

2018

WILKE Laura K * WRD

From: WILKE Laura K * WRD
Sent: Thursday, July 05, 2018 10:56 AM
To: GRAHAM Elisabeth A * WRD
Cc: HENDERSON Sarah A * WRD; MUCKEN Alyssa M * WRD
Subject: IR for Applic. G-18608 in name of Avion Water Co.

Hi Lisa – I'm looking over the IR you recently completed for Avion Water Co and noticed one thing that we'll need clarified in the PFO.

In the IR, you identified that their MO would be 24.8 AF but I didn't see a reference/finding about the volume limit they've proposed for the QM use. Since this is a year round use and at 0.67 CFS, the max volume would be 485.06 AF. If needed mitigation for that amount, the MO would be 194 AF. Based on reverse calculation, it appears that they're asking to limit the use to approximately 62 AF.

I see this volume limit identified on the NOMO form but not within the IR itself. Please make sure this volume limit is in the draft permit when we get to the PFO.

And when they send back in the response to the NOMO, please let me and Sarah know if they're requesting incremental development. If they are, we'll also need a copy of the NOMO with the proposed incremental development plan.

Thanks!
Laura

[Laura Wilke](#)

FLOW RESTORATION PROGRAM COORDINATOR

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0884





Oregon
Kate Brown, Governor

2018
Laura W.

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

Water Right Application Initial Review

June 29, 2018

AVION WATER CO. INC.
ATTN: JASON WICK
60813 PARRELL RD
BEND OR 97702

Reference: Application G-18608

This document is to inform you of the preliminary analysis of the water-use permit application and to describe your options. In determining whether an application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Preliminary Determinations (Oregon Administrative Rule (OAR) 690-310-0080)

1. Application G-18608 proposes the appropriation of 0.67 cubic foot per second (CFS) of water from SCCE Well 1 (DESC 58167/L91141), SCCE Well 2 (DESC 58037/L90036), and SCCE Well 3 (DESC 59678/L42967) in Whychus Creek Basin for quasi-municipal use January 1 through December 31 of each year. Vol?
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The appropriation of water for quasi-municipal use is allowed under the Deschutes Basin Program (OAR 690-505-0040).
4. If properly conditioned, the proposed use of groundwater will avoid injury to existing groundwater rights and the resource.
5. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will have the potential for substantial interference with Whychus Creek. Therefore, in accordance with OAR 690-410-0070(1) and 690-400-0010(11)(a), surface water availability must be considered.
6. Surface water is not available at any time of the year due to senior water rights on Deschutes River and downstream waters.

7. The proposed use of hydraulically-connected groundwater with the potential for substantial interference is not allowable in the Deschutes Basin from April 15 through September 30 of each year (OAR 690-33-120(2)(b)).
8. The proposed wells are located within the Deschutes Groundwater Study Area. By law, the Department is required to deny the application unless mitigation is provided. The unfavorable finding of the Initial Review may be overcome if mitigation is provided pursuant to the Deschutes Groundwater Mitigation Rules. (OAR 690-505-0500 to -0630)
9. Pursuant to OAR 690-505-0500(1), there is a 200.0 CFS cap on the amount of new groundwater use that may be allocated within the Deschutes Groundwater Study Area. Under the current rules, once the cap is reached, the Department will not be able to propose issuance on any new permits.
10. The Department has determined the mitigation obligation is 24.8 acre-feet (AF) annually. The required mitigation is based on quasi-municipal use. The mitigation obligation is calculated based on a consumptive-use factor of 40% of the annual volume.
11. The Department has determined that mitigation for the proposed use must be located in the The General Zone of Impact (located anywhere in the Deschutes Basin above the Madras gage, which is located on the Deschutes River below Lake Billy Chinook).
12. The proposed use is located above the Deschutes Scenic Waterway, as designated under Oregon Revised Statute 390.826. The Department has determined, based upon OAR 690-310-0260, that there is a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish, and wildlife.

Summary

The appropriation of 0.67 CFS of water from SCCE Well 1 (DESC 58167/L91141), SCCE Well 2 (DESC 58037/L90036), and SCCE Well 3 (DESC 59678/L42967) in Whychus Creek Basin for quasi-municipal use is not allowable. However, if you provide sufficient mitigation water to offset the proposed use, it may be allowed under OAR 690-505-0610.

Mitigation Obligation Options:

To satisfy the mitigation obligation you can either complete a mitigation project as described in the attached administrative rules, or obtain 24.8 qualifying mitigation credits from an individual or mitigation bank. If you are interested in obtaining mitigation credits, you may want to contact Laura Wilke at 503-986-0884 for a list of mitigation credit holders.

If you decide to purchase mitigation credits, you must submit a documentary evidence form demonstrating that you have obtained mitigation credits. The mitigation bank or the individual you have obtained credits from should provide you with a completed form. Blank forms may be obtained from the Department at the address above, or from the Bend Regional office.

If you are proposing to implement a mitigation project, you must identify and describe the project in sufficient detail so that the Department can make a preliminary determination as to whether the proposed project will likely meet the mitigation obligation. Please contact Laura Wilke (503-986-0884) for further information on mitigation projects, forms, and specific requirements to be included in the proposal.

Mitigation credits must be obtained and/or a mitigation project must be completed before a permit can be issued.

At this time, you must decide whether to proceed or to withdraw the application.

Proceed

If you choose to proceed with the application you do not have to notify the Department. The application will be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a Proposed Final Order.

Withdraw

You may withdraw the application and receive a refund (minus a \$260 processing charge per application). You must notify the Department **in writing** by **July 13, 2018**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If a Permit is Issued it will Likely Include the Following Conditions:

1. Construction of the well shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the construction deadline to begin is missed.
2. If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.
3. **Measurement Devices, and Recording/Reporting of Annual Water Use Conditions:**
 - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the device in good working order.
 - B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The permittee shall keep a complete record of the volume of water used each month, and shall submit an annual report which includes the recorded water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
 - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
4. **Static Water Level Conditions:**

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain, from a qualified individual (see below), and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to report an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall report seven consecutive annual static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require the user to obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- A. Identify each well with its associated measurement; and
- B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method used to obtain each well measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water level measurements reveal an average water level decline of three or more feet per year for five consecutive years; or
- B. Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water level measurements reveal a water level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non-use or restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

5. Ground Water Mitigation Conditions:

Mitigation Obligation: 24.8 acre-feet of mitigation water in the General Zone of Impact (located anywhere in the Deschutes Basin above the Madras gage, which is located below Lake Billy Chinook).

Mitigation Source: Mitigation Credits or a Mitigation Project, in accordance with the incremental development plan on file with the Department, meeting the requirements of OAR Chapter 690, Division 505 (Deschutes Ground Water Mitigation Rules) and OAR Chapter 690, Division 522.

The permittee shall provide mitigation prior to each stage of development under the permit, as described in the incremental development mitigation plan on file with the Department, and in accordance with the standards of the Deschutes Ground Water Mitigation Rules, OAR Chapter 690, Division 505.

The permittee shall not increase the rate or amount of water diverted, as described in the incremental development mitigation plan, prior to increasing the corresponding mitigation.

The permittee shall seek and receive Departmental approval prior to changing the incremental mitigation development plan and related mitigation obligation for each stage of permit development.

The permittee shall report to the Department the progress of implementing the incremental mitigation development plan and related mitigation no later than April 1 of each year. The annual report shall include the annual volume of water used, the source of mitigation, and any offset used for that period. This annual notification is not necessary if the permittee has completed development and submitted a Claim of Beneficial Use to the Department.

Mitigation water must be legally protected instream in the General Zone of Impact for the life of the permit and subsequent certificate(s). Regulation of the use and/or cancellation of the permit, or subsequent certificate(s) will occur if the required mitigation is not maintained.

The permittee shall provide additional mitigation if the Department determines that average annual consumptive use of the subject appropriation has increased beyond the originally mitigated amount.

If mitigation is from a secondary right for stored water from a storage project not owned or operated by the permittee, the use of water under this right is subject to the maintenance and terms and conditions of a valid contract or satisfactory replacement, with the owner/operator of the storage project, a copy of which must be on file in the records of the Water Resources Department.

Failure to comply with these mitigation conditions shall result in the Department regulating the ground water permit, or subsequent certificate(s), proposing to deny any permit extension application for the ground water permit, and proposing to cancel the ground water permit, or subsequent certificate(s).

6. Water Management and Conservation Plan Condition:

Within 3 years of permit issuance, the permittee shall submit a Water Management and Conservation Plan, addressing use under this permit, consistent with OAR 690-086. The time line for submittal of a plan under this permit does not alter the time lines for submittal of a plan under any other order of the Department. No water may be diverted if a Water Management and Conservation Plan is not submitted within 3 years of permit issuance.

7. Scenic Waterway Condition:

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right, or as those quantities may be reduced subsequently. However, the use of groundwater allowed under the terms of this permit will not be subject to regulation for Scenic Waterway flows, provided the required mitigation is maintained.

8. Well Identification Tag Condition:

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

The water source identified in the application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's Water Quality Program web site at <http://www.oregon.gov/ODA/programs/NaturalResources/Pages/AgWaterQuality.aspx> to learn more about the plans and how they may affect the proposed water use.

If you have any questions:

Feel free to contact me at Elisabeth.A.Graham@oregon.gov or 503-986-0808 if you have any questions regarding the contents of this letter or the application. Please include the application number in all correspondence. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0801. When corresponding by mail, please use this address: Lisa Graham, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Lisa Graham
Water Right Application Specialist
Oregon Water Resources Department

Enclosures: Application Process Description, Stop Processing Request Form, Response to Notice of Mitigation Obligation; and Deschutes Mitigation Rules

G-18608

APPLICATION FACT SHEET

Application File Number: G-18608

Applicant: AVION WATER CO. INC.

County: DESCHUTES

Watermaster: JEREMY GIFFIN, 11, SCR

Priority Date: FEBRUARY 12, 2018

Source: SCCE WELL 1 (DESC 58167/L91141), SCCE WELL 2 (DESC 58039/L42966), AND SCCE WELL 3 (DESC 59678/L42967) IN WHYCHUS CREEK BASIN

Use: QUASI-MUNICIPAL USE

Quantity: 0.67 CUBIC FOOT PER SECOND

Basin Name & Number: DESCHUTES, #5

WAB: WHYCHUS CR > DESCHUTES R - AT MOUTH

Well Locations:

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
SCCE WELL 1 (DESC 58167/L91141)	14 S	11 E	WM	17	SW SW	1120 FEET NORTH AND 650 FEET EAST FROM SW CORNER, SECTION 17
SCCE WELL 2 (DESC 58039/L42966)	14 S	11 E	WM	17	SW SW	950 FEET NORTH AND 695 FEET EAST FROM SW CORNER, SECTION 17
SCCE WELL 3 (DESC 59678/L42967)	14 S	11 E	WM	17	SW SW	925 FEET NORTH AND 630 FEET EAST FROM SW CORNER, SECTION 17

Place of Use:

Twp	Rng	Mer	Sec	Q-Q
14 S	10 E	WM	24	NE SE
14 S	10 E	WM	24	SE SE
14 S	10 E	WM	25	NE NE
14 S	11 E	WM	17	SW SW
14 S	11 E	WM	17	SE SW
14 S	11 E	WM	17	SW SE
14 S	11 E	WM	19	NE NE
14 S	11 E	WM	19	SE NE
14 S	11 E	WM	19	NE NW
14 S	11 E	WM	19	SW NW
14 S	11 E	WM	19	SE NW
14 S	11 E	WM	19	NE SW
14 S	11 E	WM	19	NW SW
14 S	11 E	WM	19	SW SW
14 S	11 E	WM	19	SE SW

Twp	Rng	Mer	Sec	Q-Q
14 S	11 E	WM	19	NE SE
14 S	11 E	WM	19	NW SE
14 S	11 E	WM	19	SW SE
14 S	11 E	WM	20	NE NW
14 S	11 E	WM	20	NW NW

PUBLIC NOTICE DATE: July 3, 2018

14 DAY STOP PROCESSING DEADLINE DATE: July 13, 2018

30 DAY COMMENT DEADLINE DATE: August 2, 2018

**RESPONSE TO NOTICE OF MITIGATION OBLIGATION
MUNICIPAL OR QUASI-MUNICIPAL INCREMENTAL DEVELOPMENT PLAN**

Municipal or Quasi-Municipal groundwater permit applicants may satisfy a mitigation obligation by incrementally obtaining and providing mitigation to coincide with the incremental development of the permit, provided mitigation is provided prior to each stage of development of the permit, in accordance with the standards under OAR 690-505-0610(2)-(5). A mitigation obligation may be satisfied by obtaining mitigation credits, providing for implementation of a mitigation project, or both (OAR 690-505-0610(2)). Please read and complete this acknowledgment of mitigation obligation and return it to the Department at the address above.

Applicant(s): AVION WATER CO. INC.

Applicant's agent (*if applicable*): ADAM SUSSMAN GSI WATER SOLUTIONS INC.

Application number: G-18608

Proposed Use: QUASI-MUNICIPAL USE

Period of Use: JANUARY 1 THROUGH DECEMBER 31

Rate requested: 0.67 CUBIC FOOT PER SECOND

Volume requested: 62.0 ACRE-FEET

Mitigation Obligation: 24.8 ACRE-FEET

Zone of Impact: THE GENERAL ZONE OF IMPACT

Please read and initial the following statements:

_____ We intend to provide incremental mitigation.

_____ We understand that mitigation must be provided prior to each stage of development of the permit and that the mitigation must meet the requirements of OAR 690-505-0610(2)-(5).

_____ We understand that the first increment of mitigation must be obtained, submitted to the Department and legally protected instream prior to a permit being issued.

_____ We understand that after receiving the water right permit, I (we) may not increase water use without providing the corresponding required mitigation.

_____ We understand that we will be required to submit a new or update Water Management and Conservation Plan under OAR Chapter 690, Division 86 within 2 years of the Department issuing a permit.

_____ We understand that may we modify the incremental development plan and related mitigation obligation only with prior written Departmental approval.

(over)

Please estimate the time schedule for development of the water right permit and the proposed source of mitigation that may be obtained and used prior to each stage of development (this proposed development schedule must describe 100% of the requested volume).

For the first increment of permit development we will need approximately _____ acre-feet of the _____ acre-feet requested in the application. The first increment of mitigation will be required by _____ (date).

The proposed source of mitigation water for this increment of use will be (please check):

_____ Purchase mitigation credits and / or _____ A mitigation project resulting in credits

Please describe the type of project (e.g., transfer, etc.) and any associated water-right certificate, if known:

By _____ (approximate year), for the second increment of permit development, I (we) will need approximately _____ additional acre-feet of the _____ total volume requested in the application.

The proposed mitigation source for this increment of use will be: (please check)

_____ Purchase mitigation credits and / or _____ A mitigation project resulting in credits

Please describe the type of project (e.g., transfer, etc.) and any associated water-right certificate, if known:

**Please complete a section for each subsequent stage of
Incremental Development beyond the first two using the additional page below.**

Applicant _____ or Applicant's Agent _____

Date _____

Mail to: Attn: Lisa Graham
 Oregon Water Resources Department
 725 Summer St NE Suite A
 Salem OR 97301-1266

Incremental Development beyond increments one and two:

Application G-18608 Applicant: GSI WATER SOLUTIONS INC.

By _____ (approximate year), for the _____ increment of permit development, we will need approximately _____ additional acre-feet of the _____ total volume requested in the application.

The proposed mitigation source for this increment of use will be (please check):

_____ Purchase mitigation credits and / or _____ A mitigation project resulting in credits

Please describe the type of project (e.g., transfer, etc.) and any associated water-right certificate, if known:

By _____ (approximate year), for the _____ increment of permit development, I (we) will need approximately _____ additional acre-feet of the _____ total volume requested in the application.

The proposed mitigation source for this increment of use will be (please check):

_____ Purchase mitigation credits and / or _____ A mitigation project resulting in credits

Please describe the type of project (e.g., transfer, etc.) and any associated water-right certificate, if known:

ATTACH ADDITIONAL PAGES AS NECESSARY

Mail to: Attn: Lisa Graham
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1266

APPLICATION PROCESS DESCRIPTION FOR GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS

In order to use the waters of Oregon, an application must be submitted and a permit obtained from the Water Resources Department. The water must be used for beneficial purpose without waste. For more information about water right topics, weekly public notice, forms and fees please visit our web site at www.wrd.state.or.us

1. Pre-application considerations

- Follow instructions in the application packet.
- If you have questions about completing an application or would like to arrange a pre-application conference contact the Department's Water Rights Customer Service Group at (503) 986-0801.

2. Application filing

- Application with fee is received by the Department.
- Department determines completeness of application.
- If use is not allowed by statute (ORS 538), the application and fees are returned to the applicant.
- An incomplete application and fees are returned to the applicant.
- Only a complete application receives a tentative priority date, is assigned a caseworker, and moves forward for processing.

3. Initial Review (IR)

- Caseworker reviews application by considering basin plans, water availability, statutory restrictions, and all other appropriate factors.
- Caseworker sends IR report to Applicant.
- Contact the Caseworker if you have questions about the IR.
- Four days after date of the IR, it is included in Department's weekly Public Notice.
- Public comments must be submitted within 30 days after the Public Notice.
- **An administrative hold** may be requested in writing by Applicant.

4. Proposed Final Order (PFO)

- Caseworker evaluates application against required criteria and develops draft permit, if appropriate.
- PFO includes instructions for filing of protests.
- Caseworker considers public comments and mails PFO to Applicant.
- The PFO is included in Department's weekly Public Notice.
- Public protests to the PFO must be submitted within 45 days after the Public Notice.

5. Final Order (FO)

- If no protest is filed, Final Order is issued.

The protest process

If one or more protests are filed, the process consists of:

- settlement discussion;
- contested case hearing;
- proposed Order;
- period of time to file exceptions; or
- Possible hearing by Water Resources Commission.
- Final Order is issued.

Permit holder responsibilities

- Comply with all water use conditions of the permit.
- Advise Department of address change or assignment to new permit holder.
- If need arises, request extension of time or authorize cancellation of permit.
- Submit timely claim of beneficial use (COBU) to the Department.
- Most permits require COBU to be prepared by a Certified Water Right Examiner.
- Permits may be canceled by the permit holder or by the Department for failure to comply with or one or more permit conditions.

STOP PROCESSING REQUEST FORM
FOR GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR
APPLICATIONS

- Stop processing deadline is within 14 days of Initial Review.
- Applicant notification to withdraw Water Right Application **G-18608**.
- After reviewing the Initial Review for my application, I request that processing be stopped and the fees be refunded (minus a \$260 examination fee.) I understand that without a valid permit I may not legally use the water as requested in my application.
- Signature _____ Date _____
- Signature _____ Date _____
- Under ORS 537.150 (5) and 537.620 (5) timely submission of this request authorizes that the water right application process be stopped and all filing fees (except \$260 examination fee) be returned.
- This notice must be received at Water Resources Department by:

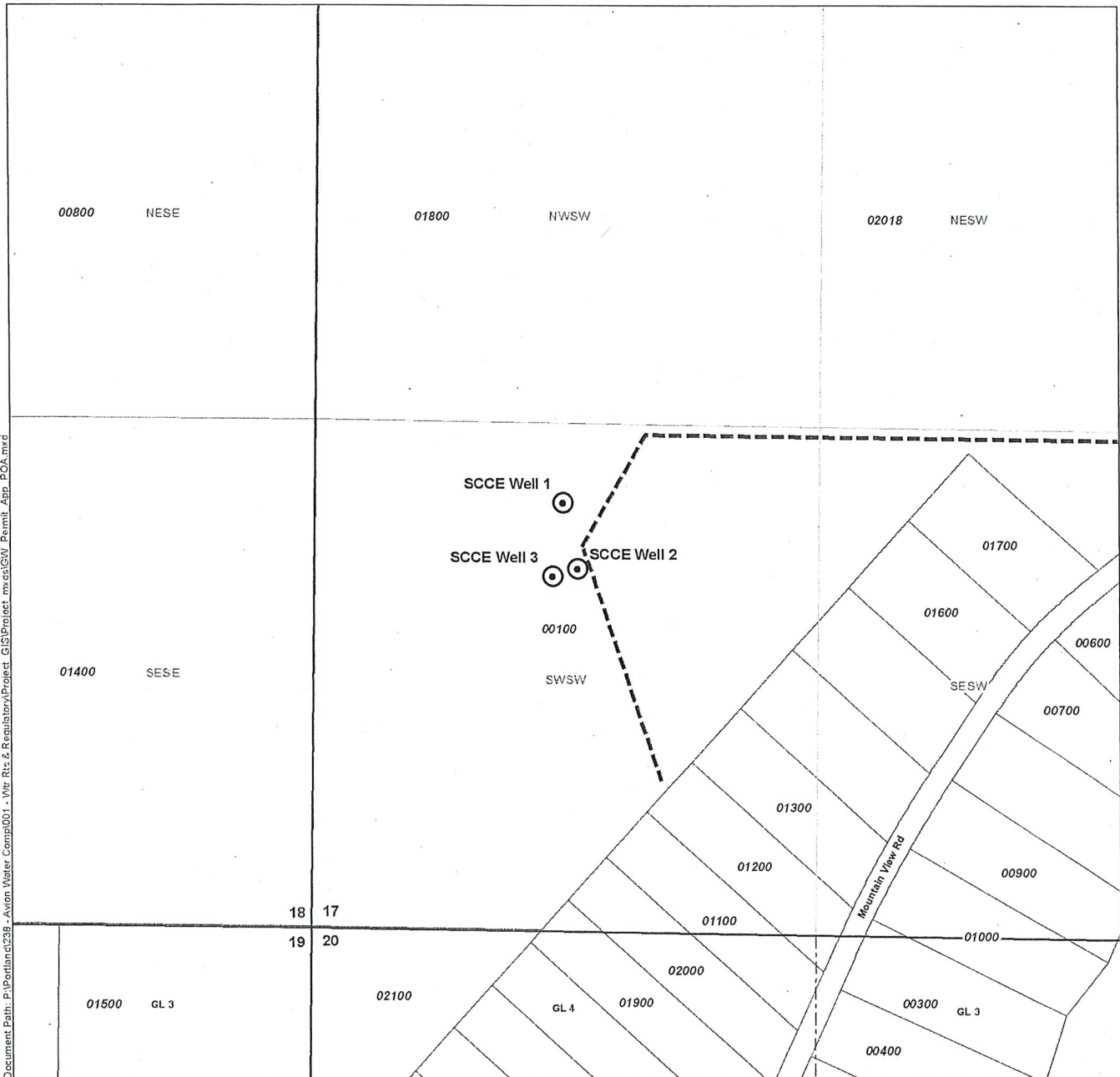
July 13, 2018

- Return the notice to:

OWRD, Water Right Services Division
STOP PROCESSING
725 Summer Street, NE - Suite A,
Salem OR, 97301-1271

Application for a Groundwater Permit in the Name of Avion Water Co., Inc.

Proposed Points of Appropriation
Township 14 South, Range 11 East (W.M.)



LEGEND

- Proposed Point of Appropriation (POA)
- Pipeline
- Tax Lot
- Government Lot (GL)

POA LOCATION DESCRIPTION

SCCE 1
Located 1120 feet North and 650 feet East from the SW corner of Section 17, Township 14 South, Range 11 East (W.M.)

SCCE 2
Located 950 feet North and 695 feet East from the SW corner of Section 17, Township 14 South, Range 11 East (W.M.)

SCCE 3
Located 925 feet North and 630 feet East from the SW corner of Section 17, Township 14 South, Range 11 East (W.M.)

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: January 11, 2018
Data Sources: BLM, ESRI, Crook Co., USGS, OWRD

RECEIVED

FEB 12 2018

OWRD



0 200 400
1 inch = 400 feet



6-12-08

Mailing List for FO Copies

Application #G-18608

Original mailed to applicant:

AVION WATER CO. INC.
ATTN: JASON WICK
60813 PARRELL RD
BEND OR 97702

Copies Mailed

By: TM
(SUPPORT STAFF)

on: 4/19/2019
(DATE)

Copies sent via Auto Email:

1. WRD - Jeremy Giffin - # 11

Copies sent via Email:

2. Agent - Adam Sussman: ASUSSMAN@GSIWS.COM

Copies sent to:

1. WRD - File # G-18608
2. WRD - Sarah Henderson
3. WRD - Surface Water Section
4. DRC - Genevieve Hubert
5. ODFW District Biologists: Brett Hodgson and Amy Stuart
6. ODFW: Danette Faucera
7. DEQ: Eric Nigg & Bonnie Lamb, Eastern Region
8. DOA: Salem: Jim Johnson & Paul Measeles
9. DSL: Shawn Zumwalt

Application Specialist: Lisa Graham

**Oregon Water Resources Department
Water Right Services Division**

Water Right Application G-18608 in the
name of AVION WATER CO. INC.

)
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FINAL ORDER

Summary: Order approving Application G-18608 and issuing Permit G-18198.

Authority

The application was processed in accordance with Oregon Revised Statute (ORS) 537.615 through 537.628, and 390.826, and Oregon Administrative Rule (OAR) Chapter 690, Divisions 5, 8, 9, 33, 300, 310, 400, 410 and the Deschutes Basin 690-505. These statutes and rules can be viewed on the Oregon Water Resources Department's website: <http://www.oregon.gov/owrd/pages/law/index.aspx>.

The Department's main page is <http://www.oregon.gov/OWRD/pages/index.aspx>.

This Final Order is issued pursuant to ORS 537.625 and OAR 690-310-0200.

FINDINGS OF FACT

1. On February 12, 2018, Avion Water Co. Inc. submitted an application to the Department for a water use permit.
2. The Department issued a Proposed Final Order on January 22, 2019. The protest period closed March 8, 2019, and no protest was filed.
3. After further review, the Department discovered that Finding of Fact #13 in the Proposed Final Order erroneously identified Whychus Creek as the source with which the proposed use will have the potential for substantial interference. This Finding of Fact shall be corrected as follows:

The proposed use will have the potential for substantial interference with the Deschutes River (OAR 690-009). The Division 9 (Groundwater Interference with Surface Water) review is in the file and can be viewed on the Department's website. ORS 537.621(3)(b); OAR 690-009-0040(4).

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a Final Order in other than contested case. This order is subject to judicial review under ORS 536.075 and 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 OAR 137-004-0080 you may 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.

HEARING RIGHTS

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the modifications to the Proposed Final Order may be addressed. Only the applicant or protestant may appeal this order. (ORS 537.170(7)(b)).

4. The findings of fact in the Proposed Final Order are incorporated herein, with the aforementioned modification.
5. The applicant submitted documentary evidence that the first increment of 24.16 acre-feet of mitigation water has been obtained within the General Zone of Impact, being 24.16 mitigation credits from mitigation project MP-114. Therefore the Department finds the first increment of mitigation has been provided.

CONCLUSIONS OF LAW

1. The conclusions of law in the Proposed Final Order issued January 22, 2019 are incorporated herein, with the above modifications.
2. The proposed use, as conditioned, will ensure the preservation of the public welfare, safety and health.

NOTE: When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public welfare, safety, and health.

ORDER

Application G-18608 is approved and Permit G-18198 is issued.

DATED April 18th, 2019


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

-
- If you have any questions about statements contained in this document, please contact Lisa Graham at Elisabeth.A.Graham@oregon.gov or 503-986-0808.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.
-

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

AVION WATER CO. INC.
60813 PARRELL RD
BEND OR 97702

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-18608

SOURCE OF WATER: SCCE WELL 1 (DESC 58167/L91141), SCCE WELL 2 (DESC 58039/L42966), AND SCCE WELL 3 (DESC 59678/L42967) IN WHYCHUS CREEK BASIN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 0.67 CUBIC FOOT PER SECOND, FURTHER LIMITED TO 62.0 ACRE FEET PER YEAR

PERIOD OF USE: JANUARY 1 THROUGH DECEMBER 31

DATE OF PRIORITY: FEBRUARY 12, 2018

WELL LOCATION:

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
SCCE WELL 1 (DESC 58167/L91141)	14 S	11 E	WM	17	SW SW	1120 FEET NORTH AND 650 FEET EAST FROM SW CORNER, SECTION 17
SCCE WELL 2 (DESC 58039/L42966)	14 S	11 E	WM	17	SW SW	950 FEET NORTH AND 695 FEET EAST FROM SW CORNER, SECTION 17
SCCE WELL 3 (DESC 59678/L42967)	14 S	11 E	WM	17	SW SW	925 FEET NORTH AND 630 FEET EAST FROM SW CORNER, SECTION 17

THE PLACE OF USE IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q
14 S	10 E	WM	20	NE NW
14 S	10 E	WM	20	NW NW
14 S	10 E	WM	24	NE SE
14 S	10 E	WM	24	SE SE
14 S	10 E	WM	25	NE NE
14 S	11 E	WM	17	SW SW
14 S	11 E	WM	17	SE SW
14 S	11 E	WM	17	SW SE
14 S	11 E	WM	19	NE NE
14 S	11 E	WM	19	SE NE
14 S	11 E	WM	19	NE NW
14 S	11 E	WM	19	SW NW

Twp	Rng	Mer	Sec	Q-Q
14 S	11 E	WM	19	SE NW
14 S	11 E	WM	19	NE SW
14 S	11 E	WM	19	NW SW
14 S	11 E	WM	19	SW SW
14 S	11 E	WM	19	SE SW
14 S	11 E	WM	19	NE SE
14 S	11 E	WM	19	NW SE
14 S	11 E	WM	19	SW SE

1. Measurement Devices, and Recording/Reporting of Annual Water Use Conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water used each month, and shall submit an annual report which includes the recorded water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

2. Static Water Level Condition:

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department.

Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

3. Well Identification Tag Condition:

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

4. Groundwater Mitigation Conditions:

- A. Mitigation Obligation: 24.8 AF of mitigation water in the General Zone of Impact (located anywhere in the Deschutes Basin above the Madras gage, which is located on the Deschutes River below Lake Billy Chinook.)
- B. Mitigation Source: Mitigation Credits or a Mitigation Project, in accordance with the incremental development plan on file with the Department, meeting the requirements of OAR Chapter 690, Division 505.
- C. Mitigation water must be legally protected instream in the General Zone of Impact for the life of the permit and subsequent certificate(s). Regulation of the use and/or cancellation of the permit, or subsequent certificate(s) will occur if the required mitigation is not maintained.
- D. The permittee shall provide additional mitigation if the Department determines that average annual consumptive use of the appropriation has increased beyond that used to compute the volume of mitigation water originally.
- E. If mitigation is from a secondary right for stored water from a storage project not owned or operated by the permittee, the use of water under this right is subject to the maintenance and terms and conditions of a valid contract or satisfactory replacement, with the owner/operator of the storage project, a copy of which must be on file in the records of the Water Resources Department.
- F. Failure to comply with these mitigation conditions shall result in the Department regulating the groundwater permit, or subsequent certificate(s), proposing to deny any permit extension application for the groundwater permit, and proposing to cancel the groundwater permit, or subsequent certificate(s).
- G. The permittee shall provide mitigation during each stage of development under the permit, as described in the incremental development mitigation plan on file with the Department, and in accordance with the standards of the Deschutes Groundwater Mitigation Rules, OAR Chapter 690, Division 505 and Division 522.
- H. The permittee shall not increase the rate or amount of water diverted, as described in the incremental development mitigation plan, prior to increasing the corresponding mitigation.
- I. The permittee shall seek and receive Department approval prior to changing the incremental mitigation development plan and related mitigation obligation for each stage of permit development.
- J. The permittee shall report to the Department the progress of implementing the incremental mitigation development plan and related mitigation no later than April 1 of each year. The annual report shall include the annual volume of water used, the source and amount of mitigation, and any offset used for that period. This annual notification is not necessary if the permittee has completed development and submitted a Claim of Beneficial Use to the Department.

5. Scenic Waterway Condition:

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface-water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right, or as those quantities may be reduced subsequently. However, the use of groundwater allowed under the terms of this permit will not be subject to regulation for Scenic Waterway flows, provided the mitigation required is maintained.

6. Water Management and Conservation Plan Condition:

The permittee shall submit a Water Management and Conservation Plan (WMCP), addressing use under this permit, consistent with OAR 690-086, and within three years of permit issuance or before use of the second increment of water development occurs, whichever is sooner. The Director may approve an extension of this timeline to complete the required WMCP. No water may be diverted if a WMCP is not submitted according to the timelines described in this condition, unless such an extension has been approved. Submittal of a plan under this permit does not alter the timelines for submittal of said plan under any other order of the Department.

STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.
3. If substantial interference with surface water or a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
4. The well(s) shall be constructed and maintained in accordance with the General Standards for the Construction and Maintenance of Water Supply Wells in Oregon. The works shall be equipped with a usable access port adequate to determine water-level elevation in the well at all times.
5. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

6. Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.
7. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
8. 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.
9. Construction of the well shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the construction deadline to begin is missed.
10. Complete application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
11. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued April 18th, 2019



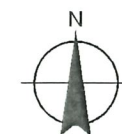
Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Application for a
Groundwater Permit in the
Name of Avion Water Co., Inc.
Proposed Place of Use
Township 14 South,
Ranges 10 and 11 East (W.M.)

LEGEND

- ⊙ Proposed Point of Appropriation (POA)
- Pipeline
- ▨ Proposed Place of Use (POU)
- ⊕ Tax Lot
- Government Lot (GL)
- ~ Watercourse
- Waterbody

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MAY 14 2018
OWRD



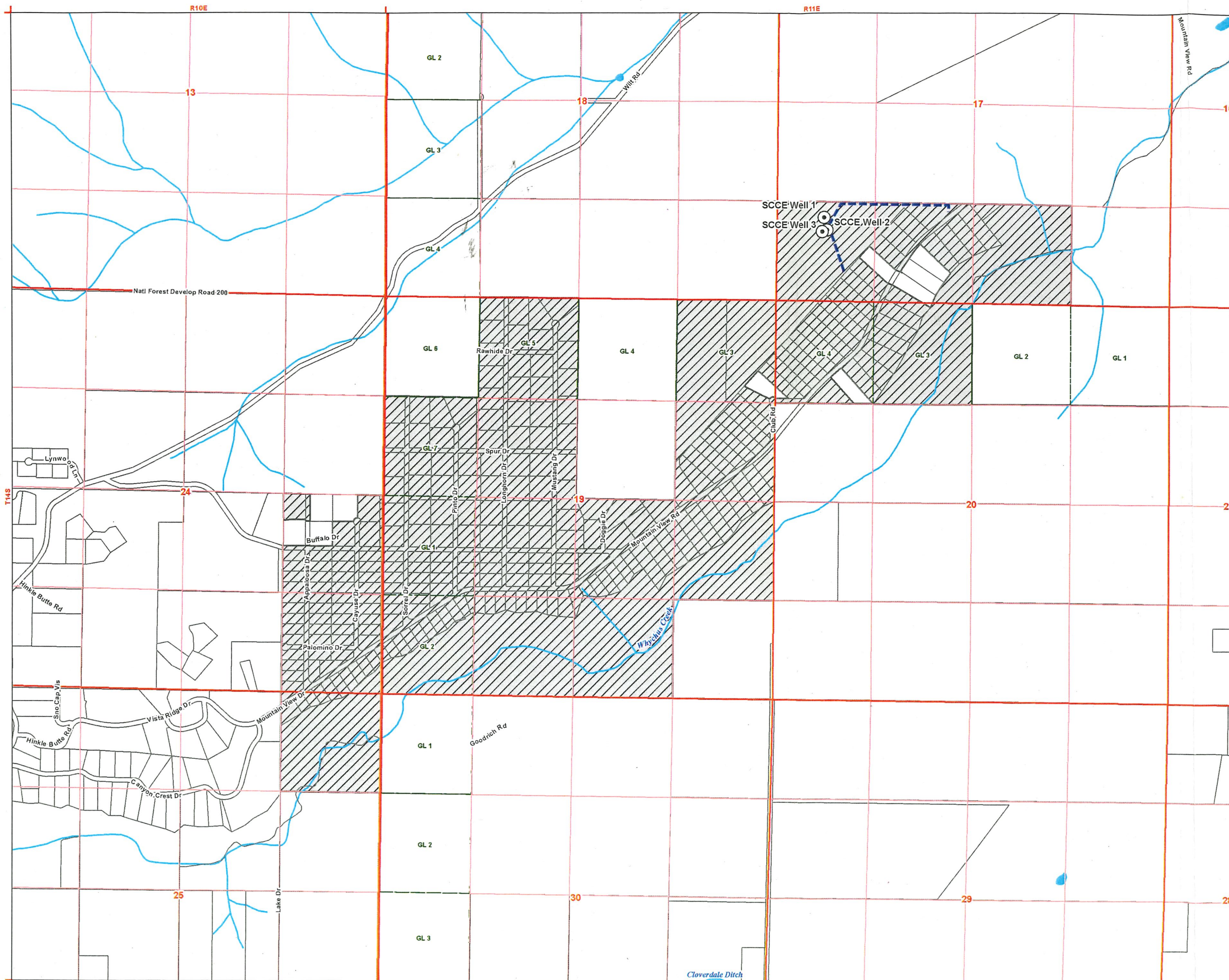
0 660 1,320 1,980
1 inch = 1320 feet

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

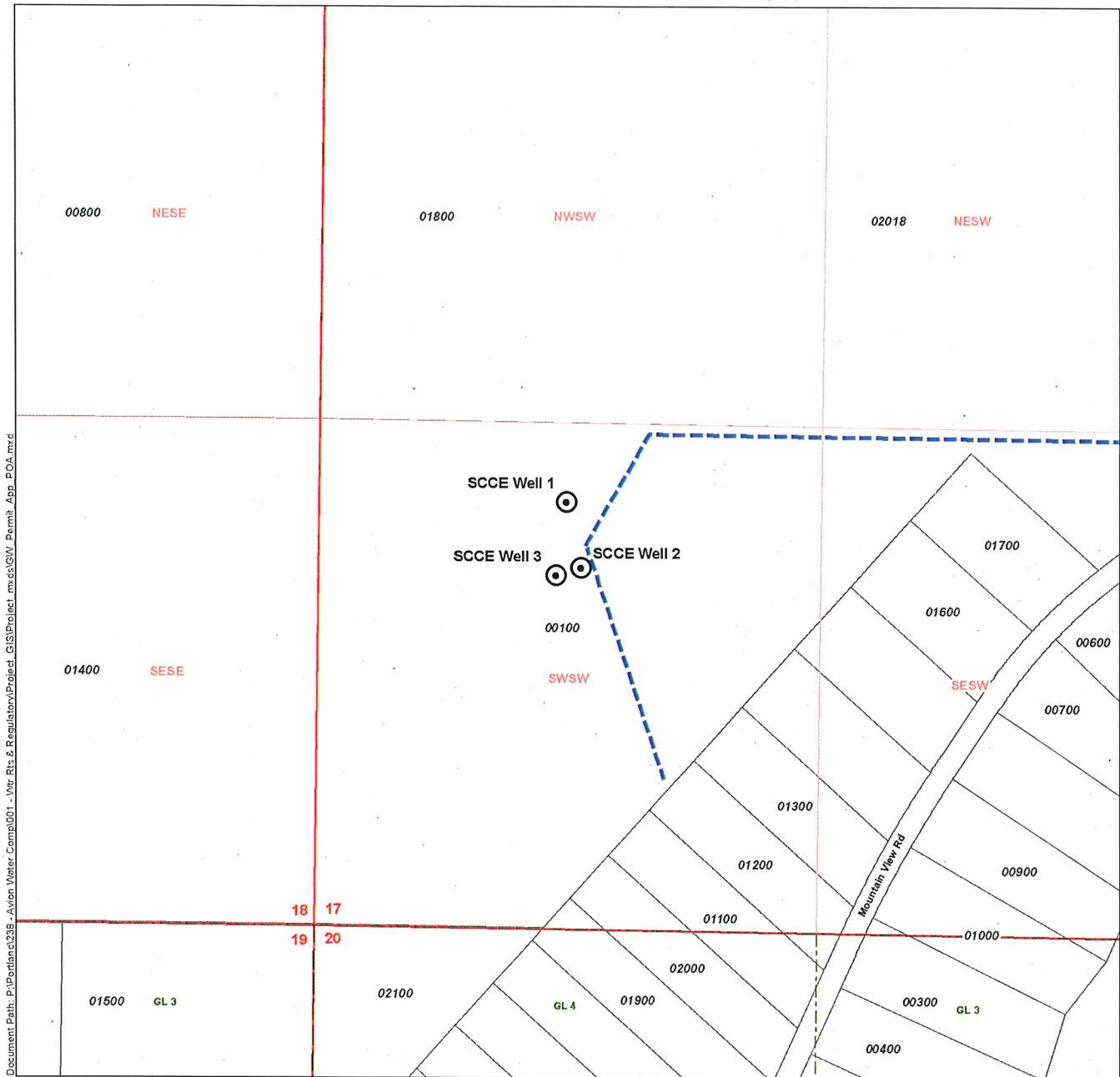
Date: May 8, 2018
Data Sources: BLM, ESRI, Crook Co., USGS,
OWRD



G-18608

Application for a Groundwater Permit in the Name of Avion Water Co., Inc.

Proposed Points of Appropriation
Township 14 South, Range 11 East (W.M.)



Document Path: P:\Portland\238 - Avion Water Comp\001 - Wtr Rts & Regulatory\Project GIS\Project maps\GW Permit App POA.mxd

LEGEND

- Proposed Point of Appropriation (POA)
- Pipeline
- Tax Lot
- Government Lot (GL)

POA LOCATION DESCRIPTION

SCCE 1
Located 1120 feet North and 650 feet East from the SW corner of Section 17, Township 14 South, Range 11 East (W.M.)

SCCE 2
Located 950 feet North and 695 feet East from the SW corner of Section 17, Township 14 South, Range 11 East (W.M.)

SCCE 3
Located 925 feet North and 630 feet East from the SW corner of Section 17, Township 14 South, Range 11 East (W.M.)

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MAP NOTES

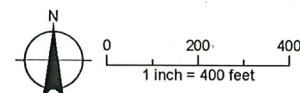
Date: January 11, 2018

Data Sources: BLM, ESRI, Crook Co., USGS, OWRD

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FEB 12 2018

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6-18608



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

**OREGON WATER RESOURCES DEPARTMENT
DESCHUTES BASIN MITIGATION CREDIT
DOCUMENTARY EVIDENCE FORM FOR MITIGATION BANKS**

This form is to be completed by a Mitigation Bank when mitigation credits are obtained from a mitigation bank by a ground water application/permit/certificate holder to satisfy a mitigation obligation under the Deschutes Ground Water Mitigation rules.

Ground Water User Information:

Name: AVION WATER COMPANY, INC.
Mailing Address (Street, City, State, Zip): 60813 PARRELL RD, BEND, OR 97702
Phone Number (Home and Work): 541-382-5342 E-Mail (optional):
Ground Water Application, Permit, or Certificate #: G-18608
Mitigation Obligation (amount) (see Notice of Mitigation Obligation or Initial Review for this information): 24.80
Zone of Impact (see Notice of Mitigation Obligation or Initial Review for this information): GENERAL

DOC. EVIDENCE

Mitigation Bank Information:

Mitigation Bank Name: DESCHUTES RIVER CONSERVANCY
Mailing Address: 700 NE HILL ST, STE 1, BEND, OR 97703
Phone Number: 541-382-4077 ext 16 (Genevieve Hubert) E-Mail: gen@deschutesriver.org

Mitigation Credit Information:

In the following table, identify the mitigation project identification number(s), the number of credits assigned from each mitigation project, the zone of impact in which the credits are to be used (note - many credits may be used within more than one zone of impact) and the type of mitigation project upon which the credits are based (The Mitigation Bank shall notify purchasers of mitigation credits of the category of credits purchased. The Bank shall state if the credits are temporary or whether subject to the continued maintenance of a mitigation project. By Charter agreement, the Mitigation Bank has assumed an obligation to maintain or replace mitigation credits based on non-permanent mitigation projects.). Project Type Codes: Instream Lease = ISL Time-Limited Instream Transfer = TLT Allocation of Conserved Water = ACW
Permanent Instream Transfers = PT Storage Release = SR Aquifer Recharge = AR
Other = Other (if other, please describe under project type in space provided below)

<u>Mitigation Project ID</u>	<u># Mitigation Credits Assigned</u>	<u>Zone of Impact</u>	<u>Mitigation Project Type Code (see above)</u>
MP- <u>114</u>	<u>24.16</u>	<u>General</u>	<u>PT</u>
MP- _____	_____	_____	_____

Add additional mitigation projects and credits below using above format:

Mitigation Project Operator (if other than original credit holder): _____ (for example, name of storage project or aquifer recharge project operator)
Mailing Address: _____
Phone Number: _____

For Stored Water Releases (if applicable):

Name of Reservoir: _____
Reservoir Permit/Certificate: _____ Contract Number(s): _____

The above described mitigation credits have been transferred from DRC/COID ground mitigation credit holder, to: Avion Water Co. Inc. water application/permit/certificate holder.

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Mitigation Bank Signature

COID: Chris Horrell 2-27-19

Rose Seiler
Kon Nelson
Wail

3/5/2019
Date

3/11/19
Date

Ground Water Application/Permit/Certificate Holder Signature

Avion Water Co.



CENTRAL OREGON
Irrigation
DISTRICT
Since 1918

1055 SW LAKE COURT, REDMOND, OR 97756
PHONE: 541.548.6047 FAX: 541.548.0243

INVOICE

AVION WATER COMPANY INC.
60813 PARRELL RD
BEND, OR 97702

DATE
2/18/2019

DATE	DESCRIPTION	AMOUNT DUE
2/18/2019	Water Bank Allocation T-10553 MP-114 Exit Fee on 24.16 mitigation credits @ \$743.64 per credit:	\$ 17,966.34

Total Due \$ 17,966.34

DUE UPON RECEIPT - DOCUMENTARY EVIDENCE WITHHELD UNTIL INVOICE PAID IN FULL

Please contact Leslie Clark at (541)504-7576 with any questions

paid 2/24/19

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2007-3:		Member Invoice	
EXHIBIT B DESCHUTES WATER ALLIANCE BANK BANK ALLOCATION OF MITIGATION CREDITS			
Transaction: Allocation # 2007-3 Seller: DWA Bank Buyer: Avion Water Co. Allocation % 37.2% Purpose: Instream Transfer (for Mitigation) Effective Date: January 7th, 2008			
1. Water Rights and Purchase Cost			
	Acres	Mitigation Credits	Purchase Price (\$/acre)
a. Total DWA Bank Allocation	36.07	64.93	1,000
b. Avion Pro-Rata Purchase Cost	37.2%	24.16	
Subtotal Purchase Costs			\$ 13,421.40
2. Water Rights Exit Fees			
a. Total Exit Price (\$/acre)			\$ 1,338.55
b. Total Exit Price (\$/credit)			\$ 743.64
	Acres	Mitigation Credits	Exit Fee (\$/credit)
c. Total Exit Fees	-	-	
d. Avion Pro-Rata Exit Fees	37.2%	-	
Subtotal Exit Fees			
3. Water Costs			
Subtotal Water Costs (Total of 1 + 2)			\$ 13,421.40
4. Transaction Costs (estimates only. Actual fee/hours tbd)			
a. Total Transfer Fees			\$ 9,017.50
Avion Pro-Rata Transfer D&I Fees	37.2%		\$ 3,355.35
b. Total DRC Services			\$ 9,424.30
Avion Pro-Rata DRC Services			\$ 3,506.71
Subtotal Transaction Costs			\$ 6,862.06
5. Grand Total			
Total Costs (Total of 3+4)			\$ 20,283.46
6. Cost Effectiveness			
a. Cost per Acre			\$ 1,511
b. Cost per Mitigation Credit			\$ 840
7. Payment Due	Payment Period	Due Date	Payee
a. Water Costs (#3)	60 days	March 8th	COLD
b. Transaction Costs (#4) (Please execute Purchase Order)	Monthly Invoice		DRC
TOTAL			\$ 20,283.46

$$24.16 \times 743.64 = 17,966.34$$

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MAR 15 2019

OWRD

DGWSA FO CHECKLIST

Application #: G-18608

- ☒ Name and/or address has **changed or been assigned** ☐ Yes ☒ No
- ☒ Respond to **significant comments, issues, or disputes** related to the proposed use of water. ☐ N/A
- ☒ Verify **names/addresses** of affected landowners, and those who commented and/or paid \$30 fee. ☒ N/A
- ☒ Affected **landowner(s)** have been notified ☒ N/A ☐ Yes ☐ No, send a letter to landowners before FO issuance.
- ☒ WMCP required, cc: Kerri Cope ☐ Yes ☐ No ☒ N/A
- ☒ Is Applicant an Irrigation District?, cc: Ann Reece ☐ Yes ☒ No ☒ N/A
- ☐ Documentary evidence submitted? ☐ Yes ☐ No
- ☒ Mitigation Obligation 24.8 (single digit after decimal – ex-9.2)
- ☒ Are requested **GW conditions included** in permit? ☒ Yes ☐ No If not, add condition(s) _____
- ☒ PFO conclusions **require modification** due to typos, errors or omission of conditions ☒ Yes ☐ No
#13 FOF pg 3 of 6 Presumption Criteria (d)
should have been "Deschutes River"
- ☒ If PFO requires modification, use **FO MOD appeal rights** ☐ N/A ☒ Yes
S:\groups\wr\Resource Center\language\fo\appeal rights - fo mod
- ☒ Fees

EXAM FEE REQUIRED <u>2910</u>	RECORDING FEE REQUIRED \$1125/ <u>\$1190</u>
EXAM FEE PAID- <u>2910</u>	RECORDING FEE PAID <u>520 + 670</u> (1190)
STILL OWED <u>0</u>	STILL OWED <u>0</u>

- ☒ FO w/ draft permit; still needed: ☒ FO w/ permit # G-18198 ☐ FO to deny
 _____ fees refund \$ _____
 _____ easement
 _____ land use approval
 _____ well construction approval

☒ documentary evidence (if inc. mit. plan, copy to Sarah Henderson)

Incremental Development Plan
rec'd 3/15/19

Name: Elisabeth A. Graham Date: 3.13.19 Peer Reviewer: [Signature] Date: 3/21/19
 Alyssa: ☒ Date: 4/2/19

DGWSA PFO CHECKLIST

App G-18608

- ☒ Allowed Use/Rate/Season QM / 0.67 cfs / YR Limit Duty
- ☒ IR requested additional information ☒ No ☐ Yes
- ☒ Have conflicts been addressed? ☒ NA ☐ No ☐ Yes
- ☒ IR date 6-29-18 Noticed on 7-3-18 Comment Deadline 8-2-2018
- ☒ Electronic/written comments? ☒ No ☐ Yes Comment eval? ☐ No ☐ Yes ☒ NA
- ☒ Div 9 ☐ will likely be available ☐ will not likely be available... ☒ will, if properly conditioned
- well 1,2+3 has PSI with Whychus Creek
- ☒ NOMO rec'd date 8-2-18
- ☒ Mitigation Team review completed? ☒ Yes ☐ No Date notified: 10-23-18
- Comments Received? ☒ No ☐ Yes
- Note: Must have an email acknowledgment from Sarah before processing PFO!!!✓
- ☒ Zone of Impact General Mitigation Obligation 24.8 AF
(single digit after decimal – ex-9.2)
- ☒ Mitigation Source ☐ credits:
☐ provided doc ev (send to Sarah H.) ☐ has not provided doc ev
- ☒ project: MP- 114 & MP-120 (COLD & DRS) IL-
- ☐ approved by Field Services ☐ not approved by Field Services
- ☒ Incremental Mitigation? ☐ No ☒ Yes, copy to Sarah Henderson (include incremental mitigation conditions) *
- ☒ If mitigation is incremental, provided within 5 yrs (QM) or within 20 yrs (MU)? ☒ Yes ☐ No If not, see manager.
- ☒ **Large-totalizing on all apps** GW or other Conditions (Not Mitigation)
- ☒ Land use ☐ allowed outright ☐ not allowed ☐ being pursued ☐ not being pursued ☒ decision obtained ☐ receipt only ☐ N/A
- ☒ Errors in IR? well label on IR = update to SCCE Well 2 (L-429166/DESC 53193/50039)
- *note from Laura W. = include 62.0 AF volume limit in PFO
- ☒ Fees

Name: Lisa G. Date: 11-28-18 Peer Reviewer: bp 12/3/18

WMCP w/ 3 yrs per Div 86 rrw ✓ yes!

ajyssa 12/11/18

EXAM FEE REQUIRED	<u>2910</u>	RECORDING FEE REQUIRED	\$1125/ <u>1190</u>
EXAM FEE PAID	<u>2910</u>	RECORDING FEE PAID	<u>520</u>
STILL OWED	<u>0</u>	STILL OWED	<u>670</u>

DGWSA IR CHECKLIST

App G-18608

- ☒ Requested Use/Rate/Season QM/0.67 cfs / YR
- ☒ Allowed Use/Rate/Season QM/0.67 cfs / YR Limit _____ Duty _____
- ☒ Check Allocation Cap status. Is water available? ☒ Yes ☐ No (if no, deny)
S:\groups\fs\programs\deschutes basin gw mitigation\Dept accounting and tracking
- ☒ Div 9 ☐ will likely be available... ☐ will not likely be available... ☒ will, if properly conditioned...
well 1,2,3 has PSI with (Deschutes SNW) Whychus Creek
GW conditions _____
- ☒ Other Conditions: (Not DGWSA conditions) 7N
Large-totalizing on all apps

☒ Zone of Impact General Mitigation Obligation 24.8 AF

☒ Mitigation Factor reference link
S:\groups\wr\Resource Center\DGWSA_DESCHUTES RELATED\mit oblig fact sheet and example calculation.doc

Irrigation:	1.8(AF) x	Acres =	MO
MU or QM:	0.40 x <u>62.4F</u>	AF (average peak volume) =	<u>24.8</u> MO
Storage or PM:	2.67(AF) x	Acres (surface area) =	MO
*Industrial:	0.10 x	AF (total volume)=	MO
Commercial:	0.15 x	AF (total volume)=	MO
Agriculture:	0.5 x	AF (total volume)=	MO
Dust Abatement:	1.0 x	AF (total volume)=	MO
*Nursery Use:	0.5/1.0 x	AF (total volume)=	MO

*Verify how water is being used to determine appropriate consumptive use factor.

Mitigation Obligation Calculation Examples:

IRRIGATION: 6.5 (acres) x 1.8(AF) = 11.7 AF total mitigation obligation.

STORAGE OR POND MAINTENANCE: 2.67 AF x 6.25 acres of surface area = 16.7 AF of mitigation obligation for storage

INDUSTRIAL AND COMMERCIAL USES: The mitigation obligations are based on volume.

COMMERCIAL USE: 800 AF x 0.15 = 120 AF total mitigation obligation.

*INDUSTRIAL USE: 800 AF x 0.10 = 80 AF total mitigation obligation.

MUNICIPAL AND QUASI-MUNICIPAL: 40% consumptive. They will mitigate for the average peak volume (see From M).

7500 AF x .40 = 3000 AF total mitigation obligation.

NOTE: Watch for the proposed use of water within a Qmuni application. If they're proposing a golf course, or a large percentage of the use will be for agriculture or irrigation, it is good to dialogue with them to determine if a mitigation obligation reflecting both a Muni/Qmuni rate and an irrigation rate is more appropriate. It will not change the language of a permit, only the amount of mitigation needed. (See G-16385 for an example of a Q-muni with irrigation)

AGRICULTURE: The consumptive factor for agriculture use is 50%.

*NURSERY USE: If total volume is greater than 1.8 AF per acre, the consumptive factor is 50%. If total volume is less than 1.8 AF per acre, consumptive factor is 100% (1:1).

☒ POU conflict ☐ NA ☒ No ☐ No, different sources ☐ No, make up a deficiency in rate

☐ Yes _____

☒ Use is supplemental, checked for primary rights ☒ NA ☐ Yes limits _____
☒ Land use ☐ allowed outright ☐ not allowed ☐ being pursued ☐ not being pursued ☒ decision obtained ☒ receipt only ☐ N/A
☒ MU or QM ☐ NA ☐ will complete const within 20 years ☐ WMCP review done - recommendations _____
☒ Authorized agent specified ☐ NA ☐ needed ☒ Yes Adam Sussman, GSI Water Solutions:
asussman@gsiws.com
☒ Copy to ☒ WM #11 ☒ agent ☐ CWRE ☐ a.l.o. ☐ DOA Food Safety Division (bottled water)

rec'd 5-14-18

Attach ☒ Desc Mit Rules -S:\groups\wr\Resource Center\DGWSA_DESCHUTES RELATED\forms\mitigation rules
☒ NOMO
☐ other

Fees	<u>0.67</u> CFS	Base	<u>1340</u>
	AF	Up to 1 CFS	<u>350</u>
		Add'l CFS	
<u>3</u> well(s)/POD(s)		Up to 20 AF	
		Add'l AF @ \$1	
<u>1</u> use(s)		Add'l AF @ \$1	
		Add'l POD/POA use + <u>700</u>	Mit Fee Req'd <u>\$670</u>
		Exam Fee Required <u>2910</u>	Rec Fee Req'd <u>\$520</u> ✓
		Exam Fee Paid <u>2910</u>	Red Fee Paid <u>520</u>
		Still Owed <u>0</u>	Owed before permit <u>070</u>

☒ App/map meet min. req ☒ Yes ☐ No ☐ ALO info ☐ map ☐ legal
 (If not, send IR certified)
☒ Req'd before PFO ☐ NA ☒ LU approve/pursue ☐ ALO info ☒ fees ☒ NOMO
☒ Req'd before permit ☐ NA ☐ well repair ☒ LU ☐ easement ☒ mitigation ☒ fees
☒ Scanned images exist for application form and map

Name: Lisa G. Date: 4.3.18 Peer Reviewer: _____

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.



Point of Diversion Characteristics

Right:	App: G 18608 *
Name:	GSI WATER SOLUTIONS INC. ADAM SUSSMAN

TRSQQ: 14.00S-11.00E-17-SWSW

County: Deschutes

Basin: Deschutes

WM District: 11

WM Region: SC

Withdrawn Area:

WAB: WHYCHUS CR > DESCHUTES R - AT MOUTH (70753)

Priority WAB: SQUAW CR @ mouth (OWRD: Very good, ODFW: High) (70753)

Rule 4D:

Groundwater Restricted Area: Groundwater Mitigation - Upper Deschutes

Scenic Water Way: ABOVE The Deschutes Scenic Waterway

Division 33: UPPER COLUMBIA

Water Quality Limited:





















































Place of Use Conflict Report

The following rights have acreage in the same quarter-quarter as App: G 18608 *

Right	Name	Decree	App	Permit	Cert	Priority	Status	Use	T-R-S-QQ	DLC	Gov't	Lot	Acrea
CERT:83302 CF *	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK DECREE			83302	12/31/1895	NC	F4	14.00S-10.00E-25-NENE				0.0000
								F4	14.00S-11.00E-19-SWSW				0.0000
								F4	14.00S-11.00E-19-SESW				0.0000
								F4	14.00S-11.00E-19-SWSE				0.0000
								F4	14.00S-11.00E-19-NESE				0.0000
								F4	14.00S-11.00E-17-SESW				0.0000
								F4	14.00S-11.00E-17-SWSE				0.0000
CERT:84079 CF *	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK DECREE			84079	12/31/1895	NC	F4	14.00S-11.00E-17-SWSE				0.0000
								F4	14.00S-11.00E-17-SESW				0.0000
								F4	14.00S-11.00E-19-NESE				0.0000
								F4	14.00S-11.00E-19-SWSE				0.0000
								F4	14.00S-11.00E-19-SESW				0.0000
								F4	14.00S-11.00E-19-SWSW				0.0000
								F4	14.00S-10.00E-25-NENE				0.0000
CERT:81607 CF *	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK DECREE			81607	12/31/1895	NC	F4	14.00S-11.00E-17-SESW				0.0000
								F4	14.00S-10.00E-25-NENE				0.0000
								F4	14.00S-11.00E-17-SWSE				0.0000
								F4	14.00S-11.00E-19-SWSW				0.0000
								F4	14.00S-11.00E-19-SESW				0.0000
								F4	14.00S-11.00E-19-SWSE				0.0000
								F4	14.00S-11.00E-19-NESE				0.0000
CERT:85151 CF *	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK DECREE			85151	12/31/1895	NC	F4	14.00S-11.00E-19-SWSE				0.0000
								F4	14.00S-11.00E-19-SWSW				0.0000
								F4	14.00S-11.00E-19-SESW				0.0000
								F4	14.00S-11.00E-17-SWSE				0.0000
								F4	14.00S-10.00E-25-NENE				0.0000
								F4	14.00S-11.00E-19-NESE				0.0000
								F4	14.00S-11.00E-17-SESW				0.0000
CERT:81674 CF *	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK DECREE			81674		NC	F4	14.00S-11.00E-17-SESW				0.0000
								F4	14.00S-11.00E-17-SWSE				0.0000
								F4	14.00S-10.00E-25-NENE				0.0000
								F4	14.00S-11.00E-19-SWSW				0.0000
								F4	14.00S-11.00E-19-SESW				0.0000
								F4	14.00S-11.00E-19-NESE				0.0000
								F4	14.00S-11.00E-19-SWSE				0.0000
CERT:85791 OR *	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK DECREE			85791	12/31/1895	NC	F4	14.00S-11.00E-19-NESE				0.0000
								F4	14.00S-11.00E-17-SESW				0.0000
								F4	14.00S-11.00E-17-SWSE				0.0000
								F4	14.00S-11.00E-19-SWSE				0.0000
								F4	14.00S-11.00E-19-SWSW				0.0000
								F4	14.00S-11.00E-19-SESW				0.0000
								F4	14.00S-10.00E-25-NENE				0.0000
CERT:87540 CF *	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK DECREE			87540	12/31/1885	NC	F4	14.00S-11.00E-17-SESW				0.0000
								F4	14.00S-10.00E-25-NENE				0.0000
								F4	14.00S-11.00E-17-SWSE				0.0000
								F4	14.00S-11.00E-19-SESW				0.0000
								F4	14.00S-11.00E-19-NESE				0.0000
								F4	14.00S-11.00E-19-SWSW				0.0000
								F4	14.00S-11.00E-19-SWSE				0.0000
CERT:86672 CF *	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK DECREE			86672	12/31/1895	NC	F4	14.00S-11.00E-19-SWSE				0.0000
								F4	14.00S-11.00E-19-SWSW				0.0000
								F4	14.00S-11.00E-19-NESE				0.0000
								F4	14.00S-11.00E-19-SESW				0.0000
								F4	14.00S-11.00E-17-SWSE				0.0000

<u>CERT:87064 CF *</u>	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK DECREE	87064 12/31/1892 NC	F4 14.00S-10.00E-25-NENE		0.0000
				F4 14.00S-11.00E-17-SESW		0.0000
				F4 14.00S-11.00E-17-SESW		0.0000
				F4 14.00S-10.00E-25-NENE		0.0000
				F4 14.00S-11.00E-17-SWSE		0.0000
				F4 14.00S-11.00E-19-SESW		0.0000
				F4 14.00S-11.00E-19-NESE		0.0000
				F4 14.00S-11.00E-19-SWSW		0.0000
<u>CERT:87266 CF *</u>	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK DECREE	87266 12/31/1895 NC	F4 14.00S-11.00E-19-SWSE		0.0000
				F4 14.00S-11.00E-19-NESE		0.0000
				F4 14.00S-11.00E-19-SESW		0.0000
				F4 14.00S-11.00E-19-SWSW		0.0000
				F4 14.00S-11.00E-17-SWSE		0.0000
				F4 14.00S-10.00E-25-NENE		0.0000
				F4 14.00S-11.00E-17-SESW		0.0000
				F4 14.00S-10.00E-25-NENE		0.0000
<u>CERT:87268 CF *</u>	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK DECREE	87268 12/31/1895 NC	F4 14.00S-11.00E-17-SESW		0.0000
				F4 14.00S-10.00E-25-NENE		0.0000
				F4 14.00S-11.00E-17-SWSE		0.0000
				F4 14.00S-11.00E-19-SWSW		0.0000
				F4 14.00S-11.00E-19-SESW		0.0000
				F4 14.00S-11.00E-19-NESE		0.0000
				F4 14.00S-11.00E-19-SWSE		0.0000
				F4 14.00S-11.00E-19-SWSE		0.0000
<u>CERT:87777 CF *</u>	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK DECREE	87777 12/31/1895 NC	F4 14.00S-11.00E-19-SWSE		0.0000
				F4 14.00S-11.00E-19-NESE		0.0000
				F4 14.00S-11.00E-19-SESW		0.0000
				F4 14.00S-11.00E-19-SWSW		0.0000
				F4 14.00S-11.00E-17-SWSE		0.0000
				F4 14.00S-10.00E-25-NENE		0.0000
				F4 14.00S-11.00E-17-SESW		0.0000
				F4 14.00S-10.00E-25-NENE		0.0000
<u>CERT:86189 CF *</u>	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK DECREE	86189 12/31/1895 NC	F4 14.00S-10.00E-25-NENE		0.0000
				F4 14.00S-11.00E-19-SWSE		0.0000
				F4 14.00S-11.00E-19-SESW		0.0000
				F4 14.00S-11.00E-19-SWSW		0.0000
				F4 14.00S-11.00E-19-NESE		0.0000
				F4 14.00S-11.00E-17-SWSE		0.0000
				F4 14.00S-11.00E-17-SESW		0.0000
				F4 14.00S-11.00E-17-SESW		0.0000
<u>CERT:90423 CR *</u>	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK DECREE	90423 12/31/1886 NC	F4 14.00S-11.00E-17-SESW		0.0000
				F4 14.00S-11.00E-17-SWSE		0.0000
				F4 14.00S-11.00E-19-NESE		0.0000
				F4 14.00S-11.00E-19-SWSW		0.0000
				F4 14.00S-11.00E-19-SESW		0.0000
				F4 14.00S-11.00E-19-SWSE		0.0000
				F4 14.00S-10.00E-25-NENE		0.0000
				F4 14.00S-10.00E-25-NENE		0.0000
<u>CERT:90424 CR *</u>	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK [WHYCHUS CREEK], 1914	90424 12/31/1885 NC	F4 14.00S-10.00E-25-NENE		0.0000
				F4 14.00S-11.00E-19-SWSE		0.0000
				F4 14.00S-11.00E-19-SESW		0.0000
				F4 14.00S-11.00E-19-SWSW		0.0000
				F4 14.00S-11.00E-19-NESE		0.0000
				F4 14.00S-11.00E-17-SWSE		0.0000
				F4 14.00S-11.00E-17-SESW		0.0000
				F4 14.00S-11.00E-17-SESW		0.0000
<u>CERT:90425 CR *</u>	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK DECREE	90425 12/31/1886 NC	F4 14.00S-11.00E-17-SESW		0.0000
				F4 14.00S-11.00E-17-SWSE		0.0000
				F4 14.00S-11.00E-19-NESE		0.0000
				F4 14.00S-11.00E-19-SWSW		0.0000
				F4 14.00S-11.00E-19-SESW		0.0000
				F4 14.00S-11.00E-19-SWSE		0.0000
				F4 14.00S-10.00E-25-NENE		0.0000
				F4 14.00S-10.00E-25-NENE		0.0000
<u>CERT:90426 CR *</u>	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK DECREE	90426 12/31/1895 NC	F4 14.00S-10.00E-25-NENE		0.0000
				F4 14.00S-11.00E-19-SWSE		0.0000

<u>CERT:90435 CR *</u>	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK DECREE	90435	12/31/1900	NC	F4	14.00S-11.00E-17-SWSE		0.0000
						F4	14.00S-11.00E-17-SESW		0.0000
						F4	14.00S-11.00E-17-SESW		0.0000
						F4	14.00S-11.00E-17-SWSE		0.0000
						F4	14.00S-11.00E-19-NESE		0.0000
						F4	14.00S-11.00E-19-SWSW		0.0000
						F4	14.00S-11.00E-19-SESW		0.0000
						F4	14.00S-11.00E-19-SWSE		0.0000
<u>CERT:90436 CR *</u>	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK [WHYCHUS CREEK], 1914	90436	12/31/1908	NC	F4	14.00S-10.00E-25-NENE		0.0000
						F4	14.00S-11.00E-19-SWSE		0.0000
						F4	14.00S-11.00E-19-SESW		0.0000
						F4	14.00S-11.00E-19-SWSW		0.0000
						F4	14.00S-11.00E-19-NESE		0.0000
						F4	14.00S-11.00E-17-SWSE		0.0000
						F4	14.00S-11.00E-17-SESW		0.0000
						F4	14.00S-11.00E-17-SESW		0.0000
<u>CERT:90437 CR *</u>	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK [WHYCHUS CREEK], 1914	90437	12/31/1908	NC	F4	14.00S-11.00E-17-SESW		0.0000
						F4	14.00S-11.00E-17-SWSE		0.0000
						F4	14.00S-11.00E-19-NESE		0.0000
						F4	14.00S-11.00E-19-SWSW		0.0000
						F4	14.00S-11.00E-19-SESW		0.0000
						F4	14.00S-11.00E-19-SWSE		0.0000
						F4	14.00S-10.00E-25-NENE		0.0000
						F4	14.00S-11.00E-17-SESW		0.0000
<u>CERT:90439 CR *</u>	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK DECREE	90439		NC	F4	14.00S-11.00E-17-SESW		0.0000
						F4	14.00S-11.00E-17-SWSE		0.0000
						F4	14.00S-11.00E-19-NESE		0.0000
						F4	14.00S-11.00E-19-SWSW		0.0000
						F4	14.00S-11.00E-19-SESW		0.0000
						F4	14.00S-11.00E-19-SWSE		0.0000
						F4	14.00S-10.00E-25-NENE		0.0000
						F4	14.00S-11.00E-17-SESW		0.0000
<u>CERT:90441 CF CR *</u>	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK DECREE	90441	12/31/1895	NC	F4	14.00S-11.00E-17-SESW		0.0000
						F4	14.00S-11.00E-17-SWSE		0.0000
						F4	14.00S-11.00E-19-NESE		0.0000
						F4	14.00S-11.00E-19-SWSW		0.0000
						F4	14.00S-11.00E-19-SESW		0.0000
						F4	14.00S-11.00E-19-SWSE		0.0000
						F4	14.00S-10.00E-25-NENE		0.0000
						F4	14.00S-10.00E-25-NENE		0.0000
<u>CERT:90442 CR *</u>	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK DECREE	90442	12/31/1895	NC	F4	14.00S-10.00E-25-NENE		0.0000
						F4	14.00S-11.00E-19-SWSE		0.0000
						F4	14.00S-11.00E-19-SESW		0.0000
						F4	14.00S-11.00E-19-SWSW		0.0000
						F4	14.00S-11.00E-19-NESE		0.0000
						F4	14.00S-11.00E-17-SWSE		0.0000
						F4	14.00S-11.00E-17-SESW		0.0000
						F4	14.00S-11.00E-17-SESW		0.0000
<u>CERT:90520 CF *</u>	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK DECREE	90520	12/31/1895	NC	F4	14.00S-11.00E-17-SESW		0.0000
						F4	14.00S-11.00E-17-SWSE		0.0000
						F4	14.00S-11.00E-19-NESE		0.0000
						F4	14.00S-11.00E-19-SWSW		0.0000
						F4	14.00S-11.00E-19-SESW		0.0000
						F4	14.00S-11.00E-19-SWSE		0.0000
						F4	14.00S-10.00E-25-NENE		0.0000
						F4	14.00S-10.00E-25-NENE		0.0000
<u>CERT:91490 CF *</u>	OREGON WATER RESOURCES DEPARTMENT	SQUAW CREEK DECREE	91490	12/31/1883	NC	F4	14.00S-10.00E-25-NENE		0.0000
						F4	14.00S-11.00E-19-SWSE		0.0000
						F4	14.00S-11.00E-19-SESW		0.0000
						F4	14.00S-11.00E-19-SWSW		0.0000
						F4	14.00S-11.00E-19-NESE		0.0000
						F4	14.00S-11.00E-17-SWSE		0.0000
						F4	14.00S-11.00E-17-SESW		0.0000
						F4	14.00S-11.00E-17-SESW		0.0000
<u>CERT:91487 CF *</u>	OREGON WATER RESOURCES DEPARTMENT		91487	12/31/1883	NC	F4	14.00S-11.00E-17-SESW		0.0000

CERT:91489 CF * OREGON WATER RESOURCES DEPARTMENT

91489 12/31/1883 NC

F4	14.00S-11.00E-17-SWSE		0.0000
F4	14.00S-11.00E-19-NESE		0.0000
F4	14.00S-11.00E-19-SWSW		0.0000
F4	14.00S-11.00E-19-SESW		0.0000
F4	14.00S-11.00E-19-SWSE		0.0000
F4	14.00S-10.00E-25-NENE		0.0000
F4	14.00S-10.00E-25-NENE		0.0000
F4	14.00S-11.00E-19-SWSE		0.0000
F4	14.00S-11.00E-19-SESW		0.0000
F4	14.00S-11.00E-19-SWSW		0.0000
F4	14.00S-11.00E-19-NESE		0.0000
F4	14.00S-11.00E-17-SWSE		0.0000
F4	14.00S-11.00E-17-SESW		0.0000

CERT:92353 CF * OREGON WATER RESOURCES DEPARTMENT

SQUAW CREEK DECREE

92353 12/31/1895 NC

F4	14.00S-11.00E-17-SESW		
F4	14.00S-11.00E-17-SWSE		
F4	14.00S-11.00E-19-NESE		
F4	14.00S-11.00E-19-SWSW		
F4	14.00S-11.00E-19-SESW		
F4	14.00S-11.00E-19-SWSE		
F4	14.00S-10.00E-25-NENE		
F4	14.00S-10.00E-25-NENE		
F4	14.00S-11.00E-19-SWSE		
F4	14.00S-11.00E-19-SESW		
F4	14.00S-11.00E-19-SWSW		
F4	14.00S-11.00E-19-NESE		
F4	14.00S-11.00E-17-SWSE		
F4	14.00S-11.00E-17-SESW		

CERT:93373 CF * OREGON WATER RESOURCES DEPARTMENT

SQUAW CREEK DECREE

93373 12/31/1895 NC

F4	14.00S-10.00E-25-NENE		
F4	14.00S-11.00E-19-SWSE		
F4	14.00S-11.00E-19-SESW		
F4	14.00S-11.00E-19-SWSW		
F4	14.00S-11.00E-19-NESE		
F4	14.00S-11.00E-17-SWSE		
F4	14.00S-11.00E-17-SESW		
F4	14.00S-10.00E-25-NENE		0.0000
F4	14.00S-11.00E-19-SWSE		0.0000
F4	14.00S-11.00E-19-SESW		0.0000
F4	14.00S-11.00E-19-SWSW		0.0000
F4	14.00S-11.00E-19-NESE		0.0000
F4	14.00S-11.00E-17-SWSE		0.0000
F4	14.00S-11.00E-17-SESW		0.0000
F4	14.00S-10.00E-25-NENE		0.0000
F4	14.00S-11.00E-19-SWSE		0.0000
F4	14.00S-11.00E-19-SESW		0.0000
F4	14.00S-11.00E-19-SWSW		0.0000
F4	14.00S-11.00E-19-NESE		0.0000
F4	14.00S-11.00E-17-SWSE		0.0000
F4	14.00S-11.00E-17-SESW		0.0000

CERT:90438 CR * OREGON WATER RESOURCES DEPARTMENT

E-2605 E-176 90438 10/7/1912 NC

F4	14.00S-10.00E-25-NENE		0.0000
F4	14.00S-11.00E-19-SWSE		0.0000
F4	14.00S-11.00E-19-SESW		0.0000
F4	14.00S-11.00E-19-SWSW		0.0000
F4	14.00S-11.00E-19-NESE		0.0000
F4	14.00S-11.00E-17-SWSE		0.0000
F4	14.00S-11.00E-17-SESW		0.0000
F4	14.00S-10.00E-25-NENE		0.0000
F4	14.00S-11.00E-19-SWSE		0.0000
F4	14.00S-11.00E-19-SESW		0.0000
F4	14.00S-11.00E-19-SWSW		0.0000
F4	14.00S-11.00E-19-NESE		0.0000
F4	14.00S-11.00E-17-SWSE		0.0000
F4	14.00S-11.00E-17-SESW		0.0000

CERT:90440 CR * OREGON WATER RESOURCES DEPARTMENT

E-2605 E-176 90440 10/7/1912 NC

F4	14.00S-10.00E-25-NENE		0.0000
F4	14.00S-11.00E-19-SWSE		0.0000
F4	14.00S-11.00E-19-SESW		0.0000
F4	14.00S-11.00E-19-SWSW		0.0000
F4	14.00S-11.00E-19-NESE		0.0000
F4	14.00S-11.00E-17-SWSE		0.0000
F4	14.00S-11.00E-17-SESW		0.0000

PERMIT: G 16145 * SNO-CAP HOMEOWNER ASSOCIATION; SNO-CAP WATER SYSTEM

G-14972 G-16145 4/14/1999 NC

QM	14.00S-10.00E-25-NENE		
QM	14.00S-10.00E-24-SESE		
QM	14.00S-10.00E-24-NESE		

Ground Water Appropriations within the Deschutes Ground Water Study Area

- (1) Except for a cumulative total of 200 cubic feet per second (cfs) maximum rate for final orders approving ground water permit applications issued after the effective date of these rules, ground water in the Deschutes Ground Water Study Area is closed to further appropriation.
- (2) Prior to January 1, 2008, or upon reaching 150 cfs of the 200 cfs in section (1), whichever comes first, and on subsequent five year intervals, the Commission shall evaluate the Deschutes Basin Ground Water Mitigation Rules and associated mitigation to determine whether the restriction in section (1) shall be lifted or otherwise modified through subsequent public rulemaking. The Commission shall specifically evaluate the effectiveness of mitigation projects and mitigation credits that involve time-limited instream transfers, instream leases and allocations of conserved water from canal lining and piping projects. The Commission shall also evaluate the general zones of impact identified by the Department.
- (3) The Department shall, in cooperation with the Oregon Department of Fish and Wildlife, Oregon State Parks and Recreation Department, Oregon Department of Environmental Quality and Division of State Lands, annually evaluate and report on the implementation of these rules. The annual evaluation and report shall include information on new ground water appropriations, streamflow monitoring, and mitigation activity in order to determine whether scenic waterway flows and instream water right flows in the Deschutes Basin continue to be met on at least an equivalent or more frequent basis as compared to long-term, representative base period flows established by the Department.
- (4) The restriction in section (1) shall not be lifted unless the Commission determines that scenic waterway flows and instream water right flows in the Deschutes Basin continue to be met on at least an equivalent or more frequent basis as compared to long-term, representative base period flows established by the Department.
- (5) If the Commission's evaluation under section (2) indicates that, due to new ground water appropriations, scenic waterway flows and instream water right flows in the Deschutes Basin are met less frequently as compared to long-term, representative base period flows, the Commission shall initiate proceedings to designate all or portions of the Deschutes Ground Water Study Area a critical ground water area(s) under ORS 537.730, immediately close certain areas of the Deschutes Basin to further ground water appropriations, or take other administrative action(s) to ensure scenic waterway flows and instream water right flows in the Deschutes Basin continue to be met on at least an equivalent or more frequent basis as compared to long-term, representative base period flows.

690-505-0600

Deschutes Basin Groundwater Mitigation Rules: Purpose and Applicability of Ground Water Mitigation Rules

- (1) In the Deschutes Basin, a joint study of ground water resources by the Department and U.S. Geological Survey has established a hydraulic connection between ground water and surface water within the Deschutes Ground Water Study Area (Ground Water Hydrology of the Upper Deschutes Basin, Oregon, Water Resources Investigations Report 00-4162, Portland, Oregon, 2001). Based on the conclusions of the study, the Department has determined that ground water appropriations within the Deschutes Ground Water Study Area have the potential for substantial interference with surface water rights as described in OAR 690, division 9, and will measurably reduce scenic waterway flows as defined in ORS 390.835 unless mitigation is provided pursuant to the rules in this division.
- (2) These rules implement Senate Bill 1033 (1995, Legislative Assembly), codified as ORS 390.835 to provide for mitigation of impacts to scenic waterway flows and senior water rights while allowing additional qualifying appropriations of ground water in the Deschutes Basin.
- (3) The rules in OAR 690-505-0610 through 690-505-0630 establish the mitigation process for pending and future ground water permit applications in the Deschutes Ground Water Study Area. Without mitigation, the Department is required by law to deny ground water permit applications in the Deschutes Ground Water Study Area.
- (4) Holders of existing ground water permits and associated certificates in the Deschutes Ground Water Study Area issued after July 19, 1995, with priority dates after April 19, 1991, that are specifically conditioned to allow regulation for measurable reduction of a state scenic waterway and that choose to provide mitigation meeting the standards of these rules shall not be subject to regulation for scenic waterway flows pursuant to ORS 390.835(9). A ground water permit or certificate for which a mitigation project has been

approved by the Department prior to the effective date of these rules shall not be subject to regulation for scenic waterway flows pursuant to ORS 390.835(9).

690-505-0605

Deschutes Basin Groundwater Mitigation Rules: Definitions

The following definitions apply to OAR 690-505-0500 through 690-505-0630:

(5) "General zone of impact" means anywhere above the Madras gage on the Lower Deschutes River or, for wells determined by the Department to have a localized impact on surface water, anywhere within the impacted subbasin of the Deschutes River including the Metolius, Squaw Creek, Little Deschutes, and Crooked River subbasins as identified by the Department.

690-505-0610

Deschutes Basin Groundwater Mitigation Rules: Mitigation Obligation and Mitigation Standards

(1) Except as provided in section (6), (7) and (8) of this rule, the Department may only approve a ground water permit application in the Deschutes Ground Water Study Area if mitigation is provided pursuant to these rules.

(2) A mitigation obligation may be satisfied by obtaining mitigation credits or by providing for implementation of a mitigation project.

(3) Mitigation projects may include:

(a) The allocation of conserved water provided under ORS 537.455 to 537.500 and OAR 690, division 18, where the applicant's portion of the conserved water is allocated and legally protected for instream use;

(b) The transfer of an existing water right to an instream use if the water right to be transferred is also lawfully eligible for transfer to another out-of-stream use, and for mitigation banks, the time-limited transfer or lease of an existing water right to instream use under ORS 537.348 and OAR 690, division 77;

(c) A permit to appropriate water for the purpose of artificial recharge of a ground water reservoir pursuant to ORS 537.135 and OAR 690, division 350;

(d) A secondary permit to use stored water from an existing reservoir obtained pursuant to ORS 537.130 to 537.211 and OAR 690, division 310, provided the secondary permit is for instream use; or

(e) Other projects approved by the Department that result in mitigation water.

(4) Mitigation water must be provided within the general zone of impact identified by the Department, legally protected for instream use prior to permit issuance, and committed for the life of the permit and subsequent certificate(s).

(5) The amount of mitigation needed to satisfy a mitigation obligation shall be:

(a) One mitigation credit per acre-foot of consumptive use based on the ground water permit application; or

(b) Mitigation water equal to the volume of consumptive use of the ground water permit application, calculated in acre-feet.

(6) These rules do not preclude any person from submitting evidence, which will be considered by the Department, that a proposed or existing ground water appropriation does not have the potential for substantial interference with surface water rights as described in OAR 690, division 9, and will not measurably reduce scenic waterway flows under ORS 390.835.

(7) If the Department finds, based on a preponderance of evidence, that a specific ground water permit application does not have the potential for substantial interference with surface water under OAR 690, division 9, and will not result in a measurable reduction of scenic waterway flows under ORS 390.835, the Department shall not require mitigation for that specific ground water use.

(8) Notwithstanding section (1) of this rule, if the impact of use under a ground water permit application is completely offset by a proposed voluntary cancellation of an existing ground water use subject to transfer, such that impact on surface waters from the new ground water use is the same as, or less than, impact on surface waters from the existing ground water use subject to transfer, the ground water permit application may be approved without additional mitigation once the proposed voluntary cancellation is complete.

690-505-0615

Deschutes Basin Groundwater Mitigation Rules: Notice of Mitigation Obligation

(1) The Department shall provide notice of the mitigation obligation to ground water permit applicants. The notice shall:

(a) State that mitigation must be provided before a permit may be issued for a water right application approved under ORS 537.621 to 537.626;

(b) Identify the amount and location of the mitigation obligation; and

(c) Identify mitigation banks as potential means of providing mitigation.

(2) For ground water permit applications pending before the Department as of the effective date of this rule, the notice of mitigation obligation and the applicant's response to the mitigation obligation shall be incorporated into the water right application process under OAR 690, division 310.

(3) For ground water permit applications submitted after the effective date of this rule, the notice of mitigation obligation shall be included in the initial review report under OAR 690-310-0080.

(4) Ground water permit applicants receiving notice under this rule shall, through the water right application process under OAR 690, division 310, submit proposed mitigation to the Department that meets the requirements of 690-505-0610(2)-(5).

(5) Ground water permit applicants proposing to implement a mitigation project shall identify and describe the project and, in any application associated with the mitigation project, identify that the project is being used to satisfy a mitigation obligation.

(6) If the amount of mitigation identified by the ground water permit applicant is different from that stated in the Department's notice of mitigation obligation, the applicant shall provide an explanation of why the amount is different and identify appropriate information proposed to be used to determine the equivalent consumptive use for the proposed ground water appropriation.

(7) The Department shall work in cooperation with a representative of the Oregon Department of Fish and Wildlife, Oregon State Parks and Recreation Department, Oregon Department of Environmental Quality and Division of State Lands to enhance the resource benefits and make the most effective use of mitigation projects and mitigation water.

690-505-0620

Deschutes Basin Groundwater Mitigation Rules: Ground Water Permit and Final Order Conditions

(1) Any final order approving a ground water permit application and the associated permit and certificate issued subsequent to a notice of mitigation obligation under 690-505-0615(1) shall, as appropriate:

(a) Specify the amount and location of the mitigation obligation;

(b) Require that mitigation water be legally protected instream for instream use before the permit will be issued;

(c) Require that mitigation water be committed for the life of the permit and subsequent certificate;

(d) Require installation of a measuring device, monthly recording of water use and annual reporting of water use;

(e) If the mitigation is from a secondary right for stored water from a storage project not owned or operated by the ground water permit applicant, require maintenance of a contract for the use of the water with the owner/operator of the storage project;

(f) Provide for regulation and/or cancellation if the required mitigation is not maintained; and

(g) Require additional mitigation if the Department determines that average annual consumptive use of the subject appropriation has increased beyond the originally mitigated amount.

(2) Any final order issued under OAR 690, division 310 approving a ground water permit application subject to these rules is contingent upon mitigation being provided before a permit may be issued, shall expire 5 years after issuance unless the required mitigation is provided.

(3) Failure to comply with conditions required under section (1) of this rule shall result in the Department regulating the associated ground water right, proposing to deny any permit extension application for the associated right, and proposing to cancel the associated permit.

Groundwater Application Review Summary Form

Application # G- 18608

GW Reviewer Aurora Bouchier Date Review Completed: 3/20/2018

Summary of GW Availability and Injury Review:

[] Groundwater for the proposed use is either over appropriated, will not likely be available in the amounts requested without injury to prior water rights, OR will not likely be available within the capacity of the groundwater resource per Section B of the attached review form.

Summary of Potential for Substantial Interference Review:

[] There is the potential for substantial interference per Section C of the attached review form.

Summary of Well Construction Assessment:

[] The well does not appear to meet current well construction standards per Section D of the attached review form. Route through Well Construction and Compliance Section.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations and for conditions that may be necessary for a permit (if one is issued).

WATER RESOURCES DEPARTMENT

MEMO

Date: 3/20/2018TO: Application: G-18608FROM: GW: Aurora Bouchier
(Reviewer's Name)SUBJECT: Scenic Waterway Interference & General/Local Surface Water
Evaluation for Deschutes Ground Water Study AreaThe source of appropriation is within or above the Deschutes
Scenic Waterway.

Use the Scenic Waterway condition (Condition 7J).

PREPONDERANCE OF EVIDENCE FINDING UNDER ORS 390.835:

Department has found that there is a preponderance of evidence that the proposed use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of the Deschutes Scenic Waterway in quantities necessary for recreation, fish and wildlife.

LOCALIZED IMPACT FINDING

☐ The proposed use of ground water will have a localized impact to surface water in the _____ River/Creek Subbasin.

If the localized impact box above is checked, then the water use under any right issued pursuant to this application is presumed to have a localized impact on surface water within the identified subbasin. Mitigation of the impact, originating from within the Local Zone of Impact identified by the Department, will be required before a permit may be issued for the proposed use.

If the localized impact box above is not checked, then the water use under any right issued pursuant to this application is presumed to have a general (regional) impact on surface water. Mitigation of the impact, originating anywhere within the Deschutes Basin above the Madras gage, will be required before a permit may be issued for the proposed use.

PUBLIC INTEREST REVIEW FOR GROUNDWATER APPLICATIONS

TO: Water Rights Section Date March 20, 2018
 FROM: Groundwater Section Aurora C Bouchier
 Reviewer's Name
 SUBJECT: Application G- 18608 Supersedes review of na
 Date of Review(s)

PUBLIC INTEREST PRESUMPTION; GROUNDWATER

OAR 690-310-130 (1) *The Department shall presume that a proposed groundwater use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525. Department staff review groundwater applications under OAR 690-310-140 to determine whether the presumption is established. OAR 690-310-140 allows the proposed use be modified or conditioned to meet the presumption criteria. This review is based upon available information and agency policies in place at the time of evaluation.*

A. GENERAL INFORMATION: Applicant's Name: Avion Water Company, LLC County: Deschutes

A1. Applicant(s) seek(s) 0.67 cfs from 3 well(s) in the Deschutes Basin,
Whychus Creek (General Zone) subbasin (Henkle Butte quad)

A2. Proposed use Quasi-municipal Seasonality: year round

A3. Well and aquifer data (attach and number logs for existing wells; mark proposed wells as such under logid):

Well	Logid	Applicant's Well #	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, e.g. 2250' N, 1200' E fr NW cor S 36
1	DESC 58167	SCCE Well 1	Deschutes Fm	0.67	14S/11E-17 SW-SW	1120' N, 650' E fr SW cor S 17
2	DESC 53193/58037	SCCE Well 2	Deschutes Fm	0.67	14S/11E-17 SW-SW	950' N, 695' E fr SW cor S 17
3	DESC 53194/59678	SCCE Well 3	Deschutes Fm	0.67	14S/11E-17 SW-SW	925' N, 630' E fr SW cor S 17
4						
5						

* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Draw Down (ft)	Test Type
1	3106	616	520	8/1/2007	844	0-96	-2-98	0-844	780-840	250	4	P
2	3105	590	498	7/14/2000	690	0-78	-2-78	5-600	585-605	10	NA	A
3	3103	590	501	7/20/2000	750	0-138	-2-138	2-750	710-750	20*	NA	A

Use data from application for proposed wells.

A4. **Comments:** The wells are constructed into water-bearing zones within the Deschutes Fm. Groundwater flow is toward the Northeast with the nearest discharge area approximately 8 miles away along the Deschutes River. Water levels in the wells are below the elevation of the nearest surface water source (Whychus Creek).

*Deepening log DESC 59678 lists a yield of 200 gpm based on a two hour air test.

A5. ☒ **Provisions of the** Deschutes Basin rules relative to the development, classification and/or management of groundwater hydraulically connected to surface water ☒ **are**, or ☐ **are not**, activated by this application. (Not all basin rules contain such provisions.)

Comments: The wells are located within the USGS Groundwater Study Area and are subject to the relevant rules (OAR 690-505-0500 – 0620).

A6. ☐ **Well(s) #** _____, _____, _____, _____, _____, tap(s) an aquifer limited by an administrative restriction. Name of administrative area: _____
 Comments: _____

B. GROUNDWATER AVAILABILITY CONSIDERATIONS, OAR 690-310-130, 400-010, 410-0070

B1. **Based upon available data**, I have determined that groundwater* for the proposed use:

- a. ☐ is over appropriated, ☒ is not over appropriated, or ☐ cannot be determined to be over appropriated during any period of the proposed use. * This finding is limited to the groundwater portion of the over-appropriation determination as prescribed in OAR 690-310-130;
- b. ☐ will not or ☐ will likely be available in the amounts requested without injury to prior water rights. * This finding is limited to the groundwater portion of the injury determination as prescribed in OAR 690-310-130;
- c. ☐ will not or ☐ will likely to be available within the capacity of the groundwater resource; or
- d. ☒ will, if properly conditioned, avoid injury to existing groundwater rights or to the groundwater resource:
- ☒ The permit should contain condition #(s) 7N;
 - ☐ The permit should be conditioned as indicated in item 2 below.
 - ☐ The permit should contain special condition(s) as indicated in item 3 below;

- B2. a. ☐ **Condition** to allow groundwater production from no deeper than _____ ft. below land surface;
- b. ☐ **Condition** to allow groundwater production from no shallower than _____ ft. below land surface;
- c. ☐ **Condition** to allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
- d. ☐ **Well reconstruction** is necessary to accomplish one or more of the above conditions. The problems that are likely to occur with this use and without reconstructing are cited below. Without reconstruction, I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Groundwater Section.

Describe injury –as related to water availability– that is likely to occur without well reconstruction (interference w/ senior water rights, not within the capacity of the resource, etc): _____

B3. **Groundwater availability remarks:** _____

The nearest relevant State Observation wells are DESC 1957 (located approximately 5 miles to the northeast) and DESC 3479 (located approximately X miles to the southeast). DESC 1957 has been monitored periodically since 1978 through present and shows a fairly steady decline of about 9 feet since 1998. DESC 3479 was monitored periodically from 1979 through 1997 and appears to be in a similar water pressure zone (possibly as a result of faulting in the area) as the applicant's wells.

↑
Desc 58037 is
incorrect. Should
be 58039
- KB.

C. GROUNDWATER/SURFACE WATER CONSIDERATIONS, OAR 690-09-040**C1. 690-09-040 (1):** Evaluation of aquifer confinement:

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
		<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"/>

Basis for aquifer confinement evaluation: _____

C2. 690-09-040 (2) (3): Evaluation of distance to, and hydraulic connection with, surface water sources. All wells located a horizontal distance less than ¼ mile from a surface water source that produce water from an unconfined aquifer shall be assumed to be hydraulically connected to the surface water source. Include in this table any streams located beyond one mile that are evaluated for PSI.

Well	SW #	Surface Water Name	GW Elev ft msl	SW Elev ft msl	Distance (ft)	Hydraulically Connected?			Potential for Subst. Interfer. Assumed?	
						YES	NO	ASSUMED	YES	NO
						<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"/>
						<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"/>

Basis for aquifer hydraulic connection evaluation: _____

Water Availability Basin the well(s) are located within: _____

C3a. 690-09-040 (4): Evaluation of stream impacts for each well that has been determined or assumed to be **hydraulically connected and less than 1 mile** from a surface water source. Limit evaluation to instream rights and minimum stream flows that are pertinent to that surface water source, and not lower SW sources to which the stream under evaluation is tributary. Compare the requested rate against the 1% of 80% *natural* flow for the pertinent Water Availability Basin (WAB). If Q is not distributed by well, use full rate for each well. Any checked ☒ box indicates the well is assumed to have the potential to cause PSI.

Well	SW #	Well < ¼ mile?	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
		<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"/>
		<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"/>

C3b. **690-09-040 (4):** Evaluation of stream impacts by total appropriation for all wells determined or assumed to be **hydraulically connected and less than 1 mile** from a surface water source. **Complete only if Q is distributed among wells.** Otherwise same evaluation and limitations apply as in C3a above.

	SW #		Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
			<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"/>

Comments: _____

C4a. **690-09-040 (5):** Estimated impacts on **hydraulically connected surface water sources greater than one mile** as a percentage of the proposed pumping rate. Limit evaluation to the effects that will occur up to one year after pumping begins. This table encompasses the considerations required by 09-040 (5)(a), (b), (c) and (d), which are not included on this form. Use additional sheets if calculated flows from more than one WAB are required.

Non-Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
(A) = Total Interf.													
(B) = 80 % Nat. Q													
(C) = 1 % Nat. Q													
(D) = (A) > (C)													
(E) = (A / B) x 100		%	%	%	%	%	%	%	%	%	%	%	%

Basis for impact evaluation:

C6. SW / GW Remarks and Conditions:

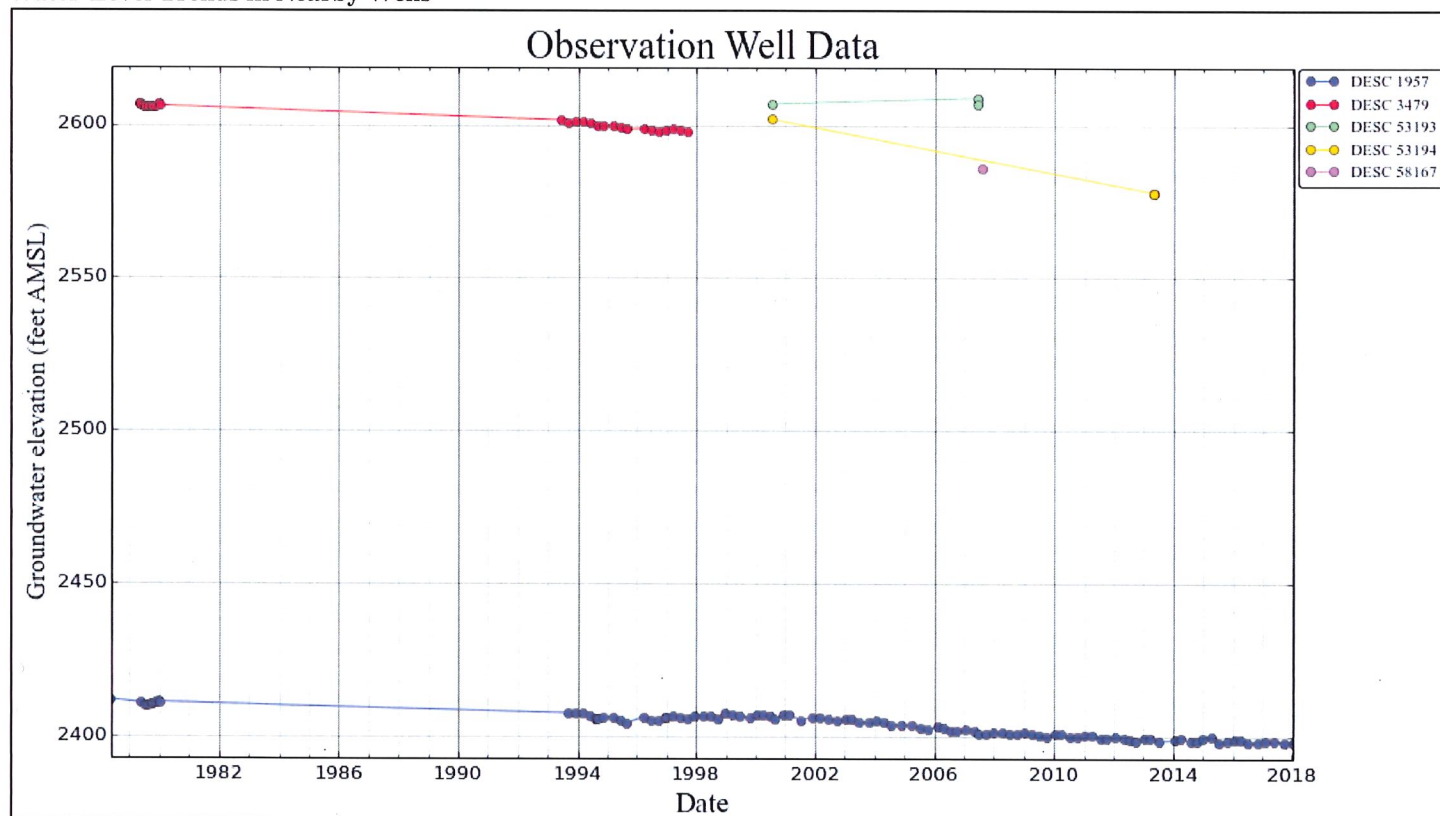
OWRD well log and water level database.

D. WELL CONSTRUCTION, OAR 690-200

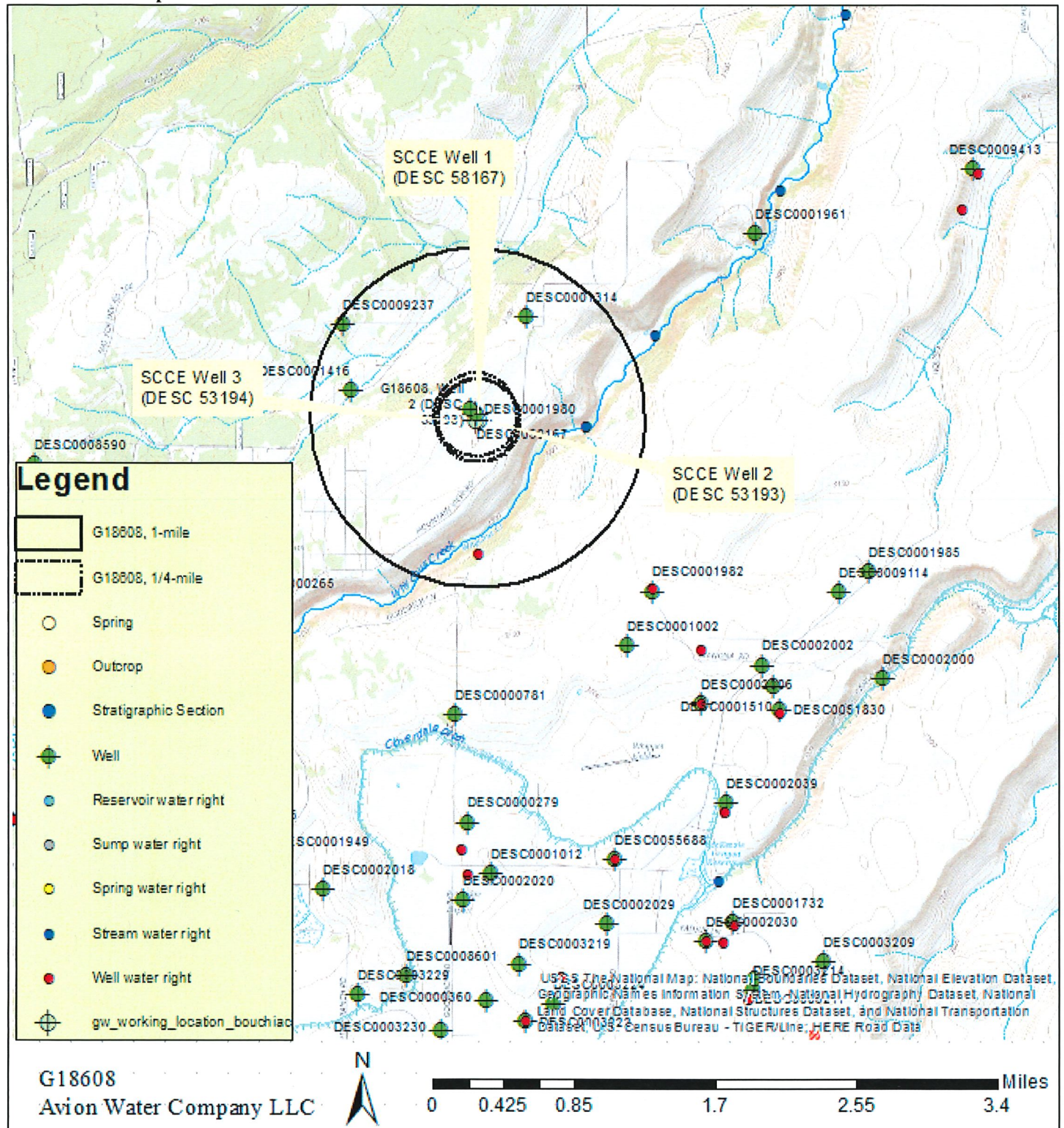
D1. Well #: _____ Logid: _____

D2. **THE WELL does not appear to meet current well construction standards based upon:**

- a. ☐ review of the well log;
 b. ☐ field inspection by _____;
 c. ☐ report of CWRE _____;
 d. ☐ other: (specify) _____

D3. **THE WELL construction deficiency or other comment is described as follows:** _____D4. ☐ **Route to the Well Construction and Compliance Section for a review of existing well construction.****Water-Level Trends in Nearby Wells**

Well Location Map



E-2**Standard Application Completeness Checklist**

Yes No

For use with Groundwater and Surface Water Applications Only

Minimum Requirements (OAR 690-310-0040)(ORS 537.400)

For use by WRD staff only

Application 9-18608 County Deschutes Priority Date 2/12/18Township 14S Range 10,11 E Section 17Amount 62 AF Use Municipal Quasi-Peak WM Dist. # 11Applicant Name Avion Water Company INC.Receipt No. 125857 Caseworker Assigned: ☐ Barbe ☒ Kim ☒ Lisa ☐ Scott☒ Applicant/Organization Name and Mailing Address☒ Signature of *all* applicants (include title or authority of representative if applicant is an organization or corporation). *Applicant's agent may NOT sign application.☐ Property ownership: Does the applicant own all the land for the proposed project? ☐ Y ☒ N

If No:

☐ The affected landowner's name(s) and mailing address(s) must be listed☐ A signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.☐ For a SW Application: Source of water must be indicated.☐ If the source is stored water, is the stored water component filled out and does the applicant own the reservoir or include a non-expired agreement for stored water? (ORS 537.400)

NOTE: A surface water application cannot be filed at the same time as a Reservoir or Alt Reservoir if it will be for the use of the stored water under the PROPOSED Reservoir application, Exp. Secondary (E2)(ORS 537.147).

☐ If for stored water not under contract, is the source authorized under a permit, certificate, or decree?Permit or Certificate issued ☐ Y ☐ N Permit or Certificate # _____☒ For a GW Application: Well Development Tables completed and/or a well log report included (if existing)☐ Proposed water use☒ Amount of water from *each* source in GPM, CFS, or AF☒ Period of use indicated☐ If for supplemental irrigation, primary acreage or underlying permit or certificate number listed
(Primary and Supplemental Irrigation counts as 2 uses)☒ Water Management Section (Estimates if the water system has not been designed)☐ Resource Protection Section (N/A for Groundwater)☒ Project schedule (If system is already completed, indicate "existing.")

☒ Supplemental data sheets enclosed (if needed)

☒ Form M (Municipal or Quasi-Municipal)

☐ Spring Description Sheet (if source is a spring)

☒ A completed **Land-Use Form** or receipt signed and dated by the appropriate planning department officials. *Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months.*

☒ A **Legal Description** of all the properties involved where water is diverted, crossed, and used. The Legal description includes a metes and bounds or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or applicant may submit a lot book report prepared by a title company. Copies of tax bills are not acceptable.

☒ The proposed source **IS / IS NOT** (circle one) restricted or withdrawn from further appropriation.

NOTE: If it is withdrawn under ORS 538, return application and fees.

☒ The **map** must meet all the minimum requirements of OAR 690-310-0050.

☒ Township, Range, Section

☒ Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)

☒ Place of use, 1/4-1/4's and tax lot clearly identified

☒ Even map scale not less than 4" = 1 mile (1" = 1320 ft.); examples: 1" = 100 ft., 1" = 200 ft.

☒ Location of *each* diversion point or well by reference to a recognized public land survey corner. Multiple wells shall be uniquely labeled, and identified on well logs, if existing.

☒ Reference corner on map

☒ North Directional Symbol

☒ Number of acres per 1/4 1/4 if for irrigation, nursery, or agriculture

☐ **Fees: Print out from Fee Calculator**

Total Fees \$ _____

Fee Paid \$ _____

Amount Due \$ _____

Reviewed by: EG/C.K.

Date: 2/13/18

MEMO

OK
14/9

To: Kristopher Byrd, Well Construction and Compliance Section Manager
From: Joel Jeffery, Well Construction Program Coordinator
Subject: Review of Water Right Application G-18608
Date: September 14, 2018

The attached application was forwarded to the Well Construction and Compliance Section by Water Rights. Aurora Bouchier reviewed the application. Please see Aurora's Groundwater Review and the Well Logs.

Applicant's Well SCCE #1 (DESC 58167): Based on a review of the Well Report, Applicant's Well SCCE #1 appears to protect the groundwater resource.

The construction of Applicants Well SCCE #1 may not satisfy hydraulic connection issues.

Applicant's Well SCCE #2 (DESC 53193 and the well's deepening, DESC 58039): Based on a review of the Well Reports, Applicant's Well SCCE #2 and the wells' deepening appears to protect the groundwater resource.

The construction of Applicants Well SCCE #2 may not satisfy hydraulic connection issues.

Applicant's Well SCCE #3 (DESC 53194 and the well's deepening, DESC 59678): Based on a review of the Well Reports, Applicant's Well SCCE #3 and the wells' deepening appears to protect the groundwater resource.

Based on a review of the Well Report, Applicant's Well SCCE #3 appears to protect the groundwater resource.

STATE OF OREGON
Water Supply Well Report

(as required by ORS 537.765)

DESC53193

Received Date:

Well ID Tag # L 42966

Start Card # 128830

Instructions for completing this report are on the last page of this form.

(1) Owner

Well Number:

Name: RON REMUND

Street: PO BOX 760

City: SISTERS

State: OR Zip Code: 97759

(2) Type of Work

- ☒ New ☐ Alter (Recondition) ☐ Alter (Repair)
☐ Deepening ☐ Abandonment

(3) Drill Method

- ☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
Other:

(4) Proposed Use

- ☒ Domestic ☐ Community ☐ Industrial ☐ Irrigation ☐ Injection
☐ Livestock ☐ Thermal Other:

(5) Bore Hole Construction

- ☐ Special Standards: Depth of completed well: 605.00 ft.
☐ Explosives Used: Amount: Type:

Hole			Seal			
Diameter	From	To	Mtrl	From	To	Sacks/lbs
12.00	0.00	78.00	CE	0.00	78.00	4512
8.00	78.00	605.00				

How was seal placed? C Other:

Back fill placed from:

Material:

Filter pack from:

Size:

(6) Casing / Liner

Csng/ Liner	Diameter	From	To	Gauge	Mtrl	Weld	Thrd	Shoe at	Shoe used
C	8.00	2.00	78.00	.250	S	X			
L	6.00	-5.00	600.00	.188	S	X			

(7) Perforation / Screens

Perforations:									
Mtrl	From	To	Width	Height	#Slots	Dia.	t/pSize	Csng/ Lnr	Method
S	585.00	605.00	0.13	3.00	216	6.00		L	MACHINE

Screens:								
Mtrl	From	To	S Size	#Slots	Dia.	t/pSize	Type	Gauge

(8) Well Tests (Minimum testing time is one hour)

Type	Yield	Units	Drawdown	Stem at	Duration
A	10.00	G		600.00	1.00

Temperature of Water: 53 F

Was water analysis done? ☐ Depth of artesian flow:
by whom?

Did any strata contain water unsuitable for use? ☐ Too Little ☐ Salty
☐ Muddy ☐ Odor ☐ Colored other:

Depth of strata:

(9) Location of Hole by legal description

County: DESC Latitude: Longitude:
Township: 14.00 S Range: 11.00 E
Section: 17 SWSW Lot: Block:
Tax Lot: 2017 Subdivision:
Street Address of Well (or nearest address):
MNT VIEW RD
MAP, with location identified, must be attached.

(10) Static Water Level

Feet below land surface: 498.0 Date: 07 / 14 / 2000
Artesian Pressure: Date:

(11) Water Bearing Zones

Depth at which water was first found: 590.00 ft.			
From	To	est Flow	swl
590.00	605.00	10.00	498

(12) Well Log

Ground Elevation:

Material	From	To	swl
LOAM BROKEN LAVA	0.00	3.00	
LAVA BROWN	3.00	10.00	
LAVA GRAY FRAC LAYERS	10.00	42.00	
CINDERS RED	42.00	51.00	
LAVA RED	51.00	70.00	
SANDSTONE	70.00	88.00	
SAND BRN FINE GRAVELS	88.00	104.00	
SANDSTONE	104.00	175.00	
LAVA BROWN	175.00	235.00	
SANDSTONE CONGLOMERATE	235.00	260.00	
LAVA BROWN GRAY LAYERS	260.00	335.00	
LAVA RED/CINDERS	335.00	350.00	
LAVA BROWN	350.00	475.00	
LAVA GRAY	475.00	525.00	
LAVA SOFT	525.00	540.00	
SANDSTONE CINDERS	540.00	588.00	
LAVA/BASALT BROKEN	588.00	605.00	498

Date Started: 07 / 12 / 2000

Date Completed: 07 / 14 / 2000

(unbonded) Water Well Constructor Certification:

I certify that the work I perform 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 the best knowledge and belief.

Signed by: THOMAS R PECK

WWC #: 758

(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 by: JACK ABBAS

WWC #: 1720

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

DESC 58167

08-12-2007

Page 1 of 2

WELL LABEL # L 91141

START CARD # 1001485

(1) LAND OWNER

Owner Well I.D. _____

First Name RON

Last Name REMUND

Company _____

Address PO BOX 760

City SISTERS State OR Zip 97759

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion

☐ Alteration (repair/recondition) ☐ Abandonment

(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

Special Standard ☐ (Attach copy)

Depth of Completed Well 844.00 ft.

BORE HOLE			SEAL			sacks/	
Dia	From	To	Material	From	To	Amt	lbs
14	0	96	Cement	0	96	77	S
10	96	670					
9.5	670	844					

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

☐ Other _____

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

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

Explosives used: ☐ Yes Type _____ Amount _____

(6) CASING/LINER

Casing Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
<input checked="" type="radio"/>	10	<input checked="" type="checkbox"/>	2	98	.250	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="radio"/>	8	<input type="checkbox"/>	0	804	.188	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="radio"/>	8	<input type="checkbox"/>	804	844	.250	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Shoe ☒ Inside ☐ Outside ☐ Other Location of shoe(s) _____

Temp casing ☐ Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method Air Perf

Screens Type _____ Material _____

Perf/ Screen	Casing/ Liner	Screen Dia	From	To	Scrns/slot width	Slot length	# of slots	Tele/ pipe size
Perf	Liner	8	780	840	.125	2	1,620	

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

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
250	4	800	6

Temperature 53 °F Lab analysis ☐ Yes By _____

Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County Deschutes Twp 14.00 S N/S Range 11.00 E E/W WM

Sec 17 SW 1/4 of the SW 1/4 Tax Lot 2017

Tax Map Number _____ Lot _____

Lat _____ " or 44.35235000 DMS or DD

Long _____ " or -121.45120000 DMS or DD

☐ Street address of well ☐ Nearest address

MT WEIW RD

(10) STATIC WATER LEVEL

Date _____ SWL(psi) + SWL(ft)

Existing Well / Predeepening		
Completed Well	08-01-2007	520

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 616

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
07-28-2007	616	628	50		520
08-28-2007	680	686	100		520
08-29-2007	739	844	300		520

(11) WELL LOG

Ground Elevation _____

Material	From	To
Sand Pumice Lava Broken	0	5
Cinders	5	20
Lava Gray	20	46
Cinders Red	46	56
Conglomerate Gravels Brown	56	75
Basalt Clay Seams Gray	75	90
Basalt Clay Seams Brown	90	150
Basalt	150	185
Gravels Sand	185	205
Conglomerate	205	255
Basalt	255	260
Lava Crevices	260	275
Lava	275	305
Sandstone Brown	305	345
Cinders Lava Broken Red	345	365
Gravels Sand	365	385
Clay Brown	385	420
Lost Circ	420	430
Clay Red Brown	430	460

Date Started 07-13-2007

Completed 08-01-2007

(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 758 Date 08-12-2007

Electronically Filed

Signed THOMAS R PECK (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 08-12-2007

Electronically Filed

Signed JACK ABBAS (E-filed)

Contact Info (optional)

ORIGINAL - WATER RESOURCES DEPARTMENT

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

Form Version: 0.88

2 yards sand grout 120 feet - 185 feet
 1 1/2 yards sand grout 190 feet - 430 feet
 2 yards sand grout 435 feet - 480 feet
 4 yards sand grout 370 feet - 440 feet
 3 yards sand grout 440 feet - 500 feet
 4 yards sand grout 400 feet - 530 feet

STATE OF OREGON Water Supply Well Report

(as required by ORS 537.765)

Instructions for completing this report are on the last page of this form.

Amendment DESC 53194
DESC

Received Date:

Well ID Tag # L 42967

Start Card # 128831

(1) Owner

Name: RON REMUND

Street: PO BOX 760

City: SISTERS

Well Number:

State: OR Zip Code: 97769

(2) Type of Work

☒ New ☐ Alter (Recondition) ☐ Alter (Repair)
☐ Deepening ☐ Abandonment

(3) Drill Method

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
Other:

(4) Proposed Use

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

(5) Bore Hole Construction

☐ Special Standards: Depth of completed well: 621.00 ft.
☐ Explosives Used: Amount: Type

Hole			Seal			Sacks/lbs
Diameter	From	To	Mtrl	From	To	
12	0	138	CE	0	138	5700
8	138	625				

How was seal placed? C Other:

Back fill placed from:

Filter pack from:

Material:

Size:

(6) Casing / Liner

Casing/ Liner	Diameter	From	To	Gauge	Mtrl	Weld	Thrd	Shoe at used
C	8	2	138	.250	S	X		
L	8	6	625	.188	S	X		

(7) Perforation / Screens

Perforations:								Casing/ Liner	Method
Mtrl	From	To	Width	Height	#Slots	Dia.	UpSize		
S	586	625	0.125	3.00	432	0		L	MACHINE

Screens:							
Mtrl	From	To	S Size	#Slots	Dia.	UpSize	Gauge

(8) Well Tests (Minimum testing time is one hour)

Type	Yield	Units	Drawdown	Stem at	Duration
A	4000	G		620	1.00
	20.0				

Temperature of Water: 63.00 F

Was water analysis done? ☐

by whom?

Did any strata contain water unsuitable for use?

☐ Muddy ☐ Odor ☐ Colored other:

Depth of strata:

(9) Location of Hole by legal description

County: DESC Latitude: Longitude
Township: 14.00 S Range: 11.00 E
Section: 17 SWSW Lot: Block:
Tax Lot: 2017 Subdivision:
Street Address of Well (or nearest address):
MNT VIEW RD
MAP, with location identified, must be attached.

(10) Static Water Level

Feet below land surface 601.00 Date: 07 / 20 / 2000
Artesian Pressure: Date:

(11) Water Bearing Zones

Depth at which water was first found: 590.00 ft.
From To set Flow swl
590 625 20.61' 501

(12) Well Log Ground Elevation:

Material	From	To	swl
BROKEN LAVA LOAM	0	3	
LAVA BROWN FRAC LAYERS	43	3	
RED LAVA/CINDERS	43	56	
SANDSTONE	56	96	
LAVA BROWN GRAY LAYERS	96	190	
LAVA BROWN	190	220	
SANDSTONE BROWN	220	228	
LAVA BROWN	228	345	
LAVA RED/CINDERS	345	460	
LAVA HARD	460	490	
LAVA BROWN	490	609	
LAVA/BASALT	609	642	
LAVA RED	642	661	
SANDSTONE	661	685	
LAVA/BASALT BROKEN	685	625	601

Date Started: 07 / 17 / 2000

Date Completed: 07 / 20 / 2000

(unbonded) Water Well Constructor Certification:

I certify that the work I perform 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 the best knowledge and belief.
Signed by: THOMAS R PECK MWC # 768

(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 by: JACK ABBAS MWC #: 1720

ABBAS WELL DRILLING CO

Phone: 641-648-2787

RECEIVED
SEP 10 5 2000
WATER RESOURCES
SALEM, OREGON

STATE OF OREGON
Water Supply Well Report

(as required by ORS 537.765)

DESC 53184

DESC

Received Date:

Well ID Tag # L

Start Card # 128831

Instructions for completing this report are on the last page of this form.

(1) Owner

Well Number

Name: RON REMUND

Street: PO BOX 760

City: SISTERS

State: OR Zip Code: 97769

(2) Type of Work

- ☒ New ☐ Alter (Recondition) ☐ Alter (Repair)
☐ Deepening ☐ Abandonment

(3) Drill Method

- ☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
Other:

(4) Proposed Use

- ☒ Domestic ☐ Community ☐ Industrial ☐ Irrigation ☐ Injection
☐ Livestock ☐ Thermal Other:

(5) Bore Hole Construction

- ☐ Special Standards: Depth of completed well 621.00 ft.
☐ Explosives Used. Amount Type:

Hole		Seal		Mtrl		Sacks/bbls	
Diameter	From	To		From	To		
12	0	138	CE	0	138	6700	
8	138	625					

How was seal placed? C Other:

Back fill placed from:

Material:

Filter pack from:

Size:

(6) Casing / Liner

Casing/ Liner	Diameter	From	To	Gauge	Mtrl	Weld	Thrd	Shoe al	Shoe used
C	8	2	138	.260	S	X			
L	6	5	625	.188	S	X			

(7) Perforation / Screens

Perforations:		Casing/ Liner		Method	
Mtrl	From	To	Width Height #Slots Dia. UpSize		
S	585	625	0.125 3.00 432 6	L	MACHINE

Screens:		S. Size #Slots Dia. UpSize Type Gauge	
Mtrl	From	To	

(8) Well Tests (Minimum testing time is one hour)

Type	Yield	Units	Drawdown	Stem at	Duration
A	40.00	G		620	1.00

Temperature of Water: 53.00 F

Was water analysis done? ☐ Depth of artesian flow:

by whom?

Did any strata contain water unsuitable for use? ☐ Too Little ☐ Salty

☐ Muddy ☐ Odor ☐ Colored other:

Depth of strata:

(9) Location of Hole by legal description

County DESC Latitude: Longitude:

Township: 14.00 S Range 11.00 E

Section: 17 SWSW Lot: Block:

Tax Lot: 2017 Subdivision:

Street Address of Well (or nearest address):

MNT VIEW RD

MAP, with location identified, must be attached.

(10) Static Water Level

Feet below land surface: 601.00 Date: 07 / 20 / 2000

Artesian Pressure: Date:

(11) Water Bearing Zones

Depth at which water was first found: 600.00 ft.

From To est Flow swl

(12) Well Log

Ground Elevation:

Material	From	To	swl
BROKEN LAVA LOAM	0	3	
LAVA BROWN FRAC LAYERS	43	3	
RED LAVA/CINDERS	43	55	
SANDSTONE	55	95	
LAVA BROWN GRAY LAYERS	95	190	
LAVA BROWN	190	220	
SANDSTONE BROWN	220	228	
LAVA BROWN	228	345	
LAVA RED/CINDERS	345	460	
LAVA HARD	460	490	
LAVA BROWN	490	509	
LAVA/BASALT	509	542	
LAVA RED	542	551	
SANDSTONE	551	585	
LAVA/BASALT BROKEN	585	625	501

Date Started: 07 / 17 / 2000

Date Completed: 07 / 20 / 2000

(unbonded) Water Well Constructor Certification:

I certify that the work I perform 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 the best knowledge and belief.

Signed by: THOMAS R PECK

MVVC # 758

(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 by: JACK ABBAS

MVVC # 1720

Memorandum

March 20, 2018

TO: Application G-18608

FROM: Aurora Bouchier, Hydrogeologist

SUBJECT Sealing depth for POA

*in elevation
9/13/2018
ACB*

I believe the existing seal for DESC 58167 (96-ft), DESC 53193 (78-ft), and DESC 53194 (138-ft) provide sufficient protection for the Deschutes Formation groundwater resource at this location. The water-bearing zone in this area was approximately 2600 feet ~~below land surface~~ in 2000. The thick unsaturated zone at the location of this area is typical of the groundwater flow system in the Deschutes Formation. In general, the Deschutes Formation acts as an unconfined aquifer with a majority of wells producing from it displaying static water levels at or below the zone at which water was first encountered (according to the drillers' well logs). The Deschutes Formation is comprised of a variety of volcanic and sedimentary deposits. Many of these deposits were restricted to ancestral canyons and other short-lived topographic lows. As a result, many of the layers have limited geographic distribution which results in heterogeneous strata at any given location. Throughout the Deschutes Formation, the local heterogeneities can create locally confined conditions.

In my opinion, a deeper seal in this well would not change the potential inter-borehole flow dynamics, nor would it alter the hydrologic response of the well to water level changes in the aquifer. Therefore, I believe deeper seals in DESC 58167, DESC 53193, and DESC 53194 are not required to meet the public interest presumption applied to the associated water right.

**Oregon Water Resources Department
Water Right Services Division**

Water Right Application G-18608 in the)
name of AVION WATER CO. INC.)
)

PROPOSED FINAL ORDER

Summary: The Department proposes to issue an order approving Application G-18608 and a permit consistent with the attached draft permit.

Prior to the issuance of a permit, if one is issued the Department must receive the following:

- **Mitigation fees in the amount of \$670.00. A check should be made out to the Oregon Water Resource Department or OWRD.**
- **Evidence that mitigation credits have been obtained. In order to obtain a permit, documentary evidence of mitigation credits must be submitted to the Department.**

Please include the application number on any documents submitted.

Authority

The application is being processed in accordance with Oregon Revised Statute (ORS) 537.615 through 537.628, and 390.826, and Oregon Administrative Rule (OAR) Chapter 690, Divisions 5, 8, 9, 33, 300, 310, 400, 410, and the Deschutes Basin Program OAR 690-505. OAR 690-505 and 521 describe the process by which certain groundwaters in the Deschutes Basin may be appropriated by mitigating the impact of the proposed use. These statutes and rules can be viewed on the Oregon Water Resources website: <http://www.oregon.gov/owrd/pages/law/index.aspx>

The Department's main page is <http://www.oregon.gov/OWRD/pages/index.aspx>

The Department shall presume that a proposed groundwater use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525 if:

- a) The proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12);
- b) Water is available;
- c) The proposed use will not injure other water rights; and
- d) The proposed use complies with the rules of the Commission. ORS 537.621(2); OAR 690-310-0150(2)(b)

All four criteria must be met for a proposed use to be presumed to ensure the preservation of the public welfare, safety and health. When the criteria are met and the presumption is established the Department must further evaluate the proposed use, any comments received, information available in its files or received from other interested agencies, and any other available information to determine whether the presumption is overcome. OAR 690-310-0140

If the Department determines that the presumption is established and not overcome, the Department shall issue a proposed final order recommending issuance of the permit, subject to any appropriate modifications or conditions.

FINDINGS OF FACT

Application History

1. On February 12, 2018, Avion Water Co. Inc. filed a complete application for the following water use:

Amount of Water:	0.67 CUBIC FOOT PER SECOND (CFS), FURTHER LIMITED TO 62.0 ACRE-FEET (AF)
Use of Water:	QUASI-MUNICIPAL USE
County:	DESCHUTES COUNTY
Location:	SECTION 17, TOWNSHIP 14 SOUTH, RANGE 11 EAST, W.M.
Source of Water:	SCCE WELL 1 (DESC 58167/L91141), SCCE WELL 2 (DESC 58039/L42966), AND SCCE WELL 3 (DESC 59678/L42967)

2. On June 29, 2018, the Department mailed the applicant notice of its Initial Review, determining that **"The appropriation of 0.67 CFS of water from SCCE Well 1 (DESC 58167/L91141), SCCE Well 2 (DESC 58039/L42966), and SCCE Well 3 (DESC 59678/L42967) in Whychus Creek Basin for quasi-municipal use is not allowable. However, if you provide sufficient mitigation water to offset the proposed use, it may be allowed under OAR 690-505-0610."** The applicant did not notify the Department to stop processing the application within 14 days of that date. The Initial Review included the Notice of Mitigation Obligation for the proposed groundwater use, pursuant to the Deschutes Groundwater Mitigation Rules (OAR 690-505).
3. On July 3, 2018, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about obtaining future notices and a copy of the Proposed Final Order.

Presumption Criteria (a) - Consistency with Basin Program

4. The proposed groundwater use is located within the Deschutes Groundwater Study Area, and is subject to the Deschutes Groundwater Mitigation Rules (OAR 690-505).
5. The proposed use is allowed under the Deschutes Basin Program (OAR 690-505-0400). ORS 537.621(3)(b); OAR 690-310-0150(2)(b)
6. Pursuant to OAR 690-505-0500(1), there is a 200.00 CFS limit on the amount of new groundwater use that may be allocated within the Deschutes Groundwater Study Area. Any water allocated under this application will not exceed the limit.
7. The mitigation obligation for the proposed use is 24.8 acre feet (AF), which represents the Department's determination of the consumptive portion of the proposed use. Each mitigation credit is equivalent to 1.0 AF of mitigation water. OAR 690-505-0610(5)
8. Mitigation shall be provided in the General Zone of Impact (located anywhere in the Deschutes Basin above the Madras gage, which is located on the Deschutes River below Lake Billy Chinook).

Presumption Criteria (b) - Water Availability

9. An assessment of groundwater availability has been completed by the Groundwater/Hydrology section. A copy of this assessment is in the file. The proposed use of groundwater will, if properly conditioned, avoid injury to existing groundwater rights and the groundwater resource. ORS 537.621(3)(c); OAR 690-310-0150(2)(c)

Presumption Criteria (c) - Injury Determination

10. The proposed groundwater use is junior to existing water rights downstream in the Deschutes River Basin. Therefore, the proposed use, if authorized, will not injure other water rights. ORS 537.621(3)(d); OAR 690-310-0150(2)(e)

Presumption Criteria (d) - Whether the use complies with rules of the Commission

11. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates an approved land-use decision has been obtained, and that either no administrative appeals were received, or all such appeals have concluded. ORS 537.621(3)(b); OAR 690-310-0150(2)(b)
12. The proposed groundwater use is not within a designated critical groundwater area. ORS 537.620(4)(a), 537.621(3)(a); OAR 690-310-0150(2)(a)
13. The proposed use will have the potential for substantial interference with the Whychus Creek (OAR 690-009). The Division 9 (Groundwater Interference with Surface Water) review is in the file and can be viewed on the Department's website. ORS 537.621(3)(b); OAR 690-009-0040(4).
14. On August 2, 2018, the Department received the applicant's Response to Notice of Mitigation Obligation Credit and Proposed Quasi-Municipal Incremental Development Plan, wherein the applicant acknowledged that they intend to provide mitigation in the amount of 24.8 AF within the General Zone of Impact from mitigation project MP-114 and MP-126.
15. The Department finds that the mitigation proposed by the applicant will satisfy the mitigation required under OAR Chapter 690, Division 505. Therefore, pursuant to OAR 690-505-0630, the mitigation effectively eliminates the potential for substantial interference with surface water.
16. The proposed use complies with rules of the Water Resources Commission not otherwise described above.

Determination of Presumption that a proposed groundwater use will ensure the preservation of the public welfare, safety and health

Based on the review of the presumption criteria (a)-(d) above, the presumption has been established. ORS 537.621(2); OAR 690-310-0150(2)(g)

Further evaluation of the proposed use

17. No comments were received by the close of the comment period. OAR 690-310-0140(3)(a)
18. Information available in Department files, received from other interested agencies, and other available information does not provide a preponderance of evidence that the proposed use would not ensure the preservation of the public welfare, safety and health under ORS 537.525. OAR 690-310-0140(3)

Other Criteria and Requirements

19. The Department requested comments on the application and proposed mitigation from the Oregon Departments of Fish and Wildlife, Environmental Quality, State Lands, Parks and Recreation, and Agriculture pursuant to the Deschutes Groundwater Mitigation Rules. No issues were raised in that review that required conditioning of the attached draft permit.
20. The applicant has not provided the Department with documentary evidence that the qualifying mitigation credits have been obtained.
21. Pursuant to ORS 390.835(9), the proposed use shall be denied unless mitigation is provided. Without the required mitigation, there is a preponderance of evidence that the proposed use will measurably reduce surface water flows necessary for the Deschutes River Scenic Waterway. The applicant must mitigate for the proposed use.
22. In order to obtain a permit, documentary evidence of mitigation credits must be submitted to the Department within five years of the issuance of a Final Order approving the proposed groundwater use.

CONCLUSION OF LAW

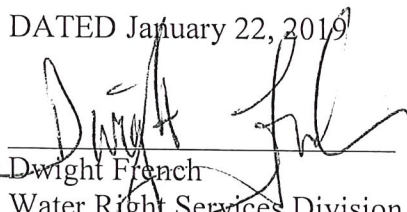
1. The proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

NOTE: When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public welfare, safety and health. The attached draft permit is conditioned accordingly.

PROPOSED ORDER

The Department recommends approval of Application G-18608 and issuance of a permit consistent with the attached draft permit.

DATED January 22, 2019


Dwight French

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

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for groundwater), you can protest this Proposed Final Order. Protests must be received in the Water Resources Department no later than **March 8, 2019**. Protests must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the Proposed Final Order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in the Proposed Final Order would impair or be detrimental to your interest;
- A detailed description of how the Proposed Final Order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known;
- To affect the department's determination that the proposed use in this application will, or will not, ensure the preservation of the public welfare, safety and health as described in ORS 537.525, ORS 537.621(2)(b) requires that a protest demonstrate, by a preponderance of evidence any of the following: (a) One or more of the criteria for establishing the presumption are, or are not, satisfied; or (b) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected, and specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected;
- If you are the applicant, the protest fee of \$410 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$810 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing.

Requests for Standing

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for groundwater), persons other than the applicant who support a Proposed Final Order can request standing for purposes of participating in any contested case proceeding on the Proposed Final Order or for judicial review of a Final Order.

Requests for standing must be received in the Water Resources Department no later than **March 8, 2019**. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the Proposed Final Order as issued;
- A detailed statement of how the requester would be harmed if the Proposed Final Order is modified; and

- A standing fee of \$230. If a hearing is scheduled, an additional fee of \$580 must be submitted along with a petition for party status.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and either:

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Director may issue a Final Order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a prima facie case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

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- If you have any questions about statements contained in this document, please contact Lisa Graham at Elisabeth.A.Graham@oregon.gov or 503-986-0808.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
 - Address any correspondence to : Water Right Services Division
725 Summer St NE, Suite A
Fax: 503-986-0901 Salem, OR 97301-1266
-

DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

COUNTY OF DESCHUTES

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

AVION WATER CO. INC.
60813 PARRELL RD
BEND OR 97702

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-18608

SOURCE OF WATER: SCCE WELL 1 (DESC 58167/L91141), SCCE WELL 2 (DESC 58039/L42966), AND SCCE WELL 3 (DESC 59678/L42967) IN WHYCHUS CREEK BASIN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 0.67 CUBIC FOOT PER SECOND, FURTHER LIMITED TO 62.0 ACRE FEET PER YEAR

PERIOD OF USE: JANUARY 1 THROUGH DECEMBER 31

DATE OF PRIORITY: FEBRUARY 12, 2018

WELL LOCATIONS:

	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
SCCE WELL 1 (DESC 58167/L91141)	14 S	11 E	WM	17	SW SW	1120 FEET NORTH AND 650 FEET EAST FROM SW CORNER, SECTION 17
SCCE WELL 2 (DESC 58039/L42966)	14 S	11 E	WM	17	SW SW	950 FEET NORTH AND 695 FEET EAST FROM SW CORNER, SECTION 17
SCCE WELL 3 (DESC 59678/L42967)	14 S	11 E	WM	17	SW SW	925 FEET NORTH AND 630 FEET EAST FROM SW CORNER, SECTION 17

THE PLACE OF USE IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q
14 S	10 E	WM	24	NE SE
14 S	10 E	WM	24	SE SE
14 S	10 E	WM	25	NE NE
14 S	11 E	WM	17	SW SW
14 S	11 E	WM	17	SE SW
14 S	11 E	WM	17	SW SE
14 S	11 E	WM	19	NE NE
14 S	11 E	WM	19	SE NE

Application G-18608
Basin #5

Water Resources Department
Page 1 of 6

Permit Draft
Water District # 11

Twp	Rng	Mer	Sec	Q-Q
14 S	11 E	WM	19	NE NW
14 S	11 E	WM	19	SW NW
14 S	11 E	WM	19	SE NW
14 S	11 E	WM	19	NE SW
14 S	11 E	WM	19	NW SW
14 S	11 E	WM	19	SW SW
14 S	11 E	WM	19	SE SW
14 S	11 E	WM	19	NE SE
14 S	11 E	WM	19	NW SE
14 S	11 E	WM	19	SW SE

1. Measurement Devices, and Recording/Reporting of Annual Water Use Conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water used each month, and shall submit an annual report which includes the recorded water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

2. Static Water Level Condition:

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department.

Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

3. Well Identification Tag Condition:

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

4. Groundwater Mitigation Conditions:

- A. Mitigation Obligation: 24.8 AF of mitigation water in the General Zone of Impact (located anywhere in the Deschutes Basin above the Madras gage, which is located on the Deschutes River below Lake Billy) Chinook.

- B. Mitigation Source: suitable mitigation from mitigation credits, or one or more mitigation projects.
- C. Mitigation water must be legally protected instream in the General Zone of Impact (located anywhere in the Deschutes Basin above the Madras gage, which is located on the Deschutes River below Lake Billy) Chinook. for the life of the permit and subsequent certificate(s). Regulation of the use and/or cancellation of the permit, or subsequent certificate(s) will occur if the required mitigation is not maintained.
- D. The permittee shall provide additional mitigation if the Department determines that average annual consumptive use of the appropriation has increased beyond that used to compute the volume of mitigation water originally.
- E. If mitigation is from a secondary right for stored water from a storage project not owned or operated by the permittee, the use of water under this right is subject to the maintenance and terms and conditions of a valid contract or satisfactory replacement, with the owner/operator of the storage project, a copy of which must be on file in the records of the Water Resources Department.
- F. Failure to comply with these mitigation conditions shall result in the Department regulating the groundwater permit, or subsequent certificate(s), proposing to deny any permit extension application for the groundwater permit, and proposing to cancel the groundwater permit, or subsequent certificate(s).
- G. The permittee shall provide mitigation during each stage of development under the permit, as described in the incremental development mitigation plan on file with the Department, and in accordance with the standards of the Deschutes Groundwater Mitigation Rules, OAR Chapter 690, Division 505 and Division 522.
- H. The permittee shall not increase the rate or amount of water diverted, as described in the incremental development mitigation plan, prior to increasing the corresponding mitigation.
- I. The permittee shall seek and receive Department approval prior to changing the incremental mitigation development plan and related mitigation obligation for each stage of permit development.
- J. The permittee shall report to the Department the progress of implementing the incremental mitigation development plan and related mitigation no later than April 1 of each year. The annual report shall include the annual volume of water used, the source and amount of mitigation, and any offset used for that period. This annual notification is not necessary if the permittee has completed development and submitted a Claim of Beneficial Use to the Department.

5. Scenic Waterway Condition:

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

reduced subsequently. However, the use of groundwater allowed under the terms of this permit will not be subject to regulation for Scenic Waterway flows, provided the mitigation required is maintained.

6. Water Management and Conservation Plan Condition:

The permittee shall submit a Water Management and Conservation Plan (WMCP), addressing use under this permit, consistent with OAR 690-086, and within three years of permit issuance or before use of the second increment of water development occurs, whichever is sooner. The Director may approve an extension of this timeline to complete the required WMCP. No water may be diverted if a WMCP is not submitted according to the timelines described in this condition, unless such an extension has been approved. Submittal of a plan under this permit does not alter the time lines for submittal of said plan under any other order of the Department.

STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.
3. If substantial interference with surface water or a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
4. The well(s) shall be constructed and maintained in accordance with the General Standards for the Construction and Maintenance of Water Supply Wells in Oregon. The works shall be equipped with a usable access port adequate to determine water-level elevation in the well at all times.
5. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
6. Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.
7. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

8. 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.
9. Construction of the well shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the construction deadline to begin is missed.
10. Complete application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
11. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued

DRAFT - THIS IS NOT A PERMIT

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

Mailing List for PFO Copies

Application G-18608

PFO Date January 22, 2019

Original mailed via CERTIFIED MAIL to applicant:

AVION WATER CO. INC.
ATTN: JASON WICK
60813 PARRELL RD
BEND, OR 97702

Copies Mailed

By: Tm
(SUPPORT STAFF)

on: 1/23/2019
(DATE)

SENT VIA AUTO EMAIL:

1. WRD - Jeremy Giffin - # 11

SENT VIA EMAIL:

2. Agent - Adam Sussman: ASUSSMAN@GSIWS.COM

Protest/Standing Dates
checked
3/8/2019

Copies sent to:

3. WRD - File # G-18608
4. WRD - Sarah Henderson
5. WRD - Surface Water Section
6. DRC - Genevieve Hubert
7. ODFW District Biologists: Brett Hodgson and Amy Stuart
8. ODFW: Danette Faucera
9. DEQ: Eric Nigg & Bonnie Lamb, Eastern Region
10. DOA: Salem: Jim Johnson & Paul Measeles
11. DSL: Shawn Zumwalt

Application Specialist: Lisa Graham

GRAHAM Elisabeth A * WRD

From: WILKE Laura K * WRD
Sent: Thursday, July 05, 2018 10:56 AM
To: GRAHAM Elisabeth A * WRD
Cc: HENDERSON Sarah A * WRD; MUCKEN Alyssa M * WRD
Subject: IR for Applic. G-18608 in name of Avion Water Co.

Hi Lisa – I'm looking over the IR you recently completed for Avion Water Co and noticed one thing that we'll need clarified in the PFO.

In the IR, you identified that their MO would be 24.8 AF but I didn't see a reference/finding about the volume limit they've proposed for the QM use. Since this is a year round use and at 0.67 CFS, the max volume would be 485.06 AF. If needed mitigation for that amount, the MO would be 194 AF. Based on reverse calculation, it appears that they're asking to limit the use to approximately 62 AF.

I see this volume limit identified on the NOMO form but not within the IR itself. Please make sure this volume limit is in the draft permit when we get to the PFO.

And when they send back in the response to the NOMO, please let me and Sarah know if they're requesting incremental development. If they are, we'll also need a copy of the NOMO with the proposed incremental development plan.

Thanks!
Laura

Laura Wilke

FLOW RESTORATION PROGRAM COORDINATOR

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0884





Letters from GSI

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MAR 18 2019

OWRD

March 14, 2019

Lisa Graham
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Avion Water Company – Application G-18608 – Revised, Updated Incremental Development Plan

Dear Ms. Graham:

GSI Water Solutions, Inc. is providing this correspondence on behalf of Avion Water Company (Avion).

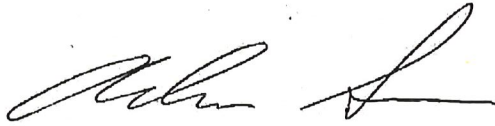
In a letter dated February 28, 2019, Avion provided an updated Incremental Development Plan. That plan contained an error. Please replace the previous correspondence with this letter.

Avion is updating the original Incremental Development Plan it previously submitted to OWRD in a letter dated July 30, 2018. There are two revisions: (1) the timeframes now begins in 2019 since the permit will be issued in 2019; (2) the amount of mitigation to be provided in increment 1 has been revised from 20 to 24.16 and the remainder of the increments have been slightly adjusted. See the revised plan below.

Avion's Proposed Timelines and for Increments Incremental Development Plan (Application G-18608)			
Increment	Year	Estimated Annual Volume Appropriated (acre-feet) per Increment	OWRD's estimated consumptive use (mitigation obligation)
1	2019	60.4	24.16
2	2020-2021	0.8	.32
3	2022-2023	0.8	.32
Total		62	24.8

Please let me know if you have any questions regarding this information. My telephone number is 541-257-9001.

Sincerely,
GSI Water Solutions, Inc.

A handwritten signature in black ink, appearing to read 'Adam Sussman', followed by a stylized flourish or second signature.

Adam Sussman
Principal Water Resources Consultant

Cc: Jason Wick, Avion Water Company, Inc.



February 28, 2019

Lisa Graham
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Avion Water Company – Application G-18608, Payment of Mitigation Fee and Updated Incremental Development Plan

Dear Ms. Graham:

GSI Water Solutions, Inc. is providing this correspondence on behalf of Avion Water Company (Avion).

In its Proposed Final Order dated January 22, 2019, OWRD noted that Avion needs to provide a mitigation fee of \$670. The required fee is enclosed.

In addition, Avion is updating the Incremental Development Plan it previously submitted to OWRD in a letter dated July 30, 2018. There are two revisions: (1) the timeframes now begins in 2019 since the permit will be issued in 2019; (2) the amount of mitigation to be provided in increment 1 has been revised from 20 to 24.16 and the remainder of the increments have been slightly adjusted. See the revised plan below.

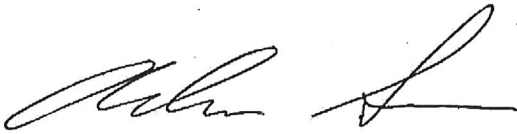
Avion's Proposed Timelines and for Increments Incremental Development Plan (Application G-18608)			
Increment	Year	Estimated Annual Volume Appropriated (acre-feet) per Increment	OWRD's estimated consumptive use (mitigation obligation)
1	2019	52.9	21.16
2	2020-2021	4.55	1.82
3	2022-2023	4.55	1.82
Total		62	24.8

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Avion understands that documentary evidence of the first increment must be provided prior to permit issuance. The required documentary evidence form will be sent in the near future.

Please let me know if you have any questions regarding this information. My telephone number is 541-257-9001.

Sincerely,
GSI Water Solutions, Inc.

A handwritten signature in dark ink, appearing to read 'Adam Sussman', followed by a horizontal line.

Adam Sussman
Principal Water Resources Consultant

Cc: Jason Wick, Avion Water Company, Inc.

Enclosure: mitigation fee of \$670

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MAR 04 2019
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Sent via e-mail and hardcopy

February 6, 2019

Lisa Graham
Water Rights Case Worker
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Application G-18608 in the name of Avion Water Company Inc.

Dear Lisa:

Thank you for your effort in developing the Proposed Final Order (PFO) for this application. In reviewing the PFO issued on January 22, 2019, Avion Water Company Inc. (Avion) noted the following item that appears to require correction in the Final Order.

- 1) **Finding of Fact #13, Page 3 of 6, Presumption Criteria (d)** – Fact #13 states: "The proposed use will have the potential for substantial interference with the *Whychus Creek* (OAR 690-009). The Division 9 (Groundwater Interference with Surface Water) review is in the file and can be viewed on the Department's website. ORS 537.621(3)(b); OAR 690-009-0040(4)."

However according to the Department's groundwater review dated March 20, 2018, the applicant's wells have the potential for substantial interference with the Deschutes River. The groundwater review states: "Groundwater flow is toward the Northeast with the nearest discharge area approximately 8 miles away along the Deschutes River. Water levels in the wells are below the elevation of the nearest surface water source (Whychus Creek)." (See page 1, General Information A4, of the 3/20/18 groundwater review completed by Aurora Bouchier).

Avion is requesting that the Department correct the Finding of Fact Statement #13 in the final order to state that potential for substantial interference with the Deschutes River, which is consistent with the requirement for mitigation in the General Zone of Impact.

Please feel free to contact me at 971-200-8519 if you have any questions or would like to discuss further.

Sincerely,

A handwritten signature in blue ink that reads "Bruce Brody-Heine".

Bruce Brody-Heine
Principal Hydrogeologist
GSI Water Solutions, Inc.

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OWRD

CC: Jason Wick, Avion Water Company, Inc.

OMARD

FEB 11 2018

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July 30, 2018

Lisa Graham
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Avion Water Company – Application G-18608

Response to Notice of Mitigation Obligation and Proposed Quasi-Municipal Incremental Development Plan

Dear Ms. Graham:

In response to the Department's Initial Review (IR) dated June 29, 2018, GSI Water Solutions, Inc. is providing this response on behalf of Avion Water Company (Avion).

Table 1 below describes the timelines and increments for Avion's proposed Incremental Development Plan. Avion intends to satisfy its mitigation obligation through permanent mitigation credits. Avion understands it has a General Zone of Impact obligation. Avion currently has access to over 120 permanent mitigation credits from Mitigation Projects (MP) 114 and 126 and will work with Central Oregon Irrigation District and Deschutes River Conservancy to provide the required documentary evidence. Additional permanent mitigation credits are also available to Avion under MP 129, 141, and 157.

Table 1. Avion's Proposed Timelines and for Increments Incremental Development Plan (Application G-18608)			
Increment	Year	Estimated Annual Volume Appropriated (acre-feet) per Increment	OWRD's estimated consumptive use (mitigation obligation)
1	2018-2019	50	20
2	2020-2021	6	2.4
3	2022-223	6	2.4
Total		62	24.8

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This proposed Incremental Development Plan assumes that Avion's permit will be issued in 2018. To the extent this date varies, Avion would request to modify the dates accordingly. In addition, to the extent that projected water demand is greater or lesser than outlined in Table 1, Avion will propose to update its Incremental Development Plan.

Please let me know if you have any questions regarding this information. My telephone number is 541-257-9001.

Sincerely,
GSI Water Solutions, Inc.



Adam Sussman
Principal Water Resources Consultant

Cc: Jason Wick, Avion Water Company, Inc.

Enclosure: Response to Notice of Mitigation Obligation Credit or Project Option
Response to Notice of Mitigation Obligation Municipal or Quasi-Municipal
Incremental Development Plan

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**RESPONSE TO NOTICE OF MITIGATION OBLIGATION
CREDIT OR PROJECT OPTION**

OAR 690-50-06610(2) states a mitigation obligation may be satisfied by obtaining mitigation credits or by providing for implementation of a mitigation project. Please read and complete the acknowledgment of Mitigation Obligation.

Applicant(s): AVION WATER CO. INC.

Applicant's agent (*if applicable*): ADAM SUSSMAN GSI WATER SOLUTIONS INC.

Application number: G-18608

Proposed Use: QUASI-MUNICIPAL USE

Period of Use: JANUARY 1 THROUGH DECEMBER 31

Rate requested: 0.67 CUBIC FOOT PER SECOND

Volume requested: 62.0 ACRE-FEET

Mitigation Obligation: 24.8 ACRE-FEET

Zone of Impact: THE GENERAL ZONE OF IMPACT

Please read and initial the following statements:

 I/We intend to provide mitigation in the amounts noted above and in the appropriate zone of impact.

 I/We understand that mitigation must be provided within five years of issuance of the final order for this application.

The proposed mitigation source for this use will be: (please check)

☒ Purchase Mitigation Credits (and/or) A mitigation project resulting in credits
Please describe the type of project, e.g., transfer, etc., and any associated water right certificate, if known:

SEE COVER LETTER

I understand that I must provide mitigation credits in the amount noted, or a suitable replacement mitigation that meets the requirements of OAR 690-505-0610(2)-(5) within the appropriate zone of impact.

APPLICANT(S) or

Applicant's agent

Date 7/30/18

Telephone Number:

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**RESPONSE TO NOTICE OF MITIGATION OBLIGATION
MUNICIPAL OR QUASI-MUNICIPAL INCREMENTAL DEVELOPMENT PLAN**

Municipal or Quasi-Municipal groundwater permit applicants may satisfy a mitigation obligation by incrementally obtaining and providing mitigation to coincide with the incremental development of the permit, provided mitigation is provided prior to each stage of development of the permit, in accordance with the standards under OAR 690-505-0610(2)-(5). A mitigation obligation may be satisfied by obtaining mitigation credits, providing for implementation of a mitigation project, or both (OAR 690-505-0610(2)). Please read and complete this acknowledgment of mitigation obligation and return it to the Department at the address above.

Applicant(s): AVION WATER CO. INC.

Applicant's agent (*if applicable*): ADAM SUSSMAN GSI WATER SOLUTIONS INC.

Application number: G-18608

Proposed Use: QUASI-MUNICIPAL USE

Period of Use: JANUARY 1 THROUGH DECEMBER 31

Rate requested: 0.67 CUBIC FOOT PER SECOND

Volume requested: 62.0 ACRE-FEET

Mitigation Obligation: 24.8 ACRE-FEET

Zone of Impact: THE GENERAL ZONE OF IMPACT

Please read and initial the following statements:

 We intend to provide incremental mitigation.

 We understand that mitigation must be provided prior to each stage of development of the permit and that the mitigation must meet the requirements of OAR 690-505-0610(2)-(5).

 We understand that the first increment of mitigation must be obtained, submitted to the Department and legally protected instream prior to a permit being issued.

 We understand that after receiving the water right permit, I (we) may not increase water use without providing the corresponding required mitigation.

 We understand that we will be required to submit a new or update Water Management and Conservation Plan under OAR Chapter 690, Division 86 within 2 years of the Department issuing a permit.

 We understand that may we modify the incremental development plan and related mitigation obligation only with prior written Departmental approval.

(over)

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Please estimate the time schedule for development of the water right permit and the proposed source of mitigation that may be obtained and used prior to each stage of development (this proposed development schedule must describe 100% of the requested volume).

For the first increment of permit development we will need approximately _____ acre-feet of the _____ acre-feet requested in the application. The first increment of mitigation will be required by _____ (date).

The proposed source of mitigation water for this increment of use will be (please check):

_____ Purchase mitigation credits and / or _____ A mitigation project resulting in credits

Please describe the type of project (e.g., transfer, etc.) and any associated water-right certificate, if known:

SEE COVER LETTER

By _____ (approximate year), for the second increment of permit development, I (we) will need approximately _____ additional acre-feet of the _____ total volume requested in the application.

The proposed mitigation source for this increment of use will be: (please check)

_____ Purchase mitigation credits and / or _____ A mitigation project resulting in credits

Please describe the type of project (e.g., transfer, etc.) and any associated water-right certificate, if known:

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**Please complete a section for each subsequent stage of
Incremental Development beyond the first two using the additional page below.**

Applicant AVION WATER CO. INC. or Applicant's Agent _____

Date _____

Mail to: Attn: Lisa Graham
 Oregon Water Resources Department
 725 Summer St NE Suite A
 Salem OR 97301-1266

Incremental Development beyond increments one and two:

Application G-18608 Applicant: AVION WATER CO. INC.

By _____ (approximate year), for the _____ increment of permit development, we will need approximately _____ additional acre-feet of the _____ total volume requested in the application.

The proposed mitigation source for this increment of use will be (please check):

_____ Purchase mitigation credits and / or _____ A mitigation project resulting in credits

Please describe the type of project (e.g., transfer, etc.) and any associated water-right certificate, if known:

SEE COVER LETTER

By _____ (approximate year), for the _____ increment of permit development, I (we) will need approximately _____ additional acre-feet of the _____ total volume requested in the application.

The proposed mitigation source for this increment of use will be (please check):

_____ Purchase mitigation credits and / or _____ A mitigation project resulting in credits

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Please describe the type of project (e.g., transfer, etc.) and any associated water-right certificate, if known:

ATTACH ADDITIONAL PAGES AS NECESSARY

Mail to: Attn: Lisa Graham
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1266

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May 8, 2018

Dwight French
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Modification to Application G-18608 in the name of Avion Water Company Inc.

Dear Dwight:

On February 12, 2018, Avion Water Company (Avion) filed permit application G-18608, which requests to use up to 0.67 cfs of groundwater for quasi-municipal use at Squaw Creek Canyon Estates. The location of the proposed place of use was shown in the proposed place of use map included in the application. The application also included the required land use information form, and the signed receipt for the form from the Deschutes County Community Development (Deschutes County).

In its review of the land use information form, Deschutes County has identified several tax lots within the proposed place of use on which the use of water for quasi-municipal use is not currently consistent with the county's comprehensive plan (they would require a conditional use permit). Enclosed is the signed Land Use Form from Deschutes County, which identifies those properties for which the proposed use is consistent with Deschutes County's comprehensive plan, and those properties for which the proposed use is not consistent with the plan.

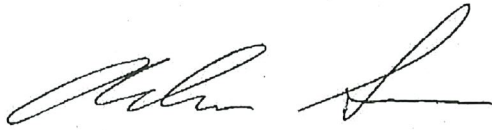
As a result of Deschutes County's determination regarding the compatibility of some portions of the proposed place of use with its comprehensive plan, Avion is modifying the proposed place of use for application G-18608 to exclude the ten tax lots for which the proposed use is not consistent with land use. Enclosed is a new proposed place of use map showing the modified proposed place of use, which includes only those tax lots on which Deschutes County has determined the quasi-municipal use of water is consistent with the comprehensive plan. Also enclosed is a map, which identifies the tax lots which have been removed from the proposed place of use. The application is not being modified in any other way.

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MAY 14 2018

If you have any questions about the enclosed materials, please contact me at 541-257-9001.

Sincerely,



Adam Sussman
Principal Water Resources Consultant

Enclosures: Land use form
Modified proposed place of use map for Application G-18608
Modifications to proposed place of use map for Application G-18608

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MAY 14 2018

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Memo

Date: April 9, 2018
To: Lisa Graham, Application Caseworker
From: Kerri H. Cope, Transfer and Conservation Section
Re: Division 86/Rate Review for Application File # G-18608

The Transfer and Conservation Section has reviewed the above referenced application for the following:

1) Shall a Water Management and Conservation Plan be required under Division 86?

- ☐ No
- ☒ WMCP should be required within three (3) years.
- ☐ WMCP will be required if incremental mitigation is proposed under OAR 690-505-0625(1)(c). The time frame should be for entities under 1,000 in population within five years or for entities over 1,000 within five years or before use of the second increment of water development which ever is sooner.

Remarks/basis of determination: Squaw Creek Canyon estates will be a stand-alone system from Avion Water Co, Inc. Avion's current WMCP expires September 9, 2021. They may submit a separate WMCP for Squaw Creek or combine Squaw Creek's WMCP with their updated WMCP.

2) Is the proposed quantity of water reasonable based on information provided in Form M?

- ☒ Yes
- ☐ No. However, a reduced quantity of _____ will be reasonable based on information presented in Form M.
- ☐ No determination – insufficient information supplied.

Remarks/basis of determination: The amount requested seems reasonable based on past usage data for Squaw Creek Canyon Estates.

Signature: _____

Kerri H. Cope

Date: _____

4/9/18



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

Water Right Application Initial Review

June 29, 2018

AVION WATER CO. INC.
ATTN: JASON WICK
60813 PARRELL RD
BEND OR 97702

Reference: Application G-18608

This document is to inform you of the preliminary analysis of the water-use permit application and to describe your options. In determining whether an application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Preliminary Determinations (Oregon Administrative Rule (OAR) 690-310-0080)

1. Application G-18608 proposes the appropriation of 0.67 cubic foot per second (CFS) of water from SCCE Well 1 (DESC 58167/L91141), SCCE Well 2 (DESC 58037/L90036), and SCCE Well 3 (DESC 59678/L42967) in Whychus Creek Basin for quasi-municipal use January 1 through December 31 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The appropriation of water for quasi-municipal use is allowed under the Deschutes Basin Program (OAR 690-505-0040).
4. If properly conditioned, the proposed use of groundwater will avoid injury to existing groundwater rights and the resource.
5. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will have the potential for substantial interference with Whychus Creek. Therefore, in accordance with OAR 690-410-0070(1) and 690-400-0010(11)(a), surface water availability must be considered.
6. Surface water is not available at any time of the year due to senior water rights on Deschutes River and downstream waters.

7. The proposed use of hydraulically-connected groundwater with the potential for substantial interference is not allowable in the Deschutes Basin from April 15 through September 30 of each year (OAR 690-33-120(2)(b)).
8. The proposed wells are located within the Deschutes Groundwater Study Area. By law, the Department is required to deny the application unless mitigation is provided. The unfavorable finding of the Initial Review may be overcome if mitigation is provided pursuant to the Deschutes Groundwater Mitigation Rules. (OAR 690-505-0500 to -0630)
9. Pursuant to OAR 690-505-0500(1), there is a 200.0 CFS cap on the amount of new groundwater use that may be allocated within the Deschutes Groundwater Study Area. Under the current rules, once the cap is reached, the Department will not be able to propose issuance on any new permits.
10. The Department has determined the mitigation obligation is 24.8 acre-feet (AF) annually. The required mitigation is based on quasi-municipal use. The mitigation obligation is calculated based on a consumptive-use factor of 40% of the annual volume.
11. The Department has determined that mitigation for the proposed use must be located in the The General Zone of Impact (located anywhere in the Deschutes Basin above the Madras gage, which is located on the Deschutes River below Lake Billy Chinook).
12. The proposed use is located above the Deschutes Scenic Waterway, as designated under Oregon Revised Statute 390.826. The Department has determined, based upon OAR 690-310-0260, that there is a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish, and wildlife.

Summary

The appropriation of 0.67 CFS of water from SCCE Well 1 (DESC 58167/L91141), SCCE Well 2 (DESC 58037/L90036), and SCCE Well 3 (DESC 59678/L42967) in Whychus Creek Basin for quasi-municipal use is not allowable. However, if you provide sufficient mitigation water to offset the proposed use, it may be allowed under OAR 690-505-0610.

Mitigation Obligation Options:

To satisfy the mitigation obligation you can either complete a mitigation project as described in the attached administrative rules, or obtain 24.8 qualifying mitigation credits from an individual or mitigation bank. If you are interested in obtaining mitigation credits, you may want to contact Laura Wilke at 503-986-0884 for a list of mitigation credit holders.

If you decide to purchase mitigation credits, you must submit a documentary evidence form demonstrating that you have obtained mitigation credits. The mitigation bank or the individual you have obtained credits from should provide you with a completed form. Blank forms may be obtained from the Department at the address above, or from the Bend Regional office.

If you are proposing to implement a mitigation project, you must identify and describe the project in sufficient detail so that the Department can make a preliminary determination as to whether the proposed project will likely meet the mitigation obligation. Please contact Laura Wilke (503-986-0884) for further information on mitigation projects, forms, and specific requirements to be included in the proposal.

Mitigation credits must be obtained and/or a mitigation project must be completed before a permit can be issued.

At this time, you must decide whether to proceed or to withdraw the application.

Proceed

If you choose to proceed with the application you do not have to notify the Department. The application will be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a Proposed Final Order.

Withdraw

You may withdraw the application and receive a refund (minus a \$260 processing charge per application). You must notify the Department **in writing** by **July 13, 2018**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If a Permit is Issued it will Likely Include the Following Conditions:

1. Construction of the well shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the construction deadline to begin is missed.
2. If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.
3. **Measurement Devices, and Recording/Reporting of Annual Water Use Conditions:**
 - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the device in good working order.
 - B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The permittee shall keep a complete record of the volume of water used each month, and shall submit an annual report which includes the recorded water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
 - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
4. **Static Water Level Conditions:**

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain, from a qualified individual (see below), and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to report an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall report seven consecutive annual static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require the user to obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- A. Identify each well with its associated measurement; and
- B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method used to obtain each well measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water level measurements reveal an average water level decline of three or more feet per year for five consecutive years; or
- B. Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water level measurements reveal a water level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non-use or restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

5. Ground Water Mitigation Conditions:

Mitigation Obligation: 24.8 acre-feet of mitigation water in the General Zone of Impact (located anywhere in the Deschutes Basin above the Madras gage, which is located below Lake Billy Chinook).

Mitigation Source: Mitigation Credits or a Mitigation Project, in accordance with the incremental development plan on file with the Department, meeting the requirements of OAR Chapter 690, Division 505 (Deschutes Ground Water Mitigation Rules) and OAR Chapter 690, Division 522.

The permittee shall provide mitigation prior to each stage of development under the permit, as described in the incremental development mitigation plan on file with the Department, and in accordance with the standards of the Deschutes Ground Water Mitigation Rules, OAR Chapter 690, Division 505.

The permittee shall not increase the rate or amount of water diverted, as described in the incremental development mitigation plan, prior to increasing the corresponding mitigation.

The permittee shall seek and receive Departmental approval prior to changing the incremental mitigation development plan and related mitigation obligation for each stage of permit development.

The permittee shall report to the Department the progress of implementing the incremental mitigation development plan and related mitigation no later than April 1 of each year. The annual report shall include the annual volume of water used, the source of mitigation, and any offset used for that period. This annual notification is not necessary if the permittee has completed development and submitted a Claim of Beneficial Use to the Department.

Mitigation water must be legally protected instream in the General Zone of Impact for the life of the permit and subsequent certificate(s). Regulation of the use and/or cancellation of the permit, or subsequent certificate(s) will occur if the required mitigation is not maintained.

The permittee shall provide additional mitigation if the Department determines that average annual consumptive use of the subject appropriation has increased beyond the originally mitigated amount.

If mitigation is from a secondary right for stored water from a storage project not owned or operated by the permittee, the use of water under this right is subject to the maintenance and terms and conditions of a valid contract or satisfactory replacement, with the owner/operator of the storage project, a copy of which must be on file in the records of the Water Resources Department.

Failure to comply with these mitigation conditions shall result in the Department regulating the ground water permit, or subsequent certificate(s), proposing to deny any permit extension application for the ground water permit, and proposing to cancel the ground water permit, or subsequent certificate(s).

6. Water Management and Conservation Plan Condition:

Within 3 years of permit issuance, the permittee shall submit a Water Management and Conservation Plan, addressing use under this permit, consistent with OAR 690-086. The time line for submittal of a plan under this permit does not alter the time lines for submittal of a plan under any other order of the Department. No water may be diverted if a Water Management and Conservation Plan is not submitted within 3 years of permit issuance.

7. Scenic Waterway Condition:

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right, or as those quantities may be reduced subsequently. However, the use of groundwater allowed under the terms of this permit will not be subject to regulation for Scenic Waterway flows, provided the required mitigation is maintained.

8. Well Identification Tag Condition:

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

The water source identified in the application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's Water Quality Program web site at <http://www.oregon.gov/ODA/programs/NaturalResources/Pages/AgWaterQuality.aspx> to learn more about the plans and how they may affect the proposed water use.

If you have any questions:

Feel free to contact me at Elisabeth.A.Graham@oregon.gov or 503-986-0808 if you have any questions regarding the contents of this letter or the application. Please include the application number in all correspondence. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0801. When corresponding by mail, please use this address: Lisa Graham, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Lisa Graham
Water Right Application Specialist
Oregon Water Resources Department

Enclosures: Application Process Description, Stop Processing Request Form, Response to Notice of Mitigation Obligation; and Deschutes Mitigation Rules

G-18608

APPLICATION FACT SHEET

Application File Number: G-18608

Applicant: AVION WATER CO. INC.

County: DESCHUTES

Watermaster: JEREMY GIFFIN, 11, SCR

Priority Date: FEBRUARY 12, 2018

Source: SCCE WELL 1 (DESC 58167/L91141), SCCE WELL 2 (DESC 58039/L42966), AND SCCE WELL 3 (DESC 59678/L42967) IN WHYCHUS CREEK BASIN

Use: QUASI-MUNICIPAL USE

Quantity: 0.67 CUBIC FOOT PER SECOND

Basin Name & Number: DESCHUTES, #5

WAB: WHYCHUS CR > DESCHUTES R - AT MOUTH

Well Locations:

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
SCCE WELL 1 (DESC 58167/L91141)	14 S	11 E	WM	17	SW SW	1120 FEET NORTH AND 650 FEET EAST FROM SW CORNER, SECTION 17
SCCE WELL 2 (DESC 58039/L42966)	14 S	11 E	WM	17	SW SW	950 FEET NORTH AND 695 FEET EAST FROM SW CORNER, SECTION 17
SCCE WELL 3 (DESC 59678/L42967)	14 S	11 E	WM	17	SW SW	925 FEET NORTH AND 630 FEET EAST FROM SW CORNER, SECTION 17

Place of Use:

Twp	Rng	Mer	Sec	Q-Q
14 S	10 E	WM	24	NE SE
14 S	10 E	WM	24	SE SE
14 S	10 E	WM	25	NE NE
14 S	11 E	WM	17	SW SW
14 S	11 E	WM	17	SE SW
14 S	11 E	WM	17	SW SE
14 S	11 E	WM	19	NE NE
14 S	11 E	WM	19	SE NE
14 S	11 E	WM	19	NE NW
14 S	11 E	WM	19	SW NW
14 S	11 E	WM	19	SE NW
14 S	11 E	WM	19	NE SW
14 S	11 E	WM	19	NW SW
14 S	11 E	WM	19	SW SW
14 S	11 E	WM	19	SE SW

Twp	Rng	Mer	Sec	Q-Q
14 S	11 E	WM	19	NE SE
14 S	11 E	WM	19	NW SE
14 S	11 E	WM	19	SW SE
14 S	11 E	WM	20	NE NW
14 S	11 E	WM	20	NW NW

PUBLIC NOTICE DATE: July 3, 2018

14 DAY STOP PROCESSING DEADLINE DATE: July 13, 2018

30 DAY COMMENT DEADLINE DATE: August 2, 2018

**RESPONSE TO NOTICE OF MITIGATION OBLIGATION
MUNICIPAL OR QUASI-MUNICIPAL INCREMENTAL DEVELOPMENT PLAN**

Municipal or Quasi-Municipal groundwater permit applicants may satisfy a mitigation obligation by incrementally obtaining and providing mitigation to coincide with the incremental development of the permit, provided mitigation is provided prior to each stage of development of the permit, in accordance with the standards under OAR 690-505-0610(2)-(5). A mitigation obligation may be satisfied by obtaining mitigation credits, providing for implementation of a mitigation project, or both (OAR 690-505-0610(2)). Please read and complete this acknowledgment of mitigation obligation and return it to the Department at the address above.

Applicant(s): AVION WATER CO. INC.

Applicant's agent (*if applicable*): ADAM SUSSMAN GSI WATER SOLUTIONS INC.

Application number: G-18608

Proposed Use: QUASI-MUNICIPAL USE

Period of Use: JANUARY 1 THROUGH DECEMBER 31

Rate requested: 0.67 CUBIC FOOT PER SECOND

Volume requested: 62.0 ACRE-FEET

Mitigation Obligation: 24.8 ACRE-FEET

Zone of Impact: THE GENERAL ZONE OF IMPACT

Please read and initial the following statements:

_____ We intend to provide incremental mitigation.

_____ We understand that mitigation must be provided prior to each stage of development of the permit and that the mitigation must meet the requirements of OAR 690-505-0610(2)-(5).

_____ We understand that the first increment of mitigation must be obtained, submitted to the Department and legally protected instream prior to a permit being issued.

_____ We understand that after receiving the water right permit, I (we) may not increase water use without providing the corresponding required mitigation.

_____ We understand that we will be required to submit a new or update Water Management and Conservation Plan under OAR Chapter 690, Division 86 within 2 years of the Department issuing a permit.

_____ We understand that may we modify the incremental development plan and related mitigation obligation only with prior written Departmental approval.

(over)

Please estimate the time schedule for development of the water right permit and the proposed source of mitigation that may be obtained and used prior to each stage of development (this proposed development schedule must describe 100% of the requested volume).

For the first increment of permit development we will need approximately _____ acre-feet of the _____ acre-feet requested in the application. The first increment of mitigation will be required by _____ (date).

The proposed source of mitigation water for this increment of use will be (please check):

_____ Purchase mitigation credits and / or _____ A mitigation project resulting in credits

Please describe the type of project (e.g., transfer, etc.) and any associated water-right certificate, if known:

By _____ (approximate year), for the second increment of permit development, I (we) will need approximately _____ additional acre-feet of the _____ total volume requested in the application.

The proposed mitigation source for this increment of use will be: (please check)

_____ Purchase mitigation credits and / or _____ A mitigation project resulting in credits

Please describe the type of project (e.g., transfer, etc.) and any associated water-right certificate, if known:

**Please complete a section for each subsequent stage of
Incremental Development beyond the first two using the additional page below.**

Applicant _____ or Applicant's Agent _____

Date _____

Mail to: Attn: Lisa Graham
 Oregon Water Resources Department
 725 Summer St NE Suite A
 Salem OR 97301-1266

Incremental Development beyond increments one and two:

Application G-18608 Applicant: GSI WATER SOLUTIONS INC.

By _____ (approximate year), for the _____ increment of permit development, we will need approximately _____ additional acre-feet of the _____ total volume requested in the application.

The proposed mitigation source for this increment of use will be (please check):

_____ Purchase mitigation credits and / or _____ A mitigation project resulting in credits

Please describe the type of project (e.g., transfer, etc.) and any associated water-right certificate, if known:

By _____ (approximate year), for the _____ increment of permit development, I (we) will need approximately _____ additional acre-feet of the _____ total volume requested in the application.

The proposed mitigation source for this increment of use will be (please check):

_____ Purchase mitigation credits and / or _____ A mitigation project resulting in credits

Please describe the type of project (e.g., transfer, etc.) and any associated water-right certificate, if known:

ATTACH ADDITIONAL PAGES AS NECESSARY

Mail to: Attn: Lisa Graham
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1266

APPLICATION PROCESS DESCRIPTION FOR GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS

In order to use the waters of Oregon, an application must be submitted and a permit obtained from the Water Resources Department. The water must be used for beneficial purpose without waste. For more information about water right topics, weekly public notice, forms and fees please visit our web site at www.wrd.state.or.us

1. Pre-application considerations

- Follow instructions in the application packet.
- If you have questions about completing an application or would like to arrange a pre-application conference contact the Department's Water Rights Customer Service Group at (503) 986-0801.

2. Application filing

- Application with fee is received by the Department.
- Department determines completeness of application.
- If use is not allowed by statute (ORS 538), the application and fees are returned to the applicant.
- An incomplete application and fees are returned to the applicant.
- Only a complete application receives a tentative priority date, is assigned a caseworker, and moves forward for processing.

3. Initial Review (IR)

- Caseworker reviews application by considering basin plans, water availability, statutory restrictions, and all other appropriate factors.
- Caseworker sends IR report to Applicant.
- Contact the Caseworker if you have questions about the IR.
- Four days after date of the IR, it is included in Department's weekly Public Notice.
- Public comments must be submitted within 30 days after the Public Notice.
- **An administrative hold** may be requested in writing by Applicant.

4. Proposed Final Order (PFO)

- Caseworker evaluates application against required criteria and develops draft permit, if appropriate.
- PFO includes instructions for filing of protests.
- Caseworker considers public comments and mails PFO to Applicant.
- The PFO is included in Department's weekly Public Notice.
- Public protests to the PFO must be submitted within 45 days after the Public Notice.

5. Final Order (FO)

- If no protest is filed, Final Order is issued.

The protest process

If one or more protests are filed, the process consists of:

- settlement discussion;
- contested case hearing;
- proposed Order;
- period of time to file exceptions; or
- Possible hearing by Water Resources Commission.
- Final Order is issued.

Permit holder responsibilities

- Comply with all water use conditions of the permit.
- Advise Department of address change or assignment to new permit holder.
- If need arises, request extension of time or authorize cancellation of permit.
- Submit timely claim of beneficial use (COBU) to the Department.
- Most permits require COBU to be prepared by a Certified Water Right Examiner.
- Permits may be canceled by the permit holder or by the Department for failure to comply with or one or more permit conditions.

STOP PROCESSING REQUEST FORM
FOR GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR
APPLICATIONS

- Stop processing deadline is within 14 days of Initial Review.
- Applicant notification to withdraw Water Right Application **G-18608**.
- After reviewing the Initial Review for my application, I request that processing be stopped and the fees be refunded (minus a \$260 examination fee.) I understand that without a valid permit I may not legally use the water as requested in my application.
- Signature _____ Date _____
- Signature _____ Date _____
- Under ORS 537.150 (5) and 537.620 (5) timely submission of this request authorizes that the water right application process be stopped and all filing fees (except \$260 examination fee) be returned.
- This notice must be received at Water Resources Department by:

July 13, 2018

- Return the notice to:

OWRD, Water Right Services Division
STOP PROCESSING
725 Summer Street, NE - Suite A,
Salem OR, 97301-1271

Mailing List for IR Copies

Application G-18608

IR Date: June 29, 2018

Original and map mailed to applicant:

AVION WATER CO. INC.
ATTN: JASON WICK
60813 PARRELL RD
BEND, OR 97702

Copies Mailed

By: SP
(SUPPORT STAFF)

On: 6-29-18
(DATE)

SENT VIA AUTO EMAIL:

1. WRD – Watermaster Jeremy Giffin #11

SENT VIA EMAIL:

2. WRD – Hydrographics
3. Agent - Adam Sussman: ASUSSMAN@GSIWS.COM

Copies sent to:

1. WRD - Laura Wilke
2. WRD - Sarah Henderson
3. DRC - Genevieve Hubert

IR, Map, and Fact Sheet Copies sent to:

1. WRD - File G-18608
2. ODFW District Biologists: Brett Hodgson and Amy Stuart
3. ODFW: Danette Faucera
4. DEQ: Eric Nigg & Bonnie Lamb, Eastern Region
5. DOA: Salem: Jim Johnson & Paul Measeles
6. DSL: Shawn Zumwalt

Specialist: Lisa Graham

Application for a Permit to Use Groundwater



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

SECTION 1: APPLICANT INFORMATION AND

SIGNATURE

Applicant Information

APPLICANT/BUSINESS NAME Avion Water Company, Inc., Attn: Jason Wick			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS 60813 Parrell Road			FAX NO.	
CITY Bend	STATE OR	ZIP 97702	E-MAIL jason@avionwater.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.				

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

AGENT/BUSINESS NAME GSI Water Solutions, Attn: Adam Sussman			PHONE NO. 541-257-9001	ADDITIONAL CONTACT NO.
ADDRESS 1600 SW Western Blvd, Suite 240			FAX NO.	
CITY Corvallis	STATE OR	ZIP 97333	E-MAIL asussman@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.				

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the final order documents will also be mailed.)

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By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.

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

Applicant Signature

Jason Wick, President, Avion Water Co, Inc.

Print Name and title if applicable

1/30/18
Date

Applicant Signature

Print Name and title if applicable

Date

For Department Use		
App. No. G-10608	Permit No. _____	Date _____

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

☐ Yes

☐ There are no encumbrances.

☐ This land is encumbered by easements, rights of way, roads or other encumbrances.

☒ No The applicant meets the definition of a municipality as described in ORS 540.510(3) (b).

☐ I have a recorded easement or written authorization permitting access to the proposed points of appropriation.

☐ I do not currently have written authorization or easement permitting access.

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

☐ Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

N/A-The applicant meets the definition of a municipality as described in ORS 540.510(3) (b).

You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

See Attachment C for a legal description of the property where the proposed points of appropriation are located.

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
SCCE Well 1	Whychus Creek	0.41 miles	+ approximately 329 ft.
SCCE Well 2	Whychus Creek	0.40 miles	+ approximately 327 ft.
SCCE Well 3	Whychus Creek	0.40 miles	+ approximately 327 ft.

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (*attach additional sheets if necessary*).

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SECTION 3: WELL DEVELOPMENT, CONTINUED

Total maximum rate requested: 0.67 cfs (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

The table below must be completed for each source to be evaluated or the application will be returned. If this is an existing well, the information may be found on the applicable well log. (If a well log is available, please submit it in addition to completing the table.) If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information. (**Attachment D**).

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL- SPECIFIC RATE (GPM) ¹	ANNUAL VOLUME (ACRE- FEET) ²
SCCE Well 1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L-91141 (DESC 58167)	<input type="checkbox"/>	8"	+2 to 844 ft.	780 to 840 ft. (60 ft.)	0 to 96 ft.	520 ft. (2007)	Deschutes Formation	844 ft.		
SCCE Well 2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L-42966 (DESC 53193/580 39)	<input type="checkbox"/>	8"	+2 to 78 ft.	585 to 605 ft. (20 ft.)	0 to 78 ft.	498 ft. (2007)	Deschutes Formation	690 ft.		
SCCE Well 3	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L-42967 (DESC 53194/596 78)	<input type="checkbox"/>	8" Diam 6" Liner	+2 to 750 ft.	710 to 750 ft. (40 ft.)	0 to 138 ft.	525 (2013)	Deschutes Formation	750 ft.		

* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.

** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.

*** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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¹ A maximum rate of up to 0.67 cfs will be produced from any combination of the three wells.
² A maximum annual volume of up to 62 acre-feet will be produced from any combination of the three wells.

Revised 8/1/2017
Ground Water/5

WR

SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Quasi-municipal	Year-round	62 AF

For irrigation use only: N/A

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: _____ Acres Supplemental: _____ Acres

If you listed supplemental acres, list the Permit or Certificate number of the underlying primary water right(s):

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: _____

- If the use is **municipal or quasi-municipal**, attach **Form M (Attachment E)**.
- If the use is **domestic**, indicate the number of households: N/A
Exempt Uses: Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.
- If the use is **mining**, describe what is being mined and the method(s) of extraction (*attach additional sheets if necessary*): N/A

SECTION 5: WATER MANAGEMENT

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A. Diversion and Conveyance

What equipment will you use to pump water from your well(s)?

☐ Pump (give horsepower and type):

☒ Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Wells discharge water to two partially buried storage reservoirs (Reservoir #1 (40,000 gallons) and Reservoir #2 (80,000 gallons)). Water is treated with chlorine, then pumped from the storage reservoirs with two 40-hp pumps and delivered to customers through a waterline buried at a minimum of 30" underground.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) (*attach additional sheets if necessary*)

Water will be pumped from wells into the Squaw Creek Canyon Estates water system and delivered to customers' systems.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters (*attach additional sheets if necessary*).

Water will be used for quasi-municipal use. Customers are charged according to their water usage, which is a known deterrent of water waste. Water will be used for quasi-municipal use.

SECTION 6: STORAGE OF GROUNDWATER IN A RESERVOIR -N/A

If you would like to store groundwater in a reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*)

Reservoir name: _____ Acreage inundated by reservoir: _____

Use(s): _____

Volume of Reservoir (acre-feet): _____ Dam height (feet, if excavated, write "zero"): _____

Note: If the dam height is greater than or equal to 10.0' above land surface AND the reservoir will store 9.2 acre feet or more, engineered plans and specifications must be approved prior to storage of water.

SECTION 7: USE OF STORED GROUNDWATER FROM THE RESERVOIR-N/A

If you would like to use stored groundwater from the reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

Annual volume (acre-feet): _____

USE OF STORED GROUNDWATER	PERIOD OF USE

SECTION 8: PROJECT SCHEDULE

Date construction will begin: Within 5 years of permit issuance

Date construction will be completed: Within 5 years of permit issuance

Date beneficial water use will begin: Within 5 years of permit issuance

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SECTION 9: WITHIN A DISTRICT

☐ Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

As a result of communications with OWRD groundwater staff, we understand that mitigation will be required within the General Zone of Impact due to the fact that the Whychus Creek Zone of Impact encompasses the area of the Whychus Creek sub-basin above River Mile 16 on Whychus Creek. Squaw Creek Canyon Estates is located several miles downstream from River Mile 16 on Whychus Creek.

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Attachment A
Land Use Form

Application for a Permit to Use Groundwater— Avion Water Co. Inc.

G-18608



Mailing Date:
Monday, March 12, 2018

0204300



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:	
Conditional Use (nonFarm dwelling)	DCC 18.1b.030	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
Conditional Use (nonFarm dwelling)	DCC 18.1b.030	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input checked="" 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.

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See attached

MAY 14 2018

OWRD

Name: Kyle Collins Title: Assistant Planner
 Signature: [Signature] Phone: 541-383-4427 Date: 3/9/2018
 Government Entity: Deschutes County Community Development - Planning

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.

6-18608

247-18-000052-PS

Tax Map: 14-11-17C, Tax Lot 100 – Zoned Exclusive Farm Use (EFU).

The applicant did not provide a site plan. Building permits and land use permits may be required for any associated structures. This LUCS does not confirm compliance with wetlands or floodplain regulations if these exist on the property.

The applicant has requested a permit sign off to supply groundwater for residential purposes to the Squaw Creek Canyon Recreational Estates subdivision. Staff interprets the applicant's request as a use which is allowed outright when supplying domestic water to properties zoned Rural Residential (RR10). Additionally, staff interprets the applicant's request as a use which is allowed conditionally when supplying domestic water to residential uses on properties zoned Exclusive Farm Use (EFU). In regards to new residential uses on EFU-zoned properties, Deschutes County Code (DCC) 18.16 outlines the types of dwellings allowed and land use approval required for each type as follows:

18.16.025. Uses Permitted Subject to the Special Provisions Under DCC Section 18.16.038 or DCC Section 18.16.042 and a Review Under DCC Chapter 18.124 where applicable.

- A. Dwellings customarily provided in conjunction with farm use (farm-related dwellings), subject to DCC 18.16.050.
- B. A relative farm assistance dwelling, subject to DCC 18.16.050.

18.16.030. Conditional Uses Permitted -High Value and Non-high Value Farmland.

The following uses may be allowed in the Exclusive Farm Use zones on either high value farmland or non-high value farmland subject to applicable provisions of the Comprehensive Plan, DCC 18.16.040 and 18.16.050, and other applicable sections of DCC Title 18.

- A. Nonfarm dwelling.
- B. Lot of record dwelling.
- C. Residential home or facility, as defined in DCC 18.04.030, in existing dwellings.
- D. A hardship dwelling, which can include one manufactured dwelling or recreational vehicle, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident.

The following EFU properties in the Squaw Creek Canyon Recreational Estates subdivision have a single family residence on site, established pursuant to a land use approval:

Map and Tax Lot	Address	Conditional Use Approval File:
141024D007400	70165 CAYUSE PL	247-CU0589-PL
141024D007500	70170 CAYUSE PL	247-CU0756-PL
141024D007800	70185 APPALOOSA DR	247-CU0280-PL
141117C000400	17775 MOUNTAIN VIEW RD	247-CU9751-PL
141117C000500	17765 MOUNTAIN VIEW RD	247-CU032-PL
141117C000600	17755 MOUNTAIN VIEW RD	247-CU9673-PL
141117C001000	17715 MOUNTAIN VIEW RD	247-CU0210-PL
141117C001100	17690 MOUNTAIN VIEW RD	247-CU9959-PL
141117C001200	17700 MOUNTAIN VIEW RD	247-CU0318-PL

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141117C001300	17710 MOUNTAIN VIEW RD	247-CU00108-PL
141117C001500	17730 MOUNTAIN VIEW RD	247-CU99100-PL
141117C001700	17750 MOUNTAIN VIEW RD	247-CU006-PL
141120B000400	17695 MOUNTAIN VIEW RD	247-CU0531-PL
141120B000500	17685 MOUNTAIN VIEW RD	247-CU9735-PL
141120B000600	17675 MOUNTAIN VIEW RD	247-CU9921-PL
141120B000700	17665 MOUNTAIN VIEW RD	247-CU9922-PL
141120B000800	17655 MOUNTAIN VIEW RD	247-CU9925-PL
141120B001000	17625 MOUNTAIN VIEW RD	247-CU9457-PL
141120B001100	70325 CLUB RD	247-CU00125-PL
141120B001200	17620 MOUNTAIN VIEW RD	247-CU00124-PL
141120B001400	17640 MOUNTAIN VIEW RD	247-CU0294-PL
141120B001600	17650 MOUNTAIN VIEW RD	247-CU0797-PL
141120B001800	17670 MOUNTAIN VIEW RD	247-CU9960-PL
141120B002000	17686 MOUNTAIN VIEW RD	247-CU0317-PL

The following EFU properties in the Squaw Creek Canyon Recreational Estates subdivision have not established a single family residence on site, but have received land use approval for a residence:

Map and Tax Lot	Address	Conditional Use Approval File:
141120B001900	17680 MOUNTAIN VIEW RD	247-16-000326-CU
141117C000300	17785 MOUNTAIN VIEW RD	247-17-001016-CU
141120B001500	17644 MOUNTAIN VIEW RD	247-CU0295-PL
141117C001600	17740 MOUNTAIN VIEW RD	247-CU0326-PL
141120B000300	17705 MOUNTAIN VIEW RD	247-CU0563-PL
141120B001700	17660 MOUNTAIN VIEW RD	247-CU07107-PL
141024D000100	70178 CAYUSE PL	247-CU0714-PL
141120B001300	17630 MOUNTAIN VIEW RD	247-CU0723-PL

The following EFU properties in the Squaw Creek Canyon Recreational Estates subdivision have not established a residence or been approved to develop a single family residence on site:

Map and Tax Lot	Address
141024D007300	N/A
141024D007600	70179 CAYUSE PL
141024D007700	N/A
141024D007900	N/A
141117C000700	N/A
141117C000800	N/A
141117C000900	17725 MOUNTAIN VIEW RD
141117C001400	17720 MOUNTAIN VIEW RD
141119A001400	N/A
141120B000900	17645 MOUNTAIN VIEW RD

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Staff notes this LUCS does not confirm or establish single family dwelling uses for those EFU properties which have not previously received land use approval. All EFU properties attempting to establish residential uses on site must secure land use approval prior to development pursuant to DCC 18.16.

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

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Land Use Information Form



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

Applicant(s): Avion Water Co. Inc.

Mailing Address: 60813 Parrell Rd.

City: Bend

State: OR

Zip Code: 97702

Daytime Phone: 541-382-5342

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

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: 0.67 ☒ 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:

Avion Water Co., Inc. is applying for a permit to use groundwater from three existing wells for quasi-municipal use within the Squaw Creek Canyon Estates development.

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. →

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Attachment B
Application Maps

Application for a Permit to Use Groundwater – Avion Water Co. Inc.

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Attachment D
Well Logs

Application for a Permit to Use Groundwater – Avion Water Co. Inc.

G-18608

WELL LABEL # L 91141

START CARD # 1001485

(1) LAND OWNER

Owner Well I.D. _____

First Name RON Last Name REMUND
Company _____
Address PO BOX 760
City SISTERS State OR Zip 97759

(2) TYPE OF WORK ☒ New Well ☐ Deepening ☐ Conversion
☐ Alteration (repair/recondition) ☐ Abandonment

(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 Special Standard ☐ (Attach copy)

Depth of Completed Well 844.00 ft.

BORE HOLE			SEAL			sacks/	
Dia	From	To	Material	From	To	Amt	lbs
14	0	96	Cement	0	96	77	S
10	96	670					
9.5	670	844					

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

☐ Other _____

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

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

Explosives used: ☐ Yes Type _____ Amount _____

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plsto	Wld	Thrd
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	10	<input checked="" type="checkbox"/>	2	98	.250	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	8	<input type="checkbox"/>	0	804	.188	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	8	<input type="checkbox"/>	804	844	.250	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Shoe ☒ Inside ☐ Outside ☐ Other Location of shoe(s) _____

Temp casing ☐ Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method Air Perf

Screens Type _____ Material _____

Perf/	Casing/	Screen	Dia	From	To	Sern/slot	Slot	# of	Tele/
Screen	Liner					width	length	slots	pipe size
Perf	Liner	8	780	840	.125	2	1,620		

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

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
250	4	800	6

Temperature 53 °F Lab analysis ☐ Yes By _____

Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County Deschutes Twp 14.00 S N/S Range 11.00 E E/W WM

Sec 17 SW 1/4 of the SW 1/4 Tax Lot 2017

Tax Map Number _____ Lot _____

Lat _____ " or 44.35235000 DMS or DD

Long _____ " or -121.45120000 DMS or DD

☐ Street address of well ☐ Nearest address

MT WEIWRD

(10) STATIC WATER LEVEL

Date _____ SWL(psi) + SWL(ft)

Existing Well / Predeepening			
Completed Well	08-01-2007		520

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES Depth water was first found 616

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
07-28-2007	616	628	50		520
08-28-2007	680	686	100		520
08-29-2007	739	844	300		520

(11) WELL LOG

Ground Elevation _____

Material	From	To
Sand Pumice Lava Broken	0	5
Cinders	5	20
Lava Gray	20	46
Cinders Red	46	56
Conglomerate Gravels Brown	56	75
Basalt Clay Seams Gray	75	90
Basalt Clay Seams Brown	90	150
Basalt	150	185
Gravels Sand	185	205
Conglomerate	205	255
Basalt	255	260
Lava Crevices	260	275
Lava	275	305
Sandstone Brown	305	345
Cinders Lava Broken Red	345	365
Gravels Sand	365	385
Clay Brown	385	420
Lost Circ	420	430
Clay Red Brown	430	460

Date Started 07-13-2007

Completed 08-01-2007

(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 758 Date 08-12-2007

Electronically Filed

Signed THOMAS R PECK (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 08-12-2007

Electronically Filed

Signed JACK ABBAS (E-filed)

Contact Info (optional)

08-12-2007

START CARD # 1001485






















(5) BORE HOLE CONSTRUCTION

[illegible]

FILTER PACK

From	To	Material	Size

(6) CASING/LINER

Casing Liner	Dia	+	From	To	Gauge	Stl	Pstlc	Wld	Thrd
									
									
									
									

(7) PERFORATIONS/SCREENS

[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

Water Bearing Zones

[illegible]

(11) WELL LOG

[illegible]

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Comments/Remarks

2 yards sand grout 120 feet - 185 feet
4 1/2 yards sand grout 190 feet - 430 feet
2 yards sand grout 435 feet - 480 feet
4 yards sand grout 370 feet - 440 feet
3 yards sand grout 440 feet - 500 feet
4 yards sand grout 400 feet - 530 feet

6-18608

STATE OF OREGON
Water Supply Well Report

(as required by ORS 537.765)

DESC53193

Received Date:

Well ID Tag # L 42966

Start Card # 128830

Instructions for completing this report are on the last page of this form.

(1) Owner

Well Number:

Name: RON REMUND

Street: PO BOX 760

City: SISTERS

State: OR Zip Code: 97759

(2) Type of Work

- ☒ New ☐ Alter (Recondition) ☐ Alter (Repair)
☐ Deepening ☐ Abandonment

(3) Drill Method

- ☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
Other:

(4) Proposed Use

- ☒ Domestic ☐ Community ☐ Industrial ☐ Irrigation ☐ Injection
☐ Livestock ☐ Thermal Other:

(5) Bore Hole Construction

- ☐ Special Standards: Depth of completed well: 605.00 ft.
☐ Explosives Used: Amount: Type:

Hole			Seal			Sacks/lbs
Diameter	From	To	Mtrl	From	To	
12.00	0.00	78.00	CE	0.00	78.00	4512
8.00	78.00	605.00				

How was seal placed? C Other:

Back fill placed from:

Material:

Filter pack from:

Size:

(6) Casing / Liner

Csng/ Liner	Diameter	From	To	Gauge	Mtrl	Weld	Thrd	Shoe at	Shoe used
C	8.00	2.00	78.00	.250	S	X			
L	6.00	-5.00	600.00	.188	S	X			

(7) Perforation / Screens

Perforations:									
Mtrl	From	To	Width	Height	#Slots	Dia.	t/pSize	Csng/ Lnr	Method
S	585.00	605.00	0.13	3.00	216	6.00		L	MACHINE

Screens:									
Mtrl	From	To	S Size	#Slots	Dia.	t/pSize	Type	Gauge	

(8) Well Tests (Minimum testing time is one hour)

Type	Yield	Units	Drawdown	Stem at	Duration
A	10.00	G		600.00	1.00

Temperature of Water: 53 F

Was water analysis done? ☐ Depth of artesian flow:
by whom?

Did any strata contain water unsuitable for use? ☐ Too Little ☐ Salty
☐ Muddy ☐ Odor ☐ Colored other:

Depth of strata:

(9) Location of Hole by legal description

County: DESC Latitude: Longitude:

Township: 14.00 S Range: 11.00 E

Section: 17 SWSW Lot: Block:

Tax Lot: 2017 Subdivision:

Street Address of Well (or nearest address):

MNT VIEW RD

MAP, with location identified, must be attached.

(10) Static Water Level

Feet below land surface: 498.0 Date: 07 / 14 / 2000

Artesian Pressure: Date:

(11) Water Bearing Zones

Depth at which water was first found: 590.00 ft.

From	To	est Flow	swl
590.00	605.00	10.00	498

(12) Well Log

Ground Elevation:

Material	From	To	swl
LOAM BROKEN LAVA	0.00	3.00	
LAVA BROWN	3.00	10.00	
LAVA GRAY FRAC LAYERS	10.00	42.00	
CINDERS RED	42.00	51.00	
LAVA RED	51.00	70.00	
SANDSTONE	70.00	88.00	
SAND BRN FINE GRAVELS	88.00	104.00	
SANDSTONE	104.00	175.00	
LAVA BROWN	175.00	235.00	
SANDSTONE CONGLOMERATE	235.00	260.00	
LAVA BROWN GRAY LAYERS	260.00	335.00	
LAVA RED/CINDERS	335.00	350.00	
LAVA BROWN	350.00	475.00	
LAVA GRAY	475.00	525.00	
LAVA SOFT	525.00	540.00	
SANDSTONE CINDERS	540.00	588.00	
LAVA/BASALT BROKEN	588.00	605.00	498

Date Started: 07 / 12 / 2000

Date Completed: 07 / 14 / 2000

(unbonded) Water Well Constructor Certification:

I certify that the work I perform 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 the best knowledge and belief.

Signed by: THOMAS R PECK

WWC #: 758

(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 by: JACK ABBAS

WWC #: 1720

G-18608

STATE OF OREGON
Water Supply Well Report

(as required by ORS 537.765)

Instructions for completing this report are on the last page of this form.

Amendment DESC 53194
DESC

Received Date:

Well ID Tag # L 42967

Start Card # 128831

(1) Owner

Name: RON REMUND

Street: PO BOX 760

City: SISTERS

Well Number:

State: OR Zip Code: 97769

(2) Type of Work

☒ New ☐ Alter (Recondition) ☐ Alter (Repair)
☐ Deepening ☐ Abandonment

(3) Drill Method

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
Other:

(4) Proposed Use

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

(5) Bore Hole Construction

☐ Special Standards: Depth of completed well: 821.00 ft.
☐ Explosives Used: Amount: Type

Hole			Seal			Sacks/lbs
Diameter	From	To	Mtrl	From	To	
12	0	138	CE	0	138	5700
8	138	625				

How was seal placed? C Other:

Back fill placed from:

Material:

Filter pack from:

Size:

(6) Casing / Liner

Casing/ Liner	Diameter	From	To	Gauge	Mtrl	Weld	Thrd	Shoe at used
C	8	2	138	.250	S	X		
L	8	5	625	.188	S	X		

(7) Perforation / Screens

Perforations:		Casing/ Lnr		Method	
Mtrl	From To Width Height #Slots Dia. UpSize				
S	588 625 0.125 3.00 432 8			L	MACHINE

Screens:

Mtrl	From To S Size #Slots Dia. UpSize Type Gauge
------	--

(8) Well Tests (Minimum testing time is one hour)

Type	Yield	Units	Drawdown	Stem at	Duration
A	20.0	G		620	1.00

Temperature of Water: 53.00 F

Was water analysis done? ☐

Depth of artesian flow

by whom?

Did any strata contain water unsuitable for use?

☐ Muddy ☐ Odor ☐ Colored other:

Depth of strata:

(9) Location of Hole by legal description

County: DESC Latitude: Longitude
Township: 14.00 S Range: 11.00 E
Section: 17 SWSW Lot: Block:
Tax Lot: 2017 Subdivision:
Street Address of Well (or nearest address):
MNT VIEW RD
MAP, with location identified, must be attached.

(10) Static Water Level

Feet below land surface 501.00 Date: 07/20/2000
Artesian Pressure: Date:

(11) Water Bearing Zones

Depth at which water was first found: 590.00 ft.
From To Feet Flow swl
590 625 20.0 gpm 501

(12) Well Log

Ground Elevation:

Material	From	To	swl
BROKEN LAVA LOAM	0	3	
LAVA BROWN FRAC LAYERS	43	3	
RED LAVA/CINDERS	43	55	
SANDSTONE	55	98	
LAVA BROWN GRAY LAYERS	98	190	
LAVA BROWN	190	220	
SANDSTONE BROWN	220	228	
LAVA BROWN	228	345	
LAVA RED/CINDERS	345	480	
LAVA HARD	480	480	
LAVA BROWN	480	609	
LAVA/BASALT	609	642	
LAVA RED	642	651	
SANDSTONE	651	685	
LAVA/BASALT BROKEN	685	625	601

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Date Started: 07/17/2000

Date Completed: 07/20/2000

(unbonded) Water Well Constructor Certification:

I certify that the work I perform 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 the best knowledge and belief.
Signed by: THOMAS R PECK MWC # 768

(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 by: JACK ABBAS MWC #: 1720

ABBAS WELL DRILLING CO

Phone: 541-548-2787

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WATER RESOURCES
SALEM, OREGON

G-18608

STATE OF OREGON
Water Supply Well Report

(as required by ORS 537.765)

DESC 53184

DESC

Received Date:

Well ID Tag # L

Start Card # 128831

Instructions for completing this report are on the last page of this form.

(1) Owner Well Number
Name: RON REMUND
Street: PO BOX 780
City: SISTERS State: OR Zip Code: 87769

(2) Type of Work
☒ New ☐ Alter (Recondition) ☐ Alter (Repair)
☐ Deepening ☐ Abandonment

(3) Drill Method
☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
Other:

(4) Proposed Use
☒ Domestic ☐ Community ☐ Industrial ☐ Irrigation ☐ Injection
☐ Livestock ☐ Thermal Other:

(5) Bore Hole Construction
☐ Special Standards: Depth of completed well 821.00 ft.
☐ Explosives Used. Amount: Type:
Hole Seal
Diameter From To Mtrl From To Sacks/lbs
12 0 138 CE 0 138 6700
8 138 825
How was seal placed? C Other:
Back fill placed from: Material:
Filter pack from: Size:

(6) Casing / Liner
Casing/Liner Diameter From To Gauge Mtrl Weld Thrd Shoe Shoe
C 8 2 138 .260 S X al used
L 8 -5 825 .188 S X

(7) Perforation / Screens
Perforations:
Mtrl From To Width Height #Slots Dia. UpSize Lgr. Method
S 586 625 0.125 3.00 432 6 L MACHINE
Screens:
Mtrl From To S Size #Slots Dia. UpSize Type Gauge

(8) Well Tests (Minimum testing time is one hour)
Type Yield Units Drawdown Stem al Duration
A 40.00 G 620 1.00

Temperature of Water: 63.00 F
Was water analysis done? ☐ Depth of artesian flow:
by whom?
Did any strata contain water unsuitable for use? ☐ Too Little ☐ Salty
☐ Muddy ☐ Odor ☐ Colored other:
Depth of strata:

(9) Location of Hole by legal description
County: DESC Latitude: Longitude:
Township: 14.00 S Range: 11.00 E
Section: 17 SWSW Lot: Block:
Tax Lot: 2017 Subdivision:
Street Address of Well (or nearest address):
MNT VIEW RD
MAP, with location identified, must be attached.

(10) Static Water Level
Feet below land surface: 601.00 Date: 07 / 20 / 2000
Artesian Pressure: Date:

(11) Water Bearing Zones
Depth at which water was first found: 680.00 ft.
From To Test Flow SWI

(12) Well Log Ground Elevation:

Material	From	To	SWI
BROKEN LAVA LOAM	0	3	
LAVA BROWN FRAC LAYERS	43	3	
RED LAVA/CINDERS	43	65	
SANDSTONE	65	95	
LAVA BROWN GRAY LAYERS	95	180	
LAVA BROWN	180	220	
SANDSTONE BROWN	220	228	
LAVA BROWN	228	345	
LAVA RED/CINDERS	345	480	
LAVA HARD	480	490	
LAVA BROWN	490	509	
LAVA/BASALT	509	542	
LAVA RED	542	551	
SANDSTONE	551	585	
LAVA/BASALT BROKEN	585	625	501

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Date Started: 07 / 17 / 2000 Date Completed: 07 / 20 / 2000

(unbonded) Water Well Constructor Certification:
I certify that the work I perform 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 the best knowledge and belief.
Signed by: THOMAS R PECK MWC # 753

(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 by: JACK ABBAS MWC # 1720
Phone 541-648-2787

G-18608

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Attachment E
Form M

Application for a Permit to Use Groundwater – Avion Water Co. Inc.

G-18608



Oregon Water Resources Department

FORM M

FOR MUNICIPAL AND QUASI MUNICIPAL WATER SUPPLIES

Unless otherwise noted, water use information should be in acre-feet per year (AFY).

1 acre-foot is equal to 325,851 gallons.

FORM "M"

Background Information

Name of water supplier: Avion Water Co., Inc.

Name and size of area to be served: Squaw Creek Canyon Estates
(in square miles)

Present population of service area: Population: 325; based on 147 connections and an average of 2.2 persons per household. Area: Within the Squaw Creek Canyon Estates Development
(Contact county planning staff, if needed.)

Projected population in 20 years: Squaw Creek Canyon Estates will include 250 homes at buildout. Complete construction and beneficial use of water will occur within five years of permit issuance and it is anticipated that the water right will provide for projected buildout demand
(Cite source and year. For example: "20,595 Based upon 1995 Portland State University projections.")

List present water rights and permits held:

There are currently no water rights associated with Squaw Creek Canyon Estates. See the attached table of Avion Water Co.'s water rights.

Water Use

Average **yearly** demand: 47.8 AFY Year: 2016

Per-capita daily consumption (in gallons): 168 gpcd
(Divide average annual water sales by population to arrive at consumption, then divide by 365 to get daily values.)

Peak season (by month/day): 5/1 to 10/31 **Total peak season demand:** 34.5 Acre-feet

Peak season per-capita daily consumption: 226 gpcd
(Divide total peak season demand by population and the number of days during the peak.)

Annual amount of water:

Produced: 15,560,700 gallons
(diverted or pumped)

Delivered: 15,560,700 gallons

Is your system fully metered? ☒ Yes ☐ No

Describe your rate structure: Base rate plus consumption rate.
(e.g. flat rate, increasing or decreasing block rate or combination of different systems)

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G-18608

.066 CFS - 47.8
Ave / yr.

ASKING (02 AF) ↙

.0855 CFS

Request for Water

A. Discuss the reason(s) for your request for additional water

(e.g. loss of current supply, peak demand, growth, or other):

Avion Water Co., Inc. is applying for a new groundwater right to fulfill existing and future demands in Squaw Creek Canyon Estates.

B. How long is the amount of water requested in this application expected to meet future needs?

(e.g. until the year 2040) Until the year 2024, assuming permit issued by 1/1/19.

C. Briefly discuss operation of water system and the most constraining component of the system:

Wells discharge water to two partially buried storage reservoirs: Reservoir #1 (40,000 gallons) and Reservoir #2 (80,000 gallons). Water is treated with chlorine, then pumped from the storage reservoirs with two 40-hp pumps and delivered to customers through a waterline buried at a minimum of 30" underground. The water system is able to meet current and future demands.

D. Percentage of water use by type:

Residential: 100%

Commercial:

Public Authority:

Agricultural:

Unaccounted for use:

Industrial

Other (specify use):

E. List cost to implement proposed request.

Compare cost and benefits with other water supply, or combination of supply options. This should include water efficiency measures such as replacing current showerheads with low-flow types. (Attach documentation, as available.)

Squaw Creek Canyon Estates currently has no water right. The cost to implement the proposed request is minimal, due to the fact that wells and other delivery infrastructure have already been constructed to supply water.

R. How and by how much will your proposed water use efficiency programs increase efficiency?

(Express as a percentage of per-capita consumption.)

The system has five groundwater wells (three wells are currently in use) and two partially buried reservoirs: Reservoir #1 (40,000 gallons) and Reservoir #2 (80,000 gallons). Well 1 and Well 3 provide year-round supply and Well 2 is used seasonally. Wells discharge water to the two reservoirs. Water is treated with chlorine, then pumped from the storage reservoirs with two 40-hp pumps and delivered to customers through a waterline buried at a minimum of 30" underground. Current system losses are very low as is annual per capita demand.

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Oregon Water Resources Department

FORM M

FOR MUNICIPAL AND QUASI MUNICIPAL WATER SUPPLIES

Unless otherwise noted, water use information should be in acre-feet per year (AFY).

1 acre-foot is equal to 325,851 gallons.

Background Information

Name of water supplier: Avion Water Co., Inc.

Name and size of area to be served: Squaw Creek Canyon Estates
(in square miles)

Present population of service area: Population: 325; based on 147 connections and an average of 2.2 persons per household. Area: Within the Squaw Creek Canyon Estates Development
(Contact county planning staff, if needed.)

Projected population in 20 years: Squaw Creek Canyon Estates will include 250 homes at buildout. Complete construction and beneficial use of water will occur within five years of permit issuance and it is anticipated that the water right will provide for projected buildout demand
(Cite source and year. For example: "20,595 Based upon 1995 Portland State University projections.")

List present water rights and permits held:

There are currently no water rights associated with Squaw Creek Canyon Estates. This is a stand-alone system not connected to Avion's main system. (Attached - Avion Water Co.'s water rights).

Water Use

Average **yearly** demand: 47.8 AFY Year: 2016

Per-capita daily consumption (in gallons): 168 gpcd

(Divide average annual water sales by population to arrive at consumption, then divide by 365 to get daily values.)

Peak season (by month/day): 5/1 to 10/31 Total peak season demand: 34.5 Acre-feet

Peak season per-capita daily consumption: 226 gpcd

(Divide total peak season demand by population and the number of days during the peak.)

Annual amount of water:

Produced: 15,560,700 gallons
(diverted or pumped)

Delivered: 15,560,700 gallons

Is your system fully metered? ☒ Yes ☐ No

Describe your rate structure: Base rate plus consumption rate.
(e.g. flat rate, increasing or decreasing block rate or combination of different systems)

Request for Water

A. Discuss the reason(s) for your request for additional water

(e.g. loss of current supply, peak demand, growth, or other):

Avion Water Co., Inc. is applying for a new groundwater right to fulfill existing and future demands in Squaw Creek Canyon Estates. This is a stand-alone system.

B. How long is the amount of water requested in this application expected to meet future needs?

(e.g. until the year 2040) Until the year 2024, assuming permit issued by 1/1/19.

C. Briefly discuss operation of water system and the most constraining component of the system:

Wells discharge water to two partially buried storage reservoirs: Reservoir #1 (40,000 gallons) and Reservoir #2 (80,000 gallons). Water is treated with chlorine, then pumped from the storage reservoirs with two 40-hp pumps and delivered to customers through a waterline buried at a minimum of 30" underground. The water system is able to meet current and future demands.

D. Percentage of water use by type:

Residential: 100%

Commercial:

Public Authority:

Agricultural:

Unaccounted for use:

Industrial

Other (specify use):

E. List cost to implement proposed request.

Compare cost and benefits with other water supply, or combination of supply options. This should include water efficiency measures such as replacing current showerheads with low-flow types. (Attach documentation, as available.)

Squaw Creek Canyon Estates currently has no water right. The cost to implement the proposed request is minimal, due to the fact that wells and other delivery infrastructure have already been constructed to supply water.

R. How and by how much will your proposed water use efficiency programs increase efficiency?

(Express as a percentage of per-capita consumption.)

The system has five groundwater wells (three wells are currently in use) and two partially buried reservoirs: Reservoir #1 (40,000 gallons) and Reservoir #2 (80,000 gallons). Well 1 and Well 3 provide year-round supply and Well 2 is used seasonally. Wells discharge water to the two reservoirs. Water is treated with chlorine, then pumped from the storage reservoirs with two 40-hp pumps and delivered to customers through a waterline buried at a minimum of 30" underground. Current system losses are very low as is annual per capita demand.

Avion Water Company, Inc. Water Rights – December 2017

Application Number	Permit Number	Certificate	Authorized Rate of Diversion (cfs)	Source	Authorized Use	Priority Date	Comment
Water Rights within the Greater Avion Service Area							
G-10184	G-9946	82418	4.22	GW	QM	2/81	Modified by T-10205
G-10421	G-9948	82419	2.50	GW	QM	7/81	Modified by T-10205
G-10378	G-9975	82420	2.15	GW	QM	6/81	Modified by T-10205
G-10154	G-9217	82414	1.11	GW	QM	2/81	Modified by T-10205
G-10242	G-9269	82415	0.32	GW	QM	4/81	Modified by T-10205
G-10310	G-9320	82416	0.04	GW	QM	5/81	Modified by T-10205
G-10445	G-9976	82417	0.03	GW	QM	7/81	Modified by T-10205
G-10348	G-9971	-	0.48	GW	GD	5/81	Modified by T-7778
G-10599	G-9981	87382	0.18	GW	GD	11/81	Modified by T-7778
G-10440	G-10000	86161	0.56	GW	GD	7/81	Modified by T-7778 and T-10918
G-10263	G-9341	91068	0.66	GW	QM	4/81	Modified by T-7778
G-10208	G-16949	88551	0.37	GW	QM	5/81	Conestoga Hills
G-10347	G-11972	-	0.24	GW	QM	1/83	
G-11741	G-11389	93364	1.00	GW	QM	11/87	
G-12924	G-12788	84975	25.2	GW	QM	12/92	Use under this and all other underlying rights with the same POAs is limited to 11,305 gpm; Modified by T-7778 and T-10407
G-15851	G-16025	-	5	GW	QM	10/02	Modified by T-10204
G-16060	G-16026	-	10	GW	QM	7/03	Modified by T-10204, T-12027
G-17606	G-17551	-	10	GW	QM	12/12	
Water Rights outside the Greater Avion Service Area (Satellite Areas)							
G-13446	G-12192	-	0.29	GW	DI	6/93	Powell Butte View Estates
G-8754	G-8258	84898	0.04	GW	GD	4/78	
G-10371	G-9999	84899	0.27	GW	DI	6/81	
G-10207	G-9283	-	0.577	GW	QM	3/81	Cinder Butte
G-10617	G-9982	-	0.1	GW	GD	12/81	Odin Falls I
G-12757	G-12330	-	0.46	GW	QM	1/92	Odin Falls II
G-10290	G-9398	86874	0.59	GW	QM	4/81	Red Cloud- modified by T-9526, T-12732
G-13616	G-12936	87594	0.53	GW	QM	2/94	Red Cloud- modified by T-9525, T-12732
G-10349	G-9972	-	0.57	GW	DI	5/81	Wildriver
G-10466	G-10019	86875	0.63	GW	DI	7/81	Modified by T-10828
G-13726	G-13136	81805	0.238	GW	DN	6/94 11/96	Tumalo Rim

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Attachment C
Legal Description

Application for a Permit to Use Groundwater – Avion Water Co. Inc.

6-10608

Parcel 1 Continued
 thence North 89° 59' 02" West 2637.23 feet; thence South 00° 13' 28" West 1321.62 feet; thence South 89° 59' 20" West 1320.28 feet; thence South 00° 09' 05" West 2668.34 feet; thence North 89° 40' 55" West 1313.67 feet; thence North 00° 26' 26.13 feet; thence South 89° 08' 15" West 1314.74 feet; thence South 00° 26' 00" East 1315.90 feet; thence South 89° 33' 00" West 1308.48 feet; thence South 00° 41' 20" East 1308.75 feet to the point of beginning, being a portion of Sections 24 and 25, Township 14 South, Range 10 East Willamette Meridian and Sections 17, 19 and 20, Township 14 South, Range 11 East Willamette Meridian, Deschutes County, Oregon.

EXCEPTING THEREFROM any portion of the above described premises lying within the boundaries of Squaw Creek Canyon Recreational Estates and Squaw Creek Canyon Recreational Estates First Addition.

PARCEL 2: In Township Fourteen (14) South, Range Eleven (11) East Willamette Meridian, Deschutes County, Oregon

Section 20: North Half of the Northeast Quarter (N 1/2 NE 1/4) and part of the North Half of the Northwest Quarter (N 1/2 NW 1/4) lying South of the land conveyed to Alfred B. Ramsey and Mae E. Ramsey, Husband and Wife, by deed recorded December 28, 1967 in Volume 156, Page 363, Deed Records of Deschutes County, also, the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4).

Section 17: Part of the South Half of the Southeast Quarter (S 1/2 SE 1/4) and the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) lying South of the land conveyed to Alfred B. Ramsey and Mae E. Ramsey, Husband and Wife, by deed recorded December 28, 1967 in Volume 156, Page 363 Deed Records. Also, the South Half of the Southwest Quarter (S 1/2 SW 1/4) lying northwest of Squaw Creek Canyon Recreational Estates.
 Section 21: The Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) containing 241 acres, more or less.

EXCEPTING THEREFROM any portion of the above described premises lying within the boundaries of Squaw Creek Canyon Recreational Estates and Squaw Creek Canyon Recreational Estates First Addition.

PARCEL 3: Township Fourteen (14) South, Range Eleven (11) East Willamette Meridian, Deschutes County, Oregon

Section 19: Part of the North Half of the Southeast Quarter (N 1/2 SE 1/4), the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) and the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) lying South of Squaw Creek Canyon Recreational Estates, more fully described in the Deed recorded April 15, 1968 in Volume 157, Page 602, Deed Records. Also, the East Half of the Northeast Quarter (E 1/2 NE 1/4) lying northwest of Squaw Creek Canyon Recreational Estates.
 Section 20: The Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4), North Half of the Southwest Quarter (N 1/2 SW 1/4) and the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4).

CONTINUED

76/3

EXHIBIT A
 PAGE 2 OF 617

Quitclaim
 to Bargain and Sale Deed

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February 6, 2018

Dwight French
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Application for a Permit to Appropriate Groundwater in the name of Avion Water Company Inc.

Dear Dwight:

Please find enclosed a permit application to appropriate groundwater from 3 wells for quasi-municipal use at Squaw Creek Canyon Estates, which is submitted on behalf of Avion Water Company Inc. The applicant is requesting to appropriate groundwater at a rate of up to 0.67 cfs and an annual volume of up to 62 acre-feet. Also enclosed is the required fee of \$2,910, which was calculated as follows:

\$1,340 - Base Fee
\$350 - Rate Fee of \$350 for a rate of less than 1 cfs
\$700 Fee for each additional well after the 1st (\$350 x 2)
\$520 - Permit Recording Fee

Total = \$2,910

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If you have any questions about the enclosed materials, please contact me at 541-257-9001.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Sussman", written over a horizontal line.

Adam Sussman
Principal Water Resources Consultant

Enclosures: Groundwater Application
Check for Application Fee

Application for a Permit to Use Groundwater



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

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 (www.oregon.gov/owrd/law). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$260. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives [public notice](#) of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$410 for the applicant and \$810 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed, the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department issues a Final Order consistent with the PFO. If the application is approved, a permit is issued that specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.615)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- ☒ SECTION 1: applicant information and signature
- ☒ SECTION 2: property ownership
- ☒ SECTION 3: well development
- ☒ SECTION 4: water use
- ☒ SECTION 5: water management
- ☒ SECTION 6: storage of groundwater in a reservoir
- ☒ SECTION 7: use of stored groundwater from the reservoir
- ☒ SECTION 8: project schedule
- ☒ SECTION 9: within a district
- ☒ SECTION 10: remarks

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Attachments:

- ☒ Land Use Information Form with approval and signature of local Planning Department (*must be an original*) or signed receipt (**Attachment A**)
- ☒ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. Example: **A copy of the deed, land sales contract or title insurance policy. See attachment C for the legal description of the property where the proposed points of appropriation are located.**
- ☒ Fees - Amount enclosed: **\$ 2,910**
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included: (Attachment B).

- ☒ Permanent quality and drawn in ink
- ☒ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- ☒ North Directional Symbol
- ☒ Township, Range, Section, Quarter/Quarter, Tax Lots
- ☒ Reference corner on map
- ☒ Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west). Each well must be identified by a unique name and/or number.
- ☒ Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- ☐ Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery **N/A-The proposed use is quasi-municipal.**
- ☒ Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

Land Use Information Form



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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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OWRD WR/FS

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.

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Name: _____ Title: _____

Signature: _____ Phone: _____ Date: _____

Government Entity: _____

OWRD

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: _____

6-18008



Oregon Water Resources Department
Apply for a Permit to Appropriate Ground Water and/or Store Ground Water

- Main
- Help
- Return
- Contact Us

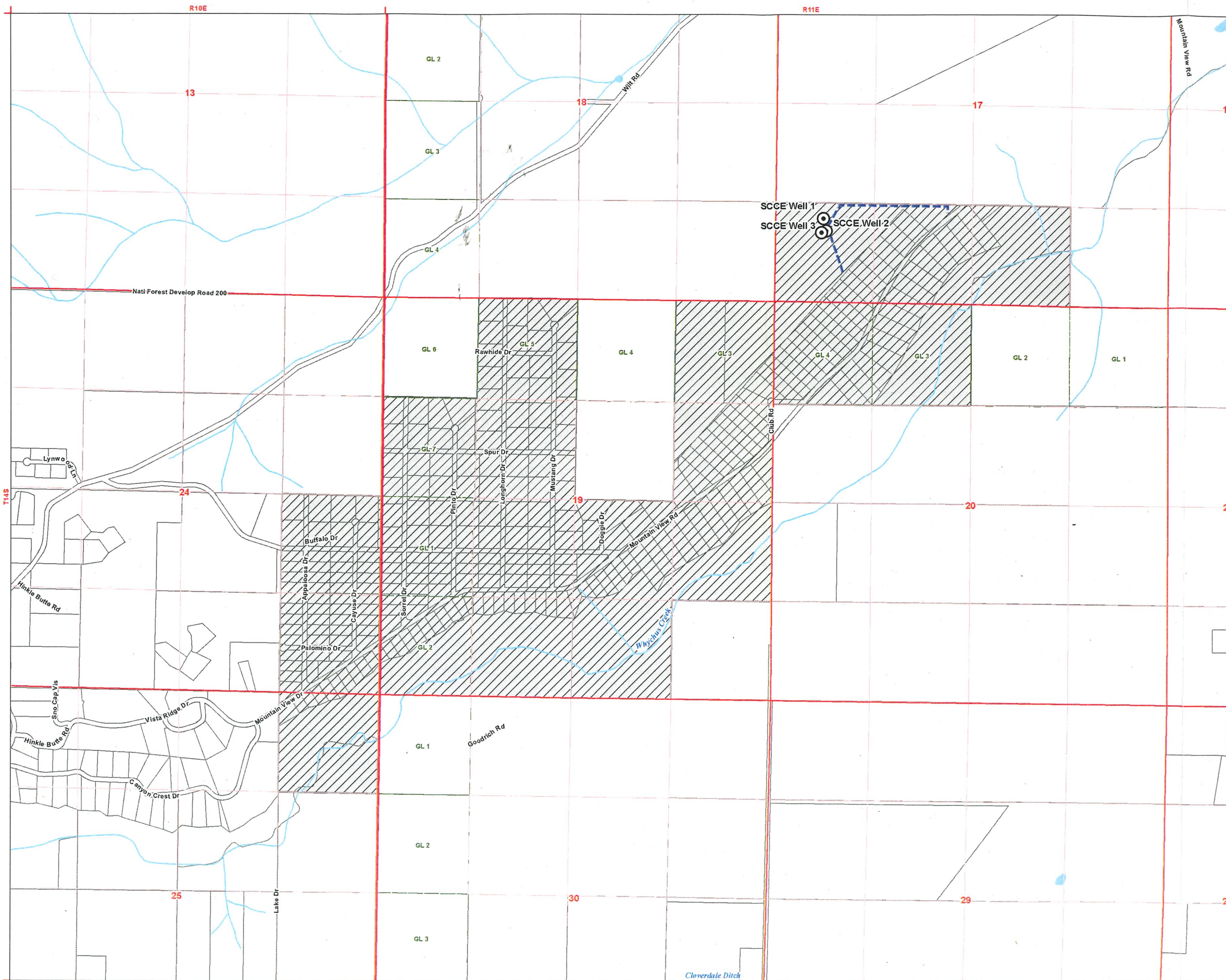
Today's Date: Tuesday, February 13, 2018

Base Application Fee for use of Ground, Surface and optionally Stored Water.		\$1,340.00
Number of proposed cubic feet per second (cfs) to be appropriated. (1 cfs = 448.83 gallons per minute)	1	\$350.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Ground Water points of appropriation. (i.e. number of wells) (include all injection wells, if applicable) **	3	\$700.00
Number of Acre Feet to be stored in a reservoir/pond from Ground Water.	0	
Number of Acre Feet to be appropriated from reservoir/pond (Only Applies to reservoir/pond constructed under Ground Water Application)	0	
Number of reservoirs.	0	
Permit Recording Fee. ***		\$520.00
* the 1st Water Use is included in the base cost. ** the 1st Ground Water point of appropriation is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<div>Recalculate</div>	
Estimated cost of Permit Application		\$2,910.00

OWRD Fee Schedule

Fee Calculator Version B20170117

6-48608



**Application for a
Groundwater Permit in the
Name of Avion Water Co., Inc.**
Proposed Place of Use
Township 14 South,
Ranges 10 and 11 East (W.M.)

LEGEND

- ⊙ Proposed Point of Appropriation (POA)
- Pipeline
- ▨ Proposed Place of Use (POU)
- ⊕ Tax Lot
- Government Lot (GL)
- ~ Watercourse
- Waterbody

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0 660 1,320 1,980
1 inch = 1320 feet

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: January 11, 2018
Data Sources: BLM, ESRI, Crook Co., USGS, OWRD



6-18608 SUP. 5.14.18



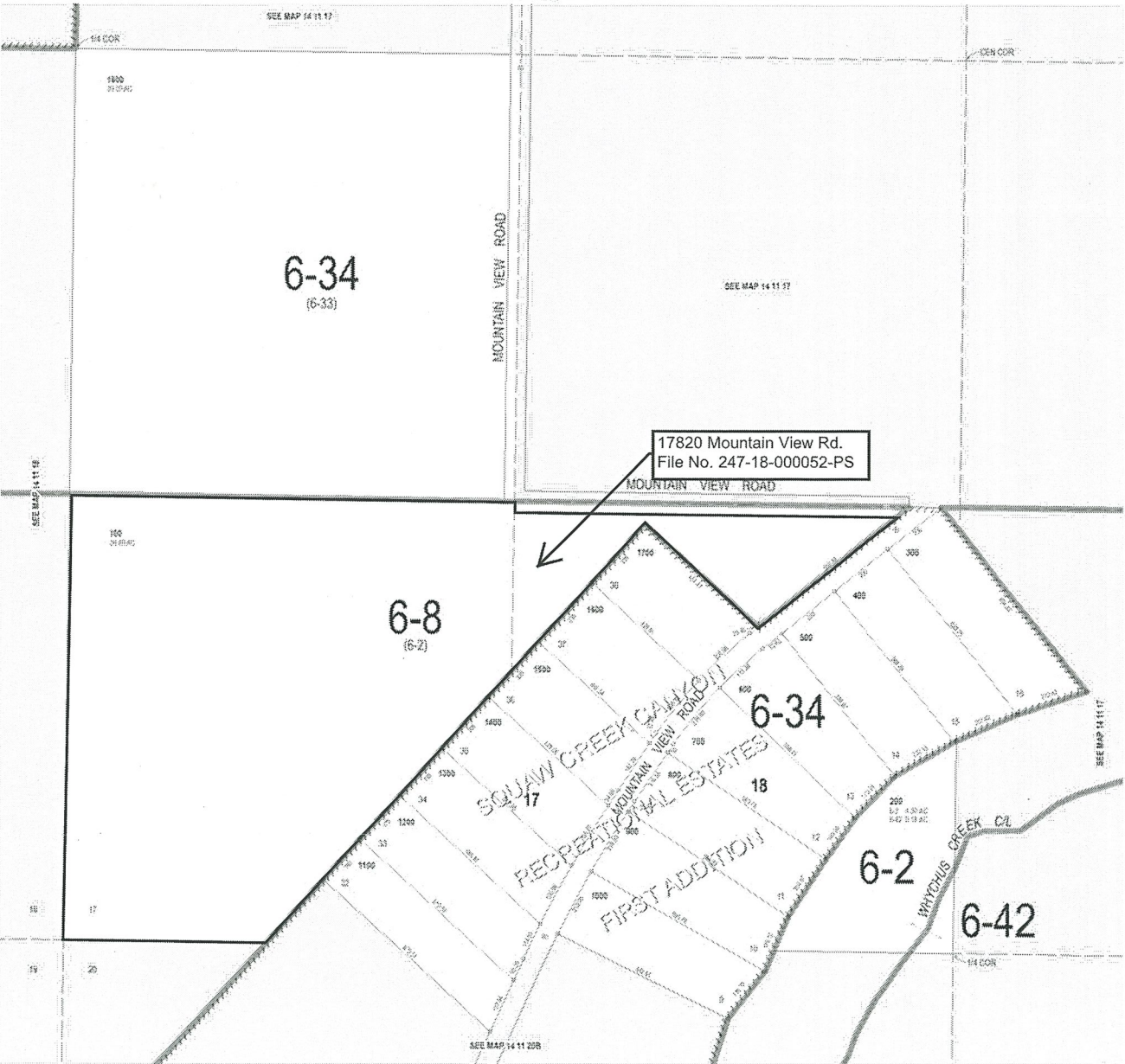
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

S.W.1/4 SEC.17 T.14S. R.11E. W.M.
DESCHUTES COUNTY

14 11 17C0

5/21/2018

1" = 200'



14 11 17C0

RECEIVED

MAY 14 2018

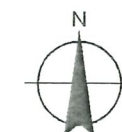
OWRD

Application for a
Groundwater Permit in the
Name of Avion Water Co., Inc.
Modifications to Proposed
Place of Use
Township 14 South,
Ranges 10 and 11 East (W.M.)

LEGEND

- Proposed Point of Appropriation (POA)
- Pipeline
- Proposed Place of Use (POU)
- ⊕ Tax Lot
- Government Lot (GL)
- ~ Watercourse
- Waterbody

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0 660 1,320 1,980
1 inch = 1320 feet

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: March 15, 2018
Data Sources: BLM, ESRI, Crook Co., USGS,
OWRD

