

**CLAIM OF
BENEFICIAL USE
for Transfer New or Additional
POA Only**



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

A fee of \$230 must accompany this form for any Transfer final orders including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

A separate form shall be completed for each transfer.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at: <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.\

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-979-9103.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

**SECTION 1
GENERAL INFORMATION**

Type of Authorized Change

This Claim is being submitted for a transfer where the only authorized change was a change in point(s) of appropriation or additional point(s) of appropriation, or a combination of both. **YES** *If additional changes were authorized, you will need to select a different form.*

1. File Information

APPLICATION # T-12732

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Avion Water Company, Inc. Attn: Jason Wick		PHONE NO. (541)382-5342	ADDITIONAL CONTACT NO.
ADDRESS 60813 Parrell Road			
CITY Bend	STATE OR	ZIP 97702	E-MAIL Jason@avionwater.com

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. **Each** transfer holder of record must sign this form.

3. Transfer holder of record (this may, or may not, be the current property owner)

TRANSFER HOLDER OF RECORD Avion Water Company, Inc. Attn: Jason Wick		
ADDRESS 60813 Parrell Road		
CITY Bend	STATE OR	ZIP 97702

4. Date of Site Inspection:

8/8/2024

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Wade Webster	8/8/2024	Staff GIS Technician
Casey Witt	8/8/2024	Staff Electrician

6. County:

Crook

7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD N/A		
ADDRESS		
CITY	STATE	ZIP

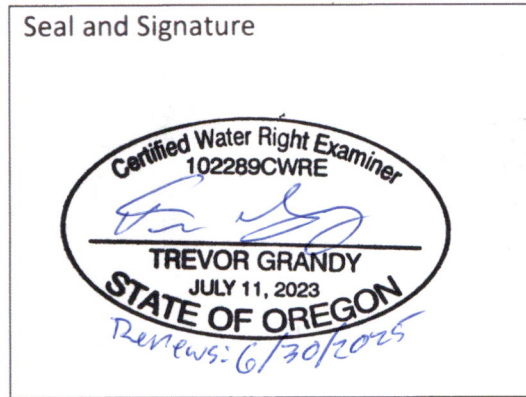
Add additional tables for owners of record as needed

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**SECTION 2
SIGNATURES**

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME Trevor Grandy		PHONE NO. 971-200-8545	ADDITIONAL CONTACT NO.	
ADDRESS 147 SW Shevlin Hixon Drive, Suite 201				
CITY Bend	STATE OR	ZIP 97702	E-MAIL tgrandy@gsiws.com	

Transfer Holder of Record Signature or Acknowledgement

Each transfer holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Adam Jackson	Vice President, Avion Water Company, Inc.	10/3/24

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**SECTION 3
CLAIM DESCRIPTION**

Note: The Claim only needs to describe the new or additional point(s) of appropriation. This Claim does not need to provide information for the original point(s) of appropriation unless the original point of appropriation is either a new or additional point of appropriation on another right involved in this transfer.

1. New or additional point of appropriation name or number:

POINT OF APPROPRIATION (POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)	SOURCE (IF LISTED IN TRANSFER FINAL ORDER)
Powell Butte Well 2	CROO 54458	L-124144	N/A

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings) **See Attachment B**

2. Variations:

Was the use developed differently from what was authorized by the transfer final order, or extension final? **NO**

If yes, describe below.

(e.g. "The order allowed three new/additional points of appropriation. The water user only developed one of the points.")

3. Claim Summary:

NEW OR ADDITIONAL POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
Powell Butte Well 2	1.12 cfs*	0.96 cfs	0.78 cfs (350 gpm)

***Maximum authorized rate derived from authorized rate of two certificates included in transfer.**

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SECTION 4 SYSTEM DESCRIPTION

Are there multiple new or additional Points of Appropriation (POA)?

NO

If "YES" you will need to copy and complete a separate Section 4.

POA Name or Number this section describes (only needed if there is more than one):

Powell Butte Well 2

A. POA System Information

Provide the following information concerning the point of appropriation. Information provided must describe the equipment used to appropriate water from the point of appropriation.

1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Unknown	Unknown	Unknown	Submersible	4-inch	4-inch

2. Motor Information

MANUFACTURER	HORSEPOWER
Karlington	60 Hp

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a well, the water level during pumping	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
60 Hp	N/A	430 feet	8 feet	0.96 cfs

4. Provide pump calculations:

$Q_{\text{pump}} = (\text{Hp})(\text{efficiency}) / (\text{lift} + \text{psi head})$
 Turbine efficiency = 7.04 ft⁴ lb/sec/Hp (figure provided by OWRD)
 $(60)(7.04) / (430 + 8) = \mathbf{0.96 \text{ cfs}}$
 $0.96 \text{ cfs} \times 448.8 \text{ gpm/cfs} = \mathbf{431 \text{ gpm}}$
 (See Attachment C pump capacity calculation sheets)

5. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
			0.78 cfs (350 gpm)*

*Well not operating at time of site visit. Pump output recorded during operation on October 14, 2020.

Reminder: For pump calculations use the reference information at the end of this document.

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B. Groundwater Source Information (Well and Sump)

3. Is the appropriation from a dug well (sump)?

NO

If "NO", items 4 through 6 relating to this section may be deleted.

C. Additional notes or comments related to the system:

Water is pumped from Powell Butte Well 2 via a submersible pump with a 60Hp motor to the wellhead. Water is conveyed to The Surplus Transfer Tank 2 miles away on Riggs Road via underground piping and assisted by a 20Hp stinger pump. It is then transferred to the Red Cloud Reservoir near the Powell Butte service area, roughly 3 miles east of the transfer tank, via underground piping and a 60 Hp booster pump.

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SECTION 5
CONDITIONS

All conditions contained in the transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE NEW AND/OR ADDITIONAL POA(S) WERE READY FOR USE *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	July 19, 2018	
COMPLETENESS DATE FROM ORDER (C)	October 1, 2023	10/14/2020

* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

2. Is there an extension final order(s)?

NO

3. Measurement Conditions:

a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device? **YES**

If "NO", items b through f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of appropriation.

b. Has a meter been installed?

YES

c. Meter Information

POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
PB Well 1	See items e and f below				
PB Well 2	Hersey	0012840151	Working	00258285	7/20/2018

If a meter has been installed, items d through f relating to this section may be deleted.

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? **YES**

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e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

NAME	TITLE	APPROXIMATE DATE
Kyle Gorman	Region Manager – S.C.R.	6/9/2006

Avion uses a measurement system approved by the Department in June 2006. A description of the measurement system can be found in item f. below. The approval letter can be found in Attachment 6.

f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION (WORKING OR NOT)	DATE INSTALLED
*Avion runs a radio linked system that reports real-time pumping on/off status that is linked to an AVEVA InTouch HMI software program (previously Wonderware, purchased by AVEVA) allowing electronic data logging and systems operations. Avion manually takes flow measurements with a Greyline Instruments PTFM 1.0 Ultrasonic Flow Meter two times per year during high and input the discharge rates into the AVEVA InTouch HMI software to calculate pumping volumes based on pump run times.	Working	

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? **NO**

If "NO", item b relating to this section may be deleted.

Avion is not required to report water use under the conditions of this transfer, but Avion supplies this information to the Department annually.

b. Have the reports been submitted? **YES**

If the reports have not been submitted, attach a copy of the reports if available.

5. Other conditions required by the transfer final order or extension final order:

a. Were there special well construction standards? **Received NO**

b. Was submittal of a ground water monitoring plan required? **OCT 07 2024 NO**

c. Other conditions? **OWRD YES**

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

Transfer Final Order Condition 4:
 The quantity of water diverted at the new additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
The quantity of water diverted at the original point of appropriation together with that diverted at the new additional point of appropriation does not exceed the quantity of water available at the original point of appropriation.

Transfer Final Order Condition 6:

Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

Powell Butte Well 2 appropriates water from the Deschutes Aquifer, the same source as the original point of appropriation.

**SECTION 6
ATTACHMENTS**

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Attachment A	COBU Points of Appropriation Map
Attachment B	CROO 54458 Well Log
Attachment C	Theoretical Pumping Calculation
Attachment D	OWRD approval letter of Avion's water measuring and recording program
Attachment E	Transfer T-12732 Final Order

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SECTION 7

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on polyester film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional points of appropriation, the original points must be identified the map based on the original right of record at the time the transfer final order was issued.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

Avion is a large quasi-municipal water supplier with a good understanding of their components and component locations. During the site inspection the CWRE did not independently survey the system component locations. The COBU map was created by GSI Water Solutions, Inc. mapping staff using Geographic Information System (GIS) software and spatial datasets provided by Avion. The georeferenced data sources used in creating the COBU map are described on the map. Additional data and information specific to the permittee's wells, place of use, and the permittee's use of water under the water right described in this Claim of Beneficial Use report were obtained from the permittee.

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Map Checklist

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

- Map on polyester film
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- N/A** If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- N/A** Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.) ***Not required for this type of Claim of Beneficial Use**
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- N/A** Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature

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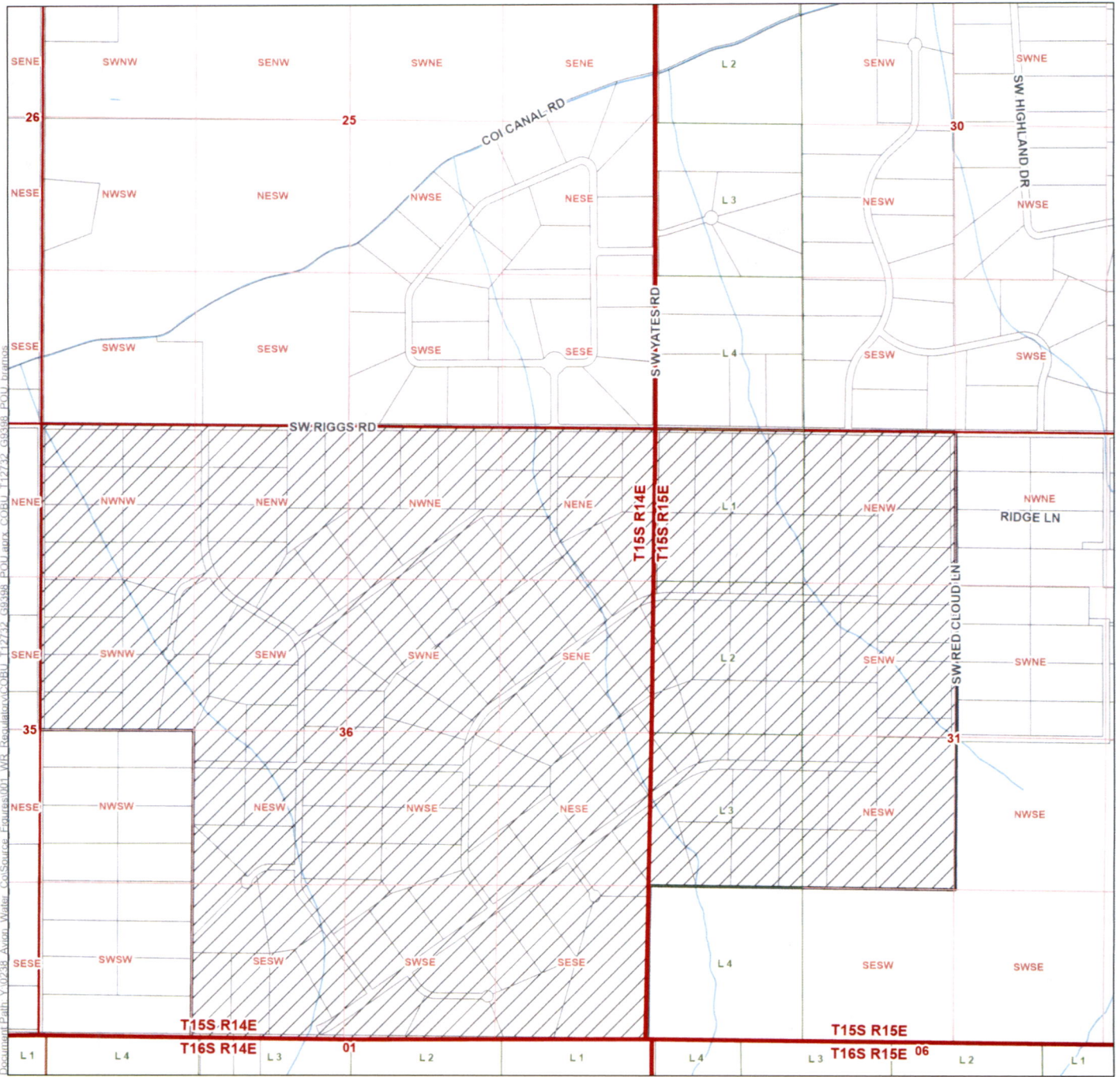
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Attachment A

Claim of Beneficial Use Maps

Claim of Beneficial Use for Transfer T-12732 - Avion Water Company, Inc.



LEGEND

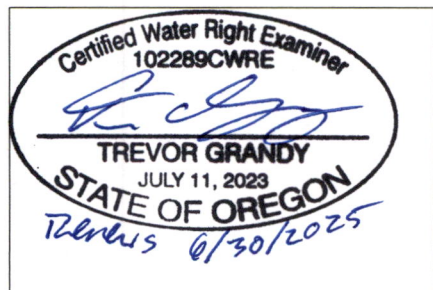
-  Permit G-9398 POU
-  Tax Lot
-  Government Lot (GL)
-  Watercourse

**Claim of Beneficial Use
Avion Water Co. Inc.
Place of Use**

Transfer T-12732, Permit G-9398

Township 15 South, Range 14/15 East (W.M.)

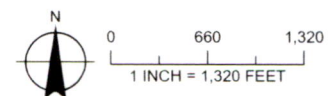
CERTIFIED WATER RIGHTS EXAMINER STAMP

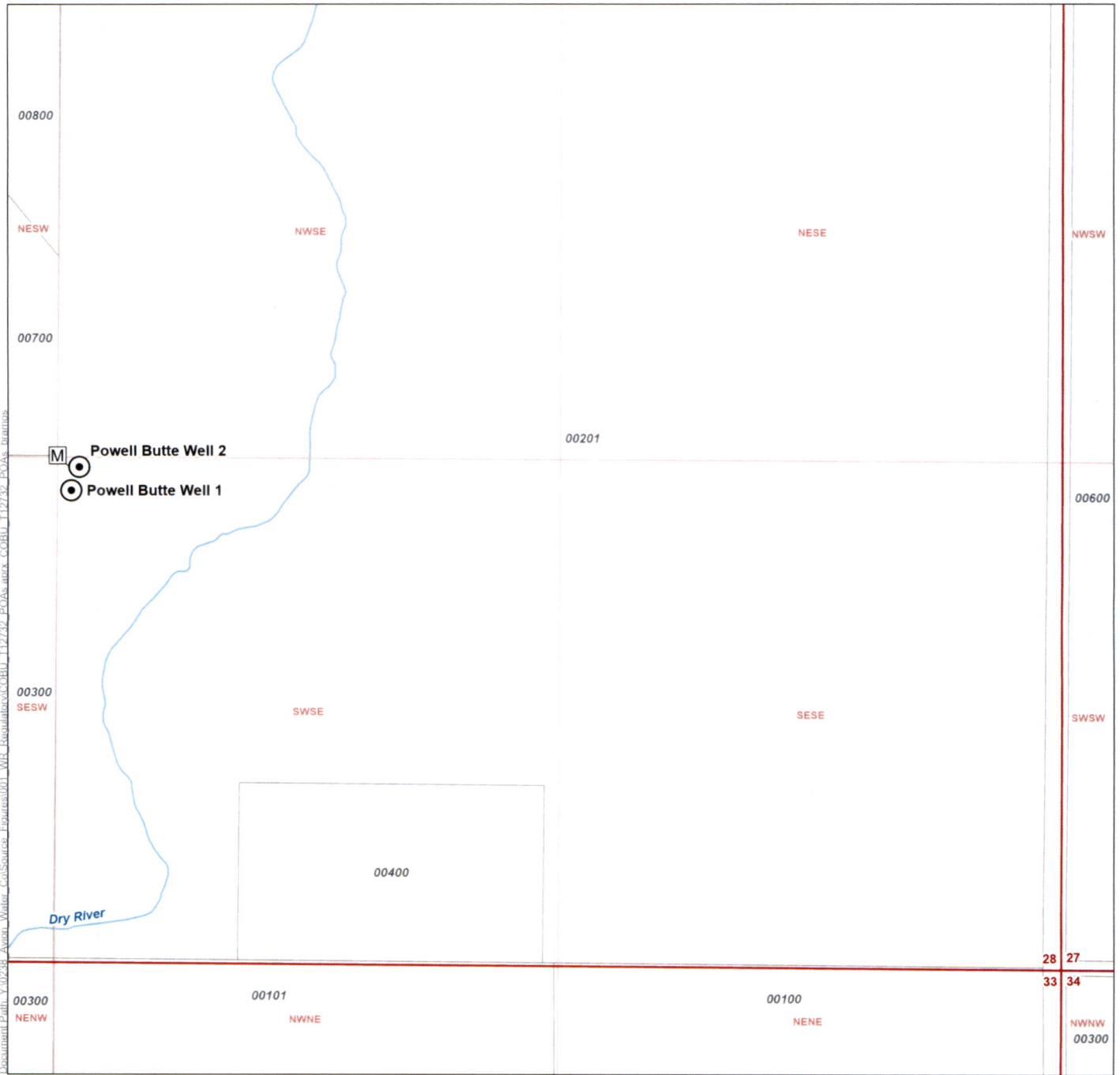


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DISCLAIMER
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: September 24, 2024
Data Sources: BLM, ESRI, OWRD, USGS





LEGEND

- Point of Appropriation (POA)
- Flow Meter
- Tax Lot
- Watercourse

Claim of Beneficial Use
Avion Water Co. Inc.
Points of Appropriation Map
Transfer T-12732, Permit G-9398 and G-12936
 Township 15 South, Range 14 East (W.M.)

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CERTIFIED WATER RIGHTS EXAMINER STAMP



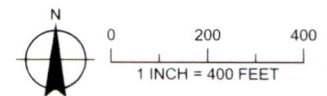
LOCATION DESCRIPTION

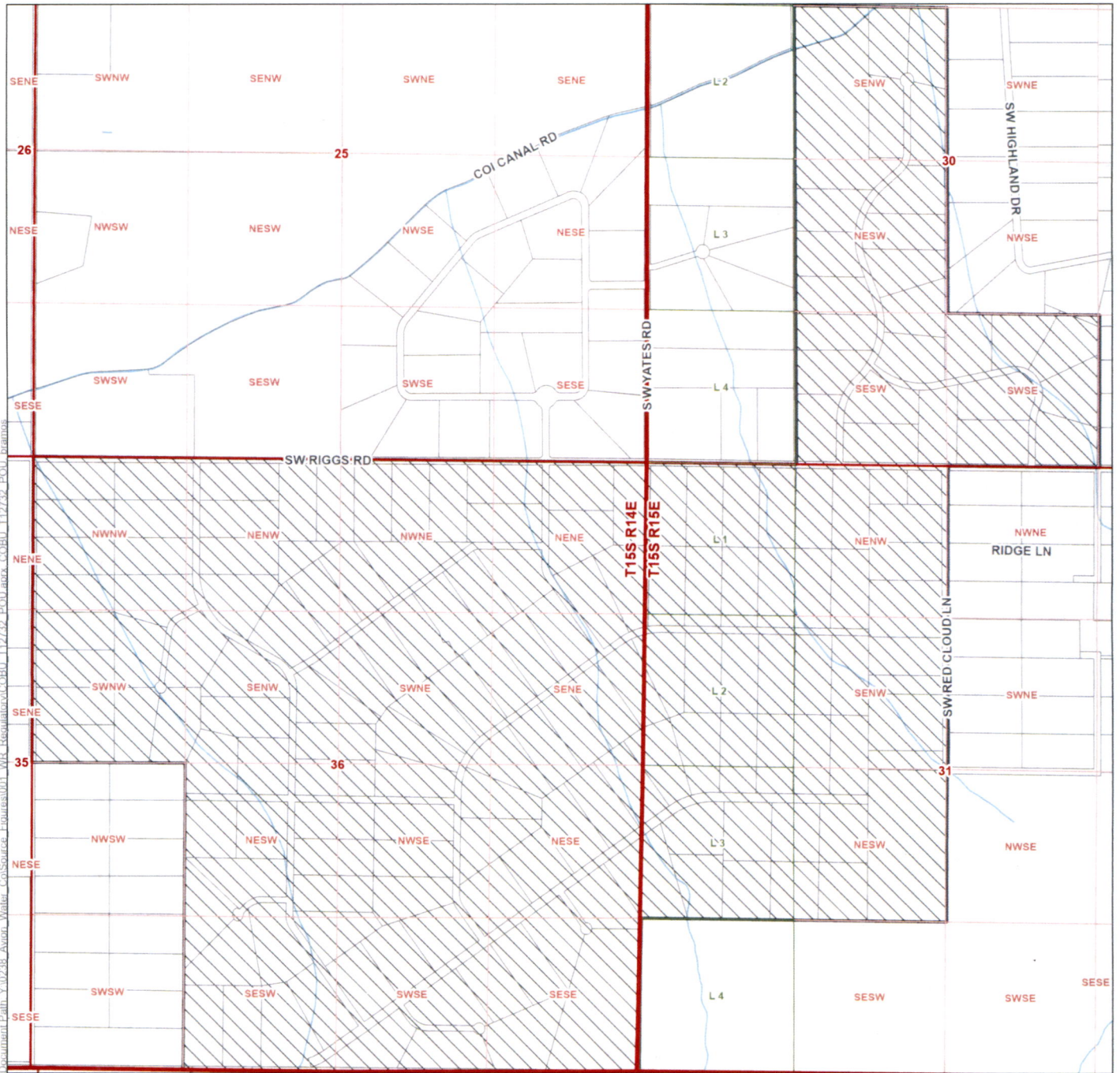
Powell Butte Well 1
 SW ¼, SE ¼ of Section 28, T 15 S, R 14 E, WM 88.95 Feet South and 38.27 Feet East from the NW corner of the SW ¼ of the SE ¼ of Section 28

Powell Butte Well 2
 SW ¼, SE ¼ of Section 28, T 15 S, R 14 E, WM 23.33 Feet South and 62.6 Feet East from the NW corner of the SW ¼ of the SE ¼ of Section 28





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

Date: September 26, 2024
 Data Sources: BLM, ESRI, OWRD, USGS





LEGEND

-  Permit G-12936 POU
-  Tax Lot
-  Government Lot (GL)
-  Watercourse

**Claim of Beneficial Use
Avion Water Co. Inc.
Place of Use**

Transfer T-12732, Permit G-12936

Township 15 South, Range 14/15 East (W.M.)

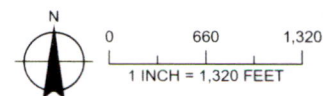
CERTIFIED WATER RIGHTS EXAMINER STAMP



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

Date: September 24, 2024
Data Sources: BLM, ESRI, OWRD, USGS



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Attachment B

OWRD Water Well Report – CROO 54458

Claim of Beneficial Use for Transfer T-12732 – Avion Water Company, Inc.

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

WELL I.D. LABEL# 124144
START CARD # 1033600
ORIGINAL LOG #

3/20/2017

(1) LAND OWNER
Owner Well I.D.
First Name JASON Last Name WICK
Company AVION WATER COMPANY
Address 60813 PARRELL RD
City BEND State OR Zip 97703

(2) TYPE OF WORK
[X] New Well [] Deepening [] Conversion
[] Alteration (complete 2a & 10) [] Abandonment (complete 5a)

(2a) PRE-ALTERATION
Dia + From To Gauge Stl Plstc Wld Thrd
Casing:
Material From To Amt sacks/lbs
Seal:

(3) DRILL METHOD
[X] Rotary Air [] Rotary Mud [] Cable [] Auger [] Cable Mud
[] Reverse Rotary [] Other

(4) PROPOSED USE
[] Domestic [] Irrigation [X] Community
[] Industrial/ Commercial [] Livestock [] Dewatering
[] Thermal [] Injection [] Other

(5) BORE HOLE CONSTRUCTION
Special Standard (Attach copy)
Depth of Completed Well 553.00 ft
BORE HOLE SEAL sacks/lbs
Dia From To Material From To Amt lbs
12 0 553 Cement 0 384 143 S
Calculated 123

How was seal placed Method [] A [] B [X] C [] D [] E
[] Other
Backfill placed from 384 feet to 384 feet Material
Filter pack from ft to ft Material Size
Explosives used: [] Yes Type Amount

(5a) ABANDONMENT USING UNHYDRATED BENTONITE
Proposed Amount Actual Amount

(6) CASING/LINER
Casing Liner Dia + From To Gauge Stl Plstc Wld Thrd
8 2 553 250
Shoe [] Inside [] Outside [] Other Location of shoe(s)
Temp casing [] Yes Dia From + To

(7) PERFORATIONS/SCREENS
Perforations Method MACHINE
Screens Type Material
Perf/ Casing/ Screen Scrn/slot Slot # of Tele/
Screen Liner Dia From To width length slots pipe size
Perf Casing 8 513 553 125 3 608

(8) WELL TESTS: Minimum testing time is 1 hour
[] Pump [] Bailer [X] Air [] Flowing Artesian
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)
500 550 1
Temperature 59 °F Lab analysis [] Yes By
Water quality concerns? [] Yes (describe below) TDS amount 140 ppm
From To Description Amount Units

(9) LOCATION OF WELL (legal description)
County CROOK Twp 15.00 S N/S Range 14.00 E E/W WM
Sec 28 SW 1/4 of the SE 1/4 Tax Lot 201
Tax Map Number Lot
Lat " or 44.23675000 DMS or DD
Long " or -121.05794444 DMS or DD
[] Street address of well [X] Nearest address
POWELL BUTTE HWY

(10) STATIC WATER LEVEL
Date SWL(psi) + SWL(ft)
Existing Well / Pre-Alteration
Completed Well 3/16/2017 388
Flowing Artesian? [] Dry Hole? []

Table with columns: SWL Date, From, To, Est Flow, SWL(psi), + SWL(ft). Row 1: 3/9/2017, 476, 553, 500, 388

(11) WELL LOG
Ground Elevation
Material From To
SAND BROKEN BASALT 0 2
BASALT CLAY 2 10
BASALT FRACTURED LAYERS 10 56
LAVA GRAY HARD 56 69
LAVA BROKEN 69 76
BASALT GRAY HARD 76 90
BASALT CLAY SEAMS BROWN BROKEN 90 110
BASALT VESICULAR 110 120
BASALT SOLID 120 147
BASALT BROKEN 147 168
CONGLOMERATE 168 245
BASALT CLAY SEAMS BROWN 245 315
BASALT 315 348
CREVICE BROKEN 348 356
BASALT 356 364
BASALT CLAY SEAMS 364 380
BASALT BROWN 380 410
LAVA GRAY 410 476
BASALT BROKEN RED BROWN 476 484

Date Started 3/7/2017 Completed 3/16/2017

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

License Number 758 Date 3/20/2017
Signed THOMAS R PECK (E-filed)

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

License Number 1720 Date 3/20/2017
Signed JACK ABBAS (E-filed)
Contact Info (optional)

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OCT 07 2024
RECEIVED BY OWRD
APR 24 2017

WATER SUPPLY WELL REPORT - Map with location identified must be attached and shall include an approximate scale and north arrow

CROO 54458

3/20/2017

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Map of Hole

**STATE OF OREGON
WELL LOCATION MAP**

This map is supplemental to the WATER SUPPLY WELL REPORT

Oregon Water Resources Department
725 Summer St NE, Salem OR 97301
(503)986-0900



LOCATION OF WELL

Latitude: 44.23675 Datum: WGS84

Longitude: -121.05794444

Township/Range/Section/Quarter-Quarter Section:

WM 15S 14E 28 SWSE

Address of Well:

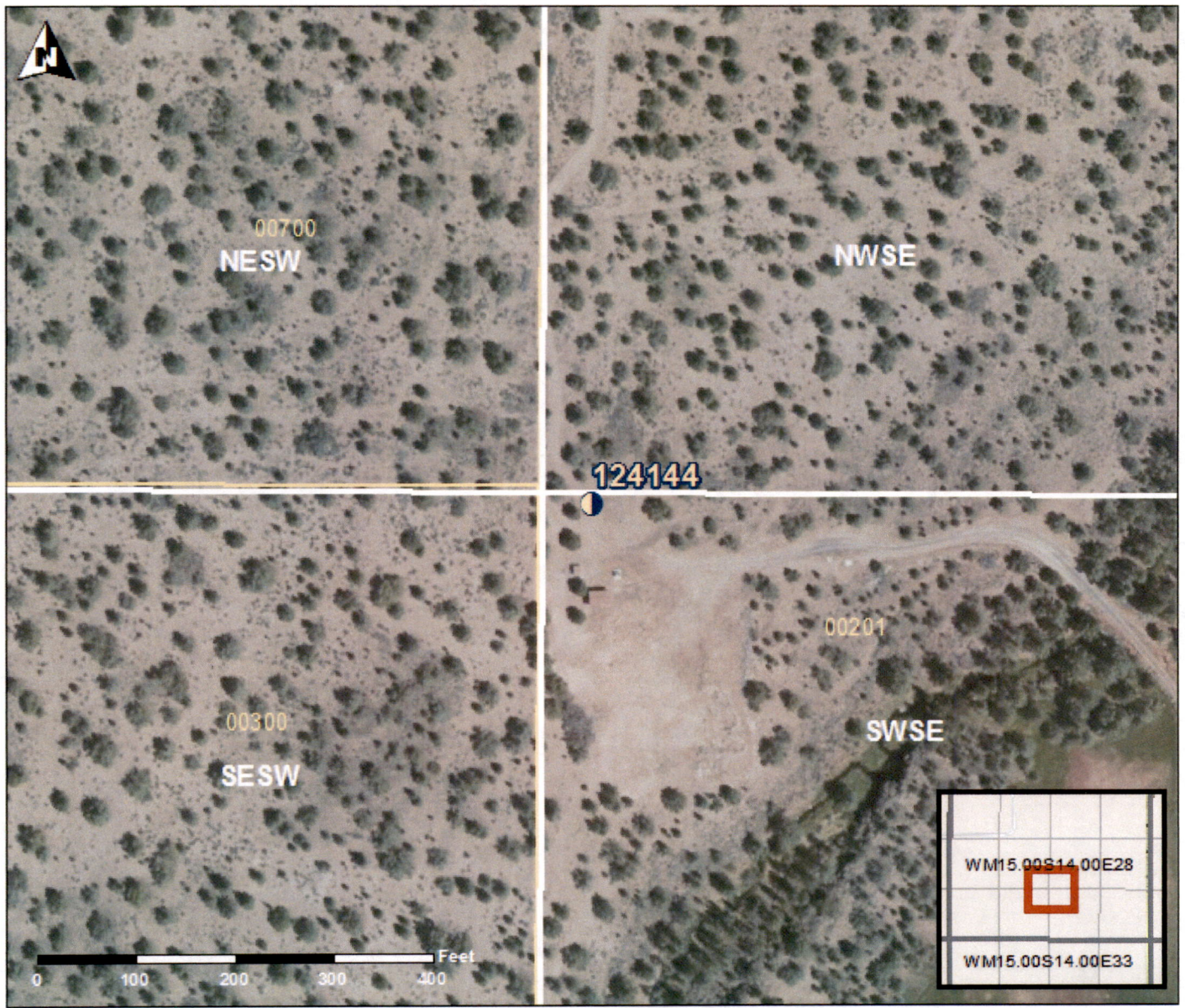
POWELL BUTTE HWY

Well Label: 124144

Printed: March 20, 2017

DISCLAIMER: This map is intended to represent the approximate location the well. It is not intended to be construed as survey accurate in any manner.

Provided by well constructor



10/07/24
10/07/24
10/07/24

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Attachment C

Theoretical Pumping Calculations

Claim of Beneficial Use for Transfer T-12732 - Avion Water Company, Inc.

Pump Capacity Calculation Sheet

using Department designed formula:

Powell Butte Well 2

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 60
Efficiency = 7.04
Lift = 438
PSI = 0

Results Calculated

$(hp)(\text{efficiency}) = 422.4$
Head based on psi = 0.0
Total dynamic head = 438.0
(head + lift)

Pump Capacity = 0.96 feet per second

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Attachment D
OWRD Approval Letter for Avion's Water Measuring and Recording
Program

Claim of Beneficial Use for Transfer T-12732 - Avion Water Company, Inc.



Oregon

Theodore R. Kulongoski, Governor

June 9, 2006

SOUTH CENTRAL REGION
Watermaster District II
1128 NW Harriman
Bend, OR 97701
Ph: (541) 388-6669
Fax: (541) 388-5101
www.wrd.state.or.us

Jason Wick
Avion Water Company
60813 Parrell Rd
Bend, OR 97702

RE: Water use measuring

Dear Jason:

Thank you for the opportunity to review your company's water management system today. As I understand Avion Water Co. (Avion) has undergone several iterations of improved water use monitoring since 1989. Currently, the system in place is a radio linked system of reporting actual pumping time on a 10 to 15 second interval which was as I understand installed sometime in 1998. This information is fed into a software program (Wonderware) that allows the logging of information to be archived via a nightly tape back and hard copy. In addition to these records, Avion manually takes flow readings via a GF-Signet flow meter two times per year during high flow periods and low flow periods to calibrate your ampcrage use vs. pump discharge. This is very similar to how the USGS and OWRD measuring and monitoring streams with gaging stations.

It is my understanding that any point you in time, you have the ability to determine how much water is being pumped instantaneously as well as calculating monthly usage, or any other time frame by either viewing on screen or by hard copy records.

This system in place seems very adequate in identifying Avion's pumping records and satisfies the needs of the Department for water use monitoring.

Thanks again for the opportunity to visit and look at your system. If there is anything else, that I'm able to help with, please let me know.

Sincerely,

Kyle Gorman
Region Manager

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2024-09-17

10/7/2024

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Attachment E

Transfer T-12732 Final Order

Claim of Beneficial Use for Transfer T-12732 - Avion Water Company, Inc.

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BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application) FINAL ORDER
T-12732, Crook County) APPROVING ADDITIONAL POINTS
) OF APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

Applicant

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

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Findings of Fact

1. On August 21, 2017, Avion Water Co. Inc. filed an application for an additional point of appropriation under Certificates 86874 and 87594. The Department assigned the application number T-12732.
2. Notice of the application for transfer was published on August 29, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 19, 2018, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12732 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 18, 2018, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. On May 25, 2018, the Department issued a Preliminary Determination proposing to approve Transfer Application T-12732 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department’s weekly notice on May 29, 2018 pursuant to ORS 540.520 and OAR 690-380-4020.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

5. On June 1, 2018, the applicant's agent, Bruce Brody-Heine of GSI Water Solutions, Inc., notified the Department that there were three errors in the Preliminary Determination. Finding of Fact #6 incorrectly describes the source of water under Certificate 87594 as being "A WELL within in the DRY RIVER BASIN". The correct description is "A WELL within in the DESCHUTES BASIN". Condition #6 incorrectly lists the completion date as being October 1, 2019. The correct completion date is October 1, 2013. Measurement conditions were omitted in both the draft Preliminary Determination and Preliminary Determination. Measurement conditions are included in the revised Preliminary Determination as Condition #5.
6. On June 5, 2018, the Department issued a Revised Preliminary Determination proposing to approve Transfer Application T-12732 **Error! Reference source not found.** and sent a copy to the applicant. Additionally, notice of the Revised Preliminary Determination for the transfer application was published in the Department's weekly notice on June 12, 2018 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The first right to be transferred is as follows:

Certificate: 86874 in the name of AVION WATER CO. INC. (perfected under Permit G-9398)
Use: QUASI-MUNICIPAL USES
Priority Date: APRIL 28, 1981
Rate: 0.59 CUBIC FOOT PER SECOND
Source: A WELL (NIXON WELL) within the DESCHUTES BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	14 E	WM	28	SW SE	88.95 FEET SOUTH AND 38.27 FEET EAST FROM THE NW CORNER OF THE SW ¹ / ₄ SE ¹ / ₄ OF SECTION 28

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Authorized Place of Use:

QUASI-MUNICIPAL					
Twp	Rng	Mer	Sec	Q-Q	GLot
15 S	14 E	WM	36	NE NE	
15 S	14 E	WM	36	NW NE	
15 S	14 E	WM	36	SW NE	
15 S	14 E	WM	36	SE NE	
15 S	14 E	WM	36	NE NW	
15 S	14 E	WM	36	NW NW	
15 S	14 E	WM	36	SW NW	
15 S	14 E	WM	36	SE NW	
15 S	14 E	WM	36	NE SW	
15 S	14 E	WM	36	SE SW	
15 S	14 E	WM	36	NE SE	
15 S	14 E	WM	36	NW SE	
15 S	14 E	WM	36	SW SE	
15 S	14 E	WM	36	SE SE	
15 S	15 E	WM	31	NE NW	
15 S	15 E	WM	31	NW NW	1
15 S	15 E	WM	31	SW NW	2
15 S	15 E	WM	31	SE NW	
15 S	15 E	WM	31	NE SW	
15 S	15 E	WM	31	NW SW	3

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8. Transfer Application T-12732 proposes an additional point of appropriation approximately 50 feet north located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	14 E	WM	28	SW SE	POWELL BUTTE WELL 2 – 23.33 FEET SOUTH AND 62.6 FEET EAST FROM THE NW CORNER OF THE SW¼ SE¼ OF SECTION 28

9. The second right to be transferred is as follows:

Certificate: 87594 in the name of AVION WATER CO. INC. (perfected under Permit G-12936)

Use: QUASI-MUNICIPAL USES

Priority Date: FEBRUARY 8, 1994

Rate: 0.53 CUBIC FOOT PER SECOND

Source: A WELL within the DESCHUTES BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	14 E	WM	28	SW SE	88.95 FEET SOUTH AND 38.27 FEET EAST FROM THE NW CORNER OF THE SW¼ SE¼ OF SECTION 28

Authorized Place of Use:

QUASI-MUNICIPAL					
Twp	Rng	Mer	Sec	Q-Q	GLot
15 S	14 E	WM	36	NE NE	
15 S	14 E	WM	36	NW NE	
15 S	14 E	WM	36	SW NE	
15 S	14 E	WM	36	SE NE	
15 S	14 E	WM	36	NE NW	
15 S	14 E	WM	36	NW NW	
15 S	14 E	WM	36	SW NW	
15 S	14 E	WM	36	SE NW	
15 S	14 E	WM	36	NE SW	
15 S	14 E	WM	36	SE SW	
15 S	14 E	WM	36	NE SE	
15 S	14 E	WM	36	NW SE	
15 S	14 E	WM	36	SW SE	
15 S	14 E	WM	36	SE SE	
15 S	15 E	WM	30	SE NW	
15 S	14 E	WM	30	NE SW	
15 S	14 E	WM	30	SE SW	
15 S	14 E	WM	30	SW SE	
15 S	15 E	WM	31	NE NW	
15 S	15 E	WM	31	NW NW	1
15 S	15 E	WM	31	SW NW	2
15 S	15 E	WM	31	SE NW	
15 S	15 E	WM	31	NE SW	
15 S	15 E	WM	31	NW SW	3

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10. Transfer Application T-12732 proposes an additional point of appropriation approximately 50 feet north located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	14 E	WM	28	SW SE	POWELL BUTTE WELL 2 – 23.33 FEET SOUTH AND 62.6 FEET EAST FROM THE NW CORNER OF THE SW¼ SE¼ OF SECTION 28

Transfer Review Criteria (OAR 690-380-4010)

11. Water has been used within the last five years prior to the submittal of Transfer Application T-12732 according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
12. A well, pump, pipeline, and municipal delivery system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12732.
13. The Department has determined that the proposed additional point of appropriation (Powell Butte Well No. 2 (CROO 54458)) would develop the same ground water aquifer as the authorized point of appropriation (Powell Butte Well No. 1 (CROO 51975/ CROO 53534)).

Under OAR 690-380-2110, a change in (or additional) point of appropriation is restricted to the same aquifer.

14. The proposed change would not result in enlargement of the rights.
15. The proposed change would not result in injury to other water rights.
16. All other application requirements are met.

Conclusions of Law

- The additional points of appropriation proposed in Transfer Application T-12732 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional points of appropriation proposed in Transfer Application T-12732 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 86874 and 87594 and any related decree.
3. Water right Certificates 86874 and 87594 are cancelled.
4. The quantity of water diverted at the new additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
 - 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.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

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8. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this JUL 19 2018.



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

Mailing date: JUL 20 2018

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September 30, 2024

Oregon Water Resources Department
ATTN: Mr. Gerry Clark
725 Summer Street NE, Suite A
Salem, OR 97301

Subject: Claim of Beneficial Use for Transfer T-12732
Avion Water Company, Inc.

Dear Gerry:

This Claim of Beneficial Use (COBU) is submitted on behalf of Avion Water Company, Inc. (Avion) for Transfer T-12732. The water user has fully developed the permit.

If you have any questions regarding the enclosed COBU, please call me at (971) 200-8545.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. Grandy", is written over a light blue horizontal line.

Trevor Grandy, RG, CWRE
GSI Water Solutions, Inc.

Enclosures: Claim of Beneficial Use for Transfer T-12732
Check in the amount of \$230

CC: Adam Jackson, Avion Water Company, Inc.

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