

Route Slip.....Extension of Time Progress Report

1. Extension Specialist: Progress Report Review

Date Report was Due: October 1, 2019 (= "Deadline Date" for the corresponding ECP work flow record in WRIS)

Date Report Received: December 23, 2019

Report Complete: ☒ YES

☐ NO – Send letter requesting missing information.

☐ letter mailed on: January 31, 2020

2. Support Staff: Publish on the Department's Public Notice

☒ 315 ☐ 320 OAR Division under which Progress Report was required

☒ Publish on Public Notice Date: 12/24/2019

☒ Update workflow in WRIS

☒ (Fill in Extension Checkpoint 'Completed Date' in appropriate "ECP" work flow record and

☒ add record for Checkpoint Public Notice ("EPR" or "EP2")

☒ Return file to Jeffrey Pierceall

3. Extension Specialist: Prepare Progress Report Confirmation Letter

See progress report procedures.doc

(date / mail out after 30 day comment period)

Date Confirmation Letter Needed: January 31, 2020

☐ Update Progress Report Worksheet.xls

☐ Send to permit holder + anyone who made comments after 30 day public notice
CC: Watermaster _____

File _____

PUBLIC NOTICE INFORMATION

Permit Holder's Name: Avion Water Company Inc Attn: Trevor Grandy

Application: G-13446

Permit: G-18151

County: Deschutes

Source: three wells in Dry River Basin

Use: group domestic use for 102 households including irrigation not to exceed 1/2 acre each



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

Extension of Time Progress Report Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Avion Water Company Inc.

Application G-13446

Permit G-18151 (Powell Butte View Estates)

Report Due no later than October 1, 2019

RECEIVED

DEC 23 2019

OWRD

Progress Report Form for 2019

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit G-18151

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2014 and October 1, 2019	FINANCIAL INVESTMENT
2014	Mainline extension	\$12,000
2015	Mainline extension	\$80,000
2017	Mainline extension	\$20,000
2013-2018	4 new domestic line hook-ups	\$4,000

2. Compliance with terms and conditions of the permit and/or previous extension.

Conditions of Permit G-11972

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

IN COMPLIANCE – The wells are constructed according to the General Standards and include access ports with airlines installed to measure water levels.

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

IN COMPLIANCE – No state officer has made such a request.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department.

NOT YET COMPLETE – Avion will submit the results of a pump test upon submission of a claim of beneficial use.

Before water use may begin under this permit, the permittee shall install a water meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order. The permittee shall allow the watermaster access to the meter or measuring device.

IN COMPLIANCE – *Avion has installed and maintained an hourly flow meter on each point of appropriation.*

The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and place and nature of use of water under the permit.

IN COMPLIANCE – *All wells include a flow measuring device and Avion maintains a complete record of the amount of groundwater withdrawn. Avion submits Total Water Use reports to OWRD annually.*

Conditions of Extension Final order issued March 25, 2011

The permittee must submit a written progress report to the Department by October 1, 2014 and October 1, 2019.

IN COMPLIANCE – *Avion submitted the first Progress Report Form in October 2014. This is the second Progress Report Form Avion has submitted.*

The deadline for completing construction is extended from October 1, 2009 to October 1, 2020. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2009 to October 1, 2020.

NOT YET COMPLETE – *Avion has completed construction of the wells and elements of the water system. However, there are still lots within the development that have not been built out and Avion is waiting for these to be developed prior to fully developing the permit.*

3. Total number of acres irrigated to date= N/A (if applicable)

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

Maximum rate used to date = 0.29 cfs (cubic feet per second), or

Maximum rate used to date = _____ gpm (gallons per minute), or

Acre Feet stored to date = _____ AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

Signature  Date 12/18/19

RECEIVED

DEC 23 2019

OWRD

For OWRD use only

Diligence Shown ☐ Yes ☐ No

Date Public Noticed: _____

Reviewed by: _____

Date: _____

RECEIVED

DEC 23 2019

OWRD



Water Solutions, Inc.

December 19, 2019

Jeffrey Pierceall
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Extension Progress Reports for Permits G-9971, G-9772, G-11972 and G-18151
Avion Water Company, Inc.

Dear Mr. Pierceall:

Please find enclosed 4 progress report forms for the 5-year checkpoints for the extensions of time granted to the following permits and the corresponding Extension Final Order issue dates:

Permit G-9971
Permit G-9972
Permit G-11972
Permit G-18151

The progress report forms document action taken to develop water use under Permit G-9971, Permit G-9772, Permit G-11972 and Permit G-18151. Please add this letter to the file for these permits.

If you have any questions, please contact me by email at tgrandy@gsiws.com, or by phone at (971) 200-8545.

Sincerely,

Trevor Grandy
GSI Water Solutions

Enclosures: 4 Extension of Time Progress Reports

CC: Adam Jackson, Avion Water Company, Inc.
Jason Wick, Avion Water Company, Inc.



Oregon

Kate Brown, Governor

G-13446

Water Resources Department

North Mall Office Building
725 Summer St NE, Ste A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

July 26, 2019

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

REFERENCE: Permit Amendment Application T-12839

Enclosed is a copy of the order approving your Permit Amendment application.

Also enclosed is a superseding permit that incorporates the amendments approved by the final order contained herein. Please read this document and abide by the requirements.

If you have any questions related to the approval of this permit amendment, you may contact your caseworker, Arla Davis, by telephone at (503) 986-0806 or by e-mail at Arla.L.Davis@oregon.gov.

Sincerely,

Ashley N. Mosley
Water Rights Services Support
Transfers and Conservation Section

cc: Jeremy T. Giffin, Watermaster Dist. # 11 (via email)
Gsi Water Solutions, Agent
County of Crook
Central Oregon Irrigation District

Enclosure



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

In the Matter of Permit Amendment)	FINAL ORDER
T-12839, Crook County)	APPROVING ADDITIONAL POINTS
)	OF APPROPRIATION

Authority

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

AVION WATER COMPANY INC.
ATTN; JASON WICK
60813 PARRELL RD
BEND, OR 97702

Findings of Fact

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

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 and OAR 690-01-0005 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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

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

Permit Amendment Review Criteria

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

Conclusions of Law

The change in points of appropriation proposed by Permit Amendment Application T-12839 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional points of appropriation proposed by Permit Amendment Application T-12839 is approved.
2. Permit G-18151, in the name of Avion Water Company, Inc., Attn: Jason Wick, is issued to replace Permit G-12192, and incorporates the amendments approved by this order, the extension of time, and the assignment. Permit G-12192, in the name of Avion Water Inc., is no longer of any force or effect.
3. The combined quantity of water diverted at the new points of appropriation Brasada 1 and Brasada 2, together with that diverted at the old point of appropriation (PBVE Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation.
4. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each new point of appropriation.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

5. Water shall be acquired from the same aquifer as the original point of appropriation.
6. All other terms and conditions of Permit G-18151 remain the same.

Dated at Salem, Oregon this JUL 26 2019



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

JUL 29 2019

Mailing Date: _____

STATE OF OREGON

COUNTY OF CROOK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

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

This superseding permit is issued to describe an amendment for additional points of appropriation proposed under Permit Amendment Application T-12839 and approved by Special Order Vol. 113, Page 710, entered July 26, 2019, and to describe an extension of time for complete application of water approved March 25, 2011 and an assignment to a new permittee approved November 23, 2009. This permit supersedes Permit G-12192.

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

APPLICATION FILE NUMBER: G-13446

SOURCE OF WATER: THREE WELLS IN DRY RIVER BASIN

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

MAXIMUM FLOW RATE: 0.29 CFS

SEASON OF USE: YEAR ROUND

DATE OF PRIORITY: JUNE 25, 1993

WELL LOCATIONS:

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

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

Permit Amendment T-12839 Conditions:

The combined quantity of water diverted at the new points of appropriation (Brasada Wells 1 and 2), together with that diverted at the old point of appropriation (PBVE Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (PBVE Well 1).

Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each new point of appropriation.
- b. The water user shall maintain the meters or measuring devices in good working order.
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

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

Extension of Time Conditions:**Checkpoint Condition**

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

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

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

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

Original Permit Conditions:

Measurement, recording and reporting conditions:

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

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

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

STANDARD CONDITIONS

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

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

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

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

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

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

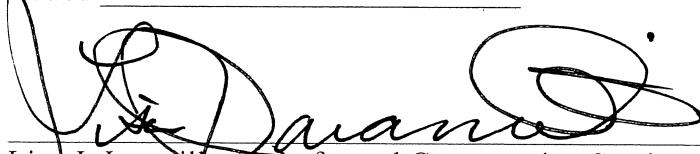
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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

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

JUL 26 2019

Issued _____



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

Route Slip.....Extension of Time Progress Report

1. Extension Specialist: Progress Report Review

Date Report was Due: 10/1/2014 (= "Deadline Date" for the corresponding ECP work flow record in WRIS)

Date Report Received: 2/6/2015

Report Complete: ☒ YES

☐ NO – Send letter requesting missing information.

☐ letter mailed on: _____

2. Support Staff: Publish on the Department's Public Notice

☐ 315 ☐ 320 OAR Division under which Progress Report was required

☒ Publish on Public Notice Date: 2/24/15

☒ Update workflow in WRIS

○ (Fill in Extension Checkpoint 'Completed Date' in appropriate "ECP" work flow record and

○ add record for Checkpoint Public Notice ("EPR" or "EP2")

☒ Return file to Corey A Courchane.

3. Extension Specialist: Prepare Progress Report Confirmation Letter

See progress report procedures.doc

(date / mail out after 30 day comment period)

Date Confirmation Letter Needed: 3/24/15

☒ Update Progress Report Worksheet.xls

☒ Send to permit holder + anyone who made comments after 30 day public notice

CC: Watermaster J. Gifford

File _____

PUBLIC NOTICE INFORMATION

Permit Holder's Name: Avion Water Co. Inc. Attn:

Application: G-13446

Permit: G-12192

County: Deschutes

Source: A well in Dry River Basin

Use: Group Domestic for 102 households including up to one-half acre of lawn and non-commercial garden for each



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

Extension of Time Progress Report Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: **AVION WATER CO. INC.** Application **G-13446** Permit **G-12192 (Powell Butte)**

Report Due no later than October 1, 2014

DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

Progress Report Form for 2014

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit G-12192. FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2009 and October 1, 2014	FINANCIAL INVESTMENT
2009	Reservoir upgrades	~ \$ 25,000
2011	Intertie with adjacent facility water system to create supply redundancy and emergency back up to existing well.	~ \$125,000

RECEIVED BY OWRD

FEB 06 2015

SALEM, OR

2. Compliance with terms and conditions of the permit and/or previous extension.

Permit Condition

- A meter was installed on the well pump and Avion maintains a record of water use.
- Watermaster has access to the meter.
- The well was constructed in accordance with General Standards for Construction and Maintenance of Water Wells in Oregon.
- An access port with airline is installed to measure water levels.
- Prior to receiving a certificate a pump test meeting OWRD requirements shall be submitted – Not completed yet.

Extension Condition

- Submit a Progress Report in 2014 and 2019 – this is the 2014 Progress Report

3. Total number of acres irrigated to date= N/A (if applicable)

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

Maximum rate used to date = 0.29 cfs (cubic feet per second)

Maximum rate used to date = N/A gpm (gallons per minute)

Acre-feet stored to date = N/A AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

INCOMPLETE REPORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM. USE N/A FOR ITEM 3 IF THE USE IS NOT IRRIGATION.

Signature [Signature] Date 2/3/15

Diligence Shown ☐ Yes ☐ No

For OWRD use only

Date Public Noticed: _____

Reviewed by: _____

Date: _____



OREGON WATER RESOURCES DEPARTMENT
EXTENSION REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT

Contract Number: **R11724-11**



This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Avion Water Company, Inc.** hereafter Applicants, hereafter known together as the parties.

OWRD Information

Project Contact: R. Craig Kohanek
Reimbursement Authority
Oregon Water Resources Department

725 Summer Street, NE
Salem, OR 97301-1271
Phone: 503-986-0823

Email: Ron.c.kohanek@wrд.state.or.us

Applicant's Information

Name: **Jason Wick**
Title: **Vice-President**
Company: **Avion Water Company, Inc.**

Address: **60813 Parrell Road**
Bend, OR 97702
Phone: **541-382-5342**

Email: Jason@avionwater.com

Applicant's Representative

Name: **Adam Sussman**
Title:
Company: **GSI Water Solutions, Inc.**

Address: **1600 Western Blvd., Suite 240**
Corvallis, OR 97333-4108
Phone: **541-753-0745**

Email: asussman@gsiws.com

- Purpose.** The purpose of this Agreement is to expedite the processing of the **Water Right Extension Application**. (Application Number: **G-13446**)
- Authority.** ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- Restrictions.** **Avion Water Company, Inc.** and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service has been received by OWRD.
- Consideration.** **Avion Water Company, Inc.** shall pay OWRD in advance for actual costs incurred by OWRD. **Avion Water Company, Inc.** agrees to pay the full amount of **\$930** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.
- Confidentiality.** **Avion Water Company, Inc.** agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

8. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.
9. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
10. **Duration of Estimate.** The Estimate of Time to complete the work (including the required public notice and protest periods) is no later than one-hundred (100) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.
11. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
12. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
13. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
14. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

Applicant:

Name: Jason Wick

Title: Vice-President

Company: Avion Water Company, Inc.

Date: _____

For OWRD: _____

Name: R. Craig Kohanek

Water Rights and Adjudication Division

Date: _____

Mail signed Agreement to:

R. Craig Kohanek

Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

Transfer #

Application # G-13446 Permit # G-12192

RA#

Name of RA Applicant: R11724-11

Reimbursement Authority Process

Itemized Estimate Sheet

for

Extensions

	Est. Time (hr)	Individual	Est. Cost	Date	Act. Time (hr)
1. Review Extension Application	1.00	Ann/Jerry G	\$78		
2. Complete Checklist	0.50	Ann/Jerry G	\$39		
3. Preparation of deficiency letter		Ann/Jerry G	\$0		
4. Data Entry	0.30	Jonnine	\$17		
5. Proposed final order	7.00	Ann/Jerry G	\$543		
5a. Peer review	0.50	Gerry	\$43		
5b. Final Order	0.50	Ann/Jerry G	\$39		
5c. Peer review	0.10	Dwight	\$11		
7. Project Management	1.50	Craig	\$135		
7a. Water right data record update	0.50	Jonnine	\$28		
7b. Water right data record update		Data Tech	\$0		
8. Pump test (if applicable)		Mike Z	\$0		
Total	11.90		\$930		

\$930

Notes:



Extension

OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

The purpose of this application is to obtain estimates of the cost and time required to process ~~a Certificate~~ ^{an Extension} Request. **There is a non-refundable application fee of \$125.00 per request.**

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Extension Certificate Request	Application Number G-13446 Permit Number G-12192 Transfer Number (if applicable) _____

	Applicant Information	Applicant's Representative/Contact
Name:	Avion Water Company, Inc.	GSI Water Solutions, Inc.
Title (optional):	Jason Wick, Vice President	Adam Sussman
Address:	60813 Parrell Rd Bend, OR 97702	1600 Western Blvd., Suite 240 Corvallis, OR 97333
Phone:	541-382-5342	541-753-0745
E-Mail Address:	jason@avionwater.com	asussman@gsiws.com

I certify that I (check one): N/A

- ☐ have previously filed a Claim of Beneficial Use.
☐ am attaching the Claim of Beneficial Use with this request and have included the appropriate claim fee.

I understand the following:

- That upon receipt of my non-refundable application fee in the amount of \$ 125.00, OWRD will, within fourteen (14) days, notify me in writing of the estimates of cost and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate Claim of Beneficial Use may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.

You may request a one-hour conference with OWRD staff. The conference would only occur after you have signed the contract and paid the estimated cost of processing your application. Please indicate your preference (check one):

- ☒ I do not want to schedule a one-hour conference with OWRD staff.
☐ I want to schedule a one-hour conference with OWRD staff to discuss my project. I understand that I will be billed for this time, and that it may affect my total costs.

Send completed Application and payment to:

Oregon Water Resources Department
Certificate Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1271

I certify that I am the (check one):

- ☐ Applicant ☒ Applicant's Representative ☐ Other (Please specify) _____

Name: Adam Sussman, GSI Water Solutions, Inc.

Signature: [Signature] 12/2/2010

OWRD USE ONLY: Reimbursement Authority Number: R11 724 11



RECEIVED

DEC 03 2010

WATER RESOURCES DEPT
SALEM, OREGON

December 2, 2010

Craig Kohanek
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301

RE: Avion Water Company, Inc. Extension Reimbursement Authority Estimate Applications for Permits G-9284, G-9972, G-12192, G-16025, and G-16026

Dear Craig:

On behalf of Avion Water Company, Inc., I am submitting these five Extension Reimbursement Authority Estimate Applications for Permits G-9284, G-9972, G-12192, G-16025, and G-16026. The Certificate Reimbursement Authority Estimate Applications have been modified to reflect that the applications are for an Application for Extension of Time instead of for a certificate. A check for \$625.00 is enclosed to cover the required application fee of \$125.00 per application.

If you have any questions or need any additional information, please contact me at 541-753-0742, ext. 201, or asussman@gsiws.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Sussman", written over a horizontal line.

Adam Sussman
Senior Water Resources Consultant
GSI Water Solutions, Inc.

Enclosures

Craig Kohanek

From: Sandra Todd
Sent: Friday, December 03, 2010 4:42 PM
To: Lorraine Ramsey
Cc: Salem Opeifa; Craig Kohanek
Subject: RE: EXTENSION REQUEST
R11724 11 PCA 47126

Thank you.

From: Lorraine Ramsey
Sent: Friday, December 03, 2010 2:18 PM
To: Sandra Todd
Cc: Salem Opeifa; Craig Kohanek
Subject: EXTENSION REQUEST

Hello,

Applicant: Avion Water Company, Inc.

Related to Application # G- 13446

Receipt # 101760

Thanks,
Lorraine
#3

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13446

Final Order
Extension of Time for Permit Number G-12192

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file for judicial review, or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

Permit G-12192 was issued by the Department on October 30, 1995. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 1998. On March 8, 2010, Avion Water Co. Inc. submitted to the Department an Application for Extension of Time for Permit G-12192. In accordance with OAR 690-315-0050(2), on January 25, 2011, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2020 and the time to fully apply water to beneficial use to October 1, 2020. The protest period closed March 11, 2011, in accordance with OAR 690-315-0060(1). No protest was filed.

Based on comments on the PFO from the applicant's representative, the Department's continuing evaluation reveals that a change should be made to the PFO. The following Finding of Fact supersedes the corresponding original Finding of Fact from the PFO.

Finding of Fact

10. The following beneficial use of water was made during the permit or previous extension time limits:
 - a. Since the issuance of Permit G-12192 on October 30, 1995, a maximum rate of 0.29 cfs of water has been appropriated from the well for Group Domestic use for 88 households including up to one-half acre of lawn and non-commercial garden for each.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

1. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2014 and October 1, 2019. *A form will be enclosed with your Final Order.***


- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

Order

The extension of time for Application G-13446, Permit G-12192, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2020. The deadline for applying water to full beneficial use is extended to October 1, 2020.

DATED: March 25, 2011


Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

-
- If you have any questions about statements contained in this document, please contact Jerry Gainey at (503) 986-0812.
 - 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
-

Mailing List for Extension FO Copies

Note: Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

FO Date: March 25, 2011

Copies Mailed

Application G-13446

Permit G-12192

By: JS

On: 3/25/11

Original mailed to permit holder

Avion Water Co. Inc.
Attn: Jason Wick
60813 Parrell Road
Bend OR 97702

Copies sent to:

1. WRD - App. File G-13446/ Permit G-12192
2. WRD - Watermaster District 11, Jeremy Giffin
3. WRD - SCR Regional Manager, Kyle Gorman
*NOTE: Do not send FO's to South Central Region (Kyle Gorman)
Bill Ferber-NWR gets email (see below)*
4. Bruce Brody-Heine, GSI Water Solutions, 990 NW Brooks St, Ste 2, Bend OR 97701
5. Adam Sussman, GSI Water Solutions

Fee paid as specified under ORS 536.050 to receive copy:

6. None

Receiving via e-mail (10 AM day of signature date)

7. None

If Progress Reports are included:

Add record to Progress Report tracking sheet.xls Done: by alr Date 3.14.2011

CASEWORKER: JWG

**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-12192, Water Right Application G-13446)
in the name of Avion Water Co. Inc.)
PROPOSED FINAL ORDER

Permit Information

Application File G-13446 Permit G-12192

Basin: 5 – Deschutes / Watermaster District 11

Date of Priority: 6/25/1993

Authorized Use of Water

Source of Water: A well within the Deschutes River Basin

Purpose of Use: Group Domestic use for 102 households including up to
one-half acre of lawn and non-commercial garden for each

Maximum Rate: 0.29 Cubic Feet per Second (cfs)

**This Extension of Time request is being processed in accordance with Oregon
Administrative Rule Chapter 690, Division 315**

***Please read this Proposed Final Order in its entirety as it contains
additional conditions not included in the original permit.***

This Proposed Final Order applies only to Permit G-12192, water right Application G-13446.
A copy of Permit G-12192 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time for complete construction of the water system from October 1, 2009 to October 1, 2020.
- Grant an extension of time to apply water to full beneficial use from October 1, 2009 to October 1, 2020.
- Make the extension subject to certain conditions set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources

PFO – Proposed Final Order

Units of Measure

cfs – cubic feet per second

gpm – gallons per minute

AUTHORITY

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

ORS 537.630(1) provide in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

OAR 690-315-0050(6) requires the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

FINDINGS OF FACT

Background

1. Permit G-12192 was granted by the Department on October 30, 1995. The permit authorizes the use of up to 0.29 CFS of water from a well for Group Domestic use for 102 households including up to one-half acre of lawn and non-commercial garden for each. The permit specified construction of the water system was to be completed by October 1, 1997, and complete application of water was to be made on or before October 1, 1998.
2. One prior permit extensions have been granted for Permit G-12192. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 1998 to October 1, 2009.
3. The permit holder submitted an "Application for Extension of Time" to the Department on March 8, 2010 requesting the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-12192 be extended from October 1, 2009 to October 1, 2020.
4. Notification of the Application for Extension of Time for Permit G-12192 was published in the Department's Public Notice dated March 16, 2010. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230¹, 537.248², 537.630³ and/or 539.010(5)⁴.

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

5. On March 8, 2010, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

¹ORS 537.230 applies to surface water permits only.

²ORS 537.248 applies to reservoir permits only.

³ORS 537.630 applies to ground water permits only.

⁴ORS 539.010(5) applies to surface water and ground water permits.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

6. Actual construction of the well began prior to the October 30, 1996 deadline specified in the permit.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

7. As of March 8, 2010, the remaining work to be completed consists of constructing homes on the remaining lots, connecting the water system to the lots, and applying water to full beneficial use.
8. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2020, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-12192 is both reasonable and necessary.

Good Cause [OAR 690-315-0040(1)(d)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Construction [OAR 690-315-0040(3)(a)]

9. Work was accomplished within the time allowed in the permit or previous extension as follows:
 - a. Construction of the well and water system began prior to the October 30, 1996 deadline specified in the permit.
 - b. Work was completed (specified in the Application for an Extension of Time) during the original development time frame under Permit G-12192.
 - c. From October 1, 1998 the permit holder has installed a water meter required under Permit G-12192.
 - d. During the most recent extension period, being from October 1, 1999, the following was accomplished:
 - Develop water as needed to meet water demands; and

- Installed an additional 700 feet of water line to connect 8 additional homes to the water system.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]

10. The following beneficial use of water was made during the permit or previous extension time limits:
 - a. Since the issuance of Permit G-12192 on October 30, 1995, a maximum rate of 0.29 cfs of water has been appropriated from the well for Group Domestic use for 102 households including up to one-half acre of lawn and non-commercial garden for each.

Compliance with Conditions [OAR 690-315-0040(3)(c)]

11. The water right permit holder's conformance with the permit or previous extension conditions.
 - a. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

Financial Investments [OAR 690-315-0040(3)(d)]

12. Financial investments made toward developing the beneficial water use.
 - a. As of March 8, 2010, the permit holder has invested approximately \$416,000, which is approximately 89 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$51,000 investment is needed for the completion of this project.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b)]

13. As of March 8, 2010, the permit holder has invested approximately \$416,000 which is approximately 89 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$51,000 investment is needed for the completion of this project.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

14. The Department has found good faith of the appropriator under Permit G-12192.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

15. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not

limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].

- a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-12192; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The point of appropriation for Permit G-12192, located within the Deschutes River Basin, is not located within a limited or critical ground water area. Deschutes River is located within or above any state or federal scenic waterway, however it is located within an area ranked "moderate" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is not located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. Deschutes River is not listed by the Department of Environmental Quality as a water quality limited stream.

16. Economic investment in the project to date [OAR 690-315-0040(4)(d)].

- a. As of March 8, 2010, the permit holder has invested approximately \$416000.

17. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].

- a. None have been identified.

18. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].

- a. None have been identified.

19. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this condition.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

20. Use and income from the permitted water development results in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0040(2)(g)]

21. Delay in the development of this project was not caused by any other governmental requirements.

Unforeseen Events [OAR 690-315-0040(2)(h)]

22. None have been identified.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Completion of construction and full application of water to beneficial use can be accomplished by October 1, 2020⁵, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
6. As required by OAR 690-315-0050(6) and as described in Finding 19 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit G-12192.

⁵Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

Proposed Order

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time for complete construction of the water system under Permit G-12192 from October 1, 2009 to October 1, 2020.

Extend the time to apply water to beneficial use under Permit G-12192 from October 1, 2009 to October 1, 2020.

Subject to the following conditions:


CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2014 and October 1, 2019. A form will be enclosed with your Final Order.**

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: January 25, 2011


Dwight French
Administrator
Water Rights & Adjudications Division

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **March 11, 2011**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

-
- If you have any questions about statements contained in this document, please contact Jerry Gainey at 503-986-0812.
 - 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 503-986-0819.
 - 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 Rights and Adjudications Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
Fax: 503-986-0901
-

Mailing List for Extension PFO Copies

PFO Date: January 25, 2011

**Application G-13446
Permit G-12192**

Copies Mailed

By: JS
On: 1/25/11

Original mailed to Applicant:

Avion Water Co. Inc.
60813 Parrell Road
Bend OR 97702

Copies sent to:

1. WRD - App. File G-13446/ Permit G-12192
2. WRD - Watermaster District 11, Jeremy Giffin
3. Bruce Brody-Heine, GSI Water Solutions, 990 NW Brooks St, Ste 2, Bend OR 97701

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving via e-mail (10 AM Tuesday of signature date)

4. None

CASEWORKER: JWG

Extension PFO Checklist for
Other than Muni or Quasi-Municipal
Water Use Permits
(OAR 690-315-0010 through OAR 690-315-0060)

Application: G- 13446 Permit: G- 12192 Permit Amendment? No ☒ Yes ☐ T- ☐ pending ☐ approved

Permit Holder's Name: Avion Water Co. Inc

Permit Holder's Mailing Address: 60813 Parrell Rd, Bend, OR 97702 email avion@avionwater.com

Phone Number: 541-382-5342

POD Location: Township 16 S Range 14 E Section 17 $\frac{1}{4}$ SESW

Drainage Basin: 5 County: Crook Watermaster District: 11 Watermaster: Jeremy Giffin

Date Permit was issued: 10/30/1995

Priority Date: 6/25/1993

Date of PN: 3/30/2010

Source: One well in Dry River Basin

Use: Group domestic use for 102 households including up to one-half acres of lawn and non-commercial garden for each.

"Q": 0.29 cfs

Orig "A" Date: 10/30/1996

Orig "B" Date: 10/1/1997

Orig "C" Date: 10/1/1998

Extension
request rec'd: 3/8/2010

Last Authorized
"B" Date: 10/1/1997 *2009 10/8*

Last Authorized
"C" Date: 10/1/1998 *2009 10/8*

Request Number (1, 2, 3...): 1

Proposed
"B" Date: 10/1/2020

Proposed
C Date: 10/1/2020

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Install Meter
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

Yes No

- ☒ ☐ Work was accomplished within the time allowed in the permit or previous extension
- ☒ ☐ Water right permit holder conformed with the permit or previous extension conditions
- ☒ ☐ Financial investments were made toward developing the beneficial water use.

- Amount Invested to date: \$416,000 Estimated Remaining Cost: \$51,000

- ☒ ☐ Beneficial use made of the water during the permit or previous extension time limits

- Permit holder has beneficially used 0.29 ☒ cfs ☐ gpm ☐ af of the total permitted quantity of water on 44.0 acres

*No GW review
needed.
JWP*

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes ☒ No ☐

Application: - Permit: - Township Range Section

Determination of the market and the present demand for water or power to be supplied:

Identify the closest surface water or localized water basin. Ground Water Permits: Is the POA located... Surface Water Permits: Is the POD located...

Yes No

- above a state scenic waterway? Name Deschutes Scenic Waterway Source: OWRD "Areas Above State Scenic Waterways" Map
- within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
- within a sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.aml"
- within a critical or limited Ground Water Area? Name of area
- within a Withdrawn Area? Name of area
- in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list
- within an area ranking low / moderate / high / highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. Approval of Extension Request No ... "Good Cause" cannot be found. Denial of Extension Request

Conditions to be included in Extension PFO (if applicable)? Yes No

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

- 5-year Progress Report Checkpoints (Years: 2014, 2019)
- Other:

Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

- COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987 "For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."
- COBU Requirement - Surface Water - post July 9, 1987 "Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."
- COBU Requirement - Ground Water - post July 9, 1987 "Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

cc: adam sussman, GSI water solutions, 1600 western blvd, suite 240, coorvallis or, 97333

Extension "PFO" Dates

Mailing / Issuance Date: Protest Deadline Date:

Reviewer's Name: Date:



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

Extension of Time Progress Report Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Avion Water Co. Inc.

Application G-13446

Permit G-12192

Report Due no later than October 1, 2014

Progress Report Form for 2014

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit G-12192

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2009 and October 1, 2014	FINANCIAL INVESTMENT

2. Compliance with terms and conditions of the permit and/or previous extension.

3. Total number of acres irrigated to date= _____ (if applicable)

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

Maximum rate used to date = _____ cfs (cubic feet per second), or

Maximum rate used to date = _____ gpm (gallons per minute), or

Acre Feet stored to date = _____ AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

Signature _____ Date _____

For OWRD use only

Diligence Shown ☐ Yes ☐ No

Date Public Noticed: _____

Reviewed by: _____

Date: _____



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

March 16, 2010

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Rights Section has received your application for an extension of time for **APPLICATION FILE#: G-13446 (PERMIT#: G-12192)**. Your application will be reviewed in the near future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you have questions concerning your extension of time application, please contact Scott Kudlemyer at (503) 986-0813. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's Internet home page at: "www.wrd.state.or.us".



Water Solutions, Inc.

February 9, 2011

Jerry Gainey
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Proposed Final Order for an Application for an Extension of Time for Permit G-12192, in the name of Avion Water Co., Inc.

Dear Jerry:

We have received the Proposed Final Order (PFO) for Permit G-12192 (Application G-13446) in the name of Avion Water Company, Inc. (Avion), which the Oregon Water Resources Department (OWRD) issued on January 25, 2011. We are providing the following comment on behalf of Avion. I want to emphasize that Avion is not protesting the PFO.

While we are satisfied with the PFO overall, we would like to bring one thing to OWRD's attention. Finding of fact 10 states that "0.29 cfs of water has been appropriated for Group Domestic use for 102 households including up to one-half acre of lawn and non-commercial garden for each." It is correct that 0.29 cfs has been appropriated for group domestic use, however, water has not yet been provided to all 102 households. Fourteen households remain to be served with water under Permit G-12192. While we recognize that the authorized use in the permit refers to "group domestic use for 102 households..." the repetition of the full description of the authorized use in finding of fact 10 implies that all 102 households have been served. We would request that the final order clarify that the extension is being sought because as of the C date, 14 of the 102 households have not been connected to the water system.

Thank you for your work on Avion's extension application. Please contact me if you would like to discuss my comment on the PFO further.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adam Sussman", is written over a horizontal line.

GSI Water Solutions, Inc.
Adam Sussman
Senior Water Resources Consultant

Cc: Jason Wick, Avion Water Co.

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**WATER RESOURCES DEPT
SALEM, OREGON**

**Applications for Extensions of Time
to Perfect Water Right Permits filed pursuant to OAR 690-315**

Consistent with OAR 690-315-0050, the Department will accept public comment on the following extension applications until April 15, 2010. Following the comment period, the Department will prepare and issue a proposed final order. Individuals who would like a copy of the proposed final order may request copies by sending a request and \$20 (the charge required by law). Please indicate the file number. Copies of the proposed final order may be viewed at the Department and/or self copied. Individuals wishing to obtain a copy of the extension application should contact the Department by phone or in person.

Extension file information is included in the following format:

- (a) Application Number;
- (b) Permit number;
- (c) Applicant name and address;
- (d) County of application;
- (e) Common name of water source(s) listed in the permit;
- (f) Amount of water use permitted in gallons per minute (gpm), cubic feet per second (cfs) or acre feet (af) of storage;
- (g) Use allowed in the permit;
- (h) Proposed extended date of completion as requested by the extension applicant;

Application Number: G-13446
Permit Number: G-12192
AVION WATER CO. INC.
60813 PARRELL RD
BEND OR 97702
Crook County
A WELL > DRY RIVER
0.29 CFS
GROUP DOMESTIC USE FOR 102 HOUSEHOLDS INCLUDING UP TO
ONE-HALF ACRES OF LAWN AND NON-COMMERCIAL GARDEN FOR EACH
October 1, 2020



March 5, 2010

Scott Kudlemyer
Extensions
Water Rights and Adjudications Division
Water Resources Department
North Mall Office Building
725 Summer Street, NE, Suite A
Salem, OR 97301-1266

Dear Scott,

On behalf of Avion Water Company, Inc., I am submitting this Application for Extension of Time for a Water Right Permit and the required application fee.

If you have any questions or need any additional information, please contact me at 541-753-0745, extension 201, or send an e-mail to asussman@gsiwatersolutions.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adam Sussman", is written over a horizontal line.

Adam Sussman
Senior Water Resources Consultant
GSI Water Solutions, Inc.

Enclosures

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OVER THE COUNTER

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WATER RESOURCES DEPT
SALEM, OREGON



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

Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

*A separate extension application must be submitted for each permit as per
OAR 690-315-0020(2).*

*This application and a summary of review criteria and procedures that are generally applicable to this
application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.*

I, Avion Water Co. Inc.

NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

60813 Parrell Bend OR 97702
ADDRESS CITY STATE ZIP

541-382-5342 avion@avionwater.com
PHONE E-MAIL ADDRESS

the permit holder of: Application Number G-13446

Permit Number G-12192
[OAR 690-315-0020(3)(b)]

do hereby request that the time in which to:

☒ complete construction (of diversion/appropriation works and/or purchase and installation of the
equipment necessary to the use of water), which time now expires on October 1, 1997, be
extended to October 1, 2020,

☐ N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

☒ apply water to full beneficial use under the terms and conditions of the permit, which time now
expires on October 1, 2009, be extended to October 1, 2020.

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SALEM, OREGON

Before submitting your Application for Extension of Time, make sure the following items are included:

- This completed Application for Extension of Time.
- Statutory fee of \$500.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

along with the

\$500 STATUTORY FEE TO:

**Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301**



GENERAL TIPS:

- Permit holders of municipal or quasi-municipal water use permits DO NOT use this form. The correct form is *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, available at the following link:
<http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#other>
- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at:
<http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.

- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- The water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Answer the Following Questions to Complete this Application for Extension of Time

[OAR 690-315-0020(3)(d)]

1. Did the actual construction of the water system/well drilling begin within the time specified in the permit? X Yes ☐ No



TIP: Not all permits specify a date by which construction was to begin.

Date construction began is: 10/30/1996

Details of construction: Construction of a well, concrete reservoirs, and necessary water lines.

2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? ☒ Yes ☐ No

- 2-A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.



TIP: The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	1996	A meter was installed, and is maintained in good working order.
2	ongoing	Permittee will allow the watermaster access to the meter.
3	N/A	The permittee will keep and maintain water use records as required, but the Director has not required such recordkeeping to date.

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

- 2-B) If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied

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**** Condition No:** Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension.

[OAR 690-315-0020(3)(e)]

3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

3-A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.

CHART-C

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*

DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
10/30/1995	Date the permit was signed - find date above signature on last page of permit.	
Oct. 1996	Began drilling well	Included in cost below
10/30/1996	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	
1996-1998	Constructed a 60,000 gallon cistern, installed 9,350 feet of waterline	\$400,000
10/1/1998	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

CHART-C (continued)

DATE	WORK ACCOMPLISHED AFTER "C-DATE" <u>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME:</u> List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.	COST*

Total Cost for Chart-C	400,000
------------------------	---------

* If exact cost is not known, you must provide your best estimate.

3-B) If this is not your 1st Application for Extension of Time request, fill out CHART-D below (in addition to CHART-C above). Use chronological order.

CHART-D

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/1998	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
2000-2009	Develop water as needed to meet water demands.	N/A
1999-2004	Installed an addition 700 feet of water line to connect 8 additional homes to the system.	\$10,000 (estimated)
10/1/2009	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	\$10,000 (estimated)

CHART-D (Continued)

DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
2010	Repair one-half of an existing reservoir (in progress)	\$6,000
Total Cost of Chart-D		\$ 16,000

* If exact cost is not known, you must provide your best estimate.

4. Cost of project to date: \$416,000
(The total combined cost from CHART-C and CHART-D)

[OAR 690-315-0020(3)(f)]

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SALEM, OREGON

[OAR 690-315-0020(3)(e)(B)]

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5. Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit and/or prior extensions of time (if any) made to date.



TIP: Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

5-A) For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX): N/A – groundwater permit



TIP: Report the rate in the same units of measurement as specified in the permit.

Maximum rate used to date = _____ cfs (cubic feet per second) or,

Maximum rate used to date = _____ gpm (gallons per minute) or,

Acre-feet stored to date = _____ AF

5-B) For Ground Water Permit Extensions (e.g. G-XXXX):



TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

CHART-E

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum instantaneous rate used from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under additional water rights?	If yes, provide the Permit, Certificate, or Transfer No.
1		Yes X No <input type="checkbox"/>	CROO 50194	2184	Yes X No <input type="checkbox"/>	0.29 cfs ¹	Yes <input type="checkbox"/> No X	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
Total instantaneous rate from all wells utilized under this permit						0.29 cfs		

¹Per Sept. 30, 2004 Progress Report submitted by Dirk Duryee, P.E. on behalf of Powell Butte View Estates Water District

5-C) If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location. Has or will a permit amendment application been/be filed? Yes ☐ No X

If a Permit Amendment Application has been filed: Transfer No. T-_____

Well # 1: Actual location: SE ¼ SW ¼, Section 17, T 16 S, R 14 E, W.M.; 132 feet North & 105 feet West from S ¼ corner of Section 17.

Well # _____: Actual location: _____

6. Provide the total number of acres irrigated to date under this permit (if applicable).

Total acres irrigated to date: up to 44 acres

Ground Water Permits: Please specify which wells are being utilized for this irrigation.

Well # 1 Acres up to 44 Well # _____ Acres _____

Well # _____ Acres _____ Well # _____ Acres _____

7. Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-F

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2009-2020	Connect remaining 14 lots (once homes are constructed) to system through installation of approximately 1400 feet of water line.	\$15,000
2010	Complete reservoir repair	\$ 6,000
2010--2012	Rehabilitate well	\$ 30,000
Year: 10/1/2020	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$ 51,000

8. Estimated remaining cost to complete the project: \$ 51,000
(The total cost from CHART-F)

9. List the reasons why the project was not constructed, and/or water was not beneficially used within permit time limits. *Provide supporting information for the reason(s) that best fits your circumstances (A, B, C or D).*

9-A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.

It has taken longer than expected for homes to be built on the remaining 14 lots within the development.

9-B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

N/A

9-C) Good faith attempts to comply with permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

N/A

9-D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.

N/A

[OAR 690-315-0020(3)(k)]

10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

Avion expects that it will take another 10 years for homes to be built on the remaining 14 vacant lots.

11. Provide any other information you wish OWRD to consider while evaluating your Extension of Time Application.

The permittee has not completed construction and development because 14 lots within the development are vacant. When houses are built on these lots, Avion can connect them to the water system and complete construction and development under this permit.

I am the permit holder, or have authorization from the permit holder, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension.

Signature

Date

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SALEM, OREGON

Attachment 1

Permit G-12192

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SALEM, OREGON

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WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF Crook

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

POWELL BUTTE VIEW ESTATES WATER DISTRICT
PO BOX 53
POWELL BUTTE, OREGON 97753

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

APPLICATION FILE NUMBER: G-13446

SOURCE OF WATER: A WELL IN DRY RIVER BASIN

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

MAXIMUM FLOW RATE: 0.29 CFS

SEASON OF USE: YEAR ROUND

DATE OF PRIORITY: June 25, 1993

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SECTION 17, T 16 S, R 14 E, W.M.; 70 FEET NORTH & 2520 FEET EAST FROM SW CORNER, SECTION 17

THE PLACE OF USE IS LOCATED AS FOLLOWS:

S 1/2 SECTION 15; NE 1/4 SECTION 22; NE 1/4 NW 1/4, NW 1/4 NW 1/4, SW 1/4 NW 1/4, SECTION 23; T 16 S, R.14 E, W.M.

Measurement, recording and reporting conditions:

- ① A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- ② B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- ③ C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information,

Application G-13446 Water Resources Department

PERMIT G-12192

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WATER RESOURCES DEPT
SALEM, OREGON

PAGE 2

the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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

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

STANDARD CONDITIONS

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

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

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

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

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

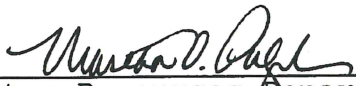
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1997. Complete application of the water to the use shall be made on or before October 1, 1998.

Issued October 30, 1995


Water Resources Department
Martha O. Pagel
Director

C-ext. to 101.109

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WATER RESOURCES DEPT
SALEM, OREGON

Application G-13446
Basin 05
DLB

Water Resources Department
Volume 1A Dry River

PERMIT G-12192
District 11



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

Request for Assignment

If for multiple rights, a separate form and fee for each right will be required.

I, John Barney on behalf of Powell Butte View Estates Water District
(Name of Applicant / Permit / Transfer Holder / License Holder/GR Certificate of Registration)

PO Box 53 Powell Butte OR 97753 541-548-3111
(Mailing Address) (City) (State) (Zip) (Phone #)

- ☒ hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;
- ☐ hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)
- ☐ hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # G-13446; Permit # G-12192; Transfer # --
-OR-
License # --; GR Statement # --; GR Certificate of Registration # --

As filed in the office of the Water Resources Director, to:

Avion Water Inc.
(Name of New Owner)

60813 Parrell Road Bend OR 97701 541-382-5342
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in the Application, Permit, Transfer, License, or GR Certificate of Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 6 day of NOVEMBER, 2009.

Applicant/Permit Holder John G. Barney TRUSTEE POWELL BUTTE VIEW
Applicant/Permit Holder _____

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 98667
- For Director by Jerry Sauter, Program Analyst in Water Rights Division Jerry Sauter

The completed "Request for Assignment" form **must** be submitted to the Department along with the recording fee of \$75.

RECEIVED

NOV 23 2009

WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

November 24, 2009

GSI Water Solutions, Inc.
Attn: Adam Sussman
1600 Western Blvd., Suite 240
Corvallis, Oregon 97333

Reference: Application G-13446, Permit G-12192

The assignment from Powell Butte View Estates Water District by John Barney, to Avion Water Inc. has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 98617 covering the recording fee of \$75 is also enclosed.

Please review the permit to be familiar with the conditions and timelines contained in the permit. These conditions and timelines will have to be met before a Certificate of Water Right can be issued.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: Receipt 98617

cc: Watermaster 11
Powell Butte View Estates Water District
Avion Water Inc.
Data Center, OWRD (Complete Copy of Assignment Request)
Hydrographics
File



RECEIVED

NOV 23 2009

WATER RESOURCES DEPT
SALEM, OREGON



November 19, 2009

Jerry Sauter
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Request for Assignment of Permit G-12192 to Avion Water Company, Inc.

Dear Jerry:

Please find enclosed a Request for Assignment executed by John Barney on behalf of Powell Butte View Estates Water District, which requests assignment to Avion Water Company, and a check in the amount of \$75 for the recording fee.

If you have any questions regarding the enclosed application or the information contained therein, please call me at 541-753-0745. Thank you for your assistance and I look forward to hearing from you soon.

Sincerely,
GSI Water Solutions, Inc.

A handwritten signature in black ink, appearing to read "Adam Sussman", is written over a horizontal line.

Adam Sussman
Senior Water Resources Consultant

Cc: Jason Wick, Avion Water Co.

Enclosures



Oregon

Theodore R. Kulongoski, Governor

CERTIFIED LETTER
Return Receipt Requested

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

August 31, 2004

POWELL BUTTE VIEW ESTATES WATER DISTRICT
PO BOX 53
POWELL BUTTE OR 97753

REFERENCE: Application File #G-13446 (Permit #G-12192)
Reminder of Progress Report Due

Dear Permit Holder:

On January 9, 2001, the Department issued a Final Order approving an Extension of Time for Permit #G-12192. The Final Order extended the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #G-12192 from October 1, 1998, to October 1, 2009.

The Final Order approving the Extension of Time also included the following condition in accordance with OAR 690-315-0050(6)(a) that requires:

The permittee must submit a written progress report to the Department by October 1, 2004. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use.

Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or ORS 537.410 to 537.450. Within one year after cancellation, the permittee must submit a Claim of Beneficial Use and Final Proof Survey, pursuant to ORS 537.230 and 537.250, for the portion of the permit developed as of October 1, 2004.

Page two of two
August 31, 2004

In order to maintain the ability to continue developing water under this permit, you must submit this progress report to the Department by the October 1, 2004, deadline. For your reference, I have enclosed a copy of the Extension of Time Final Order containing this condition.

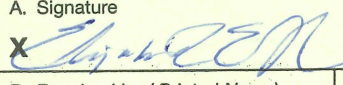

If you have any questions concerning this matter, please feel free to contact me by telephone at (503) 986-0808.

Sincerely,


Lisa J. Juul
Water Rights Specialist
Water Rights Section

Enclosure

cc: Application File #G-13446 (Permit #G-12192)
Watermaster District 11

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery <u>Elizabeth E Taylor</u> <u>9/2/04</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
1. Article Addressed to: G-13446 LJ POWELL BUTTE VIEW ESTATES WATER DISTRICT PO BOX 53 POWELL BUTTE OR 97753		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Transfer from service label)		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004		Domestic Return Receipt  102595-02-M-1540	

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G 13446

Final Order
Extension of Time for Permit Number G 12192

Appeal Rights

Under the provisions of ORS 536.075, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served. ORS 183.484.

Application History

On OCTOBER 1, 1999, POWELL BUTTE VIEW ESTATES WATER DISTRICT submitted an application to the Department for an extension of time for permit number G 12192. The Department issued Permit number G 12192 on OCTOBER 30, 1995. The permit called for completion of construction of the water development project by October 1, 1997 and complete application of water to the full beneficial use by October 1, 1998. In accordance with OAR 690-320-0010(8), on OCTOBER 3, 2000, the Department issued a Proposed Final Order proposing to extend the time fully apply water to beneficial use to October 1, 2009.

At time of issuance of the PFO the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

The permittee must submit a written progress report to the Department by October 1, 2004. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the

- percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
 - d) Financial investments made toward developing the beneficial water use.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or 537.410 to 537.450. Within one year after cancellation, the permittee must submit a final proof survey pursuant to ORS 537.230 and 537.250.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence;
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

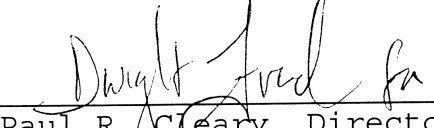
The protest period closed NOVEMBER 17, 2000. No protest was filed.

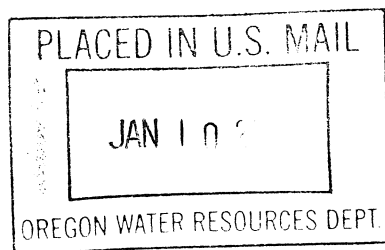
The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630 and 539.010(5) (as appropriate).

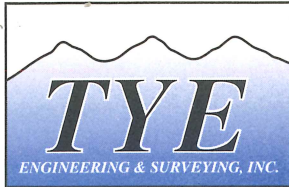
Order

The extension of time for Application G 13446, Permit Number G 12192, therefore, is approved. The deadline for applying water to full beneficial use is extended to October 1, 2009.

DATED January 9, 2001


Paul R. Cleary, Director





TYE ENGINEERING & SURVEYING, INC.

725 NW Hill, Bend, Oregon 97701 • (541) 389-6959 • Fax (541) 385-1341
email: tyeengr@bendcable.com webpage: tyeengineering.com

RECEIVED

OCT 06 2004

**WATER RESOURCES DEPT
SALEM, OREGON**

September 30, 2004

Oregon Water Resources Department
Lisa Juul, Water Rights Specialist
725 Summer St. NE, Ste. A
Salem, OR 97301
Fax: 503-986-0904

In re: Powell Butte View Estates Water District
Application File G-13446 (Permit G-12192)

PROGRESS REPORT FOR EXTENSION OF TIME

In 1998 the District completed \$400,000 of major improvements on the water system which included a concrete reservoir, a well and 9000+ feet of waterline. Later, the system has added an additional 700 feet +/- of 4" waterline to the community water system on Meadowlark Drive. An additional 1400+- feet of 4" waterline needs to be extended to fully develop the system. The well is fully developed and producing 130 gallons a minute (0.29 cfs). The reservoirs have 120,000 gallons of storage and are sufficient for buildout.

Water usage has remained domestic with some lots irrigating small pastures. The permit allows for 102 services. There are approximately 88 services tied into the system at this point. This means that the services are 86% complete. The remainder of the parcels are vacant and are yet to be developed. Most of these undeveloped parcels are on Meadowlark Drive. It is the intention of the district to tie in these homes as development occurs.

In 2002 the District used 9.51 million gallons and in 2003 they used 10.02 million gallons. That works out to roughly 19 gallons per minute or 315 gallons per day per parcel. There is a meter at the wellhead and at the individual lots.

Please let us know if you need any other additional information. You can reach me at the number listed above.

Sincerely,

Dirk Duryee, P.E.

CC: PBVE Water District



TYE ENGINEERING & SURVEYING, INC.

725 NW Hill, Bend, Oregon 97701 • (541) 389-6959 • Fax (541) 385-1341
email: tyeengr@bendcable.com webpage: tyeengineering.com

September 30, 2004

Oregon Water Resources Department
Lisa Juul, Water Rights Specialist
725 Summer St. NE, Ste. A
Salem, OR 97301
Fax: 503-986-0904

In re: Powell Butte View Estates Water District
Application File G-13446 (Permit G-12192)

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Additional information is being gathered for water usage. There is a meter at the wellhead and at the individual lots. Once the information is gathered, we will pass it on to the Department.

Please let us know if you need any other additional information. You can reach me at the number listed above.

Sincerely,

Dirk Duryee, P.E.

Cc: Powell View Estates Water District Board

RECEIVED

OCT 01 2004

WATER RESOURCES DEPT
SALEM, OREGON



TYE ENGINEERING & SURVEYING, INC.

725 NW Hill, Bend, Oregon 97701 • (541) 389-6959 • Fax (541) 385-1341
email: tyeengr@bendcable.com webpage: tyeengineering.com

September 30, 2004

Oregon Water Resources Department
Lisa Juul, Water Rights Specialist
725 Summer St. NE, Ste. A
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Fax: 503-986-0904

In re: Powell Butte View Estates Water District
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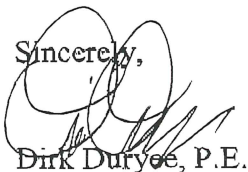
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Please let us know if you need any other additional information. You can reach me at the number listed above.

Sincerely,



Dirk Duryee, P.E.

RECEIVED

OCT 01 2004

WATER RESOURCES DEPT
SALEM, OREGON

2/10, 1993

SUBJECT: Application G- 13446

1. PER THE _____ Basin rules, one or more of
feet/mile of a surface water source (_____) connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have
a. _____ will, or _____ have the potential for substantial injury to
b. ☒ will not _____ source, namely Crooked River
c. _____ will, if properly conditioned, adequately protect the
i. _____ The permit should contain condition #(s) _____
ii. _____ The permit should contain special condition _____
iii. _____ The permit should be conditioned as indicated by _____
d. _____ will, with well reconstruction, adequately protect the
3. BASED UPON available data, I have determined that groundwater
a. _____ will, or _____ likely be available in the amounts necessary to
b. _____ will not _____ within the capacity of the resource;
c. ☒ can, if properly conditioned, avoid injury to existing
i. ☒ The permit should contain condition #(s) _____
ii. _____ The permit should contain special condition _____
iii. _____ The permit should be conditioned as indicated by _____
4. a. _____ THE PERMIT should allow groundwater production from the
surface;
b. _____ The permit should allow groundwater production from the
surface;
c. _____ The permit should allow groundwater production from the
reservoir between approximately _____ ft. and _____ ft.
d. _____ Well reconstruction is necessary to accomplish one or more
e. _____ One or more POA's commingle 2 or more sources of water per POA and specify the proportion of water per POA and specify the proportion of water per POA

Groundwater/Hydrology Section

FILE ## G-13446

ROUTED TO: Tom Shook

TOWNSHIP/ 17

TOWNSHIP/
RANGE-SECTION: 16S/14E-17

CONDITIONS ATTACHED? ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

note conditions

Reviewer: K. Lita

REMARKS:

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. _____ review of the well log;
 - b. _____ field inspection by _____;
 - c. _____ report of CWRE _____;
 - d. _____ other: (specify) _____

6. THE WELL construction deficiency:

- a. _____ constitutes a health threat under Division 200 rules;
- b. _____ commingles water from more than one groundwater reservoir;
- c. _____ permits the loss of artesian head;
- d. _____ permits the de-watering of one or more groundwater reservoirs;
- e. _____ other: (specify) _____

7. THE WELL construction deficiency is described as follows: _____

8. THE WELL
- a. _____ was, or constructed according to the standards in effect at the time of
 - b. _____ was not original construction or most recent modification.
 - c. _____ I don't know if it met standards at the time of construction.

RECOMMENDATION:

- A. _____ I recommend including the following condition in the permit:
"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. _____ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. _____ REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit.
_____, 1993.

(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

_____, 1993.

(Signature)

(WRFORM8\91)

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Groundwater/Hydrology Files Date 2-10-94
 FROM: Ken Lite 12192 permit
 SUBJECT: Groundwater Application G- 13446

Powell Butte View Estates
 Applicant(s) seek 130 gpm (cfs) from 1 wells in the
Deschutes basin
Dry River sub basin
 sub basin.

Pertinent 7 1/2 - minute quads Powell Butte

Crook 50194
 Well 1 WRD# not yet drilled T 16S R 14E S 17 QQ cdd County Crook
 Legal Description 70 ft North and 2520 ft East of the SW corner of Section 17
 proposed Well is ~ 11 miles ft from Crooked (river/stream)
 Well is ft from (river/stream)
 proposed Well elevation ~ 3160 ft. River/stream elevation NA ft.
 Well elevation - river/stream elevation
 proposed Well depth 450-500 SWL NA on
 Sealed to Depth first water found
 proposed Cased to 400-500 Perforations/screens
 Lined to Perforations/screens
 Well tests and types
 Confined or unconfined? semi confined Direct hydraulic connection? not locally
 Potential to cause substantial interference? NO

Well WRD# T R S QQ County
 Legal Description
 Well is ft from (river/stream)
 Well is ft from (river/stream)
 Well elevation ft. River/stream elevation ft.
 Well elevation - river/stream elevation
 Well depth SWL on
 Sealed to Depth first water found
 Cased to Perforations/screens
 Lined to Perforations/screens
 Well tests and types
 Confined or unconfined? Direct hydraulic connection?
 Potential to cause substantial interference?

Conditioned water rights in area: NO
 Other nearby water rights of record: G-953, U-590
 Density of nearby wells: Agriculture and rural residential

Comments well will probably be completed in semi-confined water bearing zones within the Deschutes Formation. Limited water level data in this area suggest relatively steady water level trends. Regional groundwater flow is probably towards the northeast. The nearest discharge point is probably several miles to the northeast. Recommend condition 4T.

References used: Sceva, 1960 (Unpublished Report), GW Report 32 (1987)

2/10, 1993

SUBJECT: Application G- 13446

1. PER THE Basin rules, one or more of
feet/mile of a surface water source ()
connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have
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 i. The permit should contain condition #(s)
 ii. The permit should contain special condition
 iii. The permit should be conditioned as indica
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3. BASED UPON available data, I have determined that gr
a. will, or likely be available in the amounts r
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4. a. THE PERMIT should allow groundwater production
 surface;
b. The permit should allow groundwater production fr
 surface;
c. The permit should allow groundwater production
 reservoir between approximately ft. and
d. Well reconstruction is necessary to accomplish on
e. One or more POA's commingle 2 or more source
 source of water per POA and specify the proportion

Groundwater/Hydrology Section

FILE ## G-13446

ROUTED TO: Tom Shook

TOWNSHIP/

RANGE-SECTION: 16S/14E-17

CONDITIONS ATTACHED? ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

note conditions

Reviewer: K. Lita

REMARKS: _____

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ☐ review of the well log;
 - b. ☐ field inspection by _____;
 - c. ☐ report of CWRE _____;
 - d. ☐ other: (specify) _____
6. THE WELL construction deficiency:
- a. ☐ constitutes a health threat under Division 200 rules;
 - b. ☐ commingles water from more than one groundwater reservoir;
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7. THE WELL construction deficiency is described as follows: _____
8. THE WELL
- a. ☐ was, or constructed according to the standards in effect at the time of
 - b. ☐ was not original construction or most recent modification.
 - c. ☐ I don't know if it met standards at the time of construction.

RECOMMENDATION:

- A. ☐ I recommend including the following condition in the permit:
"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. ☐ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. ☐ REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit.
_____, 1993.

(Signature)

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_____, 1993.

(Signature)

(WRFORM8\91)

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Groundwater/Hydrology Files

Date 2-10-94

FROM: Ken Lite

12192 permit

SUBJECT: Groundwater Application G-13446

Powell Butte View Estates

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Deschutes basin
Dry River sub basin
 sub basin.

Pertinent 7 1/2 - minute quads

Powell ButteCrook 50194Well 1 WRD# not yet drilled T 165 R 14E S 17 QQ cdd County CrookLegal Description 70 ft North and 2520 ft East of the SW Corner of Section 17proposed Well is ~ 11 miles ft from Crooked (river/stream)Well is ft from (river/stream)proposed Well elevation ~ 3160 ft River/stream elevation NA ft.Well elevation - river/stream elevation proposed Well depth 450-500 SWL NA on Sealed to Depth first water found proposed Cased to 400-500 Perforations/screens Lined to Perforations/screens Well tests and types Confined or unconfined? semi confined Direct hydraulic connection? not locallyPotential to cause substantial interference? NOWell WRD# T R S QQ County Legal Description Well is ft from (river/stream)Well is ft from (river/stream)Well elevation ft River/stream elevation ft.Well elevation - river/stream elevation Well depth SWL on Sealed to Depth first water found Cased to Perforations/screens Lined to Perforations/screens Well tests and types Confined or unconfined? Direct hydraulic connection? Potential to cause substantial interference? Conditioned water rights in area: NOOther nearby water rights of record: G-953, U-590Density of nearby wells: Agriculture and rural residential

Comments: well will probably be completed in semi-confined water bearing zones within the Deschutes Formation. Limited water level data in this area suggest relatively steady water level trends. Regional groundwater flow is probably towards the northeast. The nearest discharge point is probably several miles to the northeast. Recommend condition 4T.

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Oregon

Theodore R. Kulongoski, Governor

App # G-13446

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

February 7, 2003

G 12192
POWELL BUTTE VIEW ESTATES
WATER DISTRICT
PO BOX 53
POWELL BUTTE, OR 97753

RE: Deschutes Ground Water Mitigation Rules, Division 505
Deschutes Basin Mitigation Bank and Mitigation Credit Rules, Division 521

Dear Water Right Permit Holder:

Our records indicate that you are the holder of a ground water permit issued by the Department after July 17, 1995, in the Deschutes Basin Ground Water Study Area (Study Area). Your permit (or subsequent certificate) was issued with a condition allowing for regulation of use if it was later determined that the use would "measurably reduce" scenic waterway flows in the Deschutes River.

As you may be aware, the Department has been working over the last several years to develop administrative rules that address the impact of ground water use in the Study Area upon surface water flows—specifically those flows designated for the Deschutes Scenic Waterway and Instream Water Rights. Recently, the Department finalized the Deschutes Ground Water Mitigation Rules and Deschutes Basin Mitigation Bank and Mitigation Credit Rules. The rules were adopted by the Water Resources Commission (WRC) on September 13, 2002, and were effective on September 27, 2002. Copies of the rules can be obtained from the Department's web page at:

<http://www.wrd.state.or.us/law/oar1999.shtml>


The primary purpose of the rules is to provide a mechanism for those with pending ground water use applications in the Study Area to mitigate for the impact of their proposed ground water use on surface water flows. The rules do not require those with existing conditioned ground water permits (or subsequent certificates) in the Study Area to mitigate for their ground water uses.

While only those requesting new ground water uses from the Department are required to provide mitigation, the rules provide an opportunity for holders of existing conditioned permits to provide mitigation. Holders of existing conditioned permits that provide mitigation will no longer be subject to future regulation for scenic waterway flows.

Department staff are presently working internally to develop the processes and structure to implement the new rules. While you are not required to mitigate for your ground water use, we will be sending you a letter, sometime within the next several months, letting you know what you would need to do if you choose to mitigate for your ground water use. You may also receive additional information updates from the Department in our effort to keep you informed.

If you have any questions about the new administrative rules for the Deschutes Basin and the mitigation opportunity described in the rules; or would like to request a copy of the new rules, please contact Laura Snedaker at (503) 378-8455, extension 331, or by e-mail at Laura.K.Snedaker@wrд.state.or.us.

Sincerely,



Paul R. Cleary
Director

c: Kyle Gorman, South Central Region Manager
Jeremy Giffin, District 11 Watermaster
Deschutes Steering Committee Members

Refire *Joe m.*
STATE OF OREGON

COUNTY OF Crook

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

POWELL BUTTE VIEW ESTATES WATER DISTRICT
PO BOX 53
POWELL BUTTE, OREGON 97753

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

APPLICATION FILE NUMBER: G-13446

SOURCE OF WATER: A WELL IN DRY RIVER BASIN

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

MAXIMUM FLOW RATE: 0.29 CFS

SEASON OF USE: YEAR ROUND

DATE OF PRIORITY: June 25, 1993

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SECTION 17, T 16 S, R 14 E, W.M.; 70 FEET NORTH & 2520 FEET EAST FROM SW CORNER, SECTION 17

THE PLACE OF USE IS LOCATED AS FOLLOWS:

S 1/2 SECTION 15; NE 1/4 SECTION 22; NE 1/4 NW 1/4, NW 1/4 NW 1/4, SW 1/4 NW 1/4, SECTION 23; T 16 S, R 14 E, W.M.

Measurement, recording and reporting conditions:

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

Application G-13446 Water Resources Department

PERMIT G-12192

the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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

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

STANDARD CONDITIONS

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

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

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

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

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

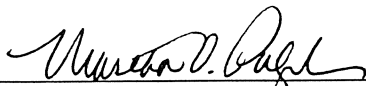
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

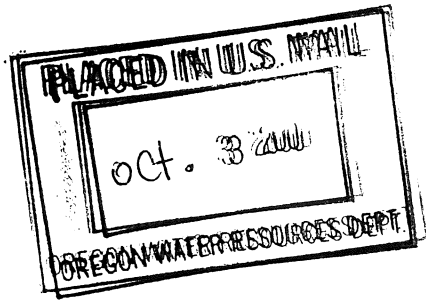
Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1997. Complete application of the water to the use shall be made on or before October 1, 1998.

Issued October 30, 1995



Water Resources Department
Martha O. Pagel
Director

**Oregon Water Resources Department
Water Rights Division**



Water Right Permit Extension Application
for Permit Number G 12192

Water Right Application Number G 13446

Proposed Final Order

**Please read this Proposed Final Order in its entirety. It contains additional
conditions not included in the original permit.**

This Proposed Final Order applies only to permit number
G 12192.

Summary of Recommendation

The Department proposes to:

grant the extension for complete application of water from October 1, 1998 to October
1, 2009.

Application History

Permit no. G 12192 was granted by the Water Resources Department on OCTOBER 30,
1995. The permit authorizes use of 0.29 CFS of water from A WELL for GROUP
DOMESTIC FOR 102 HOUSES INCLUDING 1/2 ACRE LAWN AND NON
COMMERCIAL GARDEN in the DRY RIVER basin. It specified that construction must
be completed by October 1, 1997, and water applied to full beneficial use by October 1,
1998. A copy of permit no. G 12192 is attached.

On OCTOBER 1, 1999, the Department received an application from POWELL BUTTE
VIEW ESTATES WATER DISTRICT for an extension of time to complete construction
and to apply water to full beneficial use. The applicant has requested until October 1,
2009 to apply water to full beneficial use. This is the first permit extension request.

Findings of Fact

ORS 537.230(2) and 537.630 (1) allows the Department to grant an extension of time to
perfect a water right for good cause. In evaluating good cause, the Department has
considered the written record in the permit application file in relation to the requirements

of ORS 537.230(2), ORS 537.630 (1) and ORS 539.010(5) and makes the following findings.

1. The applicant is legally entitled to apply for an extension on this permit.
2. The applicant has submitted a completed permit extension form and the required fee.
3. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit.
4. Progress in perfecting the permit is being held up by the time required to serve 102 houses. Based upon past growth the applicant estimates it will hook-up the remaining houses by 2009.
5. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
 - a) Work on the water development project completed to date includes construction of the well and water system. Water has been applied to 80 houses.
 - b) The applicant has invested approximately \$ 400,000 of an estimated total water system project cost of \$ 440,000.
 - c) The work remaining to be completed consists of the remaining construction of the water delivery system and complete application of water.
6. Based on the written record, the Department finds there is good cause to approve the extension request. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
7. Due to the reasons outlined above in item 4 and the water development progress to date, the Department finds that the length of time requested for completion of the application of water should be extended to October 1, 2009 as requested by the applicant.

Conclusions of Law

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230, and ORS 537.630.
2. The applicant has submitted an extension application form and the fee required by ORS 536.050(1)(L).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. The applicant has shown good cause for the untimely completion of the water development project and complete application of water to full beneficial use pursuant to ORS 537.230(2), and ORS 537.630 (1).
5. The permit extension should be approved until October 1, 2000 to complete construction and until October 1, 2009 to complete the application of water.

Conditions

The permittee must submit a written progress report to the Department by October 1, 2004. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or 537.410 to 537.450. Within one year after cancellation, the permittee must submit a final proof survey pursuant to ORS 537.230 and 537.250. The Department will take into consideration annual reports submitted under OAR 690, Division 86, or ORS 537.099, and any other report that demonstrates diligence. Other reports however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence; or
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant

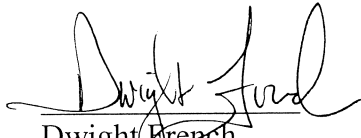
has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

Recommendation

The Department proposes to issue an order to:

extend the permit time to complete application of water from October 1, 1998 to October 1, 2009.

DATED: OCTOBER 3, 2000


Dwight French
Water Rights Section Manager

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

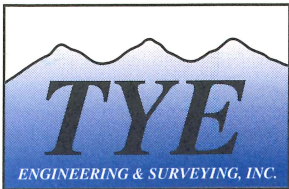
Protest Rights and Comments

1. Under the provisions of OAR 690-320-0010(8) you have the right to protest this proposed final order. Your protest must be in writing and must include the following:
 - a) Your name, address and telephone number;
 - b) Your interest in this proposed final order, and if you claim to represent the public interest, a precise statement of the public interest represented;
 - c) A detailed description of how the action in the proposed final order would impair or be detrimental to your interest;
 - d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e) Any citation of legal authority supporting your protest, if known; and
 - f) The \$25 protest fee required under ORS 536.050 (1)(j).
2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.
3. The Water Resources Department must receive written protests or written comments no later than **NOVEMBER 17, 2000**.
4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

This document was prepared by Dallas Miller. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 272. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Brendalee Wilson. Her extension number is 276.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496.



TYE ENGINEERING & SURVEYING, INC.

725 NW Hill, Bend, Oregon 97701 • (541) 389-6959 • Fax (541) 385-1341

RECEIVED

JUL 28 2000

**WATER RESOURCES DEPT.
SALEM, OREGON**

July 24, 2000

Laura Snedaker
Water Resources Department
Commerce Building
158 12th Street NE
Salem OR, 97301-4172

Re: File #G-13446

Dear Laura:

In response to your letter dated July 10, 2000 to Powell Buttes View Estates Water District, the District has a meter on the system. There is no meter at the source because the pressure at the well-head is too high (300± psi) for a standard water meter. As a result, the meter is placed on the transmission line near the subdivision. There are no services prior to the meter and the transmission line has been tested for leaks. Therefore, the meter will provide an accurate measurement of the district's usage.

If you have any questions or comments, please call me at 541-389-6959.

Sincerely,

Dirk Duryee



Oregon

John A. Kitzhaber, M.D., Governor

CERTIFIED MAIL
Return Receipt Requested

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

July 10, 2000

John Barney
Powell Butte View Estates Water District
P.O. Box 53
Powell Butte, Oregon 97753

RE: File # G-13446 (Permit G-12192)

Dear Mr. Barney:

The Department is currently in the process of evaluating your request for an extension on the above referenced permit. However, based upon continued review, the Department has determined that additional information is necessary in order to evaluate your extension request. The following information must be received:

- ▶ Your permit required that a meter be installed prior to water use beginning. Please identify whether a meter has been installed on the well. If one has not been installed and because you have begun using water, one must be installed before the Department may further consider your extension request.

Please submit this information by **August 10, 2000**. Failure to submit the requested information by this deadline **may** result in the proposed rejection of your extension request.

If you need to request additional time to submit the requested information, a written request must be received in the Salem office of the Department by the deadline above. The Department will evaluate timely requests and determine whether or not the request may be granted.

Should you have any questions regarding your extension request or the required materials listed above, please call me at (503) 378-8455, extension 331, or toll free within Oregon at 1-800-624-3199.

Sincerely,

Laura K. Snedaker
Senior Water Rights Specialist

cc: Kyle Gorman, Watermaster District #11
Dick Duryee, Tye Engineering & Surveying



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JOHN BARNEY
POWELL BUTTE VIEW ESTATES WATER DIST.
PO BOX 53
POWELL BUTTE OR 97753

File # G-13446

2. Article Number (Copy from service label)

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

KEVIN LIMBELL

B. Date of Delivery

7-20-00

C. Signature

X

Kevin Limbell

☒ Agent

☐ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

P56362

Domestic Return Receipt

102595-99-M-1789

EXTENSION REVIEW CHECKLIST

Application #: 613446 / Permit #: 612192

Permittee: Powell Butte View Estates Water Dist

POD Location: T 16S R 14E Sec 17 Stream Basin: Dry River

County Crook

✓ 1. Has the applicant filled out the updated extension application form? Y / N If no, has certified request for new form been sent? Y / N

2. Shortcomings based on review of updated extension form (information needed before PFO can be completed) Y / N
meter?

✓ 3. Extension request received: 10-1-99 Number of request (ie first): 1st

✓ 4. Permit Issued: 10-30-95 Use: GP Dam Exp - ~~120~~ 102 households

✓ 5. Source: A well

✓ 6. Q: 0.29 cfs

✓ 7. Original B Date: 10-1-97 Original C Date: 10-1-98

✓ 8. Last Approved B Date: — Last Approved C Date: —

✓ 9. Proposed B Date: — Proposed C Date: 10-1-09

✓ 10. Amount Invested: \$400,000 Total Cost: \$40,000

11. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit. Y / N

✓ 12. Progress in perfecting the permit is being held up by 33% growth rate

✓ 13. The applicant has / has not pursued perfection of the right in good faith and with reasonable diligence.

✓ 14. Work on the water development project completed to date includes: add. 9350 ft of 4" water line laid, well drilled, 60,000 gall. cistern built, 80 service connections

✓ 15. The work remaining to be completed consists of: remaining 22 service connections

16. Based on the written record, the Department finds there is / is not good cause to approve the extension request.

17. Conditions —

LKS

Date: 7-3-00



Oregon

John A. Kitzhaber, M.D., Governor

Department of Fish and Wildlife

Deschutes Watershed District
61374 Parrell Road
Bend, OR 97702
(541) 388-6363
FAX (541) 388-6281



October 17, 2000

Dwight French
Water Rights Section Manager
Oregon Water Resources Department
158 12th Street NE
Salem, Oregon 97310

Re: Water Right Permit Extensions

Dear Dwight;

We have reviewed the following requests for Water Right Permit Extensions:

1. Extension #G 12142, WR Application #G 12742
2. Extension #G 11774, WR Application #G 12743
3. Extension #G 12192, WR Application #G 13446

Recent studies have determined that groundwater in the Deschutes Basin is directly connected with surface waters of the Deschutes River. As such, any further appropriation of groundwater resources in the Deschutes Basin will result in injury to senior instream water rights held by the State of Oregon. Based on this finding, the Oregon Water Resources Department must condition these permits to require mitigation to avoid impacts to senior water rights or deny the extension request.

Permit extension #G 12142, WR Application #G 12742 requests extension to develop a water right permit for pond maintenance. The proposed use conflicts with OWRD Deschutes Basin Program classifications, Division 505 rules. OAR 690-505-000 identifies highest and best use of water for the Upper Deschutes Basin and that water from the basin will be used only for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses. It does not include "pond maintenance" as one of the highest and best uses of water. We recommend Water Resources Department review this application for consistency with their policies and make appropriate recommendations to the applicant.

Thank-you for the opportunity to submit comments.

Sincerely,

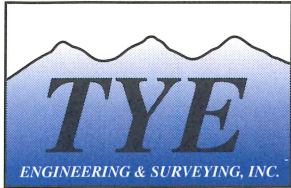
Steven Marx
District Fisheries Biologist

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OCT 19 2000

WATER RESOURCES DEPT.
SALEM, OREGON





TYE ENGINEERING & SURVEYING, INC.

725 NW Hill, Bend, Oregon 97701 • (541) 389-6959 • Fax (541) 385-1341

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OCT 01 1999

WATER RESOURCES DEPT.
SALEM, OREGON

September 28, 1999

Jake Szranek
Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

Re: Permit #G-12192, Application #G-13446

Dear Mr Szranek:

Attached is an application for a time extension for permit G-12192.

Under permit number G-12192, Powell Butte View Estates Water District is permitted 0.29 cfs from the wells. Although the well is very capable of the permitted amount, they only have 80 of the 102 units they are permitted to serve. The District expects that it may be another ten years before the remaining 22 lots are served. The District proposes to have accomplished the full extent of their water by October 1, 2009.

If you have any questions or comments please call me at 541-389-6959.

Sincerely,

Dirk Duryee

CC: John Barney

RECEIVED

OCT 01 1999

WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION FOR EXTENSION OF TIME TO THE WATER RESOURCES DIRECTOR OF OREGON

I, John Barney, President of Powell Butte View Estates Water District
NAME

P.O. Box 53

ADDRESS

Powell Butte,

CITY

OR

STATE

97753

ZIP

(541) 923-3755

PHONE

owner of record, or duly authorized agent, of Application No. G 13446, Permit No. G 12192, do hereby request that the time in which to:

☐ complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, _____, be extended to October 1, _____,

and/or the time in which to:

☒ accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 1999, be extended to October 1, 2009.

NOTE: The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

Attached is an instruction sheet to assist you in completing the information on the permit extensions application form. Oregon Water Law and Administrative Rules requires this information to be considered by the Water Resources Department when reviewing a permit extension. All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information that would aid us in making our decision. Please use additional sheets of paper as needed to fully respond to the questions.

After reviewing the application form and the instruction sheet, if you have any questions, please contact the Department at 1-800-624-3199, or locally in the Salem vicinity at (503) 378-3739, and request assistance from the Water Rights Division, permit extensions personnel.

1-Did water system construction/well drilling begin within the time specified in the permit [yes/no]?
Yes

2-Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]? Yes

John Barney

A) Please describe how you have complied with each applicable permit condition (NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review).

The well has been drilled and waterlines have been laid. The capacity of the well is fully developed to the permitted amount of 0.29 cfs.

B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.

The permit is for the Group Domestic use of 102 households. Currently, there are only 80 service connections. Time frame allowed by the Water Resources is unrealistic for growth to accomplish full beneficial use. At 3% growth, it will take until October 1, 2009 to accomplish full beneficial use and have 102 services connected.

3-I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit:

A) Within the past year or, if a prior extension was authorized, during the last permit extension period:

An additional 1350 ft. of 4" waterline was laid.

B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:

One well was drilled and 8,000 lf. of pipe were laid and an additional 60,000 gallon cistern was built.

C) I have accomplished beneficial use of water under the permit to the extent of (amount of water used or acres irrigated):

80 service connections.

4-Cost of project to date \$400,000. Estimated remaining cost to complete the project \$40,000.

5-Please list the reasons why the project was not constructed, and/or water not beneficially used within permit time limits under the appropriate categories below. Please provide supporting information for each reason identified.

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit. The permit is for Group Domestic use of 102 households. Currently there are only 80 service connections. Time frame allowed by the Water Resources is unrealistic for growth to accomplish full beneficial use. At 3% growth, it will take until October 1, 2009 to accomplish full beneficial use and have 102 service connections.

B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes.

N/A

C) Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

N/A

D) Acts of God or other unforeseen events delayed full development of the water system and use of water.

N/A

6-Please identify the economic market or markets to which beneficial use of water under the permit is responding.

Middle income residential housing

A) Has there been any change in this market since the permit was issued? _____

No

B) Have these changes, if any, affected the economic feasibility of your project? _____

No

7-Are there other present competing demands for water in your community? _____

No

A) Has there been any change in these demands for water since the permit was issued? _____

No

B) Are you aware of alternative sources of water that may be able to satisfy the competing demands?

Yes, surface water from Central Oregon Irrigation Company.

C) Are you aware of any adverse affects on your source of water that may have been caused by recent changes in use of water in your community? _____

No

8-Will the income or use from the water development project authorized by this permit provide reasonable returns against the investment in the project? _____

The District is a non-profit organization. The project is fully funded by
Rural Development loans and grants.

9-If the extension request is denied, is the current level of water use economically feasible?

Existing well production is sufficient for future growth. If the District was
limited to the existing 80 users, it severely limits growth and wastes beneficial
use of the water.

I am the permittee, or have authorization from the permittee, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for the Department to suspend processing of the request and/or reason to deny the extension.


Signature AGENT

9-29-99
Date

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$ 100 TO:

WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES
158 12TH ST NE
SALEM, OREGON 97310

January 3, 1996

POWELL BUTTE VIEW ESTATES WATER DISTRICT
PO BOX 53
POWELL BUTTE OR 97753

REFERENCE: File G-13446

The assignment of Permit G-12192 from Powell Butte View Estates to you has been recorded in the records of the Water Resources Department. Our records have been changed accordingly and the original assignment is enclosed.

Our receipt number 131068 covering the \$10 recording fee has been sent to Tye Engineering.

Sincerely,

D

Dallas S. Miller
Water Rights Specialist

DSM:jh

cc: Tye Engineering
Kyle Gorman, Watermaster

enclosure



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

Before the Director of the Water Resources Department

FINDINGS OF FACT

3. A technical review of the application was completed and a report of the results of that review was mailed to the applicant on March 30, 1994.

Crook Co. - Dry River Basin

A WELL - Dry River

05-1980-1170-0060

SESW
sec 17 - 16^s 14^E

4. The technical review determined:
 - a. GROUP DOMESTIC USE is allowed under the Deschutes Basin Program.
 - b. The use is not prohibited by Statute.
 - c. Water for the proposed use is available in the amounts requested for the period **year round**.
 - d. The use would not injure existing water rights.
5. The report of technical review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in PERMIT G-12192.
6. A Proposed Final Order for this application was completed and copy of that review was mailed to the applicant on AUGUST 29, 1995.

Assessment

1. In proceeding with evaluation of Application G-13446, the following criteria were found to be relevant by the Department.
 - a. The Deschutes Basin Program (OAR Chapter 690, Division 505)
 - b. The Crook County Comprehensive Plan and Zoning Ordinance
 - c. Groundwater availability as determined by the Groundwater/Hydrology staff (OAR Chapter 690, Division 9)
 - d. The established rate and duty for the proposed use
 - e. Pending, senior applications and existing water rights of record
 - f. Comments received
 - g. Analysis of groundwater hydrology as determined by Groundwater/Hydrology staff in accordance with HB 1033.
 - h. The definition of municipality in ORS 540.510 (3) (b) modified by SB 1030.

CONCLUSIONS OF LAW

1. Based upon continued evaluation, the Department finds the determinations of the Proposed Final Order remains valid.
2. The Department has determined that there is not 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 a scenic waterway in quantities necessary for recreation, fish and wildlife. The Department has further determined that, to protect the resource, an additional condition on the proposed water use is necessary. The condition, as further described on PERMIT G-12192, would require regulation of the proposed use if necessary to maintain the free-flowing character of the scenic waterway.
3. The period of allowed use is year round.
2. The Department finds that no more than 0.29 CFS would be

necessary for the proposed use. The amount of water requested, 0.29 CFS, is allowed.

3. Crook County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use is compatible with the Crook County Comprehensive Land Use Plan.

4. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.

5. The proposed use complies with all other rules of the Commission.

6. Pursuant to ORS 390.835, the proposed use, as conditioned, will not reduce streamflows needed to maintain the free-flowing character of the DESCHUTES River Scenic Waterway in quantities necessary for recreation, fish and wildlife uses.

7. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in PERMIT G-12192.

8. No protests were timely filed in response to the Proposed Final Order of AUGUST 29, 1995, and no significant issues or disputes are known to the Department at this time.

9. Therefore, the proposed use, as conditioned, and described in PERMIT G-12192, would not impair or be detrimental to the public interest.

ORDER

IT IS HEREBY ORDERED that Application G-13446 in the name of POWELL BUTTE VIEW ESTATES WATER DISTRICT be approved for GROUP DOMESTIC USE FOR 102 HOUSEHOLDS INCLUDING UP TO ONE-HALF ACRE OF LAWN AND NON-COMMERCIAL GARDEN FOR EACH as provided on PERMIT G-12192.

DATED October 30, 1995


Martha O. Page

Director
Water Resources Department

NOTICE:

This Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

If this Final Order has modified the Department's prior findings or conditions, the applicant may request a contested case hearing within 14 days from the date of this order. Issues on which a contested case hearing may be requested and conducted are limited to issues based on modifications to the Proposed Final Order.

Requests for a contested case hearing must be made in proper form, submitting the information required under Section 11(6), Chapter 416, Oregon Laws, 1995.

Requests for a contested case hearing must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on November 13 , 1995.

Only the applicant and any persons who timely filed a protest may appeal the provisions of this final order.

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the matter of)	PROPOSED
Groundwater Application)	FINAL
G-13446 submitted by)	ORDER
POWELL BUTTE VIEW ESTATES		
PO Box 53		
Powell Butte, Oregon 97753		

FINDINGS OF FACT

Water Use Request

1. POWELL BUTTE VIEW ESTATES requested use of 130 gallons per minute of water from A WELL IN DRY RIVER BASIN within the Deschutes River basin for GROUP DOMESTIC TO INCLUDE UP TO ONE-HALF ACRE OF LAWN AND NON-COMMERCIAL GARDEN FOR EACH OF 102 HOUSEHOLDS.
2. The area of proposed use is in Crook County within SECTION 15 NE SECTION 22 SECTION 23 TOWNSHIP 16 SOUTH, RANGE 14 EAST, W.M.
3. The water delivery system is described by the applicant as follows: A new well with a 130 gpm submersible pump with approximately 4,000 lineal feet of four inch PVC water line to connect to an existing pump station. There will also be a new 60,000 gallon reservoir added to the water system.
4. The request was made in Application G-13446 which was received by the Water Resources Department on June 25, 1993.

Affected Waters

1. This proposed use of groundwater is above the Deschutes River State Scenic Waterway.
2. There are other water rights **downstream of this diversion.**
3. There are no senior water rights from this point of appropriation.

Department Actions

1. The application was determined to be complete and not defective.
2. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will not have the potential for substantial interference with the nearest surface water source, namely **Dry River** tributary to the Crooked River.
3. A technical review of the application was completed and a report of the results of that review was mailed to the applicant on March 30, 1994.
4. The technical review determined:
 - a. GROUP DOMESTIC TO INCLUDE UP TO ONE-HALF ACRE OF LAWN AND NON-COMMERCIAL GARDEN is allowed under the Deschutes Basin Program.
 - b. The use is not prohibited by Statute.
 - c. Water for the proposed use is available in the amounts requested for the period **year round**.
 - d. The use would not injure existing water rights.
5. The report of technical review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.

Assessment

1. In proceeding with evaluation of Application G-13446, the following criteria were found to be relevant by the Department.
 - a. The Deschutes Basin Program (OAR Chapter 690, Division 505)
 - b. The Crook County Comprehensive Plan and Zoning Ordinance
 - c. Groundwater availability as determined by the Groundwater/Hydrology staff (OAR Chapter 690, Division 9)
 - d. The established rate and duty for the proposed use
 - e. Pending, senior applications and existing water rights of record
 - f. Comments received
 - g. Analysis of groundwater hydrology as determined by Groundwater/Hydrology staff in accordance with HB 1033.
 - h. The definition of municipality in ORS 540.510 (3) (b) modified by SB 1030.

CONCLUSIONS OF LAW

1. Based upon continued evaluation, the Department finds the determinations of the technical review remains valid.
2. Based on comments and data received, the Department has determined that at this time the Department is unable to find 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 a scenic waterway in quantities necessary for recreation, fish and wildlife. The Department has further determined that, to protect the resource, an additional condition(s) on the proposed water use is necessary. The condition, as further described on the attached draft permit, would require: Use of water under authority of this permit or certificate may be regulated if analysis of data available after the permit or certificate is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.
3. The period of allowed use: YEAR ROUND
2. The Department finds that no more than 130.0 GALLONS PER MINUTE would be necessary for the proposed use. The amount of water requested, 130.0 GALLONS PER MINUTE, is allowed for the proposed GROUP DOMESTIC TO INCLUDE UP TO ONE-HALF ACRE OF LAWN AND NON-COMMERCIAL GARDEN FOR EACH OF 102 HOUSEHOLDS.
3. Crook County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use is compatible with the Crook County Comprehensive Land Use Plan.
4. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.
5. The proposed use complies with all other rules of the Commission.
6. Pursuant to ORS 390.835, the proposed use, as conditioned, will not reduce streamflows needed to maintain the free-flowing

character of the DESCHUTES River Scenic Waterway in quantities necessary for recreation, fish and wildlife uses.

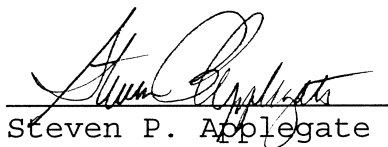
7. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.

8. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

PROPOSED ORDER

IT IS PROPOSED that Application G-13446 in the name of POWELL BUTTE VIEW ESTATES be approved for GROUP DOMESTIC TO INCLUDE UP TO ONE-HALF ACRE OF LAWN AND NON-COMMERCIAL GARDEN as provided on the attached draft permit.

August 29, 1995

A handwritten signature in cursive script, appearing to read "Steven P. Applegate", is written over a horizontal line.

Steven P. Applegate
Administrator

Water Rights and Adjudications Division

NOTICE:

This Proposed Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

To seek changes in this proposed final order, you must file a formal protest.

Formal protests to this proposed final order must be made in proper form and accompanied by the statutory fee in the amount of \$200. Note: The applicant is not subject to this fee.

For other than the applicant, if you agree with the findings in this proposed order, but wish to maintain your right to participate in any contested case proceeding or judicial review, you must file a written request for standing. Requests for standing in proceedings relating to this application must be made in the proper form and accompanied by the statutory fee in the amount of \$50.

Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on October 13, 1995.

Only the applicant and any persons who timely file a protest or request for standing may participate in further proceedings before the Department or the Commission which deal with this Application.

DRAFT
STATE OF OREGON

COUNTY OF Crook

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

POWELL BUTTE VIEW ESTATES
PO BOX 53
POWELL BUTTE, OREGON 97753

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

APPLICATION FILE NUMBER: G-13446

SOURCE OF WATER: A WELL IN DRY RIVER BASIN within the Deschutes basin

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

MAXIMUM FLOW RATE: 0.29 CFS

SEASON OF USE: YEAR ROUND

DATE OF PRIORITY: June 25, 1993

POINT OF DIVERSION LOCATION: SE SW, SECTION 17, T 16 S, R 14 E, W.M.;
70 FEET NORTH & 2520 FEET EAST FROM SW CORNER, SECTION 17

THE PLACE OF USE IS LOCATED AS FOLLOWS:

S ½ SECTION 15; NE 1/4 SECTION 22; W 1/2 NW 1/4 SECTION 23; T 16 S,
R 14 E, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

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

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

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

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

Actual construction work shall begin within one year from permit issuance, and shall be completed on or before October 1, 1997. Complete application of the water to the use shall be made on or before October 1, 1998.

Issued _____, 199_

DRAFT

Water Resources Department
Martha O. Pagel
Director

Application G-13446 Water Resources Department
Basin 05 Volume
WHF

PERMIT DRAFT
District 11

MARCH 30, 1994

WATER
RESOURCES
DEPARTMENT

POWELL BUTTE VIEW ESTATES
PO BOX 53
POWELL BUTTE, OR 97753

Reference: File G-13446

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

AS THE RESULT OF OUR TECHNICAL EVALUATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

All evidence and objections must be received by our Salem office **no later than 5:00 p.m. on or before JUNE 6, 1994** or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,

A handwritten signature in dark ink, appearing to read "T. Shook", written over a horizontal line.

THOMAS E. SHOOK
WATER RIGHT SPECIALIST

Enclosures

Report Date: MARCH 30, 1994

OREGON WATER RESOURCES DEPARTMENT

SATISFACTORY REPORT OF TECHNICAL REVIEW

FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: JUNE 6, 1994.

1. APPLICATION FILE NUMBER - G-13446

2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

POWELL BUTTE VIEW ESTATES
PO BOX 53
POWELL BUTTE, OR 97753
CROOK COUNTY 503-382-4321

Date application received for filing and/or tentative date
of priority: JUNE 25, 1993

SOURCE: A WELL TRIBUTARY TO: DRY RIVER

Purpose and/or use: GROUP DOMESTIC FOR 102 FAMILIES TO
INCLUDE THE IRRIGATION OF LAWN AND NON
COMMERCIAL GARDEN NOT TO EXCEED 1/2 ACRE

Flow: 130 GALLONS PER MINUTE

Point of Diversion Location:
T 16 S, R 14 E, W.M.; SECTION 17, SESW

Place of use:
S 1/2
SECTION 15

NE 1/4
SECTION 22

W 1/2 NW 1/4
SECTION 23
T 16 S, R 14 E, W.M.

GROUNDWATER AVAILABILITY

This is an application for use of groundwater. The Groundwater/Hydrology Section report indicates that:

Pursuant to OAR 690-09-040, the proposed groundwater withdrawal will not have the potential to cause substantial interference with surface water.

In addition, the Groundwater/Hydrology Section has reported the water is likely to be available to supply the proposed use.

CONFLICTS WITH OTHER WATER RIGHTS:

There are no existing rights from this point of diversion.

There are no existing water rights appurtenant to the lands described in the application.

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 0.29 CUBIC FOOT PER SECOND (CFS) is likely available for 12 months. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

PROPOSED PERMIT CONDITIONS

Application: G-13446

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: YEAR ROUND
3. Rate of use: 0.29 CFS
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement recording and reporting conditions:
 - A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
 - B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

Use
med

6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
7. The 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. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times. The use of water shall be limited when it interferes with any prior surface or ground water rights.
10. Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.
11. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

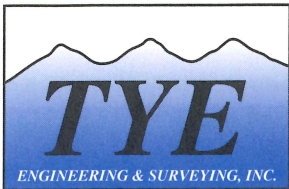
COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer
G - 13446	8 / 22 / 95	J6

A checkmark (✓) indicates that the item is incomplete or defective.

COMPLETED

- ☐ 1. Examination fees.
- ☐ 2. Name and address of the applicant, and title if applicable.
- ☐ 3. Source of water.
- ☐ 4. Use of water.
- ☐ 5. Amount of water.
- ☐ 6. Description of delivery system.
- ☐ 7. A statement of whether the applicant has written authorization or easements permitting access to lands owned by others.
- ☐ 8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- ☐ 9. Proposed dates of beginning and completion of construction, and complete application of water.
- ☐ 10. If for **municipal use**, the present population to be served and expected future water requirements.
- ☐ 11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
- ☐ 12. If for a **reservoir**:
 - ☐ a. The height of the dam.
 - ☐ b. The storage capacity.
 - ☐ c. The area submerged.
 - ☐ d. The maximum depth.
 - ☐ e. The construction method (earthfill, concrete, flashboard, etc.).
 - ☐ f. A description of the outlet conduit.
 - ☐ g. A description of the spillway.
- ☐ 13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- ☐ 14. If the application was made under **HB 2107**:
 - ☐ a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - ☐ b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - ☐ c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- ☐ 15. An oath that the application information is true and correct.
- ☐ 16. The signature of the applicant(s).
- ☐ 17. A satisfactory map of the proposed POD & POU.
- ☐ 18. A Land Use Information Form or receipt.
- ☐ 19. A legal description of the property where water will be used.



TYE ENGINEERING & SURVEYING, INC.

725 NW Hill, Bend, Oregon 97701 • (503) 389-6959 • Fax (503) 385-1341

July 20, 1995

Steve Applegate
Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310

RECEIVED
JUL 25 1995
WATER RESOURCES DEPT.
SALEM, OREGON

RE: Application No. G 13446

Dear Mr. Applegate:

The Powell Butte View Estates Water District submitted an application for a Ground Water Permit in June of 1993, and has received a Satisfactory Report of Technical Review.

While waiting for a permit the residence of the development are using potentially contaminated irrigation water for domestic purposes. To make matters worse this supply of water has to be stored in an open pond during the winter months.

The district has applied to the Rural Economic and Community Development Department (RECD) for help in funding their new well and water improvement project. As a condition of the funding the RECD requires the applicant to acquire a Ground Water Permit from the Water Resources Department.

The longer the district goes without a permit the greater their chances are of losing their project funding and the greater the chances the present system may become contaminated.

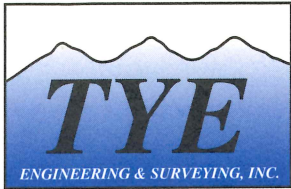
We believe it is very urgent that this project be issued a ground water permit as soon as possible.

If you have any questions or need additional information please contact my office.

Yours truly,

William R. Tye, P.E., W.R.E.

cc. Martha O. Pagel
Powell Butte View Estates



TYE ENGINEERING & SURVEYING, INC.

725 NW Hill, Bend, Oregon 97701 • (503) 389-6959 • Fax (503) 385-1341

August 24, 1995

Steve Brown
Water Resources Department
3850 Portland Rd NE
Salem, OR 97310

RE: File G-13446

Dear Mr. Brown:

On behalf of Powell Butte View Estates I would like to clarify Item # 3 (Intended Use of Water) of the application for a permit to appropriate ground water.

The application asks for group domestic to include up to 1/2 acres of lawn and non-commercial garden. A clarification needs to be made that the permit is to include the irrigation of up 1/2 acre of lawn and non-commercial garden for each lot served.

If you have any questions please contact my office.

Yours truly,

William R. Tye, P.E., W.R.E.

cc. Powell Buttes View Estates

RECEIVED

AUG 30 1995

**WATER RESOURCES DEPT.
SALEM, OREGON**



TYE ENGINEERING & SURVEYING, INC.

725 NW Hill, Bend, Oregon 97701 • (503) 389-6959 • Fax (503) 385-1341

July 20, 1995

Steve Applegate
Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310

RECEIVED

JUL 25 1995

WATER RESOURCES DEPT.
SALEM, OREGON

RE: Application No. G 13446

Dear Mr. Applegate:

The Powell Butte View Estates Water District submitted an application for a Ground Water Permit in June of 1993, and has received a Satisfactory Report of Technical Review.

While waiting for a permit the residence of the development are using potentially contaminated irrigation water for domestic purposes. To make matters worse this supply of water has to be stored in an open pond during the winter months.

The district has applied to the Rural Economic and Community Development Department (RECD) for help in funding their new well and water improvement project. As a condition of the funding the RECD requires the applicant to acquire a Ground Water Permit from the Water Resources Department.

The longer the district goes without a permit the greater their chances are of losing their project funding and the greater the chances the present system may become contaminated.

We believe it is very urgent that this project be issued a ground water permit as soon as possible.

If you have any questions or need additional information please contact my office.

Yours truly,

William R. Tye, P.E., W.R.E.

cc. Martha O. Pagel
Powell Butte View Estates

TO: Water Rights Section

2/10, 199⁴₃

FROM: Groundwater/Hydrology Section K. Lite
Reviewer's Name

SUBJECT: Application G- 13446

1. PER THE Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.

2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. _____ will, or _____ have the potential for substantial interference with the nearest surface water
 - b. ☒ will not _____ source, namely Crooked River; or
 - c. _____ will, if properly conditioned, adequately protect the surface water from interference:
 - i. _____ The permit should contain condition #(s) _____;
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below; or
 - d. _____ will, with well reconstruction, adequately protect the surface water from substantial interference.

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. _____ will, or _____ likely be available in the amounts requested without injury to prior rights and/or
 - b. _____ will not _____ within the capacity of the resource; or
 - c. ☒ can, if properly conditioned, avoid injury to existing rights or to the groundwater resource;
 - i. ☒ The permit should contain condition #(s) 4I;
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below.

4.
 - a. _____ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. _____ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. _____ The permit should 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.
 - e. _____ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:

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

6. THE WELL construction deficiency:

- a. ☐ constitutes a health threat under Division 200 rules;
- b. ☐ commingles water from more than one groundwater reservoir;
- c. ☐ permits the loss of artesian head;
- d. ☐ permits the de-watering of one or more groundwater reservoirs;
- e. ☐ other: (specify) _____.

7. THE WELL construction deficiency is described as follows: _____

8. THE WELL a. ☐ was, or constructed according to the standards in effect at the time of
b. ☐ was not original construction or most recent modification.
c. ☐ I don't know if it met standards at the time of construction.

RECOMMENDATION:

- A. ☐ I recommend including the following condition in the permit:
"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
 - B. ☐ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
 - C. ☐ REFER this review to Enforcement Section for concurrence.
-
-

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit.
_____, 1993.

(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

_____, 1993.

(Signature)

(WRFORM8\91)

Water Resources Department

MEMO

August 10, 1995

TO Application G- 13446
FROM K. Lite
SUBJECT Scenic Waterway Finding

At this time the Department lacks 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 a scenic waterway in quantities necessary for recreation, fish and wildlife.

INCLUDE THE FOLLOWING CONDITION IN ANY PERMIT OR CERTIFICATE ISSUED:

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

Water Right Conditions
Tracking Slip

Groundwater/Hydrology Section

FILE # G-13446

ROUTED TO: Dwight French

TOWNSHIP/

RANGE-SECTION: 16S/14E-17

CONDITIONS ATTACHED? ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: K. Lite

April 7, 1995

KEVIN LIMBECK
POWELL BUTTE VIEW ESTATES
PO BOX 53
POWELL BUTTE OR 97753

REFERENCE: File G-13446

Dear Mr. Limbeck,

This is in response to your telephone call of March 16, in which you requested a written response to the question of the status of application G-13446.

Currently, the status of the application is that it received a Satisfactory Technical Review, to which WaterWatch of Oregon objected. Their objection has not yet been evaluated.

After speaking with Fred Lissner, the manager of the Department's Groundwater/Hydrology Section, and Dwight French, the manager of the water right applications section, I found that further processing of the application is being delayed (as are many other groundwater applications in the Deschutes Basin) by the fact that it is upstream from a scenic waterway, and the use of water from the well may interfere with minimum flows required by the presence of the scenic waterway. This issue is being addressed by the current legislative assembly and through rulemaking, and it is not known when the problem will be resolved.

Incidentally, I received a call from Tom Charbonneau of the Oregon Health Division on April 5 regarding the status of this application. He indicated that this was a priority project for them because of the health issues involved. I suggested that he might write a letter to the Department requesting expedition of the application, but because of the specific policy issues surrounding this application, I suspect that we will be unable to process the application further until the scenic waterway issue is resolved.

If you have questions regarding the scenic waterway issue, I would recommend contacting Dwight French or Fred Lissner directly; if you have other general questions relating to water rights, please feel free to call me at 378-8455, extension 228.

Sincerely,


Mr. Cory C. Engel
Water Rights Research Assistant

Requests
exemption
from present
policy

Oregon

WATER
RESOURCES
DEPARTMENT



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

Date: Wed, 5 Apr 1995 07:55:40 -0700
X-Sender: frenchdw@mailhub.wrd.state.or.us
To: engelcc@chetco.wrd.state.or.us (Cory Engel)
From: frenchdw@chetco.wrd.state.or.us (Dwight French)
Subject: Re: Deschutes Basin gw study/Powell View Butte Estates
X-UIDL: 797093927.000

Cory,

Status= Scenic Water Way Basins - We are not processing any groundwater application in or above State Scenic w...ways until there is a rule or statue solution. One exception is if a TR has been done and the objections have been resolved we can issue the permit. But other than that, no go.

Hope this helps.

A list of groundwater applications without a TR in the deschutes (the entire basin is a SSWW) can be generated from our paradox database.

Dwight

>Dwight,
>
>Last month I sent you an e-mail regarding the status of a groundwater study
>in the Deschutes basin to help me determine the status of a given
>application. You recommended I question Fred about the matter.
>
>I did, and he indicated that no applications were being held up due to the
>study; rather, some applications are being held up if there is uncertainty
>about their possible impact of scenic waterway flows. He also indicated that
>the problem is being dealt with by the legislative assembly and through the
>rulemaking process.
>
>Do you have any lists of those pending applications about which we are
>uncertain? If you do, I would like to see it; the Div 9 review in the file
>does not appear to yield relevant information.
>
>--Cory
>
>
>

To: Dwight.W.FRENCH
From: engelcc@mailhub.wrd.state.or.us (Cory Engel)
Subject: Deschutes Basin gw study/Powell View Butte Estates
Cc:
Bcc:
X-Attachments:

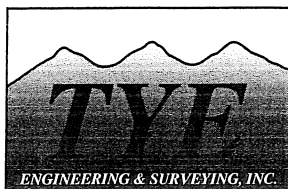
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--Cory



TYE ENGINEERING & SURVEYING, INC.

725 NW Hill, Bend, Oregon 97701 • (503) 389-6959 • Fax (503) 385-1341

C-13444

December 22, 1994

Martha O. Pagel
Director of Water Resources Dept.
Oregon of Water Resources Dept.
3850 Portland Rd NE
Salem, Oregon 97310

RE: Ground Water Appropriation Permit
Powell Butte View Estates Water District

Dear Martha:

The Powell Butte View Estates Water District (the District) has filed an application for a permit to appropriate groundwater. It is our understanding that the Water Resources Department is curtailing issuing any permits in the Deschutes Drainage Basin until a ground water study of the basin is completed, which could be as far off as two years from now.

The present water supply source is irrigation canal water. The water quality is far below drinking water standards and excessive treatment and chlorination is required.

The reliability of the supply is also very poor as the canals only run approximately 5 days each month during the winter months, weather permitting. Due to the short duration of the canal run, water must be diverted to an open water storage pond before the canal system is well flushed, which results in a considerable amount of dirt and animal waste being pumped into the system. Due to the time span between irrigation runs the drinking water is stored in an open water pond which makes for an excellent winter duck habitat. The system is also very susceptible to illegal dumping of hazardous material and contamination that are not removed by the treatment plant.

The present treatment plant is very inadequate and is presently operating beyond the original design capacity. It is believed that the District will have considerable difficulties making it through another winter.

It is important that construction begins by early spring so the water main can get across the irrigation canal prior to the 1995 irrigation season.

We are enclosing a sample of the water that is being diverted from the irrigation canal to the drinking water system. We are

also enclosing a copy of the preliminary engineering report of the District's system and a copy of the Health Division's review of the report.

The longer the District remains on this irrigation system the greater the risk of health hazard to the current and future residences of Powell Butte View Estates Subdivision.

The District has recently requested funding from the FmHA for a new well and pipe line to bring the system into compliance with the acceptable drinking water standards. The District must receive a water rights permit before the FmHA will commit to any funds. If a permit is not received in the near future the District may lose FmHA funding.

We believe that due to these extenuating circumstances that exist with the present water supply source, the District should be exempt from the present policy that precluded the Water Resources Department from issuing a permit.

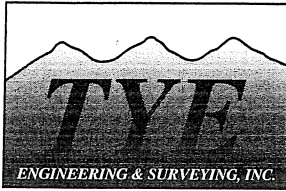
Sincerely,

A handwritten signature in cursive script, appearing to read "William R. Tye".

William R. Tye, P.E.

enc.

cc: Kevin Limbeck
pt/214-11.1et



TYE ENGINEERING & SURVEYING, INC.

725 NW Hill, Bend, Oregon 97701 • (503) 389-6959 • Fax (503) 385-1341

October 3, 1994

Doug Baer
Water Rights Division
Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

OCT 11 1994

Reference: File G-13446

Dear Mr. Baer:

In regards to your phone call we have acquired the following information regarding right of ways for the Powell Butte View Estates water rights. Enclosed is conformation from the Oregon Department of Transportation and Crook County Road Department regarding easements for the proposed water main across state and county lands.

We also understand the ground water permit is being delayed pending review of an objection filed by Water Watch.

At the present time the district is existing on C.O.I. canal water which is very unreliable and undrinkable source of water. During the winter months the district is forced to store canal water in an open pond. After storage the water is treated and delivered to the residence. The district believes that they can make it through this winter if water is used sparingly and livestock water deliveries are made regularly.

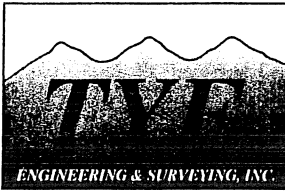
The District has applied for FmHA assistance in developing an adequate domestic water supply. FmHA will not proceed with funding until a permit is obtained.

The district would greatly appreciate any help you may be able to provide in order to expedite the issuing of a permit by the water resources.

If you have additional questions please contact my office.

Sincerely,

William R. Tye, WRE



TYE ENGINEERING & SURVEYING, INC.

725 NW Hill, Bend, Oregon 97701 • (503) 389-6959 • Fax (503) 385-1341

September 23, 1994

Bob Hickman
Permit Specialist
Oregon Department of Transportation
63055 N. Highway 97
Bend, OR 97701

RECEIVED

SEP 26 1994

POST TO

Dear Mr. Hickman:

Powell Butte View Estates Water District has filed for a permit to appropriate ground water with the Water Resources Department. The Water Resources Department is requesting confirmation of a Right of Way from the well to the project.

The proposed well site is located in the south east corner of the west half of Section 17 Township 16 South, Range 14 East.

The District proposes to drill a well and install a water line along Powell Butte Highway starting at the intersection of the Alfalfa Road at approximate station 295+00 and proceeding to station 320+50.

It is my understanding a permit will be required from the Highway Department and at this time you see no major difficulty with the district obtaining a permit after plans have been completed.

Please let me know if you feel the Highway Department might have a problem issuing a permit.

Very truly yours,

William R. Tye, P.E.

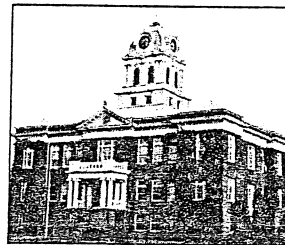
Bill - ODOT will not permit "the well," it must be off the Right of way.

ODOT will permit the "waterline" in the right of way.

-Bob

CROOK COUNTY ROAD DEPARTMENT

300604 McKay Road • Prineville, Oregon 97754
Office (503) 447-4644 • Fax (503) 447-2977



CROOK COUNTY COURTHOUSE
PRINEVILLE, OREGON 97754

Norm Thompson, Roadmaster • Jeanie Brown, Office Manager

September 20, 1994

Powell Butte View Estates Water District
P.O. Box 53
Powell Butte, Oregon 97753

Attention: Kevin Limbeck

Re: Road Cut Permit

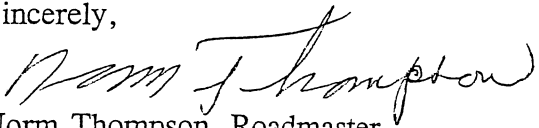
Dear Mr. Limbeck,

As per our conversation, you have permission from the Crook County Road Department to cut the following county maintained roads to install a water line into the Powell Butte View Estates Water District:

- 1) County Road No. 213, Shumway Road.
- 2) County Road No. 105, Alfalfa Road.

As per our County Ordinance Number 81, a permit shall be filled out and brought into our office for review and signature by the Crook County Roadmaster before the cuts are made. Should you have any questions or need additional information, give me a call at the number listed above.

Sincerely,


Norm Thompson, Roadmaster
CROOK COUNTY ROAD DEPARTMENT

COPY

November 16, 1994

William R. Tye, P.E.
Tye Engineering & Surveying, Inc.
725 N.W. Hill
Bend, OR 97701

Dear Mr. Tye:

We have received a copy of the **Preliminary Engineering Report for Powell Butte View Estates Water District**. This report was submitted for our review and comments.

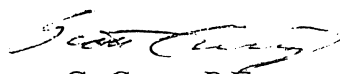
We note that the focus of the report is on the development of a groundwater source to replace the current surface water source. We agree that the vulnerability and unreliability of the Central Oregon Irrigation canal water poses problems in terms of raw water storage and water treatment plant requirements. We also agree that a more consistent groundwater supply, coupled with an additional storage reservoir, is necessary if the remaining lots in this subdivision are to be developed. The residents would also benefit from the significantly lower operations and maintenance costs associated with a groundwater-based system.

This scenario, however, is based on two important assumptions: first, that the proposed well will produce at least 125 gpm from an approximate depth of 470 feet, and, secondly, that 55% of the project cost will be provided by a grant from the Farmer's Home Administration. If these assumptions are indeed realized, then we feel that this project is feasible and beneficial for the Water District.

I would remind you that the \$250 plan review fee, land use compatibility statement, and construction drawings must be submitted to our office when this project enters the final design phase.

Thank you for submitting this report. Please contact me if you have any questions.

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Scott G. Curry, P.E.
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Drinking Water Program

cc: Crook Co. HD
P.B.V.E.W.D.

Oregon

DEPARTMENT OF
HUMAN
RESOURCES

HEALTH DIVISION

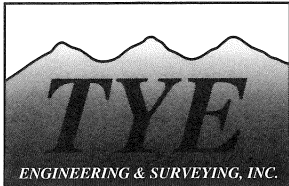


Barbara Roberts
Governor



800 NE Oregon Street # 21
Portland, OR 97232-2162
(503) 731-4030 Emergency
(503) 252-7978 TDD
Emergency

24-26 (Rev. 1-92)



TYE ENGINEERING & SURVEYING, INC.

725 NW Hill, Bend, Oregon 97701 • (503) 389-6959 • Fax (503) 385-1341

6-13444

December 22, 1994

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Oregon of Water Resources Dept.
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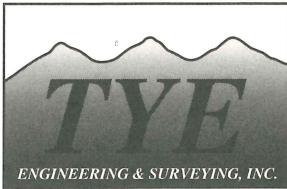
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enc.

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725 NW Hill, Bend, Oregon 97701 • (503) 389-6959 • Fax (503) 385-1341

October 3, 1994

Doug Baer
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158 12th Street NE
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SALEM, OREGON

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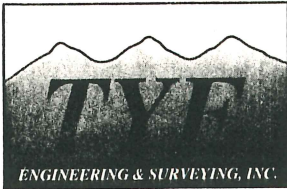
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Office (503) 447-4644 • Fax (503) 447-2977



CROOK COUNTY COURTHOUSE
PRINEVILLE, OREGON 97754

Norm Thompson, Roadmaster • Jeanie Brown, Office Manager

OCT 10 1994
WATER RESOURCES DEPT.
SALEM, OREGON

September 20, 1994

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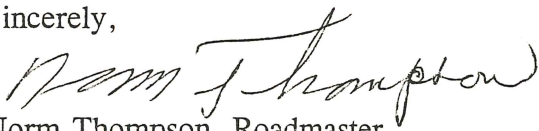
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CROOK COUNTY ROAD DEPARTMENT

COPY

November 16, 1994

Oregon

DEPARTMENT OF
HUMAN
RESOURCES

HEALTH DIVISION



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Barbara Roberts
Governor



800 NE Oregon Street # 21
Portland, OR 97232-2162
(503) 731-4030 Emergency
(503) 252-7978 TDD
Emergency
24-26 (Rev. 1-92)

WaterWatch

By FAX 378-8130 and Regular Mail

June 6, 1994

Oregon Water Resources Department
Water Rights Section
158 12th Street NE
Salem, Oregon 97310

Re: Objection to Technical Report for:
G-13446, Powell Butte View Estates, Group Domestic, Dry River, Crooked

WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ **The Technical Report is Defective**

The technical report fails to contain many of the elements and evaluations required in OAR 690-11-160(1). The areas of deficiency are the same as those identified in Water Watch's objection to G-11923 and are hereby incorporated by reference.

◆ **The Use Proposed is Not in the Public Interest**

The proposed use fails to pass the public interest considerations in ORS 537.620 and the policies of the Groundwater Act ORS 537.525(3), (6), (9), and (10). See also, OAR 690-11-195(3)(d), (4)(a), (4)(c)(A), (4)(d)(A), (4)(f). The proposed use would deplete flows needed to meet existing water rights for surface waters and for numerous public instream uses of Crooked River system. The 1984 Deschutes Basin Plan states:

General Findings:

Flows are not sufficient on many streams during the summer months of average water years to supply existing and future demands. Finding 2.

Simultaneous use of a major portion of existing consumptive rights results in flows at or near the zero level on some streams during the summer months. Finding 3.

River related recreation is important to the economy of the upper Deschutes Basin. Finding 25.

The support of resident and stocked fish is essential to river-related recreation. Finding 26.

Water Resources Department
G-13446
Page 2

Recommended base flows suggested by fisheries agencies are substantially higher in many locations than flow levels that can be obtained during average water years under current stream regimen and existing water rights and priorities. Finding 27.

Establishment of restrictions on further appropriations would prevent an increase in depletion potential on some streams which would aid in maintaining minimum flows. Finding 33.

Where streams are seasonally overappropriated, the establishment of restrictive actions would have no immediate physical effect until additional flows become available. Finding 34.

Middle Deschutes findings include General Findings 3 & 27 and:

There is inadequate streamflow for fishery requirements. Finding 20.

Lower Deschutes findings include General Findings #3 and:

Many streams do not provide enough flow for nonconsumptive public uses at present in periods of relatively low as well as critical flow. Finding 3

Upper Crooked River findings include General Finding #3 and:

There is not enough water on a critical-year basis to meeting existing consumptive needs. Finding 2.

Most streams do not provide enough flow for nonconsumptive public uses at present in periods of relatively low as well as critical flow. Finding 5.

Game fish populations are limited because of extreme low flows, high water temperatures, and extensive populations of rough fish. Finding 16.

Lower Crooked River findings include General Finding #3 and:

Most streams in the basin do not provide enough flow for nonconsumptive public uses at present in periods of relatively low as well as critical flow. Finding 5.

The existence of ground water has been established in certain sections of the basin, but quantities have not been determined. Finding 6.

Water Resources Department
G-13446
Page 3

Little potential for enhancement of fish life exists and is dependent upon securing adequate streamflow. Finding 15.

The Deschutes and Crooked River systems support a variety of fish life including rainbow trout, cutthroat trout, and supports a major sports fishery. Low flows during summer months impair fish survival by among other things raising water temperatures, decreasing aquatic habitat and trout rearing areas, and promoting excessive growth of algae. See Mathisen, Upper Deschutes River Water Resource Review, pgs. 10-11. Low flows in the winter adversely effect fish habitat by among other things exposing spawning gravel, reducing feeding and rearing areas in the river and increasing fish deaths due to severe ice conditions on the river. *Id.*

Several segments of the Deschutes River have received state scenic waterway designation. Several segments of the Deschutes and Crooked River have been federally designated under the Federal Wild and Scenic Rivers act. Existing instream water right certificates and pending instream water right applications protect flows needed for fish and recreation in the Deschutes and Crooked Rivers. Specifically, instream water right application #070354 is needed to protect flows in the Crooked River for redband trout populations. The Dry River contributes flows to this portion of the Crooked River. This application was filed in May of 1990. As a tributary to the Columbia River, the Deschutes and Crooked Rivers contribute flows for listed threatened and endangered fish populations in the Columbia River.

In addition to water quantity problems, the Department of Environmental Quality's (DEQ) 1992 *Water Quality Status Assessment Report, 305(b) Report* has identified segments of the Crooked River as Water Quality Limited, incapable of supporting designated beneficial uses of water contact and aquatic life. DEQ has also identified water withdrawals as a cause of stream quality problems in the lower Crooked River. The Deschutes River mainstem suffers from water quality problems. One segment of the river is listed in the Department of Environmental Quality's 1992 *Water Quality Status Assessment Report, 305(b) Report* as water quality limited. This segment of the river is unable to support the designated beneficial use of aquatic life. Several other areas can only partially support aquatic life. Further depletion of surface water flow will only exacerbate these existing water quality problems.

The Department has determined that a hydraulic connection exists between surface and groundwater in the Deschutes River system. See Agenda Item J-3, July 17, 1992, page 2. A 1930 Department of Interior Report by Harold Stearns states that the Deschutes River is primarily fed by springs. Stearns, pg. 25. The report describes a resource that is highly permeable in parts and drains into the Deschutes canyon, providing over 1,000,000 acre feet per year of water and over 1,500 cfs in the middle Deschutes Basin. Stearns, pg. 191, 208. Powell Butte, and the Dry River basin is located in an area where there are numerous springs.

Water Resources Department
G-13446
Page 4

A 1955 Water Resources Committee report to the Oregon Legislature confirms Stearns' findings and states that the groundwater supply makes the Deschutes' flow one of the most consistent in the nation. Water Resources Committee Report, pg. 18. Furthermore, an even more recent Water Resources Investigation Report by the USGS confirms the finding of important discharge into the surface waters in the area. Report 84-4095, pg. 13-15. Thus, groundwater in this area is vital to surface water flows, is directly connected to the surface waters, and further permits to use groundwater are likely to deplete already overallocated surface waters in the basin.

As a result of increasing development pressures in the area and concerns about the capacity of the groundwater resource to accommodate future development, the Water Resources Department has recognized the need to learn more about the groundwater/surface water connection. In 1993, the Department in conjunction with USGS and local county governments embarked on a three year study of the resource. Thus, the processing and proposed issuance of additional ground water rights in the study area is premature. No further rights should be issued until the ground water study is completed.

1. Measurement and Reporting.

WaterWatch strongly supports most of the elements of the proposed measurement and reporting conditions for these applications. However, we do not support the limitation which only requires recording the reporting of the "volume" of water use. As I understand it, the Department interprets this phrase as only requiring measurement and reporting of only the total duty - not both rate and duty. As a policy matter, WaterWatch believes that the Department's measurement and reporting conditions should enable the Department to obtain information relating to both rate and duty of water use. One of the conditions in this - proposed permits is the rate at which water can be diverted. In order to determine whether there is exact compliance with the terms and conditions of these permits, the Department needs to know the rate at which water is being used. While it maybe possible to extrapolate an estimated rate at which the water is being used from the total duty - it is not as accurate a measure of use as requiring record keeping of the actual rate of use. At the very least, the Department should preserve it's ability to require measurement of both rate and duty. We request the term "volume" be substituted with the following language: "rate and/or duty".

Additional information about groundwater use and groundwater characteristics is especially crucial for management of the groundwater resource in the Deschutes Basin. As Director Pagel stated on page 2 of her September 14, 1992 letter to the Chairpersons of Crook, Deschutes and Jefferson County Commissions:

The groundwater information base will never be perfect. However, in many areas it must improve substantially before the Commission can both issue additional permits and meet its obligation to protect the groundwater resource.

Water Resources Department
G-13446
Page 5

. . . If the demands of growing communities are to be met in a timely manner, it is imperative that the state, local governments, citizens and the development community work together to generate more and better groundwater information."

Those who profit from using the resource should be called upon to provide the needed information. In this instance, in addition to measurement and reporting of use, the permittee should be required to at least measure and report well levels, groundwater flow velocities and aquifer depth. This information is critical for resource protection and management.

2. The use is likely to impair the public interest because it will interfere with surface waters in the Basin.

The Department has determined that the groundwater resource is hydraulically connected to surface waters in the area.¹ However, it has failed to determine the extent of the connection and the short and long term impacts of the connection on surface waters in the basin. Oregon's ground water statute and the implementing rules require the Department to look at both short and long term impacts of groundwater use and to insure that the use will not interfere with surface waters. ORS 537.620(3), OAR 690-9, OAR 690-11-195(4)(a). This determination is particularly critical given the existing overallocation of surface waters, the water quality problems and the public's interest in maintaining instream flows for public uses of the Deschutes, Crooked and Columbia Rivers.

The Department and Commission have recognized in the past the increasing pressure to develop groundwater in the basin and expressed concern over the ability of the resource to meet new demands. The ongoing three year study will provide better information upon which to make a determination on this and other pending groundwater applications. Until the required level of scientific certainty needed for decision making is determined and the information developed, this permit should not be issued.

In addition, as stated in WaterWatch's October, 1992 Petition for Withdrawal or Temporary Emergency Rulemaking (previously filed with the Commission), in order to

¹ The technical report for this application concludes that there is no potential for substantial interference. The only support in the Department's file for this statement is a memo from the groundwater section to the water rights section dated 2/10/94. However, this report concludes that the use does not have the potential for substantial interference with the Crooked River. This analysis is defective because it does not analyze the effects of the use on the nearby surface waters - the Dry River. Apparently there is some connection since the conditions in the technical report propose to prohibit or restrict use when it interferes with surface or ground water rights.

Water Resources Department
G-13446
Page 6

protect the public's interest in the Columbia River system (of which the Deschutes and Crooked River is tributary), and the threatened and endangered fish species with rely on this resource, these and other permits for water from the Columbia River Basin should not be considered until sufficient instream flows are determined and guaranteed throughout the basin. Until these flows are determined and protected, the Department has no way to ensure that new uses proposed in the system will not harm the public interest. For the reasons outlined in the objection and in WaterWatch's October Petition (hereby incorporated as part of this objection) the proposed uses will impair and be detrimental to the public interest in the resource.

3. The Proposed Use Violates Oregon's Statewide Policies.

Oregon's Groundwater Management Policy requires that "(i)nterference between groundwater uses and competing groundwater and surface water uses . . . be prevented and/or controlled to protect the water resource and existing rights." OAR 690-410-010(1) (emphasis added). The Policy also requires the State to manage groundwater and surface water conjunctively in order to protect the public's interest in the water resource and existing rights. OAR 690-410-010(2)(a). In addition, Oregon's Statewide Water Allocation Policy requires that groundwater use occur within the capacity of the resource and requires the State to protect Oregon's waters from overallocation by new uses of groundwater. OAR 690-410-070(1).

Oregon statutes and rules also call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions in the technical report does little to further these policies. Given the presence concerns over further development of ground water in the area it is imperative that the water use be as efficient as possible. The applicant should be held to a high standard of efficiency and should have a conservation and curtailment plan should be in place prior to any approval of the proposed permit.

Allowing this use to go forward violates all these policies. The Department's failure to manage the ground and surface waters conjunctively in the Deschutes and Crooked River basins will only exacerbate existing overallocation problems, water quality problems, and will, particularly in the long run, further impair existing surface water rights. It is bad public policy to continue issuing groundwater rights in the face of increasing doubts as to whether increased groundwater use is sustainable.

4. A Public Interest Determination is Impossible Because Essential Information Appears to be Missing From the Application.

Proposed permit condition number 10 in the technical reports require a pump test prior to receiving a certificate. A pump test provides information relating to hydraulic

Water Resources Department
G-13446
Page 7

connection and other aquifer properties. This information is critical for the public interest determination and should be obtained prior to a final public interest determination. If, after this information is obtained, and the use is found to be in the public interest, then condition 11 could be added to require periodic pump tests. The condition should not, however, limit the Director's ability to require pump tests. We suggest language that would require pump tests annually or as deemed needed by the Director.

5. This application is processed out of order.

The tentative priority date for this application is June 25, 1993. There are pending instream water right applications with tentative priority dates senior to these application dates. The Commission has directed the Department to process applications in the order received. This application has the potential to decrease flows needed to meet the pending instream water right application. Thus, this application should not move forward until the instream water right application is processed.

6. Water Quality

The use of water for group domestic will include the generation of human waste which, if discharge to waters of the state, is subject to water quality permitting requirements. The applicant must first get an NPDES permit from the Department of Environmental Quality (DEQ) before any discharges of waste water can occur. When evaluating applications for new uses, the Water Resources Department has a duty to ensure that the use will not harm either the quantity or the quality of surface waters. The governing statutory and regulatory schemes make this self evident. See e.g. ORS 537.170(5)(a)&(c). Other statutory mandates amplify this requirement. ORS 468B.015 specifies that pollution of the water of the state of Oregon:

constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish and aquatic life and impairs domestic, agriculture, industrial, recreational, and other legitimate beneficial uses of water, ***.

It is the public policy of the state:

To protect, maintain, and improve the quality of the waters of the state *** (and) [t]o provide for the prevention, abatement and control of new or existing water pollution. ORS 468B.015(2), (4).

ORS 468B.020 declares that:

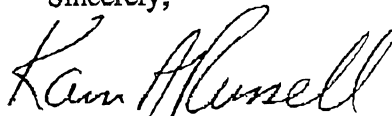
Water Resources Department
G-13446
Page 8

Pollution of any of the waters of the state is declared to be not a reasonable or natural use of such waters and to be contrary of the public policy in the state of Oregon.

The statutes and rules under which the Water Resources Commission and Department operate mandate that the agency act in a fashion which is consistent with ORS 468B.015 et seq. See e.g. ORS 536.220(1)(b) (requiring coordinated integrated state water resources policy). See also ORS 536.220(2)(a) (requiring "proper and adequate consideration of the multiple aspects of the beneficial use and control" of Oregon's waters); ORS 537.332(4)(c) (pollution abatement is a beneficial use of water); OAR 690-11-010(3) (defining beneficial use as use that is "consistent with" the laws, rules, and the best interests of the people of the state); OAR 537.170(4)(a) & (c). Thus, the public interest determination made by the Commission and Department must include an evaluation of the effects of this proposed use on the water quality of the creek. See also OAR 690-11-195(4)(c).

The technical report does not reveal whether or not a discharge will occur and whether or not DEQ has made a determination regarding the effect this proposed use on the water quality and whether this applicant will even be allowed to discharge. Until the DEQ has done this analysis, the Water Resources Department has insufficient information upon which to make a public interest determination. This application should be put on hold until DEQ has made a determination on the discharge permit. If the applicant obtains a NPDES and if a water use permit is subsequently issued, the water use permit should be conditioned to require that water use under the permit is only allowed if the applicant continues to maintain a valid NPDES permit and is in compliance with the terms of the NPDES permit.

Sincerely,



Karen A. Russell
Assistant Director

WaterWatch

By FAX 378-8130 and Regular Mail

June 6, 1994

Oregon Water Resources Department
Water Rights Section
158 12th Street NE
Salem, Oregon 97310

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Water Resources Department
G-13446
Page 2

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Water Resources Department
G-13446
Page 3

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Water Resources Department
G-13446
Page 4

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Water Resources Department
G-13446
Page 5

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Water Resources Department
G-13446
Page 6

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Water Resources Department
G-13446
Page 7

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ORS 468B.020 declares that:

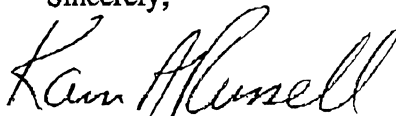
Water Resources Department
G-13446
Page 8

Pollution of any of the waters of the state is declared to be not a reasonable or natural use of such waters and to be contrary of the public policy in the state of Oregon.

The statutes and rules under which the Water Resources Commission and Department operate mandate that the agency act in a fashion which is consistent with ORS 468B.015 et seq. See e.g. ORS 536.220(1)(b) (requiring coordinated integrated state water resources policy). See also ORS 536.220(2)(a) (requiring "proper and adequate consideration of the multiple aspects of the beneficial use and control" of Oregon's waters); ORS 537.332(4)(c) (pollution abatement is a beneficial use of water); OAR 690-11-010(3) (defining beneficial use as use that is "consistent with" the laws, rules, and the best interests of the people of the state); OAR 537.170(4)(a) & (c). Thus, the public interest determination made by the Commission and Department must include an evaluation of the effects of this proposed use on the water quality of the creek. See also OAR 690-11-195(4)(c).

The technical report does not reveal whether or not a discharge will occur and whether or not DEQ has made a determination regarding the effect this proposed use on the water quality and whether this applicant will even be allowed to discharge. Until the DEQ has done this analysis, the Water Resources Department has insufficient information upon which to make a public interest determination. This application should be put on hold until DEQ has made a determination on the discharge permit. If the applicant obtains a NPDES and if a water use permit is subsequently issued, the water use permit should be conditioned to require that water use under the permit is only allowed if the applicant continues to maintain a valid NPDES permit and is in compliance with the terms of the NPDES permit.

Sincerely,



Karen A. Russell
Assistant Director

WaterWatch

By FAX 378-8130 and Regular Mail

June 6, 1994

Oregon Water Resources Department
Water Rights Section
158 12th Street NE
Salem, Oregon 97310

Re: Objection to Technical Report for:
G-13446, Powell Butte View Estates, Group Domestic, Dry River, Crooked

WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ **The Technical Report is Defective**

The technical report fails to contain many of the elements and evaluations required in OAR 690-11-160(1). The areas of deficiency are the same as those identified in Water Watch's objection to G-11923 and are hereby incorporated by reference.

◆ **The Use Proposed is Not in the Public Interest**

The proposed use fails to pass the public interest considerations in ORS 537.620 and the policies of the Groundwater Act ORS 537.525(3), (6), (9), and (10). See also, OAR 690-11-195(3)(d), (4)(a), (4)(c)(A), (4)(d)(A), (4)(f). The proposed use would deplete flows needed to meet existing water rights for surface waters and for numerous public instream uses of Crooked River system. The 1984 Deschutes Basin Plan states:

General Findings:

Flows are not sufficient on many streams during the summer months of average water years to supply existing and future demands. Finding 2.

Simultaneous use of a major portion of existing consumptive rights results in flows at or near the zero level on some streams during the summer months. Finding 3.

River related recreation is important to the economy of the upper Deschutes Basin. Finding 25.

The support of resident and stocked fish is essential to river-related recreation. Finding 26.

Water Resources Department
G-13446
Page 2

Recommended base flows suggested by fisheries agencies are substantially higher in many locations than flow levels that can be obtained during average water years under current stream regimen and existing water rights and priorities. Finding 27.

Establishment of restrictions on further appropriations would prevent an increase in depletion potential on some streams which would aid in maintaining minimum flows. Finding 33.

Where streams are seasonally overappropriated, the establishment of restrictive actions would have no immediate physical effect until additional flows become available. Finding 34.

Middle Deschutes findings include General Findings 3 & 27 and:

There is inadequate streamflow for fishery requirements. Finding 20.

Lower Deschutes findings include General Findings #3 and:

Many streams do not provide enough flow for nonconsumptive public uses at present in periods of relatively low as well as critical flow. Finding 3

Upper Crooked River findings include General Finding #3 and:

There is not enough water on a critical-year basis to meeting existing consumptive needs. Finding 2.

Most streams do not provide enough flow for nonconsumptive public uses at present in periods of relatively low as well as critical flow. Finding 5.

Game fish populations are limited because of extreme low flows, high water temperatures, and extensive populations of rough fish. Finding 16.

Lower Crooked River findings include General Finding #3 and:

Most streams in the basin do not provide enough flow for nonconsumptive public uses at present in periods of relatively low as well as critical flow. Finding 5.

The existence of ground water has been established in certain sections of the basin, but quantities have not been determined. Finding 6.

Water Resources Department
G-13446
Page 3

Little potential for enhancement of fish life exists and is dependent upon securing adequate streamflow. Finding 15.

The Deschutes and Crooked River systems support a variety of fish life including rainbow trout, cutthroat trout, and supports a major sports fishery. Low flows during summer months impair fish survival by among other things raising water temperatures, decreasing aquatic habitat and trout rearing areas, and promoting excessive growth of algae. *See Mathisen, Upper Deschutes River Water Resource Review, pgs. 10-11.* Low flows in the winter adversely effect fish habitat by among other things exposing spawning gravel, reducing feeding and rearing areas in the river and increasing fish deaths due to severe ice conditions on the river. *Id.*

Several segments of the Deschutes River have received state scenic waterway designation. Several segments of the Deschutes and Crooked River have been federally designated under the Federal Wild and Scenic Rivers act. Existing instream water right certificates and pending instream water right applications protect flows needed for fish and recreation in the Deschutes and Crooked Rivers. Specifically, instream water right application #070354 is needed to protect flows in the Crooked River for redband trout populations. The Dry River contributes flows to this portion of the Crooked River. This application was filed in May of 1990. As a tributary to the Columbia River, the Deschutes and Crooked Rivers contribute flows for listed threatened and endangered fish populations in the Columbia River.

In addition to water quantity problems, the Department of Environmental Quality's (DEQ) 1992 *Water Quality Status Assessment Report, 305(b) Report* has identified segments of the Crooked River as Water Quality Limited, incapable of supporting designated beneficial uses of water contact and aquatic life. DEQ has also identified water withdrawals as a cause of stream quality problems in the lower Crooked River. The Deschutes River mainstem suffers from water quality problems. One segment of the river is listed in the Department of Environmental Quality's 1992 *Water Quality Status Assessment Report, 305(b) Report* as water quality limited. This segment of the river is unable to support the designated beneficial use of aquatic life. Several other areas can only partially support aquatic life. Further depletion of surface water flow will only exacerbate these existing water quality problems.

The Department has determined that a hydraulic connection exists between surface and groundwater in the Deschutes River system. *See* Agenda Item J-3, July 17, 1992, page 2. A 1930 Department of Interior Report by Harold Stearns states that the Deschutes River is primarily fed by springs. Stearns, pg. 25. The report describes a resource that is highly permeable in parts and drains into the Deschutes canyon, providing over 1,000,000 acre feet per year of water and over 1,500 cfs in the middle Deschutes Basin. Stearns, pg. 191, 208. Powell Butte, and the Dry River basin is located in an area where there are numerous springs.

Water Resources Department
G-13446
Page 4

A 1955 Water Resources Committee report to the Oregon Legislature confirms Stearns' findings and states that the groundwater supply makes the Deschutes' flow one of the most consistent in the nation. Water Resources Committee Report, pg. 18. Furthermore, an even more recent Water Resources Investigation Report by the USGS confirms the finding of important discharge into the surface waters in the area. Report 84-4095, pg. 13-15. Thus, groundwater in this area is vital to surface water flows, is directly connected to the surface waters, and further permits to use groundwater are likely to deplete already overallocated surface waters in the basin.

As a result of increasing development pressures in the area and concerns about the capacity of the groundwater resource to accommodate future development, the Water Resources Department has recognized the need to learn more about the groundwater/surface water connection. In 1993, the Department in conjunction with USGS and local county governments embarked on a three year study of the resource. Thus, the processing and proposed issuance of additional ground water rights in the study area is premature. No further rights should be issued until the ground water study is completed.

1. Measurement and Reporting.

WaterWatch strongly supports most of the elements of the proposed measurement and reporting conditions for these applications. However, we do not support the limitation which only requires recording the reporting of the "volume" of water use. As I understand it, the Department interprets this phrase as only requiring measurement and reporting of only the total duty - not both rate and duty. As a policy matter, WaterWatch believes that the Department's measurement and reporting conditions should enable the Department to obtain information relating to both rate and duty of water use. One of the conditions in this proposed permits is the rate at which water can be diverted. In order to determine whether there is exact compliance with the terms and conditions of these permits, the Department needs to know the rate at which water is being used. While it maybe possible to extrapolate an **estimated** rate at which the water is being used from the total duty - it is not as accurate a measure of use as requiring record keeping of the actual rate of use. At the very least, the Department should preserve it's ability to require measurement of both rate and duty. We request the term "volume" be substituted with the following language: "rate and/or duty".

Additional information about groundwater use and groundwater characteristics is especially crucial for management of the groundwater resource in the Deschutes Basin. As Director Pagel stated on page 2 of her September 14, 1992 letter to the Chairpersons of Crook, Deschutes and Jefferson County Commissions:

The groundwater information base will never be perfect. However, in many areas it must improve substantially before the Commission can both issue additional permits and meet its obligation to protect the groundwater resource.

Water Resources Department
G-13446
Page 5

. . . If the demands of growing communities are to be met in a timely manner, it is imperative that the state, local governments, citizens and the development community work together to generate more and better groundwater information."

Those who profit from using the resource should be called upon to provide the needed information. In this instance, in addition to measurement and reporting of use, the permittee should be required to at least measure and report well levels, groundwater flow velocities and aquifer depth. This information is critical for resource protection and management.

2. The use is likely to impair the public interest because it will interfere with surface waters in the Basin.

The Department has determined that the groundwater resource is hydraulically connected to surface waters in the area.¹ However, it has failed to determine the extent of the connection and the short and long term impacts of the connection on surface waters in the basin. Oregon's ground water statute and the implementing rules require the Department to look at both short and long term impacts of groundwater use and to insure that the use will not interfere with surface waters. ORS 537.620(3), OAR 690-9, OAR 690-11-195(4)(a). This determination is particularly critical given the existing overallocation of surface waters, the water quality problems and the public's interest in maintaining instream flows for public uses of the Deschutes, Crooked and Columbia Rivers.

The Department and Commission have recognized in the past the increasing pressure to develop groundwater in the basin and expressed concern over the ability of the resource to meet new demands. The ongoing three year study will provide better information upon which to make a determination on this and other pending groundwater applications. Until the required level of scientific certainty needed for decision making is determined and the information developed, this permit should not be issued.

In addition, as stated in WaterWatch's October, 1992 Petition for Withdrawal or Temporary Emergency Rulemaking (previously filed with the Commission), in order to

¹ The technical report for this application concludes that there is no potential for substantial interference. The only support in the Department's file for this statement is a memo from the groundwater section to the water rights section dated 2/10/94. However, this report concludes that the use does not have the potential for substantial interference with the Crooked River. This analysis is defective because it does not analyze the effects of the use on the nearby surface waters - the Dry River. Apparently there is some connection since the conditions in the technical report propose to prohibit or restrict use when it interferes with surface or ground water rights.

Water Resources Department
G-13446
Page 6

protect the public's interest in the Columbia River system (of which the Deschutes and Crooked River is tributary), and the threatened and endangered fish species with rely on this resource, these and other permits for water from the Columbia River Basin should not be considered until sufficient instream flows are determined and guaranteed throughout the basin. Until these flows are determined and protected, the Department has no way to ensure that new uses proposed in the system will not harm the public interest. For the reasons outlined in the objection and in WaterWatch's October Petition (hereby incorporated as part of this objection) the proposed uses will impair and be detrimental to the public interest in the resource.

3. The Proposed Use Violates Oregon's Statewide Policies.

Oregon's Groundwater Management Policy requires that "(i)nterference between groundwater uses and competing groundwater and surface water uses . . . be prevented and/or controlled to protect the water resource and existing rights." OAR 690-410-010(1) (emphasis added). The Policy also requires the State to manage groundwater and surface water conjunctively in order to protect the public's interest in the water resource and existing rights. OAR 690-410-010(2)(a). In addition, Oregon's Statewide Water Allocation Policy requires that groundwater use occur within the capacity of the resource and requires the State to protect Oregon's waters from overallocation by new uses of groundwater. OAR 690-410-070(1).

Oregon statutes and rules also call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions in the technical report does little to further these policies. Given the presence concerns over further development of ground water in the area it is imperative that the water use be as efficient as possible. The applicant should be held to a high standard of efficiency and should have a conservation and curtailment plan should be in place prior to any approval of the proposed permit.

Allowing this use to go forward violates all these policies. The Department's failure to manage the ground and surface waters conjunctively in the Deschutes and Crooked River basins will only exacerbate existing overallocation problems, water quality problems, and will, particularly in the long run, further impair existing surface water rights. It is bad public policy to continue issuing groundwater rights in the face of increasing doubts as to whether increased groundwater use is sustainable.

4. A Public Interest Determination is Impossible Because Essential Information Appears to be Missing From the Application.

Proposed permit condition number 10 in the technical reports require a pump test prior to receiving a certificate. A pump test provides information relating to hydraulic

Water Resources Department
G-13446
Page 7

connection and other aquifer properties. This information is critical for the public interest determination and should be obtained prior to a final public interest determination. If, after this information is obtained, and the use is found to be in the public interest, then condition 11 could be added to require periodic pump tests. The condition should not, however, limit the Director's ability to require pump tests. We suggest language that would require pump tests annually or as deemed needed by the Director.

5. This application is processed out of order.

The tentative priority date for this application is June 25, 1993. There are pending instream water right applications with tentative priority dates senior to these application dates. The Commission has directed the Department to process applications in the order received. This application has the potential to decrease flows needed to meet the pending instream water right application. Thus, this application should not move forward until the instream water right application is processed.

6. Water Quality

The use of water for group domestic will include the generation of human waste which, if discharge to waters of the state, is subject to water quality permitting requirements. The applicant must first get an NPDES permit from the Department of Environmental Quality (DEQ) before any discharges of waste water can occur. When evaluating applications for new uses, the Water Resources Department has a duty to ensure that the use will not harm either the quantity or the quality of surface waters. The governing statutory and regulatory schemes make this self evident. See e.g. ORS 537.170(5)(a)&(c). Other statutory mandates amplify this requirement. ORS 468B.015 specifies that pollution of the water of the state of Oregon:

constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish and aquatic life and impairs domestic, agriculture, industrial, recreational, and other legitimate beneficial uses of water, ***.

It is the public policy of the state:

To protect, maintain, and improve the quality of the waters of the state *** (and) [t]o provide for the prevention, abatement and control of new or existing water pollution. ORS 468B.015(2), (4).

ORS 468B.020 declares that:

Water Resources Department
G-13446
Page 8

Pollution of any of the waters of the state is declared to be not a reasonable or natural use of such waters and to be contrary of the public policy in the state of Oregon.

The statutes and rules under which the Water Resources Commission and Department operate mandate that the agency act in a fashion which is consistent with ORS 468B.015 et seq. See e.g. ORS 536.220(1)(b) (requiring coordinated integrated state water resources policy). See also ORS 536.220(2)(a) (requiring "proper and adequate consideration of the multiple aspects of the beneficial use and control" of Oregon's waters); ORS 537.332(4)(c) (pollution abatement is a beneficial use of water); OAR 690-11-010(3) (defining beneficial use as use that is "consistent with" the laws, rules, and the best interests of the people of the state); OAR 537.170(4)(a) & (c). Thus, the public interest determination made by the Commission and Department must include an evaluation of the effects of this proposed use on the water quality of the creek. See also OAR 690-11-195(4)(c).

The technical report does not reveal whether or not a discharge will occur and whether or not DEQ has made a determination regarding the effect this proposed use on the water quality and whether this applicant will even be allowed to discharge. Until the DEQ has done this analysis, the Water Resources Department has insufficient information upon which to make a public interest determination. This application should be put on hold until DEQ has made a determination on the discharge permit. If the applicant obtains a NPDES and if a water use permit is subsequently issued, the water use permit should be conditioned to require that water use under the permit is only allowed if the applicant continues to maintain a valid NPDES permit and is in compliance with the terms of the NPDES permit.

Sincerely,



Karen A. Russell
Assistant Director

WaterWatch

RECEIVED

JUN - 9 1994

WATER RESOURCES DEPT.
SALEM, OREGON

By FAX 378-8130 and Regular Mail

June 6, 1994

Oregon Water Resources Department
Water Rights Section
158 12th Street NE
Salem, Oregon 97310

Re: Objection to Technical Report for:
G-13446, Powell Butte View Estates, Group Domestic, Dry River, Crooked

WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ **The Technical Report is Defective**

The technical report fails to contain many of the elements and evaluations required in OAR 690-11-160(1). The areas of deficiency are the same as those identified in Water Watch's objection to G-11923 and are hereby incorporated by reference.

◆ **The Use Proposed is Not in the Public Interest**

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General Findings:

Flows are not sufficient on many streams during the summer months of average water years to supply existing and future demands. Finding 2.

Simultaneous use of a major portion of existing consumptive rights results in flows at or near the zero level on some streams during the summer months. Finding 3.

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JUN - 9 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Department
G-13446
Page 2

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A 1955 Water Resources Committee report to the Oregon Legislature confirms Stearns' findings and states that the groundwater supply makes the Deschutes' flow one of the most consistent in the nation. Water Resources Committee Report, pg. 18. Furthermore, an even more recent Water Resources Investigation Report by the USGS confirms the finding of important discharge into the surface waters in the area. Report 84-4095, pg. 13-15. Thus, groundwater in this area is vital to surface water flows, is directly connected to the surface waters, and further permits to use groundwater are likely to deplete already overallocated surface waters in the basin.

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Additional information about groundwater use and groundwater characteristics is especially crucial for management of the groundwater resource in the Deschutes Basin. As Director Pagel stated on page 2 of her September 14, 1992 letter to the Chairpersons of Crook, Deschutes and Jefferson County Commissions:

The groundwater information base will never be perfect. However, in many areas it must improve substantially before the Commission can both issue additional permits and meet its obligation to protect the groundwater resource.

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2. The use is likely to impair the public interest because it will interfere with surface waters in the Basin.

The Department has determined that the groundwater resource is hydraulically connected to surface waters in the area.¹ However, it has failed to determine the extent of the connection and the short and long term impacts of the connection on surface waters in the basin. Oregon's ground water statute and the implementing rules require the Department to look at both short and long term impacts of groundwater use and to insure that the use will not interfere with surface waters. ORS 537.620(3), OAR 690-9, OAR 690-11-195(4)(a). This determination is particularly critical given the existing overallocation of surface waters, the water quality problems and the public's interest in maintaining instream flows for public uses of the Deschutes, Crooked and Columbia Rivers.

The Department and Commission have recognized in the past the increasing pressure to develop groundwater in the basin and expressed concern over the ability of the resource to meet new demands. The ongoing three year study will provide better information upon which to make a determination on this and other pending groundwater applications. Until the required level of scientific certainty needed for decision making is determined and the information developed, this permit should not be issued.

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protect the public's interest in the Columbia River system (of which the Deschutes and Crooked River is tributary), and the threatened and endangered fish species with rely on this resource, these and other permits for water from the Columbia River Basin should not be considered until sufficient instream flows are determined and guaranteed throughout the basin. Until these flows are determined and protected, the Department has no way to ensure that new uses proposed in the system will not harm the public interest. For the reasons outlined in the objection and in WaterWatch's October Petition (hereby incorporated as part of this objection) the proposed uses will impair and be detrimental to the public interest in the resource.

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Oregon's Groundwater Management Policy requires that "(i)nterference between groundwater uses and competing groundwater and surface water uses . . . be prevented and/or controlled to protect the water resource and existing rights." OAR 690-410-010(1) (emphasis added). The Policy also requires the State to manage groundwater and surface water conjunctively in order to protect the public's interest in the water resource and existing rights. OAR 690-410-010(2)(a). In addition, Oregon's Statewide Water Allocation Policy requires that groundwater use occur within the capacity of the resource and requires the State to protect Oregon's waters from overallocation by new uses of groundwater. OAR 690-410-070(1).

Oregon statutes and rules also call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions in the technical report does little to further these policies. Given the presence concerns over further development of ground water in the area it is imperative that the water use be as efficient as possible. The applicant should be held to a high standard of efficiency and should have a conservation and curtailment plan should be in place **prior** to any approval of the proposed permit.

Allowing this use to go forward violates all these policies. The Department's failure to manage the ground and surface waters conjunctively in the Deschutes and Crooked River basins will only exacerbate existing overallocation problems, water quality problems, and will, particularly in the long run, further impair existing surface water rights. It is bad public policy to continue issuing groundwater rights in the face of increasing doubts as to whether increased groundwater use is sustainable.

4. A Public Interest Determination is Impossible Because Essential Information Appears to be Missing From the Application.

Proposed permit condition number 10 in the technical reports require a pump test prior to receiving a certificate. A pump test provides information relating to hydraulic

connection and other aquifer properties. This information is critical for the public interest determination and should be obtained prior to a final public interest determination. If, after this information is obtained, and the use is found to be in the public interest, then condition 11 could be added to require periodic pump tests. The condition should not, however, limit the Director's ability to require pump tests. We suggest language that would require pump tests annually or as deemed needed by the Director.

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The tentative priority date for this application is June 25, 1993. There are pending instream water right applications with tentative priority dates senior to these application dates. The Commission has directed the Department to process applications in the order received. This application has the potential to decrease flows needed to meet the pending instream water right application. Thus, this application should not move forward until the instream water right application is processed.

6. Water Quality

The use of water for group domestic will include the generation of human waste which, if discharge to waters of the state, is subject to water quality permitting requirements. The applicant must first get an NPDES permit from the Department of Environmental Quality (DEQ) before any discharges of waste water can occur. When evaluating applications for new uses, the Water Resources Department has a duty to ensure that the use will not harm either the quantity or the quality of surface waters. The governing statutory and regulatory schemes make this self evident. See e.g. ORS 537.170(5)(a)&(c). Other statutory mandates amplify this requirement. ORS 468B.015 specifies that pollution of the water of the state of Oregon:

constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish and aquatic life and impairs domestic, agriculture, industrial, recreational, and other legitimate beneficial uses of water, ***.

It is the public policy of the state:

To protect, maintain, and improve the quality of the waters of the state *** (and) [t]o provide for the prevention, abatement and control of new or existing water pollution. ORS 468B.015(2), (4).

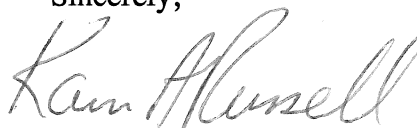
ORS 468B.020 declares that:

Pollution of any of the waters of the state is declared to be not a reasonable or natural use of such waters and to be contrary of the public policy in the state of Oregon.

The statutes and rules under which the Water Resources Commission and Department operate mandate that the agency act in a fashion which is consistent with ORS 468B.015 et seq. See e.g. ORS 536.220(1)(b) (requiring coordinated integrated state water resources policy). See also ORS 536.220(2)(a) (requiring "proper and adequate consideration of the multiple aspects of the beneficial use and control" of Oregon's waters); ORS 537.332(4)(c) (pollution abatement is a beneficial use of water); OAR 690-11-010(3) (defining beneficial use as use that is "consistent with" the laws, rules, and the best interests of the people of the state); OAR 537.170(4)(a) & (c). Thus, the public interest determination made by the Commission and Department must include an evaluation of the effects of this proposed use on the water quality of the creek. See also OAR 690-11-195(4)(c).

The technical report does not reveal whether or not a discharge will occur and whether or not DEQ has made a determination regarding the effect this proposed use on the water quality and whether this applicant will even be allowed to discharge. Until the DEQ has done this analysis, the Water Resources Department has insufficient information upon which to make a public interest determination. This application should be put on hold until DEQ has made a determination on the discharge permit. If the applicant obtains a NPDES and if a water use permit is subsequently issued, the water use permit should be conditioned to require that water use under the permit is only allowed if the applicant continues to maintain a valid NPDES permit and is in compliance with the terms of the NPDES permit.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karen A. Russell".

Karen A. Russell
Assistant Director

POWELL BUTTE VIEW ESTATES WATER DISTRICT
P O Box 53
Powell Butte OR 97753

RECEIVED

JAN 13 1994

WATER RESOURCES DEPT.
SALEM, OREGON

January 11 1994

Oregon Water Resources Department
Technical Services Division
3850 Portland Road NE
Salem OR 97310

Attention: Darlene Castle, Asst. to Reed Marbut
In Regards: Groundwater permit application # G13446
Powell Butte View Estates Water District

Dear Ms. Castle:

Thank you for the time you spent on the phone with me on Friday, January 7 1994. You were of great assistance.

Our water district currently has an application with your agency for a groundwater permit (# G13446) in line for processing. The District is working with the Farmers Home Administration for the development and financing of the well and system improvements. I have attached a letter of confirmation from Richard Porter of FmHA indicating the results of an income survey. In conversations with Mr. Porter, we could be in line for a possible 55% grant at this time (subject to Federal monies and total cost of project).

It has been indicated that the FmHA requires that the groundwater permit be secured before any funding of the project could take place. I am anticipating another letter from FmHA this week and will forward a copy to you.

I am hoping that you could help by processing our application out-of-order so that the District could firm the commitment from FmHA and have the project going as rapidly as possible. Our District is at a point of rapid growth and we need to confirm the availability of this option, as we are currently treating surface water and have limited treatment and storage capacity. The well and improvements would be sufficient to supply the District to complete development, (currently at 50% of a potential 102 svc.)

At a recent meeting of the Middle Deschutes Basin Groundwater Study, I met and spoke with Fred Lissner of the Groundwater Section and he indicated that due to the small size of the well (100 gpm) and location, distant from rivers, that you could possibly expedite the permit process.

I appreciate any assistance you could provide to us, as we have limited resources and time to develop our options, as we do not want to lose any funding or grants available from FmHA.

Thank you for your assistance. Please contact me if we can provide any additional information that would assist you and reduce your manpower required to process the permit.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kevin Limbeck".

Kevin Limbeck, President
Board of Commissioners
(503) 548-1337 (home)
(503) 548-3111 (office)

cc: Martha Pagel



United States
Department
of Agriculture

Farmers Home Administration
District Office I 225 S.W. 1st Ave.
Ontario, OR 97914
(503) 889-7609

12/2/93

Powell Butte View Estates Water District
c/o Dorothy Boyd
P.O. Box 53
Powell Butte, OR 97753

Re: Income Survey

Dear Ms. Boyd:

Earlier this year the Portland State University Center for Population Research and Census, CPRC, conducted an income survey at Powell Butte View Estates. The results of this income survey indicated a Median Household Income of \$25,500.

FmHA has reviewed the CPRC income survey and concluded that the Median Household Income for Powell Butte View Estates Water District should be \$25,500. This will make the District eligible for an intermediate rate loan and possible grant funding. Please be advised that our decision affects eligibility, but the feasibility of the proposed loan/grant must be evaluated in more detail prior to any commitment by our agency for the proposed project.

If you have any questions, please contact me.

Sincerely,

Richard C. Porter
Richard C. Porter
District Loan Specialist

RCP:mm

cc: State Director - ATTN: CBP Section
Bill Tye, Engineer

Farmers Home Administration is an Equal Opportunity Lender.
Complaints of discrimination should be sent to:
Secretary of Agriculture, Washington, D.C. 20250



United States
Department
of Agriculture

Farmers Home
Administration
District Office I

225 S.W. 1st Ave.
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Secretary of Agriculture, Washington, D.C. 20250

POWELL BUTTE VIEW ESTATES WATER DISTRICT
P O Box 53
Powell Butte OR 97753

January 11 1994

Date: 1/24 Tm S
is during T.Q.

RECEIVED

JAN 13 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon Water Resources Department
Technical Services Division
3850 Portland Road NE
Salem OR 97310

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Thank you.

Sincerely,

Kevin Limbeck

Kevin Limbeck, President
Board of Commissioners
(503) 548-1337 (home)
(503) 548-3111 (office)

cc: Martha Pagel

POWELL BUTTE VIEW ESTATES WATER DISTRICT
P O Box 53
Powell Butte OR 97753

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JAN 13 1994

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SALEM, OREGON

January 11 1994

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Kevin Limbeck

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Board of Commissioners
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cc: Martha Pagel



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of Agriculture

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12/2/93

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c/o Dorothy Boyd
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Powell Butte, OR 97753

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Richard C. Porter
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District Loan Specialist

RCP:mm

cc: State Director - ATTN: CBP Section
Bill Tye, Engineer

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Complaints of discrimination should be sent to:
Secretary of Agriculture, Washington, D.C. 20250

Application No. 673446

Permit No.

Land Use Information Form: Permits, Licenses, Water Uses in Addition to Classified Uses

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the request for water use. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

Applicant's Name: Powell Butte View Estates
 Address: P. O. Box 53
 City: Powell Butte State: OR Zip: 97753
 Phone: (503) 382-4321 WRD Application No.: _____

WATER RESOURCES DEPT.
SALEM, OREGON

JUN 25 1993

RECEIVED

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Used
see attached				

The following section must be completed by all local planning departments responsible for the property(ies) listed above. Please ask the Department for extra forms, as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form and return it to the applicant or the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

a) Check the appropriate box below and provide requested information.

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 566 3.020 (1c). Go to section b) on reverse side.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)**

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

WRD Applicant Name: _____

b) Please provide printed name and written signature.
Name: Genel M

Gordon Moore

Plannok

Date: 6-18-93

Phone: 442-3211

Signature:

Gordon Moore

Continuations or Additional Comments:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the paper.

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: Powell Butte View Estates
 Address: P. O. Box 53
Powell Butte, OR 97753
 Phone: (503) 382-4321 (Dorothy Boyd)

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- RECEIVED
 JUN 25 1993
 WATER RESOURCES DEPT.
 SALEM, OREGON
- ☐ Irrigation (crop type, golf course, nursery or greenhouse): _____
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): _____
- ☒ Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- ☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- ☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- ☐ Institutional (i.e., school, library, etc.): _____
- ☐ Mining (aggregate, metal, open pit, placer, etc.): _____
- ☐ Recreation (park, campsite, pond, etc.): _____
- ☐ Fish and Wildlife (pond, hatchery, etc.): _____
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- ☐ Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input type="checkbox"/> Surface Water Name sources: _____ _____ _____	_____ Cubic feet per second. <u>130</u> Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input checked="" type="checkbox"/> Ground Water	

TECHNICAL REVIEW CHECKLIST

FORM-71393

(1) Application: 6-13 446

(2) Review Date: ~~1-19-94~~
3-29-94

S Indicates information was completed or adequately addressed.
U Indicates information is needed, or incomplete, or inadequately addressed
N/A Indicates Not Applicable

SUMMARY

U Completeness
S Land Use
S GW Interference (if potential interference with surface water, see results of water availability analysis)
S Conflicts
S Water Availability

(3) S The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.

(4) N/A No oath is required because application was filed before June 5, 1992.

(5) U Application fees:

Examination fee: \$ 200
Recording fee: \$ 125
TOTAL REQUIRED \$ 325
TOTAL SUBMITTED \$ 300

AMOUNT DUE prior to issuance of permit \$ 25
AMOUNT OVERPAID
refund due applicant \$ _____

(6) S Proposed dates of beginning and completion of construction, and complete application of water.

(7) S MAP: ☒ Prepared by a CWRE
☐ Exempt under OAR 690-11-150(3)
☐ A map or drawing included (non-CWRE)
☐ No map or drawing in file

- (8) N/A A CWRE map is not required for applications filed before November 9, 1987.
- (9) S A written copy of the legal description of the property on which the water is to be used.
- (10) U A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
- (11) S The proposed use is not restricted or prohibited by statute.
- (12) S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
- (13) S GRP Dam use(s) is/are classified uses(s) under the Lower Crook & Riv Basin Program, OAR 690 - 505-005 1(a)
- (14) U The application, map and supporting data are complete and free of defects.

Land Use Compatibility:

- (15) As expressed by the Planning Department of CROOK COUNTY
- (16) S The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section 586.3.020 (16)).
- (17) N/A The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
- (18) N/A The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For ground water applications:

- (20) S A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.
- (21) S The report from groundwater section has been received.

For reservoir applications:

- (22) N/A Plans, specifications and supporting information for the dam and impoundment area.

MARCH 30, 1994

POWELL BUTTE VIEW ESTATES
PO BOX 53
POWELL BUTTE, OR 97753

Reference: File G-13446

Under separate cover I have enclosed our report of technical review. Your application file was recently reviewed. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

Please send the following:

o/c permit fees in the amount of \$25.00;

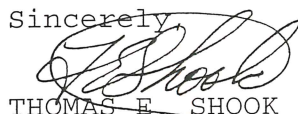
a copy of written authorization or easement permitting access to land not owned by you, the applicant;

o/c documentation of ownership, including names and mailing addresses of all legal owners of all property involved in the proposed development;

After the file is complete and the deadline for objections to the technical review expires, staff will again review the file for objections and further process your application as soon as possible.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,



THOMAS E. SHOOK
WATER RIGHT SPECIALIST

cc: LANSLOWNE, CWRE



TYE ENGINEERING, INC.

112 NW Greeley • Bend, Oregon 97701 • (503) 389-6959

Application No. 613446
Permit No.

RECEIVED
JUN 25 1993
WATER RESOURCES DEPT.
SALEM, OREGON

LEGAL DESCRIPTION OF PROPERTY
FOR WATER RIGHTS PERMIT APPLICATION
FOR POWELL BUTTE VIEW ESTATES, PRINEVILLE, OREGON

The following property is included under this application for a permit to appropriate groundwater:

- 1) Lots 1 through 12 in Block One, lots 1 through 12 in Block 2; lots 1 through 16 in Block 3; and lots 1 through 16 in Block 4 of Powell Butte View Estates in the northeast quarter of Section 22, Township 16 South, Range 14 East of the Willamette Meridian, Crook County, Oregon.
- 2) Tax lots 100, 200, 300, 301, 400 through 434, 500, 600, 700, 800, 900, 1000 in Section 15, Township 16 South, Range 14 East of the Willamette Meridian, Crook County, Oregon.
- 3) Tax lot 2302 in Section 23, Township 16 South, Range 14 East of the Willamette Meridian, Crook County, Oregon.

TL#100
OWEN & GERI ALLBRITTON
RT 1 BOX 508
POWELL BUTTE OR 97753

TL#200
DANA BUCKENDAHL
RT 1 BOX 507
POWELL BUTTE OR 97753

TL#301
ROBERT HARVEY
RT 1 BOX 509
POWELL BUTTE OR 97753

TL#300
PATRICK HARVEY
P O BOX 8178
BEND OR 97708

TL#420
GARY J & IDA FAY CURTIS
*88064 HEATHER LN
SPRINGFIELD OR 97478*

TL#423
RANDOLPH KERR
245 S EWEN ST
PRINEVILLE OR 97754

TL#406
MELVIN & DIANE HATTON
19214 INDIAN SUMMER RD
BEND OR 97702

TL#417
GARRISON CALEEN
417 QUAIL TRAIL
POWELL BUTTE OR 97753

TL#421
RICHARD & CATHY BARTELS
421 QUAIL TRAIL
POWELL BUTTE OR 97753

TL#424
STEVE & DOROTHY BOYD
424 QUAIL TRAIL
POWELL BUTTE OR 97753

TL#419
DONALD & DORTHEA LANE
419 QUAIL TRAIL
POWELL BUTTE OR 97753

TL#415
ROBERT & JUNE PRITCHETT
P O BOX 56
POWELL BUTTE OR 97753

TL#800
ARNOLD VETTERICK
65858 CORI WAY
BEND OR 97701

TL#700
ARNOLD VETTERICK
65858 CORI WAY
BEND OR 97701

TL#600
ARNOLD VETTERICK
65858 CORI WAY
BEND OR 97701

TL#500
DENNIS & JULIE BARROW
411 SEGO LILY RD
POWELL BUTTE OR 97753

TL#422
DENNIS & JULIE BARROW
411 SEGO LILY RD
POWELL BUTTE OR 97753

TL#414
MARTHA SOMMERS
414 SEGO LILY RD
POWELL BUTTE OR 97753

TL#408
CASH & ANNA BRUINGTON
408 SEGO LILY RD
POWELL BUTTE OR 97753

TL#409
ROBERT SACKS
9353 PIPILO
SAN DIEGO CA 92129

TL#900
JAMES & LINDA CORNELIUS
420 SEGO LILY RD
POWELL BUTTE OR 97753

TL#404
BARRY PHELPS
63245 DESCHUTES MKT RD
BEND OR 97701

WATER RESOURCES DEPT.
SALEM, OREGON

JUN - 3 1994

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TL#433
CHARLES DARLAND
43400 SE HOGG MILL RD
CORBETT OR 97019

TL#429
DENNIS HARNEY
RT 1 BOX 290
POWELL BUTTE OR 97753

TL#401
HENRY STARK
405206 GRIMES RD
PRINEVILLE OR 97754

TL#418
JEFF & DEBBIE WAGNON
418 SEGO LILY RD
POWELL BUTTE OR 97753

TL#434
JOHN & LAURIE MORGAN
416 MEADOWLARK
POWELL BUTTE OR 97753

TL#425
THERESA DELUCCIA
P O BOX 438
REDMOND OR 97756

TL#402
JOSEPH SHAUGHNESSY
18116 28TH ST E
SUMNER WA 98390

TL#403
BARRY PHELPS
63245 DESCHUTES MARKET RD
BEND OR 97701

TL#407
DANIEL MILLER
4041 NW LA MESA LN
REDMOND OR 97756

TL#431
WARD PHELPS
465 S BLUFF ST #212
ST GEORGE UT 84770

TL#430
JOHN & LAURIE MORGAN
416 MEADOWLARK
POWELL BUTTE OR 97753

TL#432
CALVIN MOSHER
5809 19TH CT NW
GIG HARBOR WA 98335

TL#416
JOHN & LAURIE MORGAN
416 MEADOWLARK
POWELL BUTTE OR 97753

TL#400
THOMAS & SYLVIA SCHERER
400 MEADOWLARK
POWELL BUTTE OR 97753

TL#410
MELVIN MURPHY
8510 NE HWY 99 #8
HAZEL DELL WA 98665

TL#412
MELVIN MURPHY
8510 NE HWY 99 #8
HAZEL DELL WA 98665

TL#413
MERLIN SLACK
3675 HUERTO DR
LAS VEGAS NV 89121

TL#405
BARRY PHELPS
63245 DESCHUTES MKT RD
BEND OR 97701

TL#426
TIMOTHY BRANNAN
406 NW WALL ST APT#10
BEND OR 97701

TL#428
DENNISON PETERS
20324 FAIRWAY DR
BEND OR 97702

TL#411
ROBERT CHURCH
411 MEADOWLARK
POWELL BUTTE OR 97753

TL#1000
RICHARD PICARD
3188 SUNDOWN DR
LAS VEGAS NV 89109

TL#2302
JOHN & DIANE BARNEY
1 MT VIEW DR
POWELL BUTTE OR 97753

TL#100
GREG HAHN
11475 HAZELWOOD LP
TIGARD OR 97223

TL#200
MITCHELL PESA
3945 E EDEN ROCK CIRCLE
TAMPA FL 33634-7417

TL#300
NANCY BELL
1709 NE 78TH #58
VANCOUVER WA 98655

TL#400
LESTER & JERRIE CARDWELL
61445 SE 27TH #76
BEND OR 97702

TL#500
RICHARD YORK
140 MT VIEW DR
POWELL BUTTE OR 97753

TL#600
THOMAS GAMM
142 MT VIEW DR
POWELL BUTTE OR 97753

TL#700
SHAWN & DESIREE BRESLER
14 MT VIEW DR
POWELL BUTTE OR 97753

TL#800
THOMAS & DEANN GLAZIER
819 NW GEORGIA
BEND OR 97701

TL#900
BRAD STANLEY
15 JUNIPER DR
POWELL BUTTE OR 97753

TL#1000
JOHN & SUSAN LEES
13 JUNIPER DRIVE
POWELL BUTTE OR 97753

TL#1100
WALLACE TEUSCHER
2316 NE 160TH LOOP
VANCOUVER WA 98684

TL#1200
ALAN HAGON
P O BOX 925
PRINEVILLE OR 97754

TL#1300
HARLEY & PAULA REECE
8 JUNIPER DR
POWELL BUTTE OR 97753

TL#1400
GEORGE HOLT
5 JUNIPER DRIVE
POWELL BUTTE OR 97753

TL#1500
LOUIS & MAXINE PAGE
3 JUNIPER DR
POWELL BUTTE OR 97753

TL#1600
ROD & SHARON BACKLIN
1 JUNIPER DR
POWELL BUTTE OR 97753

TL#1700
KENT D PARKS
P O BOX 46
POWELL BUTTE OR 97753

TL#1800
LAURIE DYER
14102 SE 23RD CIRCLE
VANCOUVER WA 98684

TL#1900
BENNY & GENECE REICH
6 JUNIPER DR
POWELL BUTTE OR 97753

TL#2000
JAMES McGECHIE
10751 SE 240TH PL
GRESHAM OR 97080

TL#2100
LAURIE DYER
14102 SE 23RD CIRCLE
VANCOUVER WA 98684

TL#2200
ELDA MUNSTERMAN
12 JUNIPER DR
POWELL BUTTE OR 97753

TL#2300
SYLVIA HELTON
14 JUNIPER DR
POWELL BUTTE OR 97753

TL#2400
JON & LUCY HIRSH
16 JUNIPER DR
POWELL BUTTE OR 97753

TL#2500
ROBERT MILLIGAN
17726 NORDHOFF
NORTHRIDGE CA 91325

TL#2600
PATRICK & VICKIE MONROE
13 ANTELOPE DR
POWELL BUTTE OR 97753

TL#2700
ROBERT REICH
11 ANTELOPE DR
POWELL BUTTE OR 97753

TL#2800
RON & MICKEY MARLOW
9 ANTELOPE DR
POWELL BUTTE OR 97753

TL#2900
ROBERT SECHLER
P O BOX 1396
WINSTON OR 97496

TL#3000
HARTLEY & IRENE BIRDELL
14388 S ANTELOPE DR
POWELL BUTTE OR 97753

TL#3100
DAVE BUFFAM
3 ANTELOPE DR
POWELL BUTTE OR 97753

TL#3200
DANNY & TAMMY ELWESS
1 ANTELOPE DR
POWELL BUTTE OR 97753

TL#3300
CHARLES HELFRICK
7 RAINBOW CIRCLE
DANVILLE CA 94506

TL#3400
CHARLES GATES/DOROTHY HENNINGS
4 ANTELOPE DR
POWELL BUTTE OR 97753

TL#3500
LETA KERSEY
6 ANTELOPE DR
POWELL BUTTE OR 97753

TL#3600
DALE HAVLIK
8 ANTELOPE DR
POWELL BUTTE OR 97753

TL#3700
ANNA (MIMI) CHERNEY
340 RIVERSIDE APT 38
NEW YORK NY 10025

TL#3800
HARRY E SCHAFER
11245 SW 90TH AVE
TIGARD OR 97223

TL#3900
TED HACKMAN
P O BOX 19
POWELL BUTTE OR 97753

TL#4000
THOMAS ACORD/WENDY GUST
9 SAGE DR
POWELL BUTTE OR 97753

TL#4100
ROBERT & JOANN HARR
7 SAGE DR
POWELL BUTTE OR 97753

TL#4200
ERNIE & VALANNE STOCKTON
5 SAGE DR
POWELL BUTTE OR 97753

TL#4300
ELMO HAMILTON
RT 1 LOT 3 SAGE DR
POWELL BUTTE OR 97753

TL#4400
JOHN & LINDA REED
3 HAHLEN DR
POWELL BUTTE OR 97753

TL#4500
GENE & ANNA DAVIS
1 SAGE DR
POWELL BUTTE OR 97753

TL#4600
JIM & MARY SCHAS
P O BOX 172
REDMOND OR 97756

TL#4700
CLARENCE WIBLE
RT 1 BOX 528 SAGE DR
POWELL BUTTE OR 97753

TL#4800
JOAN SCILINGO
10405 MORETTI DR
CUPERTINO CA 95014

TL#4900
SHARON PFAFF/JON VURIK
4136 NE 30TH
GRESHAM OR 97080

TL#5000
GEORGE SHEBLEY/KEVIN LIMBECK
P O BOX 1099
REDMOND OR 97756

TL#5100
KEN & LISA WAGNER
11 LUPINE DR
POWELL BUTTE OR 97753

TL#5200
ROBERT & DONA GOERTLER
P O BOX 13
POWELL BUTTE OR 97753

TL#5300
LORI ASHBY
P O BOX 77
POWELL BUTTE OR 97753

TL#5400
ROBERT & CANDY VILHAUER
5 LUPINE DR
POWELL BUTTE OR 97753

TL#5500
LATHAN & LAWANDA WESTROPE
3 LUPINE DR
POWELL BUTTE OR 97753

TL#5600
GIRI GOPALAKRISHNA
1 LUPINE DR
POWELL BUTTE OR 97753

APPLICATION FOR TRANSPORTATION AND
UTILITY SYSTEMS AND FACILITIES
ON FEDERAL LANDS

RECEIVED

JUN - 3 1994

FORM APPROVED
OMB NO. 1004-0060
Expires: June 30, 1995

NOTE: Before completing and filing the application, the applicant should completely review this package and schedule a preapplication meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the preapplication meeting.

FOR AGENCY USE ONLY

Application Number

Date filed

1. Name and address of applicant (include zip code)

Powell Butte View Estates
P.O. Box 53
Powell Butte, OR 97753

2. Name, title, and address of authorized agent if different from Item 1 (include zip code)

William Tye - Tye Engineering
112 NW Greeley
Bend, OR 97701

3. TELEPHONE (area code)

Applicant

Authorized Agent

(503) 389-6959

4. As applicant are you? (check one)

- a. ☐ Individual
b. ☐ Corporation*
c. ☒ Partnership/Association*
d. ☐ State Government/State Agency
e. ☐ Local Government
f. ☐ Federal Agency

* If checked, complete supplemental page

5. Specify what application is for: (check one)

- a. ☒ New authorization
b. ☐ Renew existing authorization No. _____
c. ☐ Amend existing authorization No. _____
d. ☐ Assign existing authorization No. _____
e. ☐ Existing use for which no authorization has been received*
f. ☐ Other*

* If checked, provide details under Item 7

6. If an individual, or partnership are you a citizen(s) of the United States? ☒ Yes ☐ No

7. Project description (describe in detail): (a) Type of system or facility, (e.g., canal, pipeline, road); (b) related structures and facilities; (c) physical specifications (length, width, grading, etc.); (d) term of years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction. (Attach additional sheets, if additional space is needed.)

- A. Domestic water well
B. Well house and pipe line
C. 400 + foot well and 100 feet of p.v.c. water main.
D. perpetual right of way
E. year round
F. 130 GPM
G. 1995
H. See attached map

8. Attach map covering area and show location of project proposal

9. State or local government approval: ☐ Attached ☒ Applied for ☐ Not required

10. Nonreturnable application fee: ☐ Attached ☐ Not required

11. Does project cross international boundary or affect international waterways? ☐ Yes ☐ No (If "yes," indicate on map)

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

The proposed will be financed with anticipated FmHA loan and grant funds.

13a. Describe other reasonable alternative routes and modes considered.

The only other suitable sites are on private land.

b. Why were these alternatives not selected?

The district has been unsuccessful in acquiring an easement.

c. Give explanation as to why it is necessary to cross Federal lands.

All well in the vicinity of the development have failed to produce an adequate amount of water.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (*Specify number, date, code, or name.*)

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (*construction, operation, and maintenance*); (b) estimated cost of next best alternative; and (c) expected public benefits.

To upgrade the quality of water from C.O.I. ditch water to well water. The estimated cost of the well is \$50,000. The next alternative is 5 miles to Red Cloud subdivision.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

The project will not effect residents outside the development. But will improve the quality of drinking water within the development to meet State standards.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability.

The proposed project will have no adverse effects on the above.

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plant, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

The proposed project will not effect any of the above.

19. State whether any hazardous substance, as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 (14), or any hazardous or solid waste, as defined in the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6903 (5), (27), will be used in the construction of, or at any time transported within, the right-of-way.

No hazardous substance will be used in construction of, or at any time transported within, the right-of-way.

20. Name all the Department(s)/Agency(ies) where this application is being filed.

Bureau of Land Management
Prineville, OR

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

Alan Ambrose, President

Date

5/2/94

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

SUPPLEMENTAL

NOTE: The responsible agency(ies) will provide additional instructions.	CHECK APPROPRIATE BLOCK	
	ATTACHED	FILED *
I – PRIVATE CORPORATIONS		
a. Articles of Incorporation	<input type="checkbox"/>	<input type="checkbox"/>
b. Corporation Bylaws	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. A certification from the State showing the corporation is in good standing and is entitled to operate within the State.	<input type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.	<input type="checkbox"/>	<input type="checkbox"/>
f. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications.	<input type="checkbox"/>	<input type="checkbox"/>
g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal.	<input type="checkbox"/>	<input type="checkbox"/>
II – PUBLIC CORPORATIONS		
a. Copy of law forming corporation	<input type="checkbox"/>	<input type="checkbox"/>
b. Proof of organization	<input type="checkbox"/>	<input type="checkbox"/>
c. Copy of Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
e. If application is for an oil or gas pipeline, provide information required by Item "I-f" and "I-g" above.	<input type="checkbox"/>	<input type="checkbox"/>
III – PARTNERSHIP OR OTHER UNINCORPORATED ENTITY		
a. Articles of association, if any	<input type="checkbox"/>	<input type="checkbox"/>
b. If one partner is authorized to sign, resolution authorizing action is	<input type="checkbox"/>	<input type="checkbox"/>
c. Name and address of each participant, partner, association, or other	<input type="checkbox"/>	<input type="checkbox"/>
d. If application is for an oil or gas pipeline, provide information required by Item "I-f" and "I-g" above.	<input type="checkbox"/>	<input type="checkbox"/>

* If the required information is already filed with the agency processing this application and is current, check block entitled "Filed." Provide the file identification information (e.g., number, date, code, name). If not on file or current, attach the requested information.

NOTICE

The Privacy Act of 1974 provides that you be furnished the following information in connection with information required by this application for an authorization.

AUTHORITY: 16 U.S.C. 310; 5 U.S.C. 301.

PRINCIPAL PURPOSE: The information is to be used to process the application.

ROUTINE USES: (1) The processing of the applicant's request for an authorization. (2) Documentation for public information. (3) Transfer to appropriate Federal agencies when concurrence is required prior to granting a right in public lands or resources. (4)(5) Information from the record and/or the record will be transferred to appropriate Federal, State, local or foreign agencies, when relevant to civil, criminal or regulatory investigations or prosecutions.

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is voluntary. If all the information is not provided, the application may be rejected.

DATA COLLECTION STATEMENT

The Federal agencies collect this information from applicants requesting right-of-way, permit, license, lease, or certification for the use of Federal lands.

The Federal agencies use this information to evaluate the applicant's proposal.

The public is obligated to submit this form if they wish to obtain permission to use Federal lands.

A reproducible copy of this form may be obtained from the Bureau of Land Management, Division of Lands, 1849 C Street, N.W., Mail Stop-Rm. 301, 1620 L, Washington, D.C. 20240.

RECEIVED

JUN - 3 1994

WATER RESOURCES DEPT.

SALEM, OREGON

FILED

SEP 3 1994 P 4: 57

IN THE COUNTY COURT OF THE STATE OF OREGON

FOR THE COUNTY OF CROOK

IN THE MATTER OF THE FORMATION
OF POWELL BUTTE VIEW ESTATES
WATER DISTRICT

) NO.

) FINAL ORDER OF FORMATION

BE IT REMEMBERED that on the 28th day of September, 1983,
the County Court held a final hearing on the formation of
Powell Butte View Estates Water District pursuant to ORS Chapter 198
and 264. The court issued a preliminary order of formation at
the hearing held August 31, 1983.

Receiving no signed request for an election on the question
of formation from fifteen percent (15%) of the qualified voters
in the proposed Powell Butte View Estates Water District at or
before the final hearing, the court now enters the final order
forming the water district. The boundaries of the water district
shall be:

That parcel of land lying within Township 16 South, Range 14 East
Willamette Meridian, Crook County, Oregon, more particularly des-
cribed as follows:

Beginning at the corner common to Sections 15, 16,
21 and 22 of said Township 16 South, Range 14 East,
thence North along the West section line of said
Section 15 approximately 2,640 feet to the quarter
corner common to said Sections 15 and 16; thence
South 87°11' East along the center section line of
said Section 15 approximately 5,274 feet to the
quarter corner common to Sections 14 and 15; thence

79.905 CH

South 00°31' East 2,313.5 feet to a point on the
section line, which point being 331.5 feet north of
the corner common to Sections 14, 15, 22 and 23 of
Township 16 South, Range 14 East Willamette Meridian;
thence South ^②87°11' East approximately 1,314 feet;
thence South 00°31' East approximately 331.5 feet to
a point on the section line, which point being 1,314
feet East of the corner common to said Sections 14, 15,
22, and 23; thence North 87°11' West approximately 1,314
feet to the northeast corner of Powell Butte View Estates
Subdivision, as platted and recorded; thence in a souther-
ly direction along the east boundary of said Powell Butte
View Estates to a point on a quarter section line, which
point being 65.45 feet east of the quarter corner common
to said Sections 22 and 23; thence North 89°45'53" West
along the south boundary of said Powell Butte View Estates
to the center of said Section 22; thence North 02°38'57"
West 2,640.91 feet to the quarter corner common to said
Sections 15 and 22; thence North 87°11' West approximately
2,640 feet to the point of beginning.

The court orders an election be held March 27, 1984, in the Powell Butte View Estates Water District to select the members of the water district board.

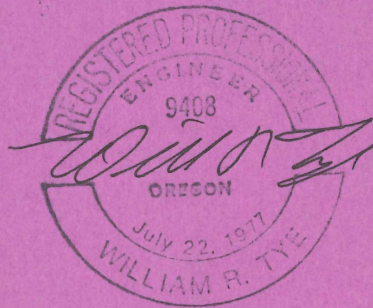
DATED this 28th day of September, 1983.

COUNTY JUDGE

COUNTY COMMISSIONER

COUNTY COMMISSIONER

WATER FACILITY
PRELIMINARY ENGINEERING REPORT
FOR
POWELL BUTTE VIEW ESTATES
WATER DISTRICT



SEPTEMBER 1994

TYE ENGINEERING & SURVEYING, INC.

WATER FACILITY
PRELIMINARY ENGINEERING REPORT
FOR
POWELL BUTTE VIEW ESTATES
WATER DISTRICT

SEPTEMBER 1994

TYE ENGINEERING & SURVEYING, INC.

SECTION 1

SUMMARY

Powell Buttes View Estates is situated on the west slope of Powell Butte between the cities of Redmond and Prineville, Oregon. This subdivision, originally platted in 1976 with 102 lots, currently has only 65 lots developed within the subdivision boundaries.

Presently the districts source of water is irrigation water from the C.O.I. Irrigation canal. The water is stored in an open pond and treated prior to usage. As a result of deteriorating water quality and unreliability of the canal system, the residents of the subdivision have prompted the board of directors to pursue an alternative source of water. For a number of years residents of the subdivision have been trying, with no success, to locate an equitable source of water. There are several wells within and around the district but none of the wells have a capacity of more than a few gallons per minute.

In June of 1993 the district retained Tye Engineering to develop a workable solution to their water problem.

SECTION 2

INTRODUCTION

2.1 AREA TO BE SERVED

- 1) The area served by the District is the entire Powell Butte View Estates Subdivision, which consists of: Lots 1 through 12 in Block One, Lots 1 through 12 in Block 2; Lots 1 through 16 in Block 3; and Lots 1 through 16 in Block 4 of Powell Butte View Estates in the northeast quarter of Section 22, Township 16 South, Range 14 East of the Willamette Meridian, Crook County, Oregon.
- 2) Tax lots 100, 200, 300, 301, 400 through 434, 500, 600, 700, 800, 900, 1000 in Section 15, Township 16 South, Range 14 East of the Willamette Meridian, Crook County, Oregon.
- 3) Tax lot 2302 in Section 23, Township 16 South, Range 14 East of the Willamette Meridian, Crook County, Oregon.

There are a total of 102 lots. The entire subdivision consists of approximately 500 acres. Lots range in size from approximately 2.5 acres to 20 acres.

The subdivision is located on a western slope of Powell Butte, the high side of the development being at elevation 4000 and the lower lots being at elevation 3400. The subdivision has no natural boundaries.

The climate of the subdivision is considered to be semi-desert. Average annual rainfall is roughly 15 inches.

The new facilities will be designed to provide water for 102 dwellings, the ultimate potential of the subdivision.

At present there are 65 households being served by the District. It is anticipated there will be 70 residences connected to the system by the time the project construction is completed. Currently there are no restrictions being imposed on water use other than those that are self-imposed as a result of the common knowledge of the existing lack of water and the existing water use rate schedule.

2.2 EXISTING FACILITIES

1. The water supply source for the development is irrigation water from the C.O.I. canal. When canal water is available, it is pumped from the canal by a 40 horsepower pump through a four inch plastic pipe to the Raw Water Reservoir.

The pump is manually controlled since the automatic control lines have failed or are not in proper repair. The pump is manually controlled in winter even if the remote control were to work because blockage of the pump's intake from debris and/or ice causes the pump safety shutoff to activate, leaving water in the system which would freeze, causing damage to the supply pipe and pump.

2. The raw water from the canal is stored in a 1,250,000 gallon (900,000 usable) open air dirt storage pond.

3. Raw water is pumped from the raw water storage pond to the treatment plant by a second 20 horsepower pump. This pump is enabled whenever the plant is processing water. A small reservoir located at the plant with conductive high low sensors is used to cycle the pump on and off, achieving an average flow equal to the plants needs.

4. The treatment plant is a commercial system which was installed in 1976. Chlorine and alum are added to the raw water which then passes through a maze of settling chambers. From the settling chambers, the now partially treated water is passed through a sand filter. A small reservoir in the plant is retained for "back flushing".

5. The treated water is pumped into a 80,000 gallon treated water storage reservoir. High low conductive sensors located in this reservoir turn the plant on and off. The plant can be manually cycled if required.

6. The treated water is delivered to the homes by gravity flow through a main of 4" PVC pipe and laterals of 3" PVC. Each

6"

lateral has a shutoff valve for isolation in case of a leak. Typical pressures at the low end of the system do not exceed 140 PSI and at the top of the system are always in excess of 20 PSI. This distribution system is in satisfactory condition.

7. Each user is connected from a lateral through a 3/4 inch PVC pipe, shutoff valve, a back flow prevention device, and a water meter. The user is responsible for all amounts of water which pass through the meter.

2.3 PROBLEMS AND LIMITATIONS TO EXISTING SYSTEM

1. Problems primarily related to winter operation:

A. There is a raw water supply uncertainty in the winter when the C.O.I. irrigation canal runs intermittently. Canal "stock runs" are scheduled approximately once every four weeks. In practice this is the best case and may be delayed due to weather reasons. During the winter of '92-'93 there was a period of 12 weeks between canal runs. The canal is used to fill the raw water reservoir during stock runs and the plant draws from this reservoir to fill user needs between stock runs. Therefore the raw water reservoir must store enough water to provide supply for a reasonable period of time, say 10 weeks plus the inefficiency in the system. Average winter usage is 7,677 gallons per month per

user. The district now has 65 users and we projected 68 users for the winter 94-95 period. The raw water reservoir can supply only 750,000 gallons of treated water which works out to be approximately 6 and 1/2 weeks at normal usage with 65 users. With over 100 projected users when all district land is developed, the raw water reservoir would be able to supply water for only four weeks.

B. Because of the relative short stock runs, approximately three days, the water district must start pumping to the raw water reservoir before the canal is cleared of debris. In addition, there is frequently an ice slurry in the canal water. Both the debris and ice cause the pump intake to clog and activate a safety shutoff on the pump. This leaves the pump impellers and raw water line full of stagnate water which can freeze in a matter of 10 to 15 minutes. Therefore the canal pump is run and monitored manually.

C. The line from the canal pump to the raw water reservoir is not properly buried and is, in fact, on the surface for a significant portion of its run. This causes frequent breakage problems. If the main is not immediately drained after use, pipe breakage due to freezing will occur.

D. The pipe from the canal to the raw water storage is rated at 160 PSI but actual pressure exceeds 180 PSI peak and 160 PSI

steady state. This is another cause for further pipe breakage. This is not adequate for future use.

2. Problems primarily related to summer operation:

A. In the summer the canal runs all the time and the limiting factor is the treatment plant's capacity to supply treated water. The average user consumes 19,600 gallons per month during the summer, the plant can produce about 1,134,000 gallons per month therefore we can supply only 75 users where the projected usage is 102 users. This assumes sufficient reserve of treated water to cover peak usage, which is also questionable.

3. General problems:

A. The pipe which transfers the raw water from the raw water reservoir to the plant is rated at 160 PSI but experiences peak pressures of 180 PSI and running pressure of 160 PSI. This over pressure caused 15 breaks in the system during the summer of 1993. This pipe is not adequate for future usage.

B. The raw water reservoir is not covered and algae bloom develop in the summer months which, while not a health problem, gives the water a noticeable smell. Additionally, upgrades to the Oregon Clean Water Act will require covering of the reservoir.

2.4 EXISTING FINANCIAL STATUS

The present rate schedule being used by the District is as follows:

Up to 10,000 gallons per month - \$ 40.00

Over 10,000 gallons per month - \$ 1.50 per thousand gallons

This rate schedule has been adopted to encourage water conservation by all users.

Based on the District's Annual Report ending June 30 annual, operating expenses for 1994 were \$64,869. This included approximately \$16,500 for general operations and maintenance costs, \$24,000 treatment plant operations, and \$15,000 in system improvements and \$9,273 new services.

There was approximately \$54,994.63 in the General Fund at the end of this fiscal year. The majority of the General Fund money is budgeted for system improvements outside the new well and main line construction project. At the present time the system is experiencing a very high water lose. It is estimated ^{that} these loses are through a worn out meter and system leaks. The District anticipates spending \$20,000 to \$30,000 in the next two years on system improvements.

Total revenues received by the District was \$65,200 which consists of \$32,747 from water usage, \$31,124 from new services and \$1,329 in miscellaneous income.

All 102 lots in the Powell Butte View Estates, are owned by private individuals. At the end of 1994 no debt was owed by the Water District.

SECTION 3

WATER SYSTEM REQUIREMENTS

3.1 WATER DEMAND

General

The objective of this section is to identify current water consumption and to project future water requirements. Future water demand is used in sizing system components.

Present Water Use

Based on water use records from August 1993 through July 1994 the following monthly water use values have been tabulated:

TABLE 3.1.1
POWELL BUTTE VIEW ESTATES WATER DISTRICT

<u>MONTH</u>	<u>NO. RESIDENTS</u>	<u>TOTAL GAL.</u>	<u>AVE. GAL/DAY/RES.</u>
August '93	47	691809	490
September '93	47	655301	465
October '93	48	397449	276
November '93	49	224844	153
December '93	49	224844	153
January '94	50	263290	175
February '94	51	200414	131
March '94	53	221576	139
April ' 94	62	460961	248
May '94	61	487466	266
June '94	63	760821	403
July ' 94	65	1245351	639
Totals/Avg	54	486177	295

The water usage during the summer months reflects a water conservation program which has been induced in the subdivision due to the reduced treatment flow. Based on the two peak months of July and August, average daily summer usage of between 490 and 639 gallons per day per residence, this does not allow for reasonable water use, but is an indication of the capacity of the system.

Future Water Use

To determine what additional water supply capacity was required for the Powell Butte subdivision, a review of water use in four subdivisions in the Bend/Central Oregon area was used to determine a realistic daily water demand (see Fig. 3.1.1). Based on this information it was estimated that average summer use in this area with no water restrictions was between 560 gpd (0.4 gpm) and 1700 gpd (1.2 gpm) per residence. Experience with other similar water systems show one gpm per residence to be a minimum requirement for maximum daily flow. Total flow requirements for the well and well pump are typically based on this maximum daily flow requirement.

Figure 3.1.2. shows a typical maximum day usage for a 102 unit development. According to the maximum day demand curve a minimum supply of 130 GPM and a minimum of 42,000 gallon reservoir would be required. If the well supply is below 130 GPM, then the reservoir capacity needs to be increased. With a 102 GPM well, a 90,000 reservoir would be required. Based on the above information we recommend a well supply of 125 GPM.

Peak hour demand is the maximum instantaneous demand during a single hour and is used to determine the capacity of the distribution pipelines when fire flow is not a consideration. Peak

hour demand is also helpful in evaluating required volumes of equalizing storage needed in storage reservoirs. Based on a curve generated from values given in the 1976 Oregon State Health Division Administrative Rules for Domestic Water Supply Systems, Section 42-215(9)c (see Fig. 3.1.3), a value of 300 gpm for 102 residences was determined to represent the ultimate peak hour demand for the District. With the well pump running, the 4" distribution system will be adequate to meet peak demand.

3.2 WATER SOURCE

Well Location

The driving factor in the configuration of the system was a result of the choice of the proposed well location. Based on extensive review of wells existing in the area surrounding the Powell Butte View Estates Subdivision, the only alternative for the location of a well that could produce the required flow was the site chosen one and a half miles west of the subdivision (See Fig. 3.2.1). This site is on B.L.M. property, for which an application for a well site has been applied.

In a survey of over 18 existing wells in the surrounding area, (see Fig. 3.2.2.) it was found that these wells had an average output of 12 gpm with an average depth of 525 feet. These outputs were taken from the well drillers reports. The accuracy of these tests is somewhat questionable. The Water Resources Department's ground water map shows the Powell Butte area to be underlain by

rock formations barren of productive ground water reservoirs. (see Fig. 3.2.3). Based on this data it is evident that it is highly unlikely a well (or wells) can be drilled in the subdivision area or the area adjacent to the subdivision that will produce the flow of 125 gpm. A well site in another water bearing formation but close enough to be feasible in cost had to be found.

The site chosen for the new well is 1.5 miles west of the subdivision across an old dry river bed on BLM land. The well site was chosen because it is far enough away from the non-water bearing John Day formation underlying Powell Butte.

Pump Criteria

Pump sizing for the well pump is based on a maximum daily demand of 125 gpm. Static water level is assumed to be at about 470 feet. The well pump will be located at an approximate elevation of 2700 feet and will pump to the reservoir at an elevation of approximately 3670. Friction losses in the pipe are assumed to be no more than 0.8 feet per 100 feet for the 4" ductile iron pipe and 0.4 per 100 feet for the existing 4" PVC.

Total head requirements can then be computed as follows:

H_{static}	470 feet
$H_{elevation}$	500 feet
$H_{friction}$	95 feet
$H_{pressure}$	0 feet
H_{TOTAL}	<hr/> 1065 feet

A 50 H.P. Grundfos 135-5500-27 DS with an 8" submersible pump will provide the required flow.

Water Rights

Oregon law requires a Water Rights certificate from the Water Resources Department. In May, 1994 the District applied for water rights for 130 gallons per minute of water for domestic supplies and has been assigned File No. G-13446. A satisfactory report of technical review was received in March of 1994. (see Fig. 3.2.4). It is expected that a permit will be issued in mid 1995.

3.3 RESERVOIR

At the present time the development has a 80,000 gallon concrete reservoir. The concrete roof of the existing reservoir has spalled and leaks badly and will need refurbishing. In sizing of the storage reservoir the following criteria should be considered:

Equalizing storage - this should provide the quantity of water necessary to supplement the maximum supply flow when water use exceeds the maximum supply (see Fig 3.1.2) In the case of the District the equalizing storage is computed to be approximately 45,000 gallons, which represents the area under the two peaks of the curves less the area below the line of maximum supply.

Fire reserve storage - this capacity is required to provide maximum fire flow for a specified duration. At the present

time, the District does not have any fire protection. Due to the remote location of the development, fire flows need to be addressed. At the present time, fire flow for the area would be 1,000 GPM for 2 hours or 120,000 gallons with a well capable of 100 GPM.

Emergency storage - this storage is required to supply the distribution system in case of a disruption to the water supply. This component should be equal to one day of maximum demand, or approximately three days of average flow during some type of disruption to the system.

To determine storage capacity all three of these elements should be considered. Optimum storage for the District can be computed as follows:

Equalizing Storage

Based on Fig. 3.1.2. Equalizing storage = 45,000 gallons

Fire Protection

Fire Protection - $1000 \text{ gpm} \times 2\text{hrs} = 120,000 \text{ gallons}$

Emergency Storage

Emergency storage should provide enough water to cover three average days of use.

Average day = peak day $\times 3 = 140,000 \text{ gallons}$

In consideration of the foregoing it is recommended that an additional reservoir capacity of ⁶⁰~~80~~,000 gallons be added for a total of 140,000 gallons.

The proposed reservoir will be located next to the existing 80,000 gallon concrete reservoir that is already connected to the Powell Butte View Estates Subdivision water distribution system. The existing reservoir is at elevation 3670 and gravity feeds into the existing distribution system. Location of the proposed reservoir next to the existing reservoirs would result in minimum additional line in connecting into the existing distribution system. No additional land or easements will be required as the existing reservoir is located on a parcel of land owned by the Powell Butte View Estates Water District and there is room to accommodate a second reservoir.

To control the well pump, controls at the reservoir will be required to turn the well pump on and off at some preset water elevation. This will be achieved through the use of some type of telemetric control system. A radio wave system will probably work best in this location.

3.4 PIPE LINE

DESIGN CRITERIA

Pipe sizing for the supply line from the well was determined from the peak daily demand flow of 125 gpm, and friction losses. Sizing of the pipe from the reservoir to the distribution system is based on a peak hour demand of 300 gpm and a maximum pipe velocity of 5 FPS. Pipe material is based on maximum pressure allowances. Based on the manufacturer's recommendations, Class 52 ductile iron pipe will be used at pressures greater than 200 psi. (Class 50, 12 inch diameter ductile iron pipe has been successfully used at internal pressures of over 1100 psi, as documented in the article by Pacific States Cast Iron Pipe Company included as Appendix I in this report.)

GENERAL

New pipeline required to connect the new well with the reservoir will require approximately 9000 feet of 4 inch ductile iron pipe. Based on the anticipated terrain, the cost for this line can be expected to be approximately \$20 per lineal foot, for a total cost of \$180,000.

ROUTE LOCATION AND ALTERNATIVES

The route for the 4" water line from the well to the storage facility was determined based on the existing topography and road right of way in the path between the well and the subdivision. The proposed route initially follows the Powell Butte Highway and then along a roadway to the irrigation canal. After crossing the canal the route follows the existing pipeline across Shumway Road to Quail Trail Avenue in the existing development.

Based on the location of the well and the location of the reservoir, a more economic route for the water line did not appear to exist.

3.5 EASEMENTS, RIGHT OF WAYS, LAND ACQUISITION

It appears that the only easement that will be necessary will be an easement from the B.L.M. for the well site. Conversations with the B.L.M. have indicated that a permit will not be hard to obtain.

No land acquisition is required for the proposed improvements. The new reservoir will be located on property already owned by the Powell Butte View Estates Water District.

The proposed waterline route will cross a canal that is part of the C.O.I. District. Construction around or under the canal requires

a permit from C.O.I. The contact person with C.O.I. is Mr. John Hurlocker (503)548-6047.

3.6 WATER QUALITY REQUIREMENTS

The Powell Butte View Estates Water District is responsible for providing safe and reliable water to its customers at a reasonable cost. As a public water supplier, the Water District is required to comply with the Oregon Drinking Water Quality Act of 1981 and with those rules contained in the Oregon State Health Division Administrative Rules, Chapter 333 for Public Water Systems.

SECTION 4

COST ESTIMATE

4.1 CAPITAL COSTS

The following capital cost estimate reflects the engineering and construction costs anticipated for the development of the facilities described in this preliminary engineering report.

Administrative/Legal	\$ 11,000
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Engineering Fees	38,000
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Other Engineering Fees

Other Engineering	10,000
-------------------	--------

Project inspection	10,000
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<u>SUBTOTAL-ENGINEERING & ADMIN.</u>	<u>\$69,000</u>
--	-----------------

Construction

Well	50,000
------	--------

Pump	10,000
------	--------

Pump House & Controls	5,000
-----------------------	-------

Waterline (9,000 L.F.)	180,000
------------------------	---------

Reservoir	40,000
-----------	--------

Reservoir & System Improvements	5,000
------------------------------------	-------

Removal of Existing Treatment Plant	5,000
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SUBTOTAL	\$295,000
----------	-----------

Contingency - 10%	29,500
-------------------	--------

<u>SUBTOTAL CONST. COSTS</u>	<u>\$324,500</u>
------------------------------	------------------

Interim Financing - Interest	\$ 5,000
------------------------------	----------

<u>TOTAL PROJECT COST</u>	<u>\$ 398,500</u>
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4.2 OPERATIONS AND MAINTENANCE COSTS

The following operations and maintenance (O&M) cost estimate reflects the costs anticipated for the operation of the facilities described in this report for a period of one year.

Annual Maintenance Costs	
Existing System	\$8,400
New System	2,000

Annual Operations Costs	
Utility Cost	4,700
Misc. operating costs	3,150
TOTAL ANNUAL O&M COSTS	\$18,250

For 70 residents = \$21.73/month/resident

4.3 FINANCING

Preliminary calculations show a total project cost of \$398,500 and an assumed 55% maximum grant for \$219,175. A loan of \$179,325 would be required to be financed by the Powell Butte View Estates. Assuming a 6% loan for the \$179,325, an annual debt service of \$11,918 would be required. If all 102 lots were assessed for the debt the cost per lot per month would be \$9.74.

Referring to the annual O&M cost evaluation of section 4.2, it can be expected that each of the 70 residences will incur \$21.73 per month before any debt service is addressed. Each lot must pay it's share of the debt service which would be \$9.74.

Debt Service	= \$9.74
O&M Costs	21.73
<hr/>	
Monthly Bill	\$31.47

5.0 CONCLUSION

The new average monthly bill will be just over \$30 a month. This is down considerably from the previous cost of \$45 per month. The big cost savings is in the removal of the treatment plant. The report clearly indicates that the District needs to replace the existing water source with the new proposed system. It is also apparent that with the Farmers Home loan grant the District will have no difficulty paying off the debt service and also retain a reasonable monthly bill.

Sun Country Engineering & Surveying Inc.

61555 Parrell Road
Bend, Oregon 97702
382-8882

November 8, 1989

Bill Lindemann
64315 Tanglewood
Bend, OR 97702

RE: Ridgestone Water System

Dear Mr. Lindemann,

The Ridgestone Water System was designed and approved to serve 14 lots in the Stoneridge Subdivision and 15 lots in the Lovestone Subdivision.

In the Central Oregon area a number of factors affect the amount of daily water usage for residences which ranges from around 200 gallons per day (GPD) in the winter to over 2,000 GPD non-restricted use in the summer. The largest use is for irrigation and those homes that have irrigation water generally average 250 GPD the year around. The second factor is the installation of water meters. Many cities and water systems have experienced a 50% reduction in water use after meters have been installed. Income levels also have an influence on water consumption. People with more expensive homes tend to use more irrigation water.

In comparison with other water systems in the area Roats Water System averages 1,028 GPD per residence in the summer and 240 GPD in the winter. Avion users average 1,250 to 1,500 GPD in the summer and 300-500 GPD in the winter while Apache Water System in Deschutes River Woods averages 560 GPD in the summer and 185 GPD in the winter. Woodside Ranch averages 1,700 GPD in the summer and 250 GPD in the winter.

Based on other systems in the area ^{Ridgestone} we estimate the average summer daily usage for the Stoneridge Water System with meters to be 1,300 to 1,500 GPD per residence. Without meters the usage would probably be 2,000 to 3,000 gallons per day per residence. Meter rates usually run around \$10.00 + \$.75/100 cubic feet per month. At 1,500 GPD a typical residence would have a \$5.50 monthly water bill.

The supply source for the ^{Ridgestone} Ridge-Stone Water System is a 560 foot deep well. A test on the well showed an average of 20 gallons per minute over a five day period. The well test also shows the well capacity is approximately 32 GPM on a sustained basis. The existing pump is capable of producing 30 GPM. In 24 hours the well is capable of producing 43,200 gallons per day or approximately 1,500 gallons per (GPD) day per residence.

The well pumps into a 30,000 gallon concrete reservoir. There is an indicator switch in the reservoir which turns the well pump on and off.

There are two booster pumps in the pump station that boost the pressure from the reservoir to the distribution system. The pumps are controlled by pressure switches. The primary pump is a 2 HP Berkley pump capable of producing 70 GPM at 32 P.S.I. while the secondary pump is a 3 HP Paco pump capable of producing 80 GPM at 32 P.S.I. for a total of 150 GPM.

The distribution system consists of approximately 2,000 feet of 4" main from the pump station to the intersection of Tanglewood and Crosswinds Road and 2,000 feet of 3" main down Crosswinds. The 4" main is capable of handling 200 GPM without excessive pressure losses and the 3" main is capable of handling 100 GPM without excessive pressure losses.

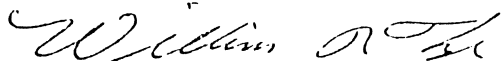
For the general type water system the peak flows which occur in the morning and evening hours are three times the average or for the Ridgestone System this would be 90 GPM. The system is designed at 150 GPM or 5 times the average. If the residences are experiencing low pressure problems at this time it appears there is an excessive waste by the users. The installation of meters should certainly help.

If we assume that each residence will use 300 to 400 GPD for domestic purposes it would leave in excess of 1,000 GPD for irrigation. If the irrigation water was applied sensibly, approximately 1/4 acres or 4,500 square feet could be irrigated although not every residence could irrigate at the same time.

High usage homes built on high lots may experience low pressure during peak irrigation hours. This problem could be helped by installing a booster pump which, without proper installation could cause problems to other users of the system. If booster pumps are to be allowed we recommend a carefully designed system be approved that will not cause reduced pressure for the rest of the users of the system.

The system was designed to provide an adequate amount of water for all users of the system. If meters are installed and irrigation water is not wasted the system should operate satisfactorily.

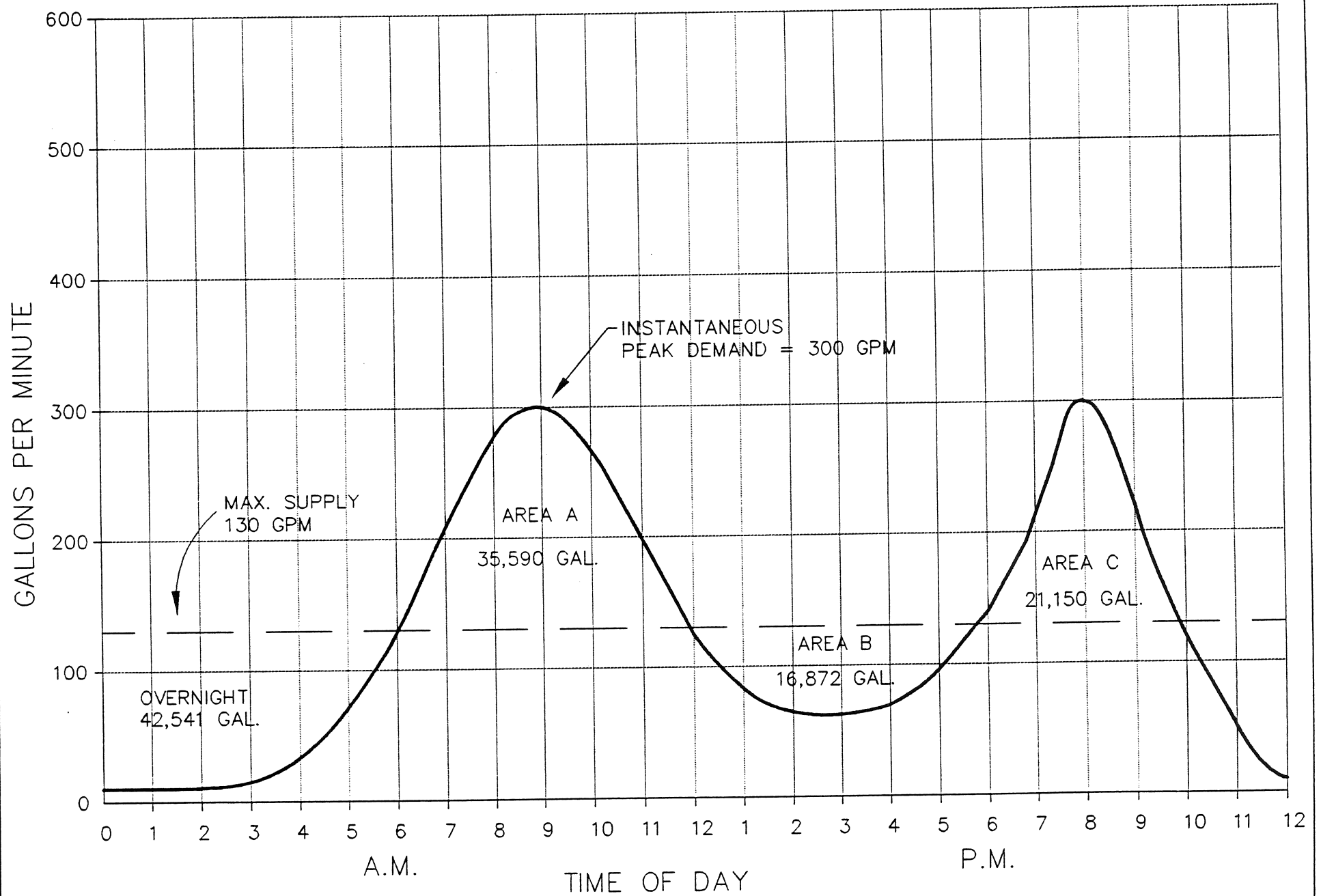
Sincerely yours,



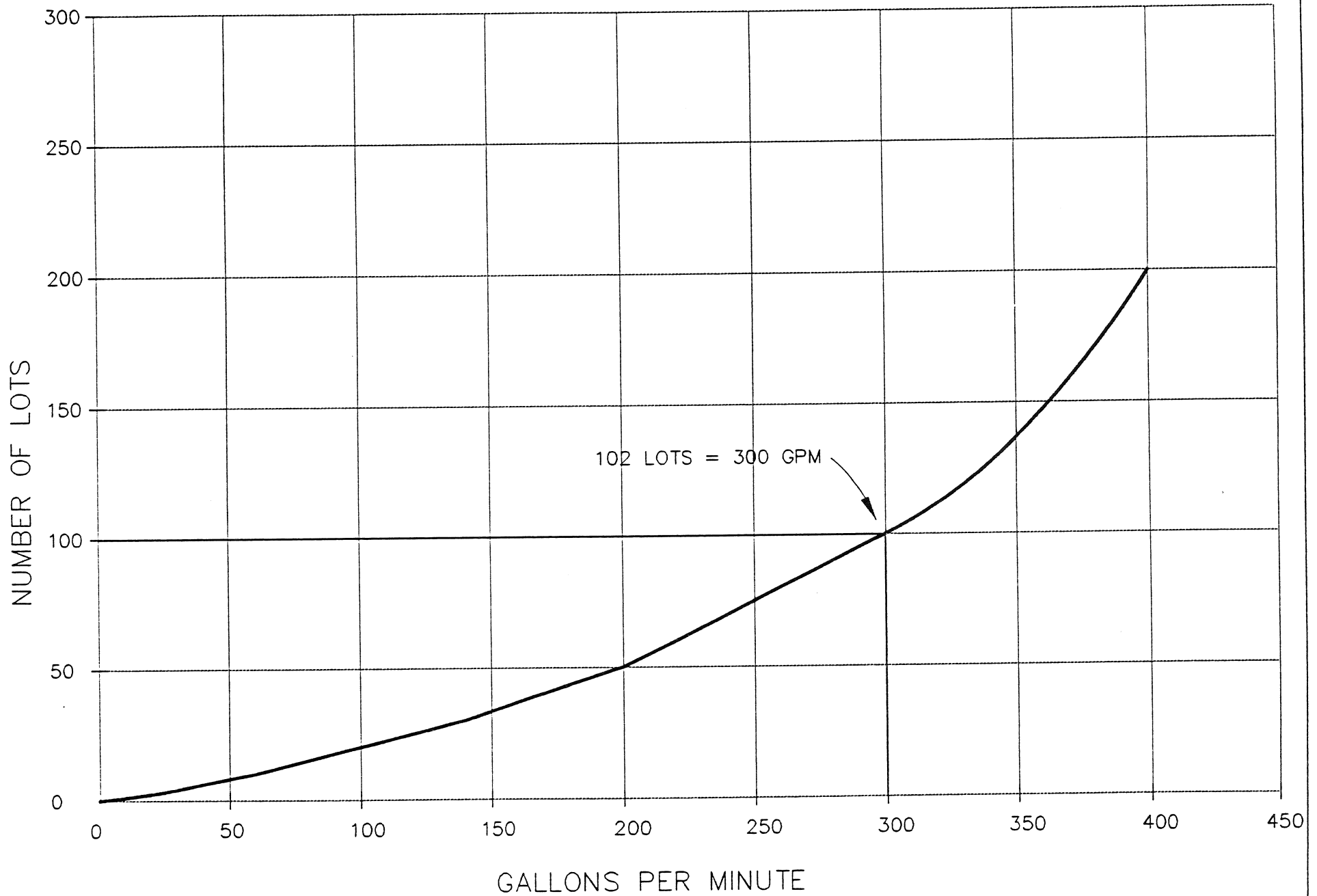
William R. Tye, P.E.

WRT/tw

HOURLY WATER SUPPLY - POWELL BUTTE VIEW ESTATES



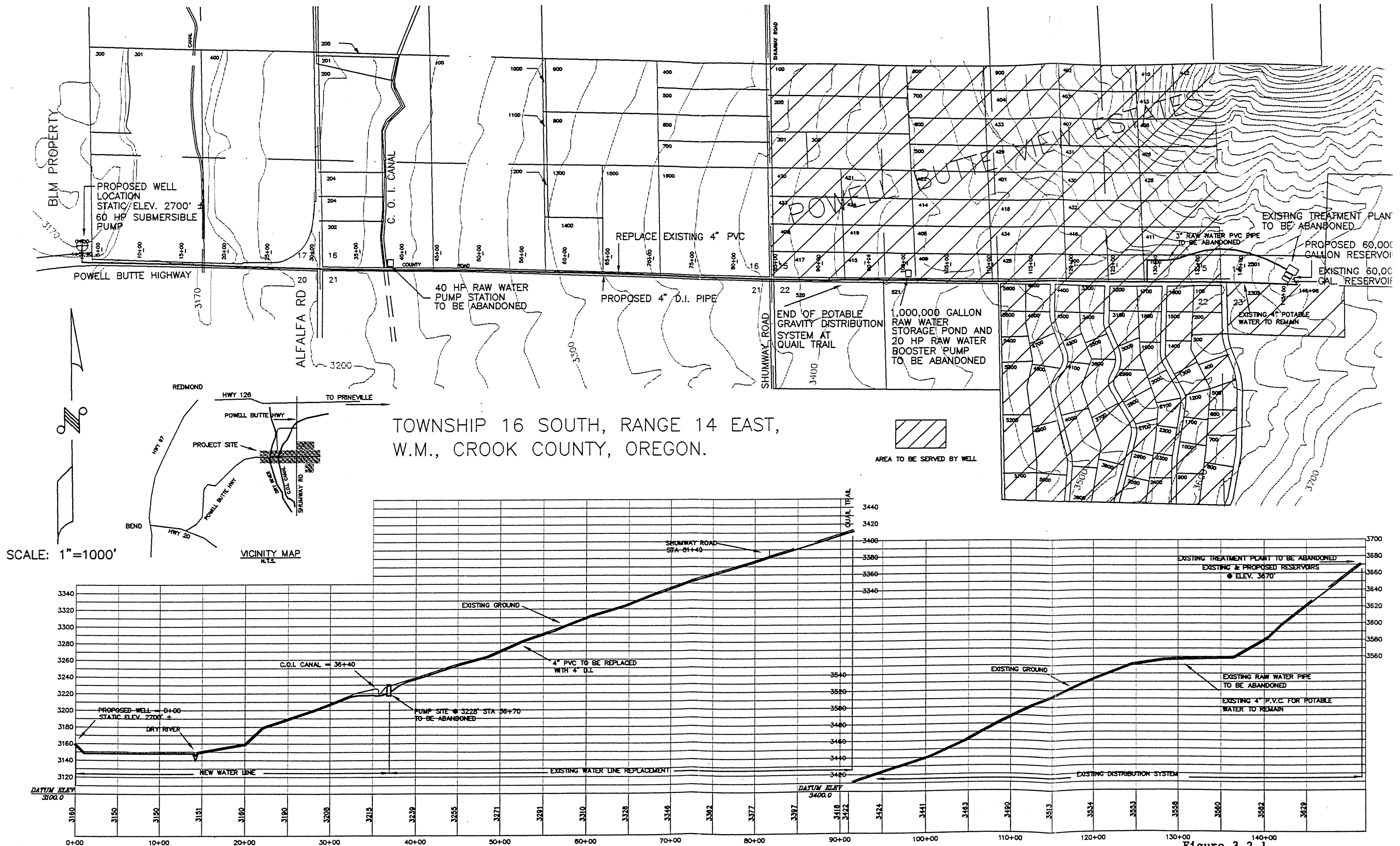
PEAK DEMAND CURVE – POWELL BUTTE VIEW ESTATES

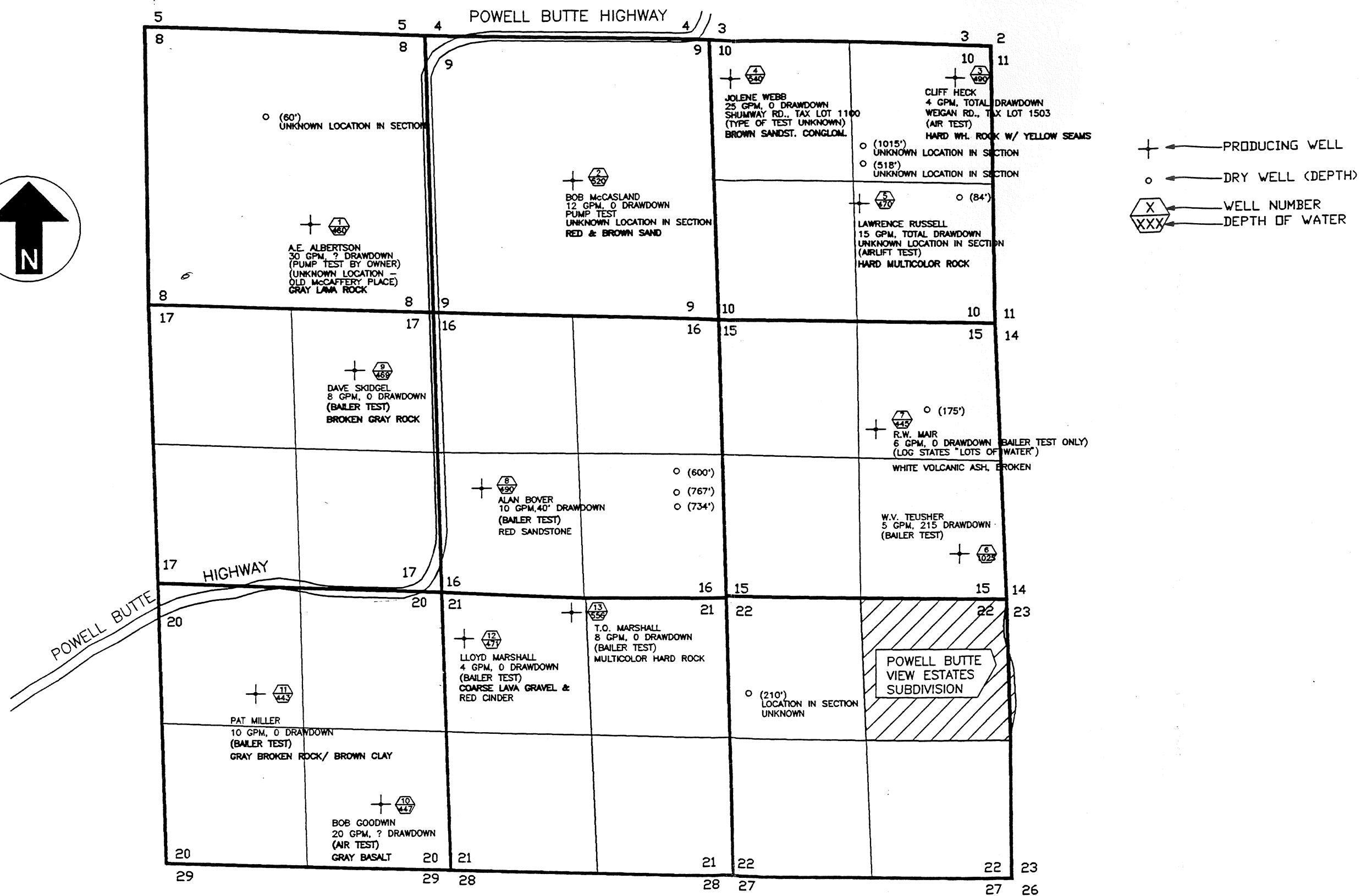
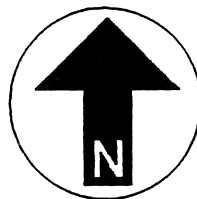


102 LOTS = 300 GPM



POWELL BUTTE VIEW ESTATES





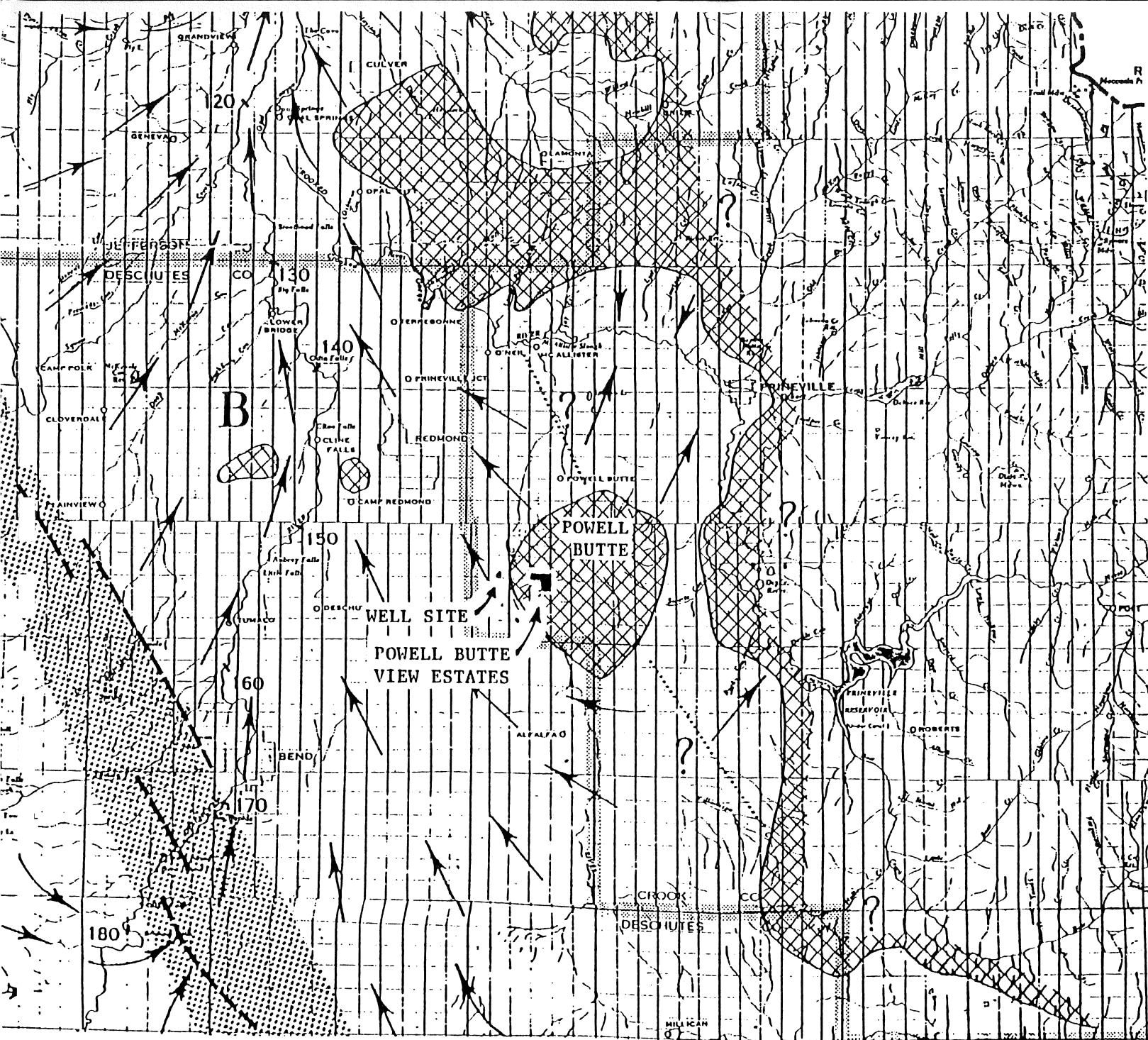
TYE ENGINEERING, INC.
112 NW GREELEY AVENUE, BEND, OREGON 97701 (503) 389-6959

SCALE: 1" = 2000' DATE: 1 APRIL 1993 DRAWN: HLL JOB #:

POWELL BUTTE VIEW ESTATES
P. O. BOX 53
POWELL BUTTE, OR 97753

WATER WELL LOCATIONS

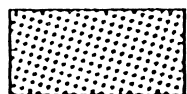
Figure 3.2.2.



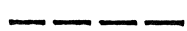
LEGEND



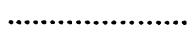
Underlain by rock formations barren of productive ground water reservoirs.



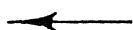
Faulting may have produced subsurface barriers.



Fault zone



Ground water divide



General direction of ground water flow

STATE WATER RESOURCES BOARD
SALEM, OREGON

DESCHUTES DRAINAGE BASIN GROUND WATER

Drawn	<u>7/22</u>	date	<u>10-20-52</u>
Checked	_____	date	_____
Revised	_____	date	_____
Addition	_____	date	_____
Approved	_____	date	_____

File No.
5
.2176

Figure 3.2.3.

MARCH 30, 1994

WATER
RESOURCES
DEPARTMENT

POWELL BUTTE VIEW ESTATES
PO BOX 53
POWELL BUTTE, OR 97753

Reference: File G-13446

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

AS THE RESULT OF OUR TECHNICAL EVALUATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.

3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before JUNE 6, 1994 or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,



THOMAS E. SHOOK
WATER RIGHT SPECIALIST

Enclosures

Report Date: MARCH 30, 1994

OREGON WATER RESOURCES DEPARTMENT

SATISFACTORY REPORT OF TECHNICAL REVIEW

FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: JUNE 6, 1994.

1. APPLICATION FILE NUMBER - G-13446

2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

POWELL BUTTE VIEW ESTATES
PO BOX 53
POWELL BUTTE, OR 97753
CROOK COUNTY 503-382-4321

Date application received for filing and/or tentative date
of priority: JUNE 25, 1993

SOURCE: A WELL TRIBUTARY TO: DRY RIVER

Purpose and/or use: GROUP DOMESTIC FOR 102 FAMILIES TO
INCLUDE THE IRRIGATION OF LAWN AND NON
COMMERCIAL GARDEN NOT TO EXCEED 1/2 ACRE

Flow: 130 GALLONS PER MINUTE

Point of Diversion Location:
T 16 S, R 14 E, W.M.; SECTION 17, SESW

Place of use:
S 1/2
SECTION 15

NE 1/4
SECTION 22

W 1/2 NW 1/4
SECTION 23
T 16 S, R 14 E, W.M.

GROUNDWATER AVAILABILITY

This is an application for use of groundwater. The Groundwater/Hydrology Section report indicates that:

Pursuant to OAR 690-09-040, the proposed groundwater withdrawal will not have the potential to cause substantial interference with surface water.

In addition, the Groundwater/Hydrology Section has reported the water is likely to be available to supply the proposed use.

CONFLICTS WITH OTHER WATER RIGHTS:

There are no existing rights from this point of diversion.

There are no existing water rights appurtenant to the lands described in the application.

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 0.29 CUBIC FOOT PER SECOND (CFS) is likely available for 12 months. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

PROPOSED PERMIT CONDITIONS

Application: G-13446

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: YEAR ROUND
3. Rate of use: 0.29 CFS
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement recording and reporting conditions:
 - A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
 - B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
7. The 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. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times. The use of water shall be limited when it interferes with any prior surface or ground water rights.
10. Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.
11. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.



Pacific States Cast Iron Pipe Company



D U C T I L E I R O N P I P E

Waste Water Piping

Pacific States also manufactures specific pipe for waste water piping situations including gravity sewers, force mains and waste treatment plant piping. Detailed specifications for epoxy, polyethylene or aluminous cement lined pipe are available upon request.

Pacific States Permaline

Ductile iron pipe lined with catalyzed coal-tar epoxy is proven by field experience to be especially suited to severe waste water service. The application of this epoxy lining to Pacific States pipe is quality controlled to exacting standards. The interior surface of the pipe wall is sand blasted smooth to assure uniform lining thickness. The lining is applied in 10 to 12 mil (dry film thickness) layers until the specified lining thickness is reached, usually 20 to 24 mils. The lining at 24 mils thickness must have a permeability rating of .13 perms, a direct impact resistance of 100 in-lb., an abrasion resistance of 20 liters of sand per mil, an elongation of 5% and dielectric strength of 250 volts per mil when fully cured. In addition, the lining material is subjected to immersion tests in corrosive media, including 25% sodium hydroxide at 140° F and 3% sulfuric acid at 125° F along with other corrosive compounds. No failure is permitted. The result is a tough, smooth, tightly bonded, holiday-free (passes 67 volt wet sponge detection test) lining in ductile iron pipe.

High Pressure Applications

Since 1975, Pacific States 12-inch ductile iron pipe has been serving Manti, Utah at an internal pressure of 1,100 psi without a single failure. This is more than three times the rated working pressure of 350 psi stated in ANSI/AWWA Standard C151/A21.51. For high pressure applications please consult your Pacific States representative for information on maximum allowable pressure. In most cases, pressure capacity will greatly exceed pressure rating in the standard tables. Pressure ratings for ductile iron pipe are

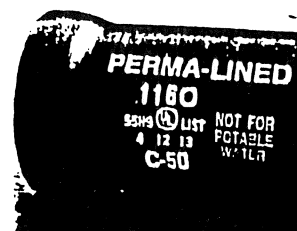
Pacific States Polyethylene

Also available for Pacific States ductile iron pipe is 40-mil thick, heat-fused mechanical bond polyethylene lining. The pipe interior undergoes careful preparation and is heated in a controlled environment to a level suitable for application of polyethylene powder. The result is a very smooth lining that will pass high voltage holiday detection and have excellent bonding capability. This lined pipe is ideal for gravity sewers and force mains, including those in hot climates where hydrogen sulfide concentrations is a concern.

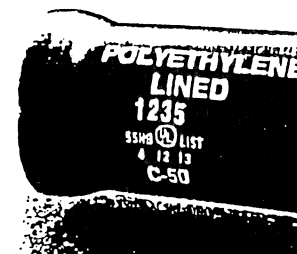
Pacific States Alumina

Pacific States high alumina cement-mortar lining meets the requirements of ANSI/AWWA Standard C104/A21.4. This lining contains no free lime and therefore is less vulnerable to attack than Portland cement. It was developed to resist sea water and high-sulfate ground water, but its recommended use is for pipe lining in gravity sewers and force mains in hot climates where hydrogen sulfide is generated and converted to sulfuric acid. This lining is resistant to most organic and inorganic acid solutions as well as aggressive waters. Pacific States high alumina cement linings are seal-coated to enhance hydration. Recommended lining thicknesses are 3/16 inch. Ductile iron pipe with this lining can be field cut or tapped for lateral connections without damage to the lining.

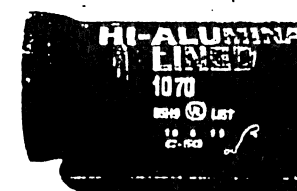
listed in Table 51.3 of ANSI/AWWA Standard C151/A21.51 along with maximum depths of earth cover. With ductile iron, for example, a 12-inch Class 50 pipe with a nominal wall thickness of .31 inches can withstand internal pressures up to 1,610 psi (based on minimum yield strength with all minus tolerances removed from the thickness). This 12-inch pipe would not actually fail until the internal pressure exceeded 2,300 psi (based on minimum ultimate strength of 60,000 psi).



Pacific States Perma-lined pipe is especially suited to severe waste water service.



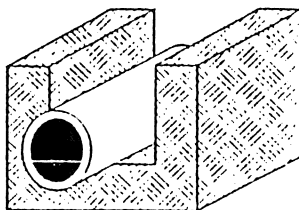
Pacific States Polyethylene lined pipe is ideal for gravity sewers and force mains.



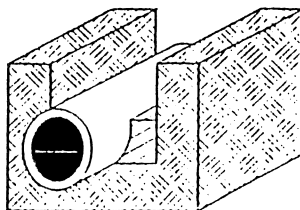
Pacific States Alumina pipe is used in gravity sewer applications where hydrogen sulfide concentration is a concern.

PIPE SELECTION

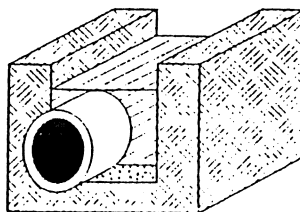
LAYING CONDITIONS



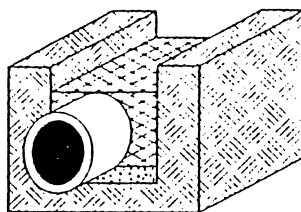
Type 1†
Flat-bottom trench.* Loose backfill.



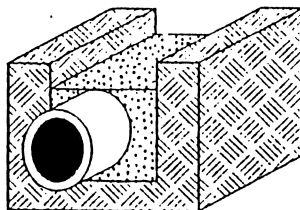
Type 2
Flat-bottom trench.* Backfill lightly consolidated to centerline of pipe.



Type 3
Pipe bedded in 4-in. minimum loose soil.** Backfill lightly consolidated to top of pipe.



Type 4
Pipe bedded in sand, gravel or crushed stone to depth of $\frac{1}{4}$ pipe diameter, 4-in. minimum. Backfill compacted to top of pipe. (Approximately 80% Standard Proctor AASHTO T-99.)



Type 5
Pipe bedded in compacted or granular material to centerline of pipe. Compacted or granular or select** material to top of pipe. (Approximately 90% Standard Proctor AASHTO T-99.)

†For pipe 30" and larger, consideration should be given to the use of laying conditions other than type 1.

*"Flat-bottom" is defined as undisturbed earth.

**"Loose soil" or "select material" is defined as native soil excavated from the trench, free of rocks, foreign materials and frozen earth.

STANDARD THICKNESS CLASS FOR THICKNESS OF PIPE WALL

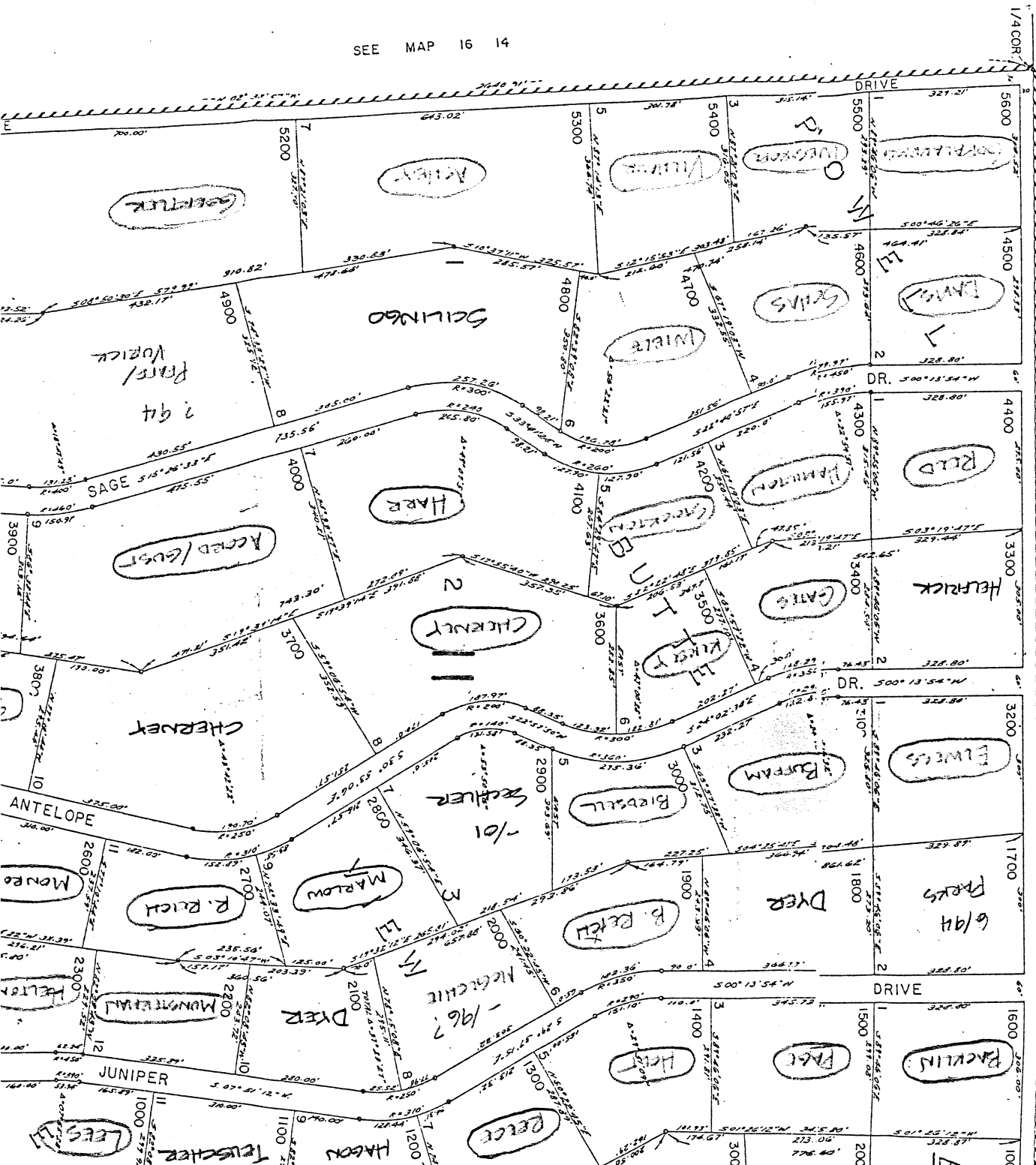
Size Inches	50	51	52	53	54	55	56
3		25	28	31	34	37	40
4		26	29	32	35	38	41
6	25	28	31	34	37	40	43
8	27	30	33	36	39	42	45
10	29	32	35	38	41	44	47
12	31	34	37	40	43	46	49
14	33	36	39	42	45	48	51
16	34	37	40	43	46	49	52
18	35	38	41	44	47	50	53
20	36	39	42	45	48	51	54
24	38	41	44	47	50	53	56
30	39	43	47	51	55	59	63
36	43	48	53	59	63	68	73

WEIGHT TO BE ADDED TO DUCTILE IRON PIPE FOR CEMENT LINING*

Size of Pipe	Cement Lining	
	Weight Per Foot	Weight Per 18 Ft. Length
3	.45	8.1
4	1.2	21.6
6	1.8	32.4
8	2.4	43.2
10	3.0	54.0
12	3.6	64.8
14	5.8	104.4
16	6.66	119.8
18	7.46	134.2
20	8.26	148.6
24	10.0	180.0
30	12.2	219.6
36	14.6	262.8

*This standard cement lining has a minimum thickness of $\frac{1}{16}$ in. in 12 in. and smaller sizes. It has a minimum thickness of $\frac{3}{32}$ in. in 14 in. thru 24 in. sizes. A thicker cement lining can be furnished. Cement lining is furnished in accordance with ANSI A21.4 and AWWA C 104.

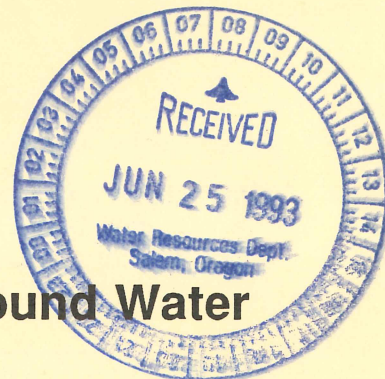
SEE MAP 16 14



SEE MAP 16 14 15

NE1/4 SEC. 22 T16S. R14E. WM.
CROOK COUNTY
1" = 200'

Application No. G-13446



State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water

Applicant(s) POWELL BUTTE VIEW ESTATES

(Please print or type - use dark ink)

Mailing Address: P. O. BOX 53
POWELL BUTTE, OREGON 97753 (503) 382-4321 (page)
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. **THE DEVELOPMENT** (number of wells, tile lines, infiltration galleries, etc.):
One well.

If development is less than one mile from a natural stream, give the following:

Distance from development to stream: _____

Elevation difference between streambed and development: _____

NOTE: Wells must be constructed according to standards set by the department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well driller's log with this application, and skip to Section 2 below.

Diameter of well: 10" - 12" Diameter Depth in feet: 450 - 500 feet

Type and size of well casing: 8" Diameter, .25 Gage No. of feet: 400 - 500 feet

Estimated depth to water: 450 feet

Type of access port or measuring device: Airline through sanitary seal.

Wells to be drilled by: Archie Fox Well Drilling

Address: Prineville, OR

If the water well is flowing artesian, describe your water control and conservation works: _____

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: _____ cubic feet per second, OR 130 gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: _____

3. **INTENDED USE(s) OF WATER:** Group domestic to include up to 1/2 acre of lawn and non-commercial garden.

If for more than one use, give the quantity of water from each source for each use; _____

If for DOMESTIC use, state the number of households to be supplied; 102

If for MUNICIPAL OR QUASI-MUNICIPAL use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

If for MINING use, state the nature (gold, silver, etc.) of the mines to be served; _____

If for IRRIGATION, or other land area use, state the TOTAL number of acres to be developed under each use;

Irrigation _____

Other (describe) _____

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** *Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).*

New well with 100 - 130 gpm submersible well pump, approximately 4000 lineal feet of 4" PVC waterline to connect to an existing pump station. Also there will be a new 60,000 gallon reservoir added to the water system.

5. **PROJECT SCHEDULE:** *(List month and year)*

Proposed date construction work will begin 4/95

Proposed date construction work will be completed 4/98

Proposed date water use will be completed 4/99

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

Applicant X CWRE Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

Applicant X CWRE Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? No. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

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

REMARKS: Proposed well site located on parcel of land owned
by: USA, Bureau of Land Management, (503)447-4115, Phil Paterno.

Waterline will be located within State of Oregon and Crook
County right of way.

New reservoir will be located within a parcel of land
owned by the Powell Butte View Estates Water District.

NOTE: The permit, when issued, is for the beneficial use of water without waste. 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. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

x Dorothy Boyd, President
Signature of Applicant

Powell Butte View Estates Water District Date May 3, 1993

Signature of Co-Applicant, if any

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem,
Oregon, on the 25 day of June, 1993, at 8 o'clock, A M.

APPLICATION NO: G-13446

Vendor Name: Oregon Water Resources Dept.

Vendor ID: OWRD

Invoice No.	Date	Invoice Amount	Amount Paid	Discounts Taken	Credits Taken	Net Amount
G-121192 EXT 2/18/10	02/18/10	500.00	500.00	0.00	0.00	500.00

RECEIVED Net Check Amt 500.00

MAR 08 2010

RECEIVED
OVER THE COUNTER
WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
WATER RESOURCES DEPARTMENT
725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 99349 INVOICE #

RECEIVED FROM: Avion Water Co. APPLICATION 913446
BY: PERMIT
TRANSFER

CASH: CHECK:# 40364 OTHER: (IDENTIFY) TOTAL REC'D \$ 500.00

1083 TREASURY 4170 WRD MISC CASH ACCT
0407 COPIES \$
OTHER: (IDENTIFY) \$
0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT
MISCELLANEOUS
0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$ 500.00
WATER RIGHTS:
0201 SURFACE WATER EXAM FEE \$ 0202 RECORD FEE \$
0203 GROUND WATER \$ 0204 \$
0205 TRANSFER \$
WELL CONSTRUCTION EXAM FEE \$
0218 WELL DRILL CONSTRUCTOR \$ 0219 LICENSE FEE \$
LANDOWNER'S PERMIT 0220 \$
OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE
0211 WELL CONST START FEE \$ CARD #
0210 MONITORING WELLS \$ CARD #
OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER
0233 POWER LICENSE FEE (FW/WRD) \$
0231 HYDRO LICENSE FEE (FW/WRD) \$
HYDRO APPLICATION \$

TREASURY OTHER / RDX
FUND TITLE
OBJ. CODE VENDOR #
DESCRIPTION \$

RECEIPT: 99349 DATED: 3-8-10 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Application # G-13446

Permit # G-12192

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

♦ **WRIG...**

Money Received on: 3/8/10

♦ **Extension Specialist...**

☒ Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

♦ **Jonnine Skaug...**

☐ Publish on Public Notice (initial 30-day comment): Date of notice _____

☐ Update WRIS Database

☐ In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

☐ In the "Ext Filed" field... Enter the date the Extension Application was received.

Yes or No:

Return file to Extension Specialist after PN

Application # G-13446

Permit # G-12129

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

♦ **WRIG...**

Money Received on: 3/15/10

♦ **Extension Specialist...**

☒ Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

♦ **Jonnine Skaug...**

☒ Publish on Public Notice (initial 30-day comment): Date of notice 3/16/10 *DS*

☒ Update WRIS Database

☒ In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

☒ In the "Ext Filed" field... Enter the date the Extension Application was received.

Yes or No:

Return file to Extension Specialist after PN

AVION WATER CO., INC.

41723

11/30/10 Check #:

Vendor Name: Oregon Water Resources Dept.

Vendor ID: OWRD

Invoice No.	Date	Invoice Amount	Amount Paid	Discounts Taken	Credits Taken	Net Amount
G-9824	11/30/10	125.00	125.00	0.00	0.00	125.00
G-9972	11/30/10	125.00	125.00	0.00	0.00	125.00
G-12192	11/30/10	125.00	125.00	0.00	0.00	125.00
G-16025	11/30/10	125.00	125.00	0.00	0.00	125.00
G-16026	11/30/10	125.00	125.00	0.00	0.00	125.00
						Net Check Amt 625.00

RECEIVED

DEC 03 2010

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 101760
725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE #

RECEIVED FROM: <u>Avion Water Co., Inc.</u>	APPLICATION <u>See Below</u>
BY:	PERMIT
	TRANSFER

CASH: ☐ CHECK: # 41723 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 625.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES <u>47126 (5) Reimburse ment</u>	\$
0408 OTHER: (IDENTIFY) <u>Authority Extension</u>	\$ <u>625.00</u>
0243 I/S Lease	0244 Muni Water Mgmt. Plan
	0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS	<u>R1142211XG15851</u>	
0407 COPY & TAPE FEES	<u>R1172311XG16000</u>	\$
0410 RESEARCH FEES	<u>R-1172411 for 613446</u>	\$
0408 MISC REVENUE: (IDENTIFY)	<u>R1172511 for G10208</u>	\$
TC162 DEPOSIT LIAB. (IDENTIFY)	<u>R1172611 for 610349</u>	\$
0240 EXTENSION OF TIME	<u>@ \$125.00 each</u>	\$
WATER RIGHTS:	EXAM FEE	RECORD FEE
0201 SURFACE WATER	\$	0202 \$
0203 GROUND WATER	\$	0204 \$
0205 TRANSFER	\$	
WELL CONSTRUCTION	EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219 \$
LANDOWNER'S PERMIT		0220 \$
OTHER (IDENTIFY)		

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #
0210 MONITORING WELLS	\$	CARD #
OTHER (IDENTIFY)		

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)	\$
0231 HYDRO LICENSE FEE (FW/WRD)	\$
HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND	TITLE
OBJ. CODE	VENDOR #
DESCRIPTION	\$

RECEIPT: 101760 DATED: 12-3-10 BY: 2R



FORM 3547 fee due \$0.50

Restricted Data

First-Class Mail
Postage and Fees Paid
USPS
Permit No. G10

G-13446

Oregon

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

ADJ & WR

ADDRESS SERVICE REQUESTED

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
\$0.50
NOV 25 2009
0004386188
MAILED FROM ZIP CODE 97301

RECEIVED
NOV 25 2009
WATER RESOURCES DEPT
SALEM, OREGON

Powell Butte View Estates
PO Box 53
Powell Butte OR 97753

INT

1AUNSE1 97753



OLD: POWELL BUTTE VIEW ESTATES WATER DIST
PO BOX 53
POWELL BUTTE OR 97753-0053

NEW: 13994 SW QUAIL TRL
POWELL BUTTE OR 97753-1721

TO THE POSTMASTER OF

725 SUMMER ST NE STE A
SALEM OR 97301-9998



12/03/09 08:14 4800440059418 cl:1 proc:20091128 eff:20091023



Extension of Time Checkpoint Progress Report

Published on the Department's Public Notice, dated: 3-22-05 78

PUBLIC NOTICE INFORMATION

Permit Holder: Powell Butte View Estates Water Dist

Mailing Address: PO Box 53, Powell Butte, OR 97753

Application #: G-13446 Permit #: G-12192

County: CROOK

Quantity of Water: 0.29 CFS

Source of Water: A Well in Dry River Basin

Permitted Use: group domestic use for 102 Households including garden for each

Current Authorized Extension Date: 10-1-2009

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **131068**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Type Engineering
BY: _____

APPLICATION	813446
PERMIT	512192
TRANSFER	

CASH: ☐ CHECK: # 24-22 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1000

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS

840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$ <u>1000</u>
520.000	OTHER (P-6) (IDENTIFY)	\$

WATER RIGHTS:

842.001	SURFACE WATER	EXAM FEE	842.002	RECORD FEE
842.003	GROUND WATER	\$	842.004	\$
842.005	TRANSFER	\$	842.006	\$
		EXAM FEE		LICENSE FEE
842.022	WELL DRILL CONSTRUCTOR	\$	842.023	\$
	LANDOWNER'S PERMIT		842.024	\$
	OTHER (IDENTIFY)			

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	\$	CARD #	
	MONITORING WELLS	\$	CARD #	
	OTHER (IDENTIFY)			

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

	LIC NUMBER	
842.011	POWER LICENSE FEE (FW/WRD)	\$
842.115	HYDRO LICENSE FEE (FW/WRD)	\$
	HYDRO APPLICATION	\$

RECEIPT # **131068**

DATED: 12-20-95 BY: Fla. Lister

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

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

RECEIPT # **98617**

INVOICE # _____

RECEIVED FROM: GSI Water Solutions, Inc.
BY: _____

APPLICATION	13446
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# 9639 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 75.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) Assignment \$ 75.00
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$

WATER RIGHTS:

EXAM FEE	RECORD FEE
0201 SURFACE WATER \$	0202 \$
0203 GROUND WATER \$	0204 \$
0205 TRANSFER \$	

WELL CONSTRUCTION

EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR \$	0219 \$
LANDOWNER'S PERMIT	0220 \$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$
0210 MONITORING WELLS \$
OTHER (IDENTIFY) _____

CARD #	
CARD #	

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$
0231 HYDRO LICENSE FEE (FW/WRD) \$
HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION \$

RECEIPT: **98617**

DATED: 11-23-04 BY: QR

SECTION 15[illegible]

SP*35621-690

SECTION 22[illegible]

SP # 35621-690

NUMBER

96672

Check 25.00 NO _____ Cash _____

- _____ Surface Application
- _____ Reservoir Application
- ☒ _____ Crowd Water Application 0/25.00
- _____ Transfer Application
- _____ Power Claim
- _____ Hydroelectric Examination
- _____ Hydroelectric License
- _____ Copying
- _____ Assignment
- _____ Extension of Time
- _____ Other
- _____ P-6
- _____ Quadrangle
- _____ Basin
- _____ Protest
- _____ Constructors Examination
- _____ Constructors License
- _____ Adjudication

Refile

STATE OF OREGON
WATER RESOURCES DEPARTMENT
158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

RECEIPT # 112770

RECEIVED FROM: FOWELL R. L. J. JR. APPLICATION G13446
BY: _____ PERMIT _____
TRANSFER _____

CASH: ☐ CHECK: # 24-22 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 25.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
_____	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

_____	CASH ACCT.	\$
_____	VOUCHER #	\$

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6) (IDENTIFY)	\$

WATER RIGHTS:

842.001	SURFACE WATER	\$	842.002	\$
842.003	GROUND WATER	\$	842.004	\$ <u>25.00</u>
842.005	TRANSFER	\$	842.006	\$

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	\$	842.023	\$
_____	LANDOWNER'S PERMIT	\$	842.024	\$
_____	OTHER (IDENTIFY)	\$		

06-00-0 WELL CONST START FEE

842.013	WELL CONST START FEE	\$	CARD #	
_____	MONITORING WELLS	\$	CARD #	

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

842.011	POWER LICENSE FEE (FW/WRD)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE (FW/WRD)		\$

_____	HYDRO APPLICATION	\$
-------	-------------------	----

RECEIPT # 112770

DATED: 6/2/94

BY: CKH

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

RECEIPT #

101520

STATE OF OREGON

WATER RESOURCES DEPARTMENT

3850 PORTLAND ROAD NE

SALEM, OR 97310

378-8455/378-8130 (FAX)

RECEIVED FROM:

Powell Butte View Estates

BY:

Water Dist

APPLICATION

5-13446

PERMIT

TRANSFER

CASH:

☐

CHECK: #

☒

2412

OTHER: (IDENTIFY)

☐

TOTAL REC'D

\$ 300.-

01-00-0 WRD MISC CASH ACCT

842.010 ADJUDICATIONS

\$

831.087 PUBLICATIONS/MAPS

\$

830.650 PARKING FEES Name/month

\$

OTHER: (IDENTIFY)

\$

REDUCTION OF EXPENSE

CASH ACCT.

COST CENTER AND OBJECT CLASS

VOUCHER #

\$

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

840.001 COPY FEES

\$

850.200 RESEARCH FEES

\$

880.109 MISC REVENUE: (IDENTIFY)

\$

520.000 OTHER (P-6) (IDENTIFY)

\$

WATER RIGHTS:

842.001 SURFACE WATER

EXAM FEE

\$

842.002

\$

842.003 GROUND WATER

\$ 200-

842.004

\$ 100-

842.005 TRANSFER

\$

842.006

\$

WELL CONSTRUCTION

842.022 WELL DRILL CONSTRUCTOR

EXAM FEE

\$

842.023

LICENSE FEE

\$

LANDOWNER'S PERMIT

842.024

\$

OTHER (IDENTIFY)

06-00-0 WELL CONST START FEE

842.013 WELL CONST START FEE

\$

CARD #

MONITORING WELLS

\$

CARD #

45-00-0 LOTTERY PROCEEDS

864.000 LOTTERY PROCEEDS

\$

07-00-0 HYDRO ACTIVITY

LIC NUMBER

842.011 POWER LICENSE FEE(FW/WRD)

\$

842.115 HYDRO LICENSE FEE(FW/WRD)

\$

HYDRO APPLICATION

\$

RECEIPT #

101520

DATED:

6-25-93

BY:

[Signature]

Distribution—White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

NUMBER 90443

Check 300⁰⁰ MO Cash

 Surface Application

 Reservoir Application

 Ground Water Application

 Transfer Application

 Power Claim

 Hydroelectric Examination

 Hydroelectric License

 Copying

 Assignment

 Extension of Time

 Other

 P-6

 Quadrangle

 Basin

 Protest

 Constructors Examination

 Constructors License

 Adjudication

REC
200 EXM
100 REC.

TO: DOUG

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 33509

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Tye Engineering & Surveying, Inc.
BY: _____

APPLICATION	G-13446
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 24-22 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$100.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$
\$
\$
\$

REL

DALLAS

CASH ACCT.

\$

VOUCHER #

042

0407 COPY & TAPE FEES
0410 RESEARCH FEES
0408 MISC REVENUE: (IDENTIFY)
(New) TC162 DEPOSIT LIAB. (IDENTIFY)

RA #66111

\$
\$
\$
\$

WATER RIGHTS:

EXAM FEE

0201 SURFACE WATER
0203 GROUND WATER
0205 TRANSFER

0202
0204
0206

RECORD FEE

\$
\$
\$

WELL CONSTRUCTION

EXAM FEE

0218 WELL DRILL CONSTRUCTOR
LANDOWNER'S PERMIT

0219
0220

LICENSE FEE

\$
\$

0240 OTHER (IDENTIFY) EXT. OF TIME @ 100.00

0437 WELL CONST. START FEE

0211 WELL CONST START FEE
0210 MONITORING WELLS

\$
\$

CARD #

CARD #

OTHER (IDENTIFY)

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)
0231 HYDRO LICENSE FEE (FW/WRD)

\$
\$

HRDRO APPLICATION

\$

RECEIPT # 33509

DATED: 10-1-99 BY: Roger Wright

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 33509

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SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Tye Engineering & Surveying, Inc.
BY: _____

APPLICATION	G-13446
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 24-22 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$100.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

PUBLICATIONS / MAPS

OTHER: (IDENTIFY)

OTHER: (IDENTIFY)

\$
\$
\$
\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES
0410 RESEARCH FEES
0408 MISC REVENUE: (IDENTIFY)
(New) TC162 DEPOSIT LIAB. (IDENTIFY)

RA #66111

\$
\$
\$
\$

WATER RIGHTS:

EXAM FEE

0201 SURFACE WATER
0203 GROUND WATER
0205 TRANSFER

0202
0204
0206

RECORD FEE

\$
\$
\$

WELL CONSTRUCTION

EXAM FEE

0218 WELL DRILL CONSTRUCTOR
LANDOWNER'S PERMIT

0219
0220

LICENSE FEE

\$
\$

0240 OTHER (IDENTIFY) EXT. OF TIME @ 100.00

0437 WELL CONST. START FEE

0211 WELL CONST START FEE
0210 MONITORING WELLS

\$
\$

CARD #

CARD #

OTHER (IDENTIFY)

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)
0231 HYDRO LICENSE FEE (FW/WRD)

\$
\$

HRDRO APPLICATION

\$

RECEIPT # 33509

DATED: 10-1-99 BY: Roger Wright

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

POWELL BUTTE VIEW EST WTR DIST
PO BOX 33
POWELL BUTTE OR 97753

G13446 WRS

2. Article Number (Copy from service label)

P 56645

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

KEVIN LINBECK

B. Date of Delivery

9-17-99

C. Signature

X

KEVIN LINBECK

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-99-M-1789

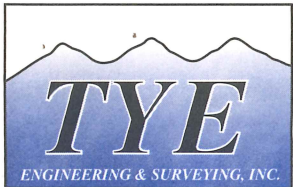
AVION WATER COMPANY, INC.
60813 PARRELL ROAD
BEND, OREGON 97702

FORTLAND
OR 970
04 FEB '15
PM 6 L



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

97301126673



TYE ENGINEERING & SURVEYING, INC.

725 NW Hill, Bend, Oregon 97701



Oregon Water Resources Dept.
Lisa Juul, Water Rights Specialist
725 Summer St. NE, Ste. A
Salem, OR 97301

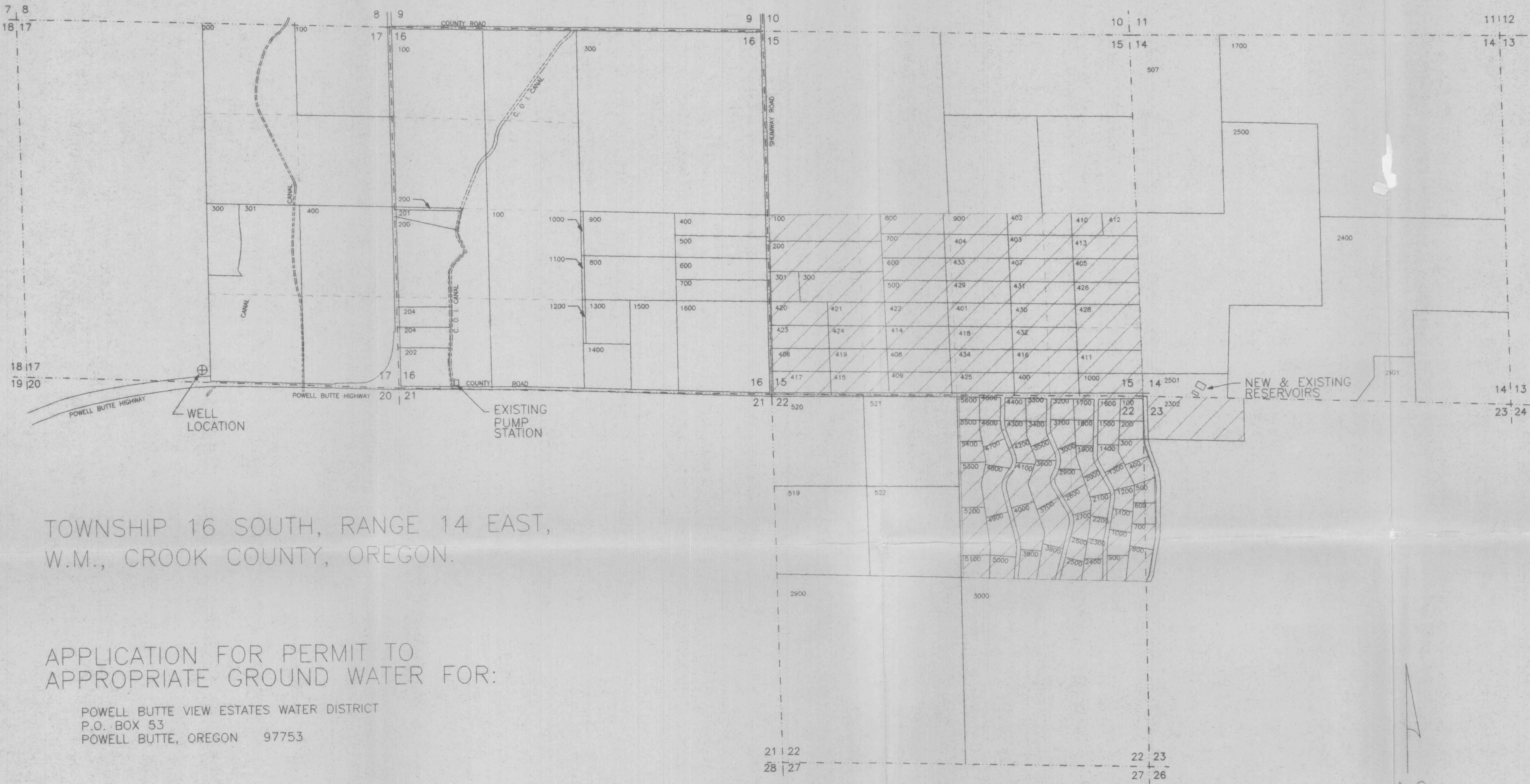
97301+1266



C09

Application No. **G13446**
Permit No. **G12192**

Name POWELL BUTTE VIEW ESTATES
Address PO BOX 53
Assigne POWELL BUTTE, OR 97753
Address
Beginning construction 10-30-96
Completion of construction 10-1-97
Extended to
Complete application of water 10-1-98
Extended to 10/1/09

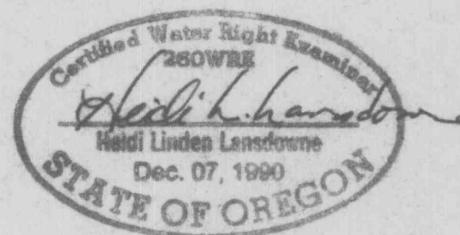


TOWNSHIP 16 SOUTH, RANGE 14 EAST,
W.M., CROOK COUNTY, OREGON.

APPLICATION FOR PERMIT TO
APPROPRIATE GROUND WATER FOR:

POWELL BUTTE VIEW ESTATES WATER DISTRICT
P.O. BOX 53
POWELL BUTTE, OREGON 97753

I, Heidi L. Lansdowne, Certified Water Right Examiner
in the State of Oregon, hereby certify the above
application map was prepared under my direct
supervision.



The preparation of this map is for the purpose
of identifying the location of the water right only
and has no intent to provide dimensions or locations
of property ownership lines.

THE WELL IS LOCATED 70 FEET NORTH
AND 2520 FEET EAST OF THE SOUTHWEST
CORNER OF SECTION 17, T16S, R14E, W.M.
CROOK COUNTY, OREGON.

AREA TO BE SERVED BY WELL

SCALE 1" = 800'

Application No. 613446
Permit No. 612192

RECEIVED

JUN 25 1993
WATER RESOURCES DEPT.
SALEM, OREGON

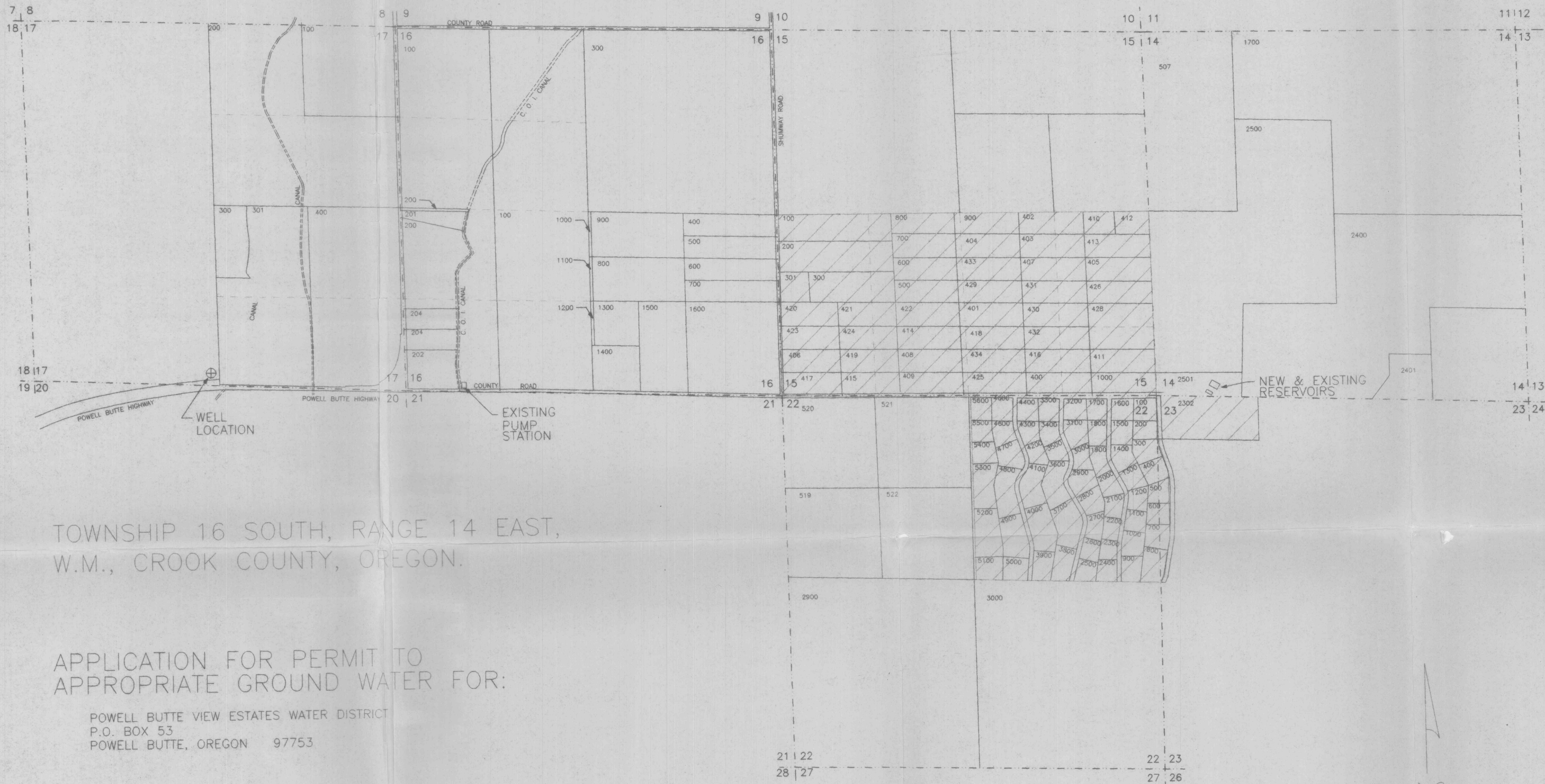
DRAWING NO. 214-22

TYE ENGINEERING, INC.
112 NW GREELEY AVENUE, BEND, OREGON 97701 (503) 389-6959
SCALE: 1" = 800' DATE: 17 JUNE 1993 DRAWN: HLL DWG #: 214-22

TITLE:
WATER RIGHTS MAP
GROUNDWATER APPLICATION

FOR:
POWELL BUTTE VIEW ESTATES
P O BOX 53
POWELL BUTTE, OR 97753

SHEET
1
OF
1
SHEETS

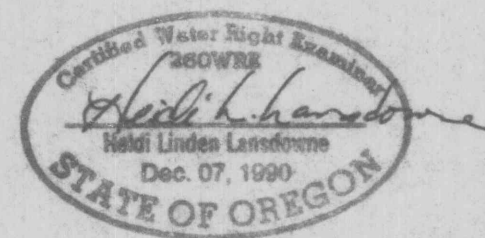


TOWNSHIP 16 SOUTH, RANGE 14 EAST,
W.M., CROOK COUNTY, OREGON.

APPLICATION FOR PERMIT TO
APPROPRIATE GROUND WATER FOR:

POWELL BUTTE VIEW ESTATES WATER DISTRICT
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POWELL BUTTE, OREGON 97753

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CORNER OF SECTION 17, T16S, R14E, W.M.
CROOK COUNTY, OREGON.

AREA TO BE SERVED BY WELL

SCALE: 1" = 800'

Application No. 673440
Permit No. 612192

RECEIVED

JUN 25 1993
WATER RESOURCES DEPT.
SALEM, OREGON

DRAWING NO. 214-22

TYE ENGINEERING, INC.
112 NW GREELEY AVENUE, BEND, OREGON 97701 (503) 389-6959

SCALE: 1" = 800' DATE: 17 JUNE 1993 DRAWN: HLL DWG #: 214-22

TITLE:
WATER RIGHTS MAP
GROUNDWATER APPLICATION

FOR:
POWELL BUTTE VIEW ESTATES
P O BOX 53
POWELL BUTTE, OR 97753

SHEET
1
OF
1
SHEETS