



May 3, 2023

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**VIA E-MAIL (ELISABETH.A.GRAHAM@WATER.OREGON.GOV) AND
FIRST CLASS MAIL**

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

RE: Application G-19139 – Application Amendments
Our File No.: 135849-277236

Dear Lisa:

This firm represents Pinnacle Utilities, LLC (“Pinnacle”). Pinnacle would like to amend Application G-19139 to reduce the rate, duty, and place of use as follows:

- The total maximum rate requested in the application was 9.28 cfs. Pinnacle proposes to reduce the total maximum rate to 6.0 cfs. This reduction is reflected on page 3 of the Groundwater Application, Section 3.
- The annual volume requested in the application was 2,129 acre-feet. Pinnacle proposes to reduce the annual volume substantially, to 1,460 acre-feet. This reduction is reflected on page 5 of the Groundwater Application, Section 5.
- The place of use is reduced in Tax Lot 800 T15S R12E Section 30. This change removes lands zoned EFU and that were not included in the resort land use application approved by the Deschutes County Board of Commissioners. This place of use reduction is reflected in the amended application map, which is submitted with this letter.

Included with this letter are clean and interlineated copies of page 3 and page 5 of the Groundwater Application and an updated application map, dated 4.26.2023, reflecting the smaller place of use.

Please note that the applicant, Pinnacle, does intend to provide mitigation for this application pursuant to OAR 690-505-0620 and 690-505-0625.

Lisa Graham
May 3, 2023
Page 2

On April 4, 2023, we requested on Pinnacle's behalf that the Oregon Water Resource Department ("OWRD") withdraw and revise the Initial Review and Groundwater Review for Application G-19139 to properly find, consistent with the law and facts before the agency, that water is available and the use is allowable. This position is consistent with that being shared by OWRD in the legislature, where OWRD has indeed confirmed that it does not have statutory authority to evaluate capacity of the resource for individual water right applications.

As this application has now been pending for two years, we would also ask that OWRD move forward to process this application without further delay. Because these are downward amendments, consistent with OAR 690-310-0240(3), the department's written policy regarding amendment of water right applications, and agency practice, no new notice or opportunity for comment is required.

Sincerely,



Shonee D. Langford



Elizabeth E. Howard

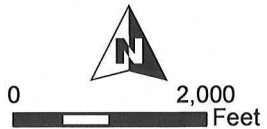
SDL:asc
Enclosures

cc: Katie Ratcliffe, Water Rights Section Manager
Justin Iverson, Groundwater Section Manager
Dwight French, Water Right Services Division Administrator
Representative Ken Helm, Chair, Agriculture, Land Use, Natural Resources, and Water Committee
Representative Mark Owens, Vice-Chair, Agriculture, Land Use, Natural Resources, and Water Committee
Pinnacle Utilities, LLC

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Lisa Graham

T15S R12E, WM DESCHUTES COUNTY, OR

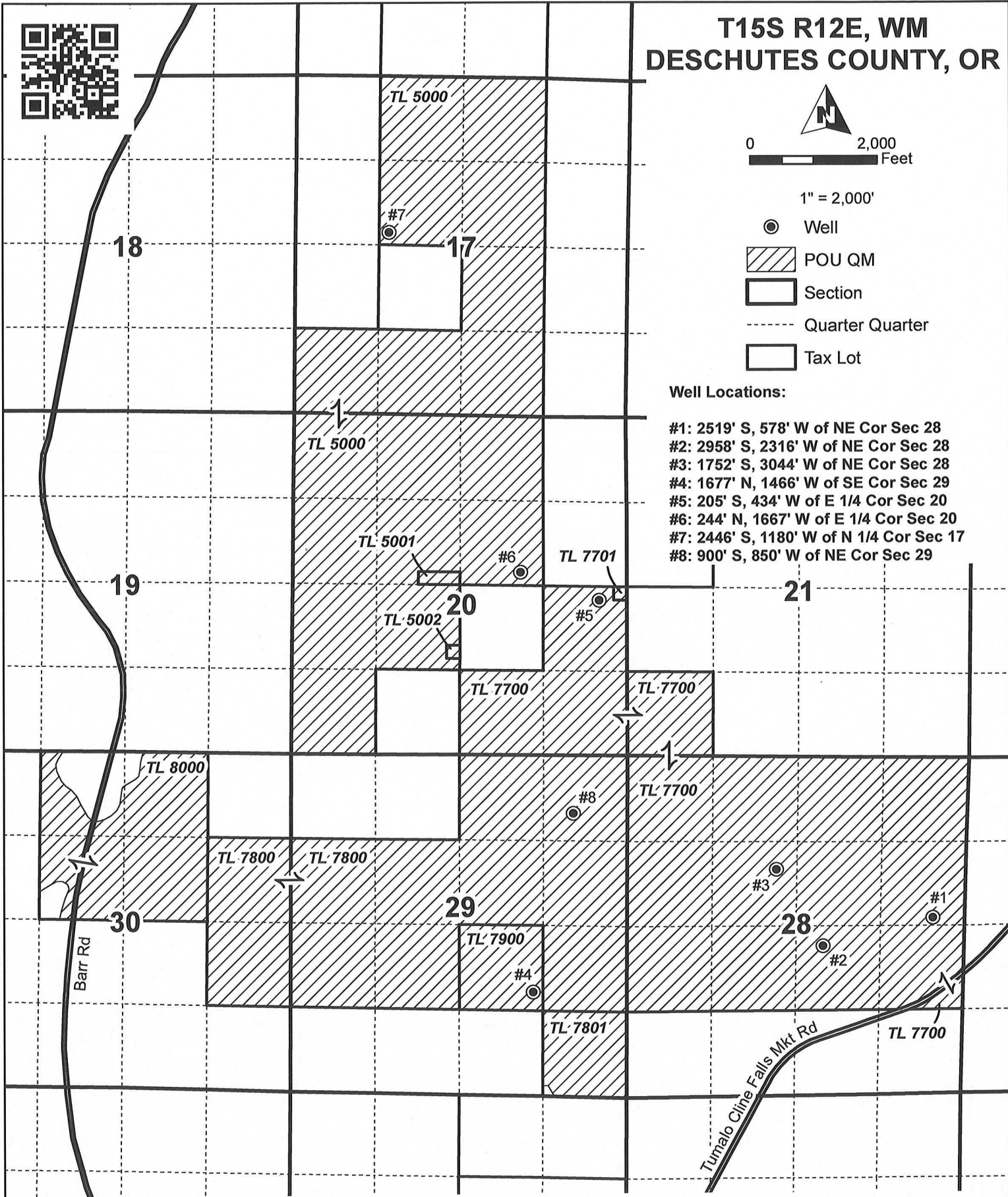


1" = 2,000'

- Well
- POU QM
- Section
- Quarter Quarter
- Tax Lot

Well Locations:

- #1: 2519' S, 578' W of NE Cor Sec 28
- #2: 2958' S, 2316' W of NE Cor Sec 28
- #3: 1752' S, 3044' W of NE Cor Sec 28
- #4: 1677' N, 1466' W of SE Cor Sec 29
- #5: 205' S, 434' W of E 1/4 Cor Sec 20
- #6: 244' N, 1667' W of E 1/4 Cor Sec 20
- #7: 2446' S, 1180' W of N 1/4 Cor Sec 17
- #8: 900' S, 850' W of NE Cor Sec 29



GROUNDWATER APPLICATION MAP
For
Pinnacle Utilities, LLC

This map is not intended to provide legal dimensions or locations of property ownership lines.

WATER RIGHT SERVICES, LLC

PO BOX 1830, BEND, OR 97709

WWW.OREGONWATER.US 541-389-2837

johnshort@usa.com CCB # 197121

Date: 4/26/2023

SECTION 3: WELL DEVELOPMENT, continued

Total maximum rate requested: **9.28-6.0 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.

| 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) | ANNUAL VOLUME (ACRE-FEET) |
| 1 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | 14" STEEL | +2-18' | | | | DESCHUTES FM. AQUIFER | 800-900' | | |
| 2 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | 14" STEEL | +2-18' | | | | DESCHUTES FM. AQUIFER | 800-900' | | |
| 3 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | 14" STEEL | +2-18' | | | | DESCHUTES FM. AQUIFER | 900-1,000' | | |
| 4 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | 14" STEEL | +2-18' | | | | DESCHUTES FM. AQUIFER | 900-1,000' | | |
| 5 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | 14" STEEL | +2-18' | | | | DESCHUTES FM. AQUIFER | 800-900' | | |
| 6 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | 14" STEEL | +2-18' | | | | DESCHUTES FM. AQUIFER | 800-900' | | |
| 7 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | 14" STEEL | +2-18' | | | | DESCHUTES FM. AQUIFER | 800-900' | | |
| 8 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | DESC 756 | <input type="checkbox"/> | 14" STEEL | +2-18' | | | | DESCHUTES FM. AQUIFER | 880-1,000' | | |

* 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.

appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, you will be required to provide the following information, if applicable.

Yes No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

Statewide - OAR 690-033-0330 thru -0340

Is the well or proposed well located in an area where the Statewide rules apply?

Yes No

If yes and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve “no loss of essential habitat of threatened and endangered (T&E) fish species,” or “no net loss of essential habitat of sensitive (S) fish species.” If conditions cannot be identified that meet the standards of no loss of essential T E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

SECTION 5: WATER USE

| USE | PERIOD OF USE | ANNUAL VOLUME (ACRE-FEET) |
|-----------------|---------------|-------------------------------------|
| Quasi Municipal | Year-Round | 2,129 AF <u>1,460 AF</u> |
| | | |
| | | |

For irrigation use only:

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**
- If the use is **domestic**, indicate the number of households: _____ (**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.)

For Department Use: App. Number: _____

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