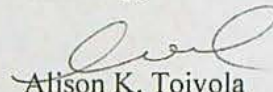
<https://www.imanageshare.com/#hl1ik96vq/folder/4H44IKNWSGw0saldzuMVOpmCBITHeSDO8FFCvF-IR1Q>

The Tribe has reviewed the Applications, along with any additional information about the Applications provided by the Department. Based on that information, the Tribe does not object to the Department processing the Applications in accordance with applicable law, and the Department's customary practice, *provided* that a totalizing flow meter is installed at each point of appropriation or diversion for each T-14545, T-14402, T-14503, T-14539, and T-14430 consistent with applicable Watermaster recommendations.

The Tribe expressly reserves, and does not waive, all rights, claims, and defenses that it may possess in connection with the Applications, including, but not limited to, whether the Applications violate the Treaty of June 25, 1855, with the Tribes of Middle Oregon, 12 Stat. 963, or the Confederated Tribes of the Warm Springs Reservation Water Rights Settlement Agreement, dated November 17, 1997, as amended.

Please let us know if you have any questions.

Sincerely,



Alison K. Toivola
for BEST BEST & KRIEGER LLP

AKT

cc: Robert A. Brunoe
Austin Smith, Jr.
Brad Houslet
Josh Newton, Esq.



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904

February 8, 2024

Broken Top Community Club
62000 Broken Top Dr
Bend, OR 97702

Reference: Application T-14402

On February 2, 2024, the Department received your water right Temporary Transfer Application. The application was accompanied by \$1370.00. Receipt number 142348 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change.

Except as provided under ORS 540.510(3) for municipalities, you may not **temporarily** use water at the new place of use or from the new point of appropriation until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands **from** which an irrigation water right is to be temporarily transferred and the land **to** which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

If the land is sold before the temporary transfer is approved, the buyer's consent to the temporary transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

If you have any questions, please contact the Transfer Section at (503) 986-0935.

Cc: Watermaster Dist. #11, Jeremy T. Giffin (via email)
Trevor Grandy, Agent
Irrigation Districts: Arnold ID, Central Oregon ID, Swalley ID, Tumalo ID
Deschutes County Community Development, Local Government
City of Bend Planning Department, Local Government

Enclosure

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **142348**

INVOICE # _____

RECEIVED FROM: Avion Water Co., Inc.

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-14402

CASH: ☐ CHECK: # X 66173 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 1,370.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____

OTHER: (IDENTIFY) _____ \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES 46110 \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) _____ \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER \$ _____ 0202 \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ 1,370.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT 0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____

0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____

0231 HYDRO LICENSE FEE (FW/WRD) \$ _____

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **142348**

DATED: 2-2-2024 BY: m-milb

Application for Water Right
Temporary or Drought Temporary Transfer
Part 1 of 5 – Minimum Requirements Checklist



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

This temporary transfer application will be returned if Parts 1 through 5
and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL TEMPORARY TRANSFER APPLICATIONS

RECEIVED

FEB 02 2024

OWRD

Check all items included with this application. (N/A = Not Applicable)

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1** List them here: Certificate 93055 (See Attachment A)
Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year: 2024 End Year: 2028.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- ☒ Completed Temporary Transfer Application Map. See Attachment B
- ☒ Completed Evidence of Use Affidavit and supporting documentation. See Attachment C
- ☐ Current recorded deed for the land **from** which the authorized place of use is temporarily being moved. N/A The authorized use for Certificate 93055 is quasi-municipal use.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.) N/A The authorized use for Certificate 93055 is quasi-municipal use.
- ☒ ☐ N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone. See Attachment D
- ☒ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use). See Attachment E

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

14402 -

☐ Application fee not enclosed/insufficient ☐ Map not included or incomplete

☐ Land Use Form not enclosed or incomplete

☐ Additional signature(s) required

☐ Part _____ is incomplete

Other/Explanation _____

Rev Staff: _____ Phone: _____ Date: ____/____/____

ACS

Part 2 of 5 – Temporary Transfer Application Map Checklist

OWRD

Your temporary transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the temporary transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- ☐ ☒ N/A If more than three water rights are involved, separate maps are needed for each water right.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet; the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated); the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet; or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☐ ☒ N/A Tax lot boundaries (property lines) are required. Tax lot numbers are recommended. (Not required per 690-380-3100 (2)(J)).
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☒ ☐ N/A Proposed temporary place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- ☒ ☐ N/A If you are proposing a change in point(s) of diversion or well(s) to convey water to the new temporary place of use, show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal

FEB 02 2024

OWRD

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS					
1	Base Fee (includes temporary change to one water right for up to 1 cfs)		1	\$950.00	
2	Number of water rights included in transfer: <u>1</u> (2a) Subtract 1 from the number in 3a above: <u>0</u> (2b) If only one water right this will be 0 Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »		2	0	
3	Do you propose to change the place of use for a non-irrigation use? <input type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: <u>2.7</u> (3a) Subtract 1.0 from the number in 3a above: <u>1.7</u> (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: <u>2</u> (3c) and multiply 4c by \$210.00, then enter on line 3		3	420	
4	Do you propose to change the place of use for an irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: _____ (4a) Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »		4		
5	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:		5	1,370	
6	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 » If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » »		6	0	
7	Subtract line 6 from line 5 » » » » » » » » » » » » Transfer Fee:		7	\$1,370	

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
	Enter the cfs for the portions of the rights to be transferred (see example below*): <div style="text-align: center;">_____ (2a)</div> Subtract 1.0 from the number in 2a above: _____ (2b) If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: _____ (2c) and multiply 2c by \$50, then enter on line 2 » » » » » » » » »		
2		2	
3	Add entries on lines 1 through 2 above » » » » » » » » » » Transfer Fee:	3	N/A

*Example for Line 2a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. Divide total authorized cfs by total acres in the water right (for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be transferred to get the transfer cfs ($x 45 \text{ ac} = 0.56 \text{ cfs}$).
2. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
3. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 2a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0).

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FEB 02 2024

Part 4 of 5 – Applicant Information and Signature

OWRD

Applicant Information

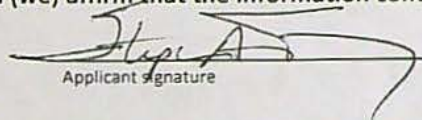
APPLICANT/BUSINESS NAME Broken Top Community Club			PHONE NO. 541-383-8200	ADDITIONAL CONTACT NO.
ADDRESS 62000 Broken Top Dr.			FAX NO.	
CITY Bend	STATE OR	ZIP 97702	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME GSI Water Solutions, Inc. Attn: Trevor Grandy			PHONE NO. 971-200-8545	ADDITIONAL CONTACT NO.
ADDRESS 147 Shevlin Hixon Dr., Suite 201			FAX NO.	
CITY Bend	STATE OR	ZIP 97702	E-MAIL tgrandy@gsiws.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application and why:
The Applicant is proposing to change the place of use to include the greater Avion Service Area. In order to convey water to the new temporary place of use, the Applicant is also proposing to temporarily add three additional points of appropriation. The Applicant understands that no more than 2.7 cfs can be used under the transfer between the authorized point of appropriation and three proposed points of appropriation in any combination. The wells will be metered to monitor and document water use.
 If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

I (we) affirm that the information contained in this application is true and accurate.



Applicant signature

Steve Terry, Broken Top Community Club
 Print Name (and Title if applicable)

12/29/2023
 Date

Applicant signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☐ Yes ☐ No N/A The authorized use for Certificate 93055 is quasi-municipal use.

If NO, include signatures of all landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/entities (and mailing and/or e-mail addresses) to which the water right(s) has been conveyed.

☒ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

RECEIVED

DISTRICT NAME Arnold Irrigation District	ADDRESS 19604 Buck Canyon Rd.		FEB 02 2024
CITY Bend	STATE OR	ZIP 97702	OWRD

DISTRICT NAME Central Oregon Irrigation District	ADDRESS 1055 SW Lake Ct.	
CITY Redmond	STATE OR	ZIP 97756

DISTRICT NAME Swalley Irrigation District	ADDRESS 64672 Cook Ave. #1	
CITY Bend	STATE OR	ZIP 97703

DISTRICT NAME Tumalo Irrigation District	ADDRESS 64697 Cook Ave.	
CITY Bend	STATE OR	ZIP 97703

☐ Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME N/A	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed and/or used.

ENTITY NAME Deschutes County Community Development	ADDRESS 117 NW Lafayette Ave.	
CITY Bend	STATE OR	ZIP 97703

ENTITY NAME City of Bend Planning Department	ADDRESS 710 NW Wall St.	
CITY Bend	STATE OR	ZIP 97701

14402 -

Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add rows to tables within the form.

Water Right Certificate # 93055

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FEB 02 2024

Description of Water Delivery System

System capacity: 2.7 cubic feet per second (cfs)

OWRD

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Groundwater is pumped from the supply well (DESC 8410) into the Broken Top Club House Lake located adjacent to the well. The water is then pumped from the lake into the pressurized distribution system by one of 3 pumps at the lakeside booster pump station. The distribution system provides water across the Broken Top development and consists of piping that ranges from 4- to 12-inches in diameter with smaller diameter lateral supplying water to the service connections or use points. Most of the system's piping is PVC with the distribution system piping sizes generally decreasing the farther it is from the main booster station.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 8410	18 S	11 E	1	NW SE	109	2650 feet South and 1400 feet West from the NE corner of Section 1.
China Hat Well 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	DESC 61639	18 S	12 E	29	NE NE	900	663 feet South and 771 feet West from the Northeast corner of Section 29.
China Hat Well 4	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	18 S	12 E	29	NE NE	900	760 feet South and 840 feet West from NE corner, Section 29
Dyer 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	DESC 62703	17 S	12 E	14	NE SE	806	1930 feet North and 1150 feet West from SE corner, Section 14

Check all type(s) of temporary change(s) proposed below (change "CODES" are provided in parentheses):

- ☒ Place of Use (POU)

☐ Appropriation/Well (POA)

☐ Point of Diversion (POD)

☒ Additional Point of Appropriation (APOA)

☐ Additional Point of Diversion (APOD)

Check all type(s) of temporary change(s) due to drought proposed below (change "CODES" are provided in parentheses):

- | | |
|---|---|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Diversion (APOD) |

Will all of the proposed changes affect the entire water right?

- ☒ Yes Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- ☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

RECEIVED

FEB 02 2024

OWRD

14402 -

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Temporary Changes to Water Right Certificate # 93055

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
See Attached Maps										Quasi-Municipal	Well 1	2/22/1990	APOA/POU	See Attached Maps								N/A	Well 1, China Hat Well 3, China Hat Well 4, and Dyer 2	2/22/1990		
TOTAL ACRES						N/A							TOTAL ACRES						N/A							

Additional remarks: _____

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Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Temporary Changes to Water Right Certificate # 93055

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.										Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date	
EXAMPLE																					
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901	
"	"	"	" "	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901	
Within the Broken Top Community Association Service Area							Quasi- Municipal	Well 1	2/22/1990	APOA/POU	Within the Broken Top Community Association and Greater Avion Service Area							N/A	Well 1, China Hat Well 3, China Hat Well 4, and Dyer 2	2/22/1990	
TOTAL ACRES						N/A					TOTAL ACRES						N/A				

Additional remarks: _____

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Water Right Certificate # 93055

For Place of Use Changes

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Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☐ Yes ☐ No N/A – The authorized use is quasi-municipal.

If YES, list the certificate, water use permit, or ground water registration numbers: _____



Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

- ☒ Well log(s) for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx) See Attachment E – Well Logs.

AND/OR

- ☒ Describe the construction of the authorized and proposed well(s) in Table 3 below for any well that does not have a well log. For a *proposed well(s) not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the Department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right
Well 1	Yes	DESC 8410	530 ft	12"	+1 to 530 ft	0 to 530 ft	430 to 530 ft	330 ft	Deschutes Formation	N/A
China Hat Well 3	Yes	DESC 61639	640 ft	14"	+2 to 640 ft	0 to 510 ft	535 to 640 ft	511.75 ft	Deschutes Formation	N/A
China Hat Well 4*	No		640 ft	14"	+2 to 640 ft	0 to 518 ft	535 to 640 ft	515 ft (estimate)	Deschutes Formation	N/A
Dyer 2	Yes	DESC 62703	838 ft	14"	+2 to 838 ft	0 to 655 ft	728 to 836 ft	692 ft	Deschutes formation	N/A

*China Hat Well 4 construction information based on China Hat Well 3 construction

From: STARNES Patrick K * WRD
To: Trevor Grandy
Subject: RE: Request for map scale waiver for Broken Top Community Association
Date: Tuesday, December 19, 2023 9:44:17 AM

Good Morning Trevor,

The Department grants a map scale waiver for the proposed place of use map .

Please include a printed copy of this e-mail when you submit the application.

Sincerely,

Kelly

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Kelly Starnes, Transfer Program Analyst
(He/Him/His)
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Cell phone: 503-979-3511 Fax: 503-986-0903
E-mail: patrick.k.starnes@water.oregon.gov

Please Note: Under Oregon Law, messages to and from
this e-mail address may be available to the public.

From: Trevor Grandy <tgrandy@gsiws.com>
Sent: Monday, December 18, 2023 5:18 PM
To: STARNES Patrick K * WRD <patrick.k.starnes@water.oregon.gov>
Subject: Request for map scale waiver for Broken Top Community Association

You don't often get email from tgrandy@gsiws.com. [Learn why this is important](#)

Greetings Kelly,

The Broken Top Community Association is preparing a temporary transfer application to add three additional points of appropriation and change the location of the place of use authorized by certificate 93055. The applicant is proposing to change to place of use for this quasi-municipal water right to include the greater Avion service area as depicted in the attached map.

Because of the size of the greater Avion service area, I am requesting a map scale waiver for the place of use map (see attached). The proposed points of appropriation maps are

attached and are at a standard scale (1 inch = 400 feet).

Please let me know if you have any question regarding this map scale waiver request.

Cheers,

Trevor Grandy, RG, CWRE

Project Hydrogeologist

direct: 971.200.8545 | mobile: 614.493.7292

147 SW Shevlin Hixon Dr. # 201, Bend, OR 97702

GSI Water Solutions, Inc. | www.gsiws.com

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14402 -

Application for Water Right Transfer

Evidence of Use Affidavit



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing.
Supporting documentation must be attached.

State of Oregon)
County of DESCHUTES) ss

I, JOSHUA CLAY, in my capacity as GENERAL MANAGER OF THE BROKEN TOP COMMUNITY ASSOCIATION,
mailing address 62000 BROKEN TOP DR. BEND, OR 97702
telephone number (541)383-8202, being first duly sworn depose and say:

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1. My knowledge of the exercise or status of the water right is based on (check one):

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 93055; OR

☐ My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

- ☐ Confirming Certificate # has been issued within the past five years; OR
- ☐ Part or all of the water right was leased instream at some time within the last five years. The
instream lease number is: _____ (Note: If the entire right proposed for
transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use
would be rebutted under ORS 540.610(2) is attached.
- ☐ Water has been used at the actual current point of diversion or appropriation for more than
10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

14402 -

3. The water right was used for: (e.g., crops, pasture, etc.): QUASI-MUNICIPAL

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

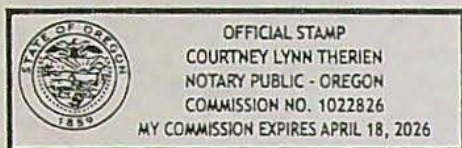
[Signature]
Signature of Affiant

12/29/2023
Date

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Signed and sworn to (or affirmed) before me this 31st day of December, 2023.

OWRD



[Signature]
Notary Public for Oregon

My Commission Expires: April 18, 2026

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none">• Power usage records for pumps associated with irrigation use• Fertilizer or seed bills related to irrigated crops• Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none">• District assessment records for water delivered• Crop reports submitted under a federal loan agreement• Beneficial use reports from district• IRS Farm Usage Deduction Report• Agricultural Stabilization Plan• CREP Report
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number
<input checked="" type="checkbox"/> Water Use Report from Well 1	Copy of SCADA data from Well 1 June/July, 2022

SITE	DATE	ON	OFF	Runtime	GPM	Total	Grand Total
Broken Top	June 29, 2022	0:00	3:42	3.70	1,200.00	266,400.00	
		16:06	0:00	7.90	1,200.00	568,800.00	
							835,200.00
Broken Top	June 30, 2022	0:00	3:55	3.92	1,200.00	282,000.00	
		19:39	0:00	4.35	1,200.00	313,200.00	
							595,200.00
JULY							
Broken Top	July 1, 2022	0:00	3:34	3.57	1,200.00	256,800.00	
		18:03	0:00	5.95	1,200.00	428,400.00	
							685,200.00
Broken Top	July 2, 2022	0:00	4:01	4.02	1,200.00	289,200.00	
		11:01	17:46	6.75	1,200.00	486,000.00	
							775,200.00
Broken Top	July 3, 2022	12:16	0:00	11.73	1,200.00	844,800.00	
							844,800.00
Broken Top	July 4, 2022	0:00	3:44	3.73	1,200.00	268,800.00	
							268,800.00
Broken Top	July 5, 2022			0.00	1,200.00	-	
							-
Broken Top	July 6, 2022	17:53	0:00	6.12	1,200.00	440,400.00	
							440,400.00

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14402 -

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

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Applicant(s): Broken Top Community Club, Attn: Steve Terry

Mailing Address: 62000 Broken Top Dr.

City: Bend

State: OR

Zip Code: 97702

Daytime Phone: (541) 383-8200

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>See Attached Maps</u>					_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-municipal</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Deschutes County; City of Bend

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water ☒ Water Right Transfer ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Allocation of Conserved Water ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 2.7 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☒ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

The Applicant is proposing a temporary transfer to change the place of use to also include the greater Avion Service Area. In order to convey water to the temporary place of use the Applicant is also proposing to add three additional points of appropriation (wells).

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☐ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: _____ Title: _____

Signature: _____ Phone: _____ Date: _____

Government Entity: _____

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

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Applicant(s): Broken Top Community Club, Attn: Steve Terry

Mailing Address: 62000 Broken Top Dr.

City: Bend

State: OR

Zip Code: 97702

Daytime Phone: (541) 383-8200

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>See Attached Maps</u>					_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-municipal</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Deschutes County; City of Bend

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water ☒ Water Right Transfer ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Allocation of Conserved Water ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 2.7 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☒ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

The Applicant is proposing a temporary transfer to change the place of use to also include the greater Avion Service Area. In order to convey water to the temporary place of use the Applicant is also proposing to add three additional points of appropriation (wells).

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): **BDC Chapter 2.1 Land Use Districts for 62000 BROKEN TOP DR, BEND, OR 97702, Tax Lot 1811010000109.**
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Tax Lot 1811010000109 for 62000 BROKEN TOP DR, BEND, OR 97702 is within the city limits of Bend and is zoned Residential Standard (RS) Density. The Dyer and China Hat wells are outside the city limits of Bend and are not part of this City of Bend review.

Name: Sheila Pyott Title: Assistant Planner

Signature: Sheila Pyott Digitally signed by Sheila Pyott
DN: E=spyott@bendoregon.gov, CN=Sheila Pyott,
OU=Users, OU=Community Development,
OU=Bend, DC=, DC=Bend, DC=, DC=, DC=,
Date: 2023.12.26 16:01:45-08'00' Phone: 541.693.2123 Date: 12/26/2023

Government Entity: City of Bend

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Applicant(s): **Broken Top Community Club, Attn: Steve Terry**

Mailing Address: **62000 Broken Top Dr.**

City: **Bend**

State: **OR**

Zip Code: **97702**

Daytime Phone: **(541) 383-8200**

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	XX	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>See Attached Maps</u>					_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-municipal</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Deschutes County; City of Bend

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water ☒ Water Right Transfer ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Allocation of Conserved Water ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: **2.7** ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☒ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

The Applicant is proposing a temporary transfer to change the place of use to also include the greater Avion Service Area. In order to convey water to the temporary place of use the Applicant is also proposing to add three additional points of appropriation (wells).

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

For Local Government Use Only

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Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): DCC 18.60.020(B)
- ☒ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
Site Plan Review	DCC 18.16.025(E)	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	RECEIVED	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	FEB 02 2024	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OWRD	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

See attached comments

Name: Audrey Stuart Title: Associate Planner

Signature: *Audrey Stuart* Phone: 541-388-6679 Date: 1/25/24

Government Entity: Deschutes County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____



247-23-000827-PS

Location: See attached maps; within the Avion Water Company service boundary and the Broken Top Community Club service boundary.

Request: The applicant has requested a Land Use Compatibility Statement (LUCS) to amend Certificate 93055, which is a permit for quasi-municipal water use. The applicant proposes a five-year temporary transfer permit to incorporate the Broken Top Community Club water system into the Greater Avion Service Area. All physical components of this transfer are existing infrastructure and there is no new proposed construction. The applicant proposes to add the three wells listed below to the point of appropriation.

Well	Approximate Location	Zoning Designation
Dyer 2	Assessor's Map 17-12-14	Exclusive Farm Use
China Hat 3	Assessor's Map 18-12-29	Rural Residential
China Hat 4	Assessor's Map 18-12-29	Rural Residential

The subject request is a renewal of a previous five-year temporary transfer permit (T-13140).

Land Use Compatibility Statement: This LUCS only reviews the amendment of Certificate 93055 for quasi-municipal water use, as detailed above. Three wells are proposed to be added to the point of appropriation. Two of these wells are located in the Rural Residential Zone, and are a use permitted outright pursuant to DCC 18.60.020(B). The well that is located in the Exclusive Farm Use Zone is on Tax Lot 806 on Assessor's Map 17-12-14 (Tax Account 108825). This property previously received approval through Deschutes County file SP-06-57 to establish a water reservoir tank, overflow reservoir, two drilled wells, and a pump station. All conditions of approval of Deschutes County file SP-06-57 remain in effect.

The applicant does not propose to establish any new structures or land uses within Deschutes County as part of this LUCS. To the extent other uses or structures are included on the OWRD LUCS application sheet, this LUCS does not review or approve those uses. This LUCS does not review or approve:

- Construction of buildings or fencing,
- Earthmoving or construction in floodplains,
- Earthmoving, construction, or vegetation changes in wetlands,
- Surface mining, and/or
- Other primary or accessory uses regulated by the Deschutes County Code

Each of the listed uses would require separate land use permits and/or building permits, which are not covered by this LUCS.

For more information, please contact the Planning Division office at 541-388-6560.

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STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.765)

RECEIVED

JUL 13 1993

(START CARD) # 34244

18S/11E/146

(1) OWNER:

Name Cascade Highlands
Address 121 SW Morrison Suite 950
City Portland State OR Zip 97204

(2) TYPE OF WORK:

☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD:

☒ Rotary Air ☐ Rotary Mud ☐ Cable
☐ Other

(4) PROPOSED USE:

☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval ☐ Yes ☒ No Depth of Completed Well 530 ft.
Explosives used ☐ Yes ☐ No Type _____ Amount _____

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
20	0	30	Cement			
17	30	530	Cement	0	350	225 sacks

How was seal placed: Method ☐ A ☒ B ☐ C ☐ D ☐ E

☐ Other

Backfill placed from _____ ft. to _____ ft. Material _____

Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	12	+1	530	.375	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:

☒ Perforations Method Machine Slot

☐ Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
430	530	4x1/4	6000	12		<input checked="" type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

☐ Pump ☐ N/A ☐ Bailer ☐ Air ☐ Flowing ☐ Artesian

Yield gal/min	Drawdown	Drill stem at	Time
			1 hr.

Temperature of Water 52 Depth Artesian Flow Found _____

Was a water analysis done? ☐ Yes By whom _____

Did any strata contain water not suitable for intended use? ☒ Too little

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other

Depth of strata: _____

WATER RESOURCES DEPT.
Well Number SALEM, OREGON

(9) LOCATION OF WELL by legal description:

County Deschutes Latitude _____ Longitude _____
Township 18 S N or S. Range 11 E E or W. WM. _____
Section 12 NW 1/4 NW 1/4
Tax Lot _____ Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) 1 1/2 Miles North of Century Drive

(10) STATIC WATER LEVEL:

330 ft. below land surface. Date 6/2/92

Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 360

From	To	Estimated Flow Rate	SWL
360	530	1000	330

(12) WELL LOG:

Ground Elevation 2024

Material	From	To	SWL
Dirt & soil	0	4	
Basalt grey fractured	4	12	
Pumice white	12	28	
Lava gray medium hard	28	85	
Lava gray pourous softer	85	126	
Lava conglomerate brown	126	148	
Lava brown with tan clay	148	202	
Lava gray brown medium	202	230	
Lava gray hard	230	243	
Lava fractured gray	243	256	
Lava with lava weathered brown	256	278	
Lava conglomerate with clay	278		
interbeds		338	
Lava gray hard	338	375	
Andacite gray hard	375	418	
Lava cinders red	418	436	
Lava brown pourous	436	530	

Date started 5/5/92 Completed 6/2/92

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed [Signature] WWC Number 1358
Date 6/9/92

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

Signed [Signature] WWC Number 723
Date 6-9-92

AMENDED

DESC 61639

DESC 61639

STATE OF OREGON

WATER SUPPLY WELL REPORT

(as required by ORS 537.765 & OAR 690-205-0210)

WELL I.D. LABEL# I

112742

START CARD #

1042396 1042369

ORIGINAL LOG #

(1) LAND OWNER

Owner Well I.D. China Hat #3

First Name _____ Last Name _____

Company Avion Water Company

Address 60813 Parrell Road

City Bend State OR Zip 97702

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion☐ Alteration (complete 2a & 10) ☐ Abandonment (complete 5a)

(2a) PRE-ALTERATION

Casing: Dia + From To Gauge Stil Plstc Wld Thrd

Material From To Amt sacks/lbs

Seal: _____

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger ☐ Other☐ Reverse Rotary ☐ Other _____

(4) PROPOSED USE

☐ Domestic ☐ Irrigation ☒ Community☐ Industrial/ Commercial ☐ Livestock ☐ Dewatering☐ Thermal ☐ Injection ☐ Other _____

(5) BORE HOLE CONSTRUCTION

Special Standard ☐ (Attach copy)

Depth of Completed Well 640 ft.

BORE HOLE

SEAL

sacks/

Dia	From	To	Material	From	To	Amt	lbs
24-inch	0	20	Bentonite	0	20	36	Sacks
						Calculated	28
19-inch	20	640	Cement	0	510	50	Yards
						Calculated	18

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E☐ Other _____

Backfill placed from 510 ft to 518 ft Material Gravel/Sand/Bentonite

Filter pack from _____ ft to _____ ft Material _____ Size _____

Explosives used: ☐ Yes Type _____ Amount _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount Pounds Actual Amount Pounds

(6) CASING/LINER

Casing Liner Dia + From To Gauge Stil Plstc Wld Thrd

<input checked="" type="checkbox"/>	<input type="checkbox"/>	14-inch	+ +2	640	.375	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Shoe ☐ Inside ☒ Outside ☐ Other Location of shoe(s) 640Temp casing ☒ Yes Dia 20-inch From 0 To 20

(7) PERFORATIONS/SCREENS

Perforations Method Factory Mill Slot

Screens Type _____ Material _____

Perf/S	Casing/Screen	Screen Dia	From	To	Screen slot width	Slot length	# of slots	Tele/pipe size
	X	14-inch	535	640	1/8"	3"	5,880	

(8) WELL TESTS: Minimum testing time is 1 hour

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
800 GPM	0.4 feet	540	3 HR

Temperature 52 °F Lab analysis ☐ Yes By _____Water quality concerns? ☐ Yes (describe below) TDS amount 66 mg/l

From To Description Amount Units

(9) LOCATION OF WELL (legal description)

County Deschutes Twp 18 S N/S Range 12 E E/W WM

Sec 29 NE 1/4 of the NE 1/4 Tax Lot 181229A000900

Tax Map Number _____ Lot _____

Lat _____ or 43.99179 DMS or DD

Long _____ or -121.30719 DMS or DD

☒ Street address of well _____ Nearest address _____

60395 China Hat Road Bend, OR 97702

(10) STATIC WATER LEVEL

Date SWL (psi) + SWL (ft)

Existing Well / Pre-Alteration _____

Completed Well 5/24/2019 511.75

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 520

SWL Date From To Est Flow SWL (psi) + SWL (ft)

4/24/2019 520 570 1,000 + 512

5/4/2019 600 640 1,500 + 512

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(11) WELL LOG

Ground Elevation 3974

Material	From	To
Topsoil and broken rock	0	13
Weathered broken basalt	13	65
Reddish vesicular basalt	65	96
Dark Gray vesicular basalt	96	110
Basalt soft fractured	110	130
Basalt Black med-hard	130	148
Reddish broken basalt vesicular	148	195
Gray/Black basalt medium	195	265
Reddish soft basalt loss some circulation	265	275
Red-Gray broken basalt vesicular	275	310
Gray basalt broken ves	310	370
Basalt soft with silt	370	396
Basalt medium	396	425
Reddish-Gray basalt layered	425	460
Gray basalt	460	476
Reddish basalt soft	476	490
Gray/Black basalt med hard	490	520
Reddish broken vesicular	520	545
Black/Red broken vesicular	545	570

Date Started 4/12/2019 Completed 5/24/2019

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number 1811 Date 6/18/2019

Signed Eelwase Kostecky

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1523 Date 6/18/2019

Signed 14402

Contact Info (optional) _____

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK.

















WATER SUPPLY WELL REPORT -
continuation page

WELL I.D. LABEL# L

START CARD #

ORIGINAL LOG #

(2a) PRE-ALTERATION

Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
								
								
								
								

Material	From	To	Amt	sacks/lbs
----------	------	----	-----	-----------

(5) BORE HOLE CONSTRUCTION

BORE HOLE

SEAL

sacks/

Dia	From	To	Material	From	To	Amt	sacks/ lbs
					Calculated		
					Calculated		
					Calculated		
					Calculated		

FILTER PACK

From	To	Material	Size

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
--------	-------	-----	---	------	----	-------	-----	-------	-----	------

(7) PERFORATIONS/SCREENS

Perf/S creen	Casing/ Liner	Screen Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ pipe size
-----------------	------------------	---------------	------	----	--------------------	----------------	---------------	--------------------

[illegible]

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
---------------	----------	-----------------------	---------------

Water Quality Concerns

From	To	Description	Amount	Units
------	----	-------------	--------	-------

(10) STATIC WATER LEVEL

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
----------	------	----	----------	----------	-----------

[illegible]

(11) WELL LOG

Material	From	To
----------	------	----

[illegible]

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~~FEB 02 2024~~

QWRD

Comments/Remarks

Page 2 is continuation of formation log only

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

DESC 62703

WELL I.D. LABEL# 142104

START CARD # 1050306

ORIGINAL LOG #

6/9/2021

(1) LAND OWNER

Owner Well I.D. _____
First Name _____ Last Name _____
Company AVION WATER
Address 60813 PARRELL RD
City BEND State OR Zip 97702

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion
☐ Alteration (complete 2a & 10) ☐ Abandonment (complete 5a)

(2a) PRE-ALTERATION

Casing: Dia + From To Gauge Stl Plstc Wld Thrd
Material From To Amt sacks/lbs
Seal: _____

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud
☐ Reverse Rotary ☐ Other _____

(4) PROPOSED USE

☐ Domestic ☐ Irrigation ☒ Community
☐ Industrial/ Commercial ☐ Livestock ☐ Dewatering
☐ Thermal ☐ Injection ☐ Other _____

(5) BORE HOLE CONSTRUCTION

Depth of Completed Well 838.00 ft. Special Standard ☐ (Attach copy)

BORE HOLE			SEAL			Amt	sacks/ lbs
Dia	From	To	Material	From	To		
22	0	38	Bentonite Chips	0	195	263	S
19	38	838				Calculated 259.72	
			Cement	195	655	396	S
						Calculated 355	

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☒ Other CEMENT
Backfill placed from _____ ft. to _____ ft. Material _____
Filter pack from 660 ft. to 746 ft. Material PEA GRAV Size pea gravel
Explosives used: ☒ Yes Type SHOT PERF Amount _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount _____ Actual Amount _____

(6) CASING/LINER

Casing Liner Dia + From To Gauge Stl Plstc Wld Thrd
Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____
Temp casing ☒ Yes Dia 20 From + 0 To 38

(7) PERFORATIONS/SCREENS

Perforations Method shot

Screens Type		Material					
Perf/	Casing/ Screen	From	To	Slot width	Slot length	# of slots	Tele/ pipe size
Perf	Casing	14	728	836	.3	0.3	400

(8) WELL TESTS: Minimum testing time is 1 hour

☐ Pump ☐ Bailor ☒ Air ☐ Flowing Artesian
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)
400 _____ 837 _____ 1 _____

Temperature 53 °F Lab analysis ☐ Yes By _____
Water quality concerns? ☐ Yes (describe below) TDS amount 137 ppm
From To Description Amount Units

(9) LOCATION OF WELL (legal description)

County DESCHUTES Twp 17.00 S N/S Range 12.00 E E/W WM
Sec 14 NE 1/4 of the SE 1/4 Tax Lot 806
Tax Map Number _____ Lot _____
Lat _____ " or _____ DMS or DD
Long _____ " or _____ DMS or DD
☒ Street address of well ☐ Nearest address

63223 HAMEHOOK RD

(10) STATIC WATER LEVEL

Date SWL(psi) + SWL(ft)
Existing Well / Pre-Alteration _____
Completed Well 5/20/2021 _____ 692

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 741.00

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
5/20/2021	741	838	400		692

(11) WELL LOG

Ground Elevation

Material	From	To
SANDY PUMICE	0	5
GRAY LAVA	5	20
BROKEN LAVA	20	23
GRAY BASALT	23	31
BROWN CONGLOMERATE	31	35
MILD BASALT	35	75
BASALT W/SOFT SPOTS	75	118
SANDSTONE CONGLOMERATE	118	132
LOST CIRCULATION	132	156
GRAY BASALT W/SOFT SPOTS	156	170
CONGLOMERATE	170	176
HARD GRAY BASALT	176	188
BROWN SANDSTONE	188	205
CONGLOMERATE POUR CIRCULATION	205	240
CINDERS POUR CIRCULATION	240	253
MILD	253	257
SOFT O RETURNS	257	280
BROWN LAVA CONGLOMERATE	280	301
GRAY BASALT	301	320

Date Started 12/23/2020

Completed 5/20/2021

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number 1852

Date 6/9/2021

Signed JEB ABBAS (E-filed)

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1720

Date 6/9/2021

Signed JACK ABBAS (E-filed)

Contact Info (optional) JACK ABBAS

14402

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version:

This image shows a blank, aged, cream-colored page, likely an endpaper or flyleaf of a book. The paper has a slightly textured appearance with some faint smudges and discoloration, characteristic of old paper. The left edge of the page shows the binding of the book.



January 25, 2024

Kelly Starnes
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Temporary Transfer Application for Certificate 93055, in the name of Broken Top Community Club

Dear Kelly:

The Broken Top Club (Applicant) is the holder of water right Certificate 93055, which authorizes the use of up to 2.7 cfs for quasi-municipal use. The Applicant is proposing to temporarily change the place of use to also include the greater Avion Water Company (Avion) service area. In order to convey water to the new temporary place of use the Applicant is also proposing to temporarily add three additional points of appropriation.

Enclosed is an Application for Temporary Water Right Transfer and the accompanying processing fee of \$1,370.

Please contact me if you have any questions or concerns. My phone number is 971-200-8545.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Grandy', is written over a horizontal line.

Trevor Grandy, RG, CWRE
Project Hydrogeologist

cc: Steve Terry, Broken Top Community Association
Adam Jackson, Avion Water Company

Enclosures: Application for a Temporary Water Right Transfer
Check for application fee in the amount of \$1,370

RECEIVED

FEB 02 2024

OWRD

14402 -

STATE OF OREGON
COUNTY OF DESCHUTES
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GOLD RING HOLDINGS LLC
5837 JEAN RD
LAKE OSWEGO OR 97035

confirms the right to the use of water perfected under the terms of Permit G-11091. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-12033

SOURCE OF WATER: ONE WELL IN THE DESCHUTES RIVER BASIN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 2.7 CUBIC FEET PER SECOND

DATE OF PRIORITY: FEBRUARY 22, 1990

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OWRD

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	11 E	WM	1	NW SE	2650 FEET SOUTH AND 1400 FEET WEST FROM NE CORNER, SECTION 1

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q
18 S	11 E	WM	1	NE NE
18 S	11 E	WM	1	NW NE
18 S	11 E	WM	1	SW NE
18 S	11 E	WM	1	SE NE
18 S	11 E	WM	1	NE NW
18 S	11 E	WM	1	NW NW
18 S	11 E	WM	1	SW NW
18 S	11 E	WM	1	SE NW
18 S	11 E	WM	1	NE SW
18 S	11 E	WM	1	NW SW

Twp	Rng	Mer	Sec	Q-Q
18 S	11 E	WM	1	SW SW
18 S	11 E	WM	1	SE SW
18 S	11 E	WM	1	NE SE
18 S	11 E	WM	1	NW SE
18 S	11 E	WM	1	SW SE
18 S	11 E	WM	1	SE SE
18 S	11 E	WM	2	SE NE
18 S	11 E	WM	12	NW NE
18 S	11 E	WM	12	NE NW
18 S	12 E	WM	6	NW SW

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

The well shall be maintained 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 the water level elevation in the well at all times. When required by the department, the water user shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The quantity of water diverted at the new point of appropriation (well), shall not exceed the quantity of water lawfully available from the original point of appropriation described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	11 E	WM	1	SE NE	1450 FEET SOUTH AND 1150 FEET WEST FROM NE CORNER, SECTION 1

The water user shall maintain a headgate, an in-line flow meter, weir, or other suitable measuring device for measuring and recording the quantity of water diverted.

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

The Director may require water level or pump test results every ten years.

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

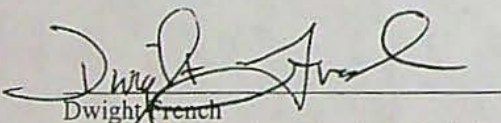
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 granted herein may be made only at times when sufficient water is available to satisfy all prior rights.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described; however, water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

Issued MAY 09 2017

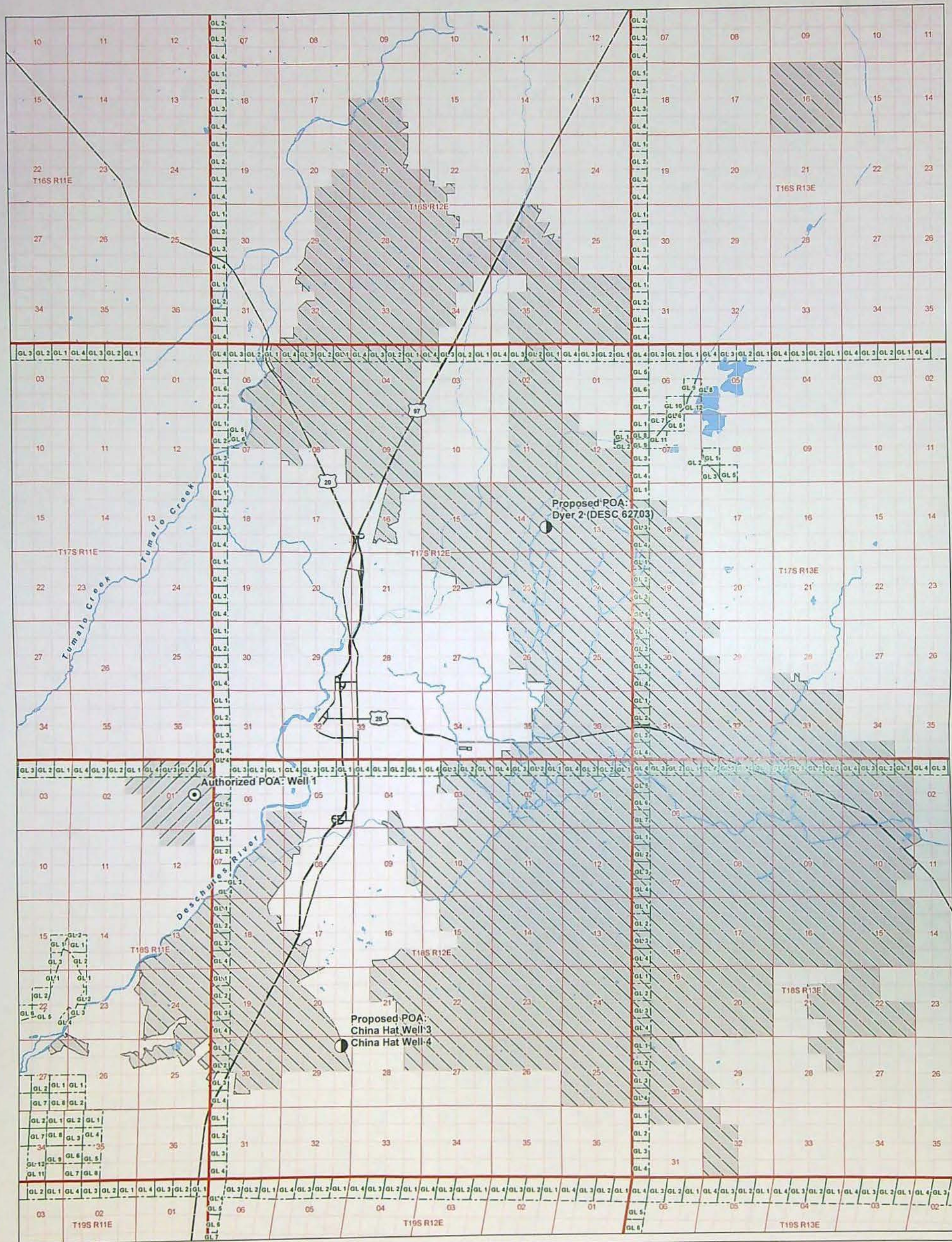


Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

RECEIVED

FEB 02 2024

OWRD



LEGEND

- Authorized Point of Appropriation (POA)
- Proposed Point of Appropriation (POA)
- ▨ Authorized Place of Use (POU)
- ▨ Proposed Place of Use (POU)

All Other Features

- Government Lot (GL)
- Major Road
- Watercourse
- Waterbody

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: November 30, 2023
Data Sources: USGS, BLM, ESRI, OGIC

Temporary Transfer Application

Certificate 93055

Received by OWRD

APR 29 2025

Salem, OR

Proposed and Authorized Place of Use Map
Deschutes County, Oregon

SUPERSEDING



0 3,500 7,000 10,500
1 inch = 7,000 feet





Document Path: Y:\0238_Astion_Water_ColSource_Figures\001_WR_Regulatory\WR_Temp_Transfer_C93055_Proposed_POA.mxd (ramon)

LEGEND

● Proposed Point of Appropriation (POA)

All Other Features

□ Tax Lot

— Major Road

Temporary Transfer Application

Certificate 93055

Proposed Point of Appropriation
Township 18 South, Range 12 East (W.M.)

Received by OWRD

APR 29 2025

Salem, OR

SUPERSEDING

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Date: November 30, 2023

Data Sources: BLM, ESRI, OWRD, USGS

LOCATION DESCRIPTION

PROPOSED POINTS OF APPROPRIATION:

China Hat Well 3

Located 663 feet South and 771 feet West from the NE corner of Section 29, Township 18 South, Range 12 East (W.M.)

China Hat Well 4

Located 760 feet South and 840 feet West from the NE corner of Section 29, Township 18 South, Range 12 East (W.M.)



0 200 400
1 inch = 1,320 feet





LEGEND

- Proposed Point of Appropriation (POA)

All Other Features

- Tax Lot
- Major Road
- Watercourse
- Waterbody

Temporary Transfer Application

Certificate 93055

Proposed Point of Appropriation

Township 18 South, Range 12 East (W.M.)

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LOCATION DESCRIPTION

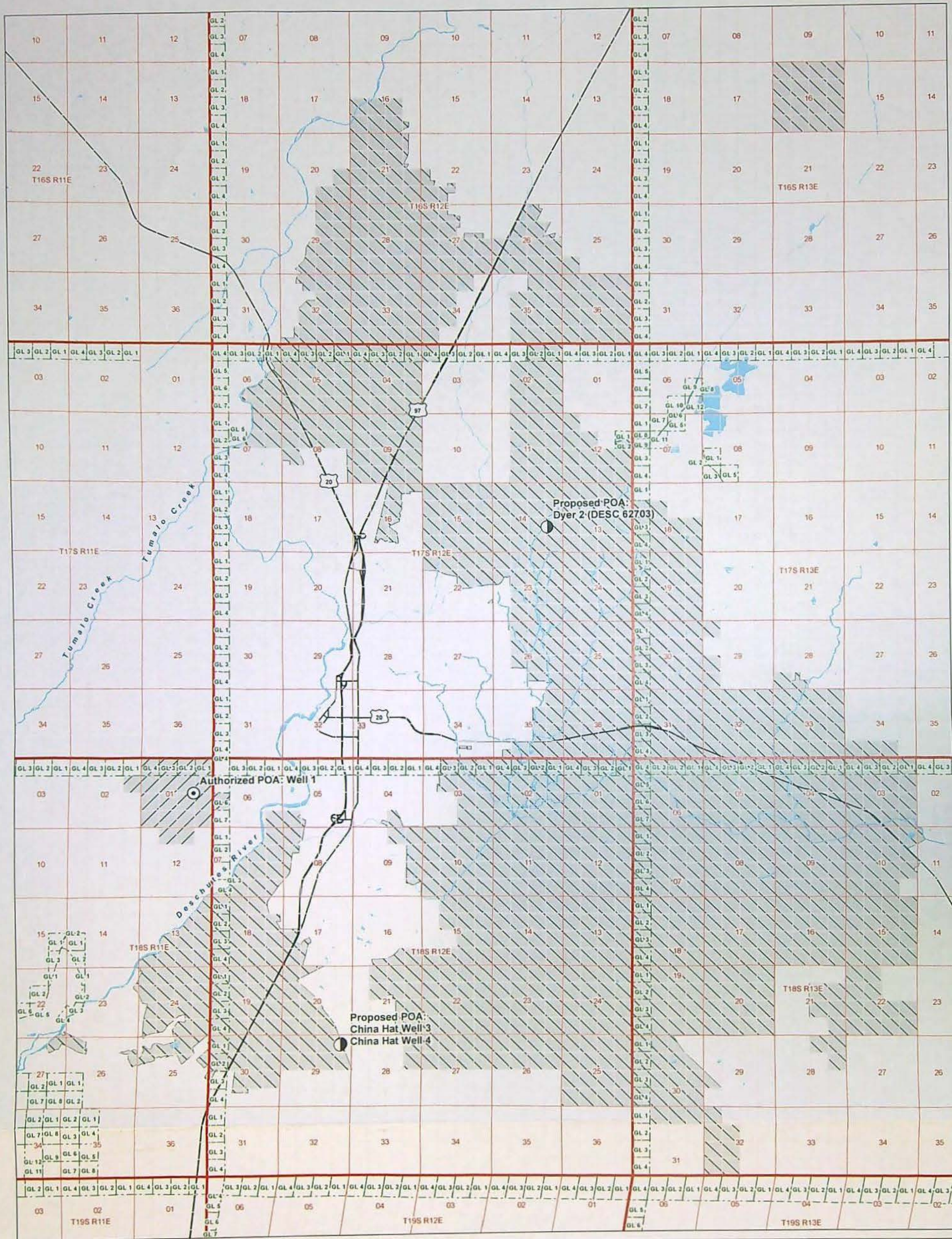
PROPOSED POINTS OF APPROPRIATION: Dyer 2 (DESC 62703)

Located 1,930 feet North and 1,150 feet West from the SE corner of Section 14, Township 17 South, Range 12 East (W.M.)



0 200 400
1 inch = 1,320 feet





LEGEND

- Authorized Point of Appropriation (POA)
- Proposed Point of Appropriation (POA)
- Authorized Place of Use (POU)
- Proposed Place of Use (POU)
- Government Lot (GL)
- Major Road
- Watercourse
- Waterbody

Temporary Transfer Application

Certificate 93055

Proposed and Authorized Place of Use Map
Deschutes County, Oregon

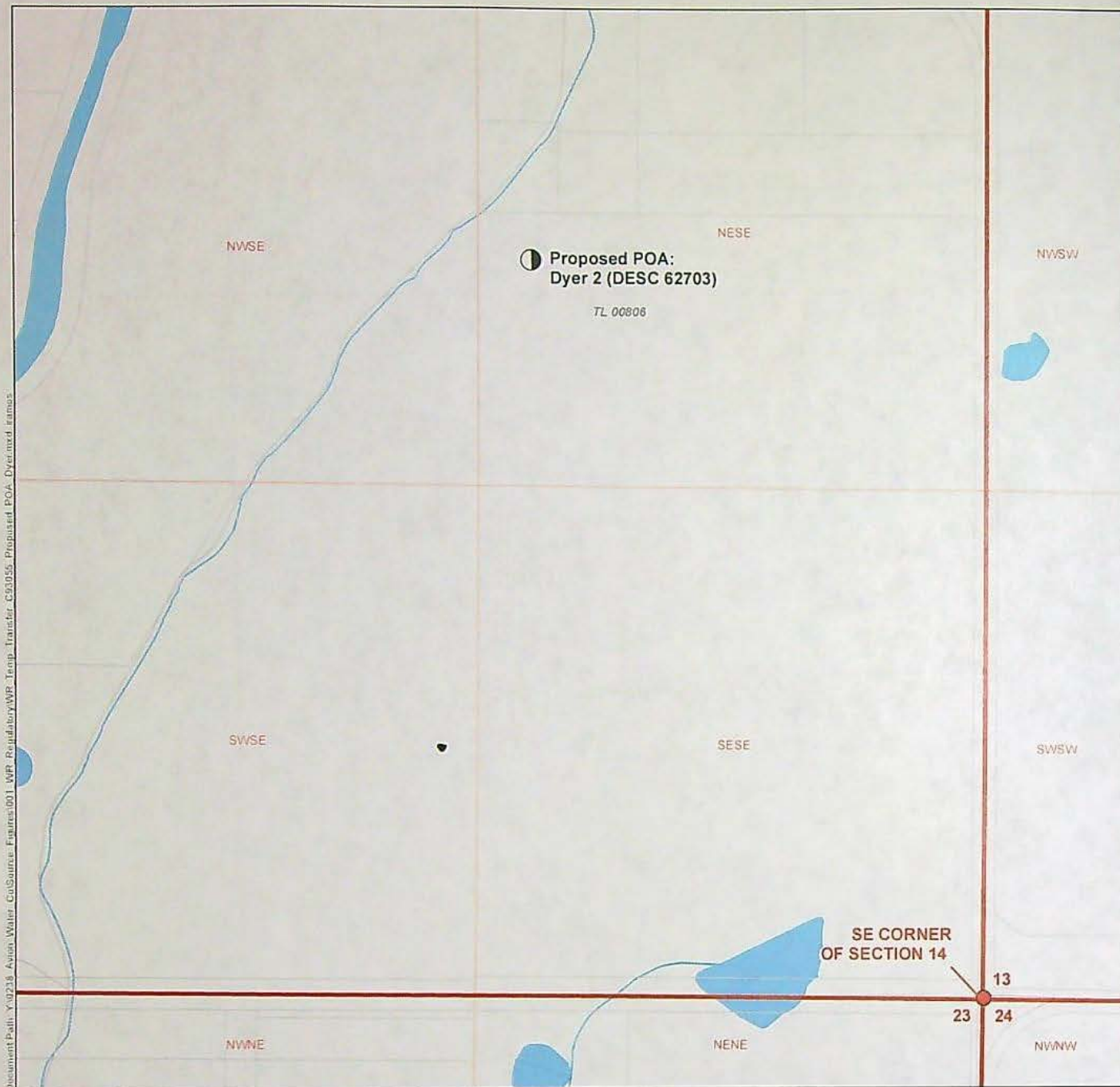
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FEB 02 2024

OWRD

14402 -

SUPERSEDED



LEGEND

● Proposed Point of Appropriation (POA)

All Other Features

- Tax Lot
- Major Road
- Watercourse
- Waterbody

RECEIVED

FEB 02 2024

OWRD

SUPERSEDED

DISCLAIMER

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Date: November 30, 2023

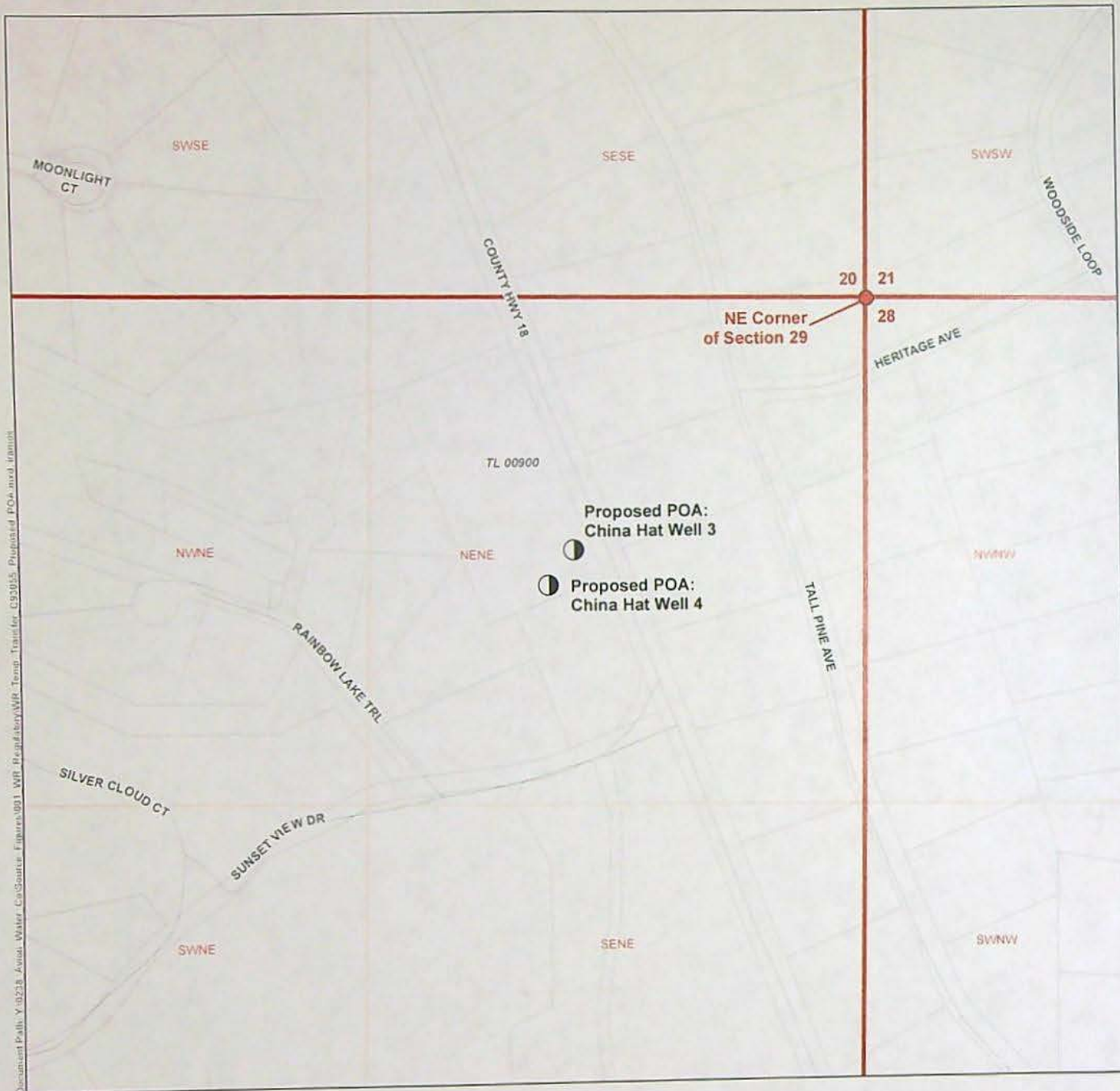
Data Sources: BLM, ESRI, OWRD, USGS

LOCATION DESCRIPTION

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LEGEND

● Proposed Point of Appropriation (POA)

All Other Features

Tax Lot

~ Major Road

LOCATION DESCRIPTION

PROPOSED POINTS OF APPROPRIATION:

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RECEIVED

FEB 02 2024

OWRD

SUPERSEDED

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Data Sources: BLM, ESRI, OWRD, USGS



14402 -

Temporary Transfer Application Intake Checklist

Transfer # T-14402

Reviewer Nick	Type of Change(s) Proposed: <u>MUST INCLUDE A CHANGE IN PLACE OF USE</u>		
Date 2/7/2024	<input type="checkbox"/> POU	<input type="checkbox"/> POU/POD	<input checked="" type="checkbox"/> POU/APOD <input type="checkbox"/> POU/POA <input type="checkbox"/> POU/APOA
Calculated Fee \$1370		Fee Received \$1370	
Certificate(s): 93055		Check <u>ALL</u> Certs in WRIS to confirm they are not cancelled	
For multiple certificates, does application meet requirement of OAR 690-380-3220? If no, why? Use the flow chart for multiple Certs			<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
Notes: Quasi-Municipal. In several districts, no form D			

Application: OAR 690-380-3000; OAR 690-380-3220			
1.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Have <u>ALL</u> of the applicant's signed and dated the application? If no, whose signature is missing?
2.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Part 5 of application: Does the information match the description of the explanation on Part 4 of the application?
3.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
For multiple certificates: Each certificate proposed for transfer has their own separate completed Part 5, Tables 1 & 2? If no, which certificate(s) are missing separate Part 5, Tables 1 & 2?			

Map Requirements: OAR 690-380-3100			
4.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Map included and meets mapping requirements?
5.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Map Waiver? The map waiver must be issued by the Department			
Notes:			

Attachments: OAR 690-380-3000			
6.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Evidence of Use included, signed, & notarized w/supporting documentation?
	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Current recorded deed for the land from which the authorized place of use is temporarily being moved included?
	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
Affidavit of Consent from Landowner(s) described on the deed?			
7.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Land Use Form included and signed by the County?			
8.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
District: Place of use is in <u>or</u> near an irrigation district?			
	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	If Yes, is Form D included? Name of the District
9.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
For changes in POA/APOA – are the well logs included?			
10.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
For change in POU within Umatilla County, Supplemental Form U included?			

<input checked="" type="checkbox"/>	Application complete: no deficiencies identified, assign a T-number and put this checklist in T-folder.
<input type="checkbox"/>	Application DEFICIENT: DO NOT accept - return to applicant with letter explaining deficiencies identified.