

61

ASSIGNED

FILE#: G 13551

SUN COUNTRY WATER INC.
63755 JOHNSON RD
BEND, OR 97701

Application No. G13551

Permit No. G12766

Certificate No.

Stream Index, Page No. 5

FEES PAID

Date	Amount	Receipt No.
Exam 11/5/93	200.00	106674
8-22-96	100.00	5701
9-22-03	100.00	63066
5-27-05	12.50	74864
3-27-24	120.00	142611
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

Date filed

Priority

Action suspended until C24 "on file"

Return to applicant

Date of approval

CONSTRUCTION

Date for beginning SEP 11 1997

Date for completion OCT 01 1998

Extended to 10-1-2026

Date for application of water OCT 01 1999

Extended to 10-1-2026

PROSECUTION OF WORK

Form "A" filed

Form "B" filed

Form "C" filed

FINAL PROOF

Blank mailed

Proof received

Date certificate issued

ASSIGNMENTS

Date	ASSIGNED	To Whom	Address	Volume	Page
5-27-05	Hartke Enterprises, LLC	22648 Nelson Rd, Bend	OR	97701	
3-29-2024	Avion Water Company	60813 Parrell Rd. Bend, OR 97702			

REMARKS

**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 # **142611**

INVOICE # _____

RECEIVED FROM: AVION Water Co., Inc.

APPLICATION G-13551

BY: _____

PERMIT _____

TRANSFER _____

CASH: ☐ CHECK: # 66353 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 120.00

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 46111 \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) _____ \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE
\$ _____

 0202

RECORD FEE
\$ _____

0203 GROUND WATER

EXAM FEE
\$ _____

 0204

RECORD FEE
\$ _____

0205 TRANSFER

EXAM FEE
\$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

EXAM FEE
\$ _____

 0219

LICENSE FEE
\$ _____

LANDOWNER'S PERMIT 0220

LICENSE FEE
\$ _____

0250 OTHER (IDENTIFY) Assignment \$ 120.00

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: **142611**

DATED: 3-27-2024 BY: m. mill



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301-1266
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov / OWRD

March 29, 2024

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

Reference: Application G-13551, Permit G-12766

The assignment from Hartke Enterprises, LLC to Avion Water Company has been recorded in the records of the Water Resources Department.

The Departments records will now show Avion Water Company as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 142611 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Please note that this permit requires complete application of water to the proposed use by October 1, 2026, and within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Sincerely,

Mary F. Bjork
Water Rights Program Analyst
Water Right Services Division

Enclosure: Original Request and Receipt 142611

cc: Hartke Enterprises, LLC; Attn: Dean "Butch" Rogers – 22648 Nelson Rd., Bend, OR 97701
GSI Water Solutions Inc; Attn: Kyle Gorman – 147 SW Shevlin Hixon Dr., Suite 201, Bend, OR 97702
Data Center, OWRD (cover letter & request)
File



Request for Assignment



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

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

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

I, Dean, "Butch" Rogers, as successor in interest to Hartke Enterprises, LLC, an Oregon limited liability company,

(Name of Current Holder of Record)

22648 Nelson Rd,

Bend, OR 97701

541.788.5103

(Mailing Address)

(City)

(State) (Zip)

(Phone #)

☒ hereby assign all my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, sold all the land authorized under the right)

☐ hereby assign all my interest in and to a portion of application/permit/transfer order/limited license/groundwater statement; You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned. Example, sold a portion of the land authorized under the right)

☐ hereby assign a portion of my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, adding an additional person)

Application # G-13551; Permit # G-12766; Transfer Order # _____;

Limited License # _____; Groundwater Statement # _____;

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

Avion Water Company, Attention Jason Wick, President

(Name of New Owner)

60813 Parrell Rd,

Bend, OR 97702

(541) 382-5342

(Mailing Address)

(City)

(State) (Zip)

(Phone #)

Note: If there are other owners of the property described in the application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below.

N/A I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request of Assignment.

Witness my hand this 14 day of March, 2024.
(Day) (Month) (Year)

Signature of Current Holder of Record

Dean I. Rogers

Failure to provide any of the required information will result in the return of your application.

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.

Fee receipt # 142611

For Director by Mary Bjork, Program Analyst in Water Rights Division. MJB

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$120.

Assign - Approve
WJB 3-29-2024



March 12, 2024

Oregon Water Resources Department
Attention: Mary Bjork
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Assignment for Permit G-12766

Dear Mary:

GSI Water Solutions, Inc. (GSI), is providing the attached request for assignment and required fee of \$120.00 on behalf of Avion Water Co. The request is to assign Permit G-12766 from Hartke Enterprises to Avion Water Co. Please find the attached documents

- **Attachment A - Assignment form for Permit G-12766**
- **Attachment B - Copy of the Real Estate Purchase and Sale Agreement.** This document describes the seller and buyers and clarifies the assets involved in the sales transaction and I have highlighted the permit information on the very last page of the agreement noting this permit is part of the sale of assets.

Please contact me if you have any questions regarding this information.

Sincerely,
GSI Water Solutions, Inc.

A handwritten signature in black ink, appearing to read "Kyle Gorman", with a long horizontal flourish extending to the right.

Kyle Gorman
Supervising Water Resources Consultant
kgorman@gsiws.com
541.279.9093

Received
MAR 27 2024
OWRD

Received
MAR 27 2024
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Attachment A

Assignment Form – G-12766

Received

MAR 27 2024

OWRD

Attachment B

Real Estate Purchase and Sale Agreement

Received
MAR 27 2024
OWRD

Received

MAR 27 2024

REAL ESTATE PURCHASE AND SALE AGREEMENT

OWRD

THIS REAL ESTATE PURCHASE AND SALE AGREEMENT (this "**Agreement**") dated effective as of January 5, 2024 (the "**Effective Date**") is made by and between and Dean "Butch" Rogers, as successor in interest to Hartke Enterprises, LLC, an Oregon limited liability company ("**Seller**"), and Avion Water Company, Inc., an Oregon corporation ("**Buyer**").

RECITALS

A. Hartke Enterprises, LLC, an Oregon limited liability company, is the owner of that certain real property located in Bend, Oregon as more particularly described on the attached Exhibit A (the "**Real Property**"). As used in this Agreement, "**Property**" means collectively the following: (A) all rights of Seller with respect to the Real Property; (B) all improvements, rights (including water rights), privileges and appurtenances of Seller belonging or pertaining thereto, including the water reservoirs located thereon (the "**Improvements**"); (C) all personal property owned by Seller with respect to the Real Property (the "**Personal Property**"); and (D) all assignable continuing business licenses, utility contracts, plans and specifications, warranties, governmental approvals and development rights related to the Real Property or the Improvements or any part thereof (the "**Intangible Property**").

B. Hartke Enterprises, LLC, an Oregon limited liability company, was administratively dissolved and Dean "Butch" Rogers is the sole beneficiary thereof.

C. Concurrently with the execution of this Agreement, Buyer and Seller are entering into that certain Asset Purchase Agreement (the "**Asset Purchase Agreement**") pursuant to which Buyer is acquiring all of the assets from Seller related to that business commonly known as "Sun Country Water."

D. Seller wishes to sell the Property to Buyer and Buyer wishes to purchase the Property from Seller, all on the terms, covenants and conditions set forth in this Agreement.

AGREEMENT

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements herein contained and other valuable consideration, Seller and Buyer agree as follows:

1. **Agreement.** Seller agrees to sell the Property to Buyer, and Buyer agrees to purchase the Property subject to and in accordance with the terms and conditions of this Agreement.

2. **Purchase Price; Payment.**

2.1 **Purchase Price Amount.** The total purchase price for the Property (the "**Purchase Price**") shall be FIFTY THOUSAND DOLLARS (\$50,000.00).

2.2 **Payment of Purchase Price.** Buyer shall deliver the Purchase Price to Seller in immediately available funds at Closing (as defined below).

2.3 **Escrow; Earnest Money.** Within three (3) business days after the Effective Date, Buyer shall open an escrow with Western Title & Escrow Company, 1777 SW Chandler Ave., Suite 100, Bend, Oregon 97702 (Lori Welsh, Escrow Officer) ("**Title Company**") and shall deposit with Title Company cash in the amount of One Thousand Dollars (\$1,000.00) (the "**Earnest Money**"). The Earnest Money shall be nonrefundable (except as otherwise provided under this Agreement, including for a default by Seller, casualty, condemnation or any material representation or material warranty of Seller shall not be substantially true and correct at the Closing) after the removal of Buyer's Due Diligence Contingency (as defined below) or the expiration thereof. The Earnest Money is applicable to the Purchase Price. The escrow shall provide for the purchase and sale to occur on or before the date of Closing specified herein. Escrow fees shall be split evenly between Buyer and Seller.

3. **Review of Property.**

3.1 **Seller's Deliveries.** Within ten (10) days of opening escrow, Seller shall cause the Title Company to prepare and deliver to Buyer a preliminary title report of the Property. Within five (5) business days of the Effective Date, Seller shall deliver to Buyer all other information, documentation and reports in Seller's possession or control pertaining to the Property, including, without limitation, the following (collectively, the "**Seller's Documents**"): (a) all plans, drawings, specifications, soils reports, engineering and architectural studies, zoning studies or reports, hazardous waste studies, geotechnical reports, hydrology reports, wetland studies, topographical maps, boundary and ALTA surveys, environmental reports, grading plans, and similar data relating to the Property; (b) copies of all contracts and agreements between Seller and Seller's consultants relating to the materials addressed in Section 3.1(a), above; and (c) all permits, entitlement documents, zoning agreements, mitigation agreements with any governmental agency, and any traffic studies for the Property or surrounding properties, and all correspondence related thereto. Notwithstanding anything to the contrary in this Agreement, Buyer acknowledges and agrees that any third-party prepared documents, materials and information that are provided by Seller or its brokers or representatives with respect to the Property as a courtesy only and Seller shall not be liable for any inaccuracy of any such third party prepared documents, materials and information unless Seller has specific knowledge that such information is inaccurate in any material respect and fails to disclose such inaccuracy to Buyer in writing. Subject to the foregoing, and the representation and warranties of Seller set forth in this Agreement, Buyer is responsible for independently verifying all information and conducting all inspections the scope of which Buyer shall determine in its sole discretion subject to any approval requirements stated in this Agreement. If this Agreement terminates, Buyer shall promptly deliver to Seller all studies, reports, surveys, and other information and materials Buyer has received, prepared or obtained pertaining to the Property.

3.2 **Buyer's Review.** Seller shall provide Buyer and its agents and consultants with access to and entry upon the Property to inspect each and every part thereof to determine its present condition and, at Buyer's sole cost and expense, to prepare such reports, tests and studies, including, without limitation, any tests, geological reports, surveys, hazardous/toxic materials investigations and other physical investigations of, on, or in the Property. Buyer shall indemnify and hold harmless the Seller from any mechanics or materialmen's liens filed against the Property as a result of Buyer's entry upon the Property in accordance with this Section 3.2.

3.3 **Due Diligence Contingency.** The obligations of Buyer under this Agreement are, at Buyer's option and in its sole and complete discretion, subject to the complete satisfaction or waiver, on or before 5:00 p.m. PST on the date that is fifteen (15) days after the Effective Date (the "**Due Diligence Contingency Date**") of the following contingencies (individually and collectively, the "**Due Diligence Contingency**"): (a) the Property and its physical condition, zoning and land use approvals and restrictions, and all systems, utilities, and access rights pertaining to the Property are suitable in every respect for Buyer's intended use; (b) the Seller's Documents are acceptable to Buyer; (c) it is economically feasible for Buyer to own, develop and operate the Property in a manner and upon terms and conditions satisfactory to Buyer; (d) completion of a Phase 1 environmental assessment; (e) completion of a fair market appraisal for the Property (at Buyer's sole cost and expense); (f) review and approval of all documents pertaining to the Property, including Seller's Documents; and (g) approval of the purchase of the Property by Buyer's Board of Directors. Buyer shall, before the end of the Due Diligence Contingency period, provide Seller with proof that funds are available to purchase the Real Property. Buyer may, in Buyer's sole discretion for any reason or no reason, terminate this Agreement at any time, on or prior to the Due Diligence Contingency Date, by written notice to Seller, if Buyer determines that the Due Diligence Contingency set forth in this Section 3.3 will not be satisfied on or before the Due Diligence Contingency Date. If Buyer fails to give notice to Seller that the Due Diligence Contingency has been satisfied or waived on or before the Due Diligence Contingency Date, Buyer shall be deemed to have waived the Due Diligence Contingency. If Buyer terminates this Agreement in accordance with this Section 3.3, neither Buyer nor Seller shall have any right or remedy against the other except as specifically provided in this Agreement.

4. Title.

4.1 **Conveyance.** Upon Closing, Seller shall execute and deliver to Buyer a special statutory warranty deed (the "**Deed**"), conveying all of Seller's right, title and interest in the Property, subject only to the Permitted Exceptions, if any, approved by Buyer in accordance with Section 4.2.

4.2 **Title Insurance.** At Closing, Seller shall furnish to Buyer a standard form owner's policy of title insurance (the "**Policy**") issued by Title Company, insuring title vested in Buyer in the amount of the Purchase Price against any loss or damage by reason of defect in Seller's title to the Property, other than the Permitted Exceptions as determined hereunder, and together with such endorsements as are required by Buyer. Seller agrees to cooperate with Title Company and Buyer in connection therewith and execute and deliver to Title Company appropriate certifications, affidavits, and indemnities confirming that Seller has not, prior to Closing, done anything on or about the Property, which would prevent Title Company from issuing the Policy required hereby or endorsements reasonably requested by Buyer thereto. Within ten (10) days after the Effective Date, Seller shall deliver to Buyer a preliminary commitment for the Policy, together with legible copies of all documents referenced or described therein (collectively, the "**Commitment**"). If desired by Buyer, Buyer shall be responsible for securing, at Buyer's sole expense an ALTA survey of the Property (the "**Survey**"). Buyer shall notify Seller in writing of Buyer's disapproval of any exceptions or other defects shown in the Commitment ("**Permitted Exceptions**") within ten (10) days of receipt by Buyer of the Commitment and Permitted Exceptions. If Buyer elects to obtain the Survey, then Buyer shall notify Seller in writing of

Buyer's disapproval of any exceptions or other defects shown in the Survey on or before the earlier of ten (10) days of receipt of the Survey or the Due Diligence Contingency Date. Seller shall: (a) with respect to liens and encumbrances which can be satisfied and released by the payment of money, eliminate such exceptions to title on or before Closing; and (b) with respect to other encumbrances, exert its commercially reasonable efforts to eliminate all exceptions to title other than the Permitted Exceptions within five (5) days of Seller's receipt of such notice from Buyer. Seller shall notify Buyer within such five (5) day period which exceptions to title Seller shall cure; whereupon if Seller has not agreed to remove all exceptions other than the Permitted Exceptions, Buyer may, at its sole option, either: (i) terminate this Agreement, whereupon the Earnest Money and any interest accrued thereon shall be returned to Buyer and no party shall have any right or remedy against the other; or (ii) waive its prior disapproval and elect to approve such exception(s) as Permitted Exceptions. If, notwithstanding the foregoing, title to the Property is not insurable subject only to the then Permitted Exceptions and cannot be made so insurable by the Closing Date, Buyer may, at its sole option, terminate this Agreement whereupon the Earnest Money and interest accrued thereon shall be returned to Buyer, or Buyer may waive its prior disapproval and elect to approve such exception(s) as a Permitted Exception, whereupon this Agreement shall remain in full force and effect. If Buyer elects to terminate this Agreement as herein provided, Seller shall pay any cancellation fee charged by the Title Company for the Commitment.

5. Interim Actions.

5.1 **Condemnation.** In the event that the Property, or any part thereof, is or becomes the subject of a condemnation proceeding or threat of condemnation before Closing, then Buyer may elect either to: (a) terminate this Agreement, in which event the Earnest Money, and any interest accrued thereon, shall be returned to Buyer and all rights and obligations of the parties hereunder shall cease; or (b) proceed to consummate and Close the purchase of the Property hereunder, in which event the Purchase Price for the Property shall be reduced by the total of any awards or other proceeds received by Seller at or before Closing with respect to any such condemnation proceeding. If Buyer elects to Close and the award or other proceeds have not been received by Seller at or before Closing, then at Closing, Seller shall assign to Buyer all rights of Seller in and to any awards or other proceeds payable by reason of any such condemnation proceeding. Seller agrees to notify Buyer in writing of any condemnation proceedings within five (5) days after Seller learns thereof.

5.2 **Risk of Loss.** If, prior to the Closing Date, any part of the Property is destroyed or suffers material damage affecting Buyer's intended use, Buyer shall have the right, exercisable by giving notice of such decision to Seller within five (5) business days after receiving written notice of such damage or destruction, to terminate this Agreement, in which event all rights and obligations of the parties hereunder shall cease. Alternatively, after giving written notice as provided in this paragraph, Buyer may, at its option, negotiate with Seller a reduced purchase price in consideration of the damage or destruction. If Buyer does not timely elect to terminate this Agreement, all insurance proceeds payable to Seller (not attributable to improvements) shall be paid or assigned to Buyer.

Received
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6. Closing.

6.1 **Escrow.** "Closing," and "Closing Date" shall mean the date the Deed for the Property from Seller to Buyer is recorded and Seller is entitled to the delivery of Buyer's funds. Closing shall occur in escrow (the "Escrow") on or before March 1, 2024. Buyer and Seller shall deposit into the Escrow all instruments and moneys necessary to complete the Closing in accordance with this Agreement, including all instructions and closing statements not inconsistent herewith.

6.2 **Prorations.** Any amounts due or owing under general real property taxes and assessment installments for the current year, rents, water and other utilities shall be prorated as of the Closing.

6.3 **Possession.** Buyer shall be entitled to possession on Closing.

6.4 **Costs.** Seller shall pay: (a) the cost of the Policy (except the cost of extended coverage or endorsements); (b) the real estate excise tax imposed upon the sale; and (c) one-half (1/2) of the Title Company's Escrow fee. Buyer shall pay: (i) the cost of recording the Deed; (ii) the cost of the Survey, if any; (iii) the cost of the Policy in excess of the cost of ALTA standard owner's coverage, and any endorsements to the Policy required by Buyer; and (iv) one-half (1/2) of the Title Company's Escrow fee.

6.5 **Seller's Deliveries to Closing.** On or before Closing, Seller shall duly execute and deposit into Escrow:

- (a) the Deed in the form attached hereto as Exhibit B;
- (b) a bill of sale ("Bill of Sale") in the form attached hereto as Exhibit C, of Seller's interests in the Property;
- (c) a certificate in a form acceptable to Buyer that Seller is not a "foreign person" as such term is defined in the Internal Revenue Code; and
- (d) such other documents which Seller is specifically required to deliver to Buyer pursuant to this Agreement or are otherwise reasonably required in order to consummate this transaction.

6.6 **Buyer's Deliveries to Closing.** On or before Closing, Buyer shall duly execute and deposit into Escrow:

- (a) such other documents which Buyer is specifically required to deliver to Seller pursuant to this Agreement or are otherwise reasonably required in order to consummate this transaction.

6.6 **Buyer's Closing Contingencies.** Buyer's obligation to Close this transaction shall be further conditioned upon the following:

(a) Buyer receiving all organizational documents, resolutions, authorizations, and information Buyer may request relating to the authority for and validity of this Agreement.

(b) All of Seller's representations and warranties set forth in Section 7 hereof being true, correct and complete as of the Closing.

(c) The acquisition of the Assets of "Sun Country Water" by Buyer, pursuant to that certain Agreement for Sale and Purchase dated as of even date hereof by and between Buyer and Seller (the "**Asset Purchase Agreement**"). The term "Assets" shall be as defined in the Asset Purchase Agreement.

6.7 Seller's Closing Contingencies. Seller's obligation to Close this transaction shall be conditioned upon the following:

(a) All of Buyer's representations and warranties set forth in Section 8 hereof being true, correct and complete as of the Closing.

(b) The acquisition of the Assets of Sun Country by Buyer pursuant to the Asset Purchase Agreement.

7. Seller's Representations and Warranties. Seller represents and warrants to Buyer that the following facts are true as of the date of Seller's execution hereof and as of Closing, or as of such other dates as may be set forth herein. As used herein, the term "to the best of Seller's actual knowledge" shall mean the actual knowledge, after reasonable investigation or inquiry, of Dean "Butch" Rogers.

7.1 Power and Authority. No further action is necessary on the part of Seller to make this Agreement fully and completely binding upon Seller in accordance with its terms.

7.2 No Violations and Actions. The execution, delivery and performance by Seller of its obligations under this Agreement do not constitute a default under any of the provisions of any law, governmental rule, regulation, judgment, decree or order by which the Seller is bound, or by any of the provisions of any contract to which the Seller is a party or by which the Seller is bound or, if Seller is not an individual, by the Seller's declaration of trust, certificate of incorporation, bylaws, limited liability company operating agreement or partnership agreement, as the case may be.

7.3 Liens. Seller attests that all persons and entities supplying labor, materials, and equipment to the Property have been paid (or will be paid as of Closing), there are no claims of liens and there are no service contracts applicable to the Property. All contracts for the furnishing of goods, labor, construction or other services to the Property shall be terminated as of the Closing Date.

7.4 Violations. The Property does not violate any applicable laws, regulations, or ordinances.

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7.5 **Assessments.** There are no currently due and payable assessments for public improvements against the Property, there is no local improvement district or other taxing authority in the process of formation that would create a lien on the Property, and there are no pending or proposed special assessments against the Property.

7.6 **Litigation.** There is no action in the nature of litigation, claim, investigation or other proceeding pending or threatened against or affecting the Property, the use thereof, or the Seller.

7.7 **Hazardous Materials.** The Property is not in violation of any federal, state, local or administrative agency ordinance, law, rule, regulation, order or requirement relating to environmental conditions or Hazardous Material ("**Environmental Laws**"). To the best of Seller's actual knowledge, except as disclosed in the Seller's Documents, neither Seller, nor any third party, has used, manufactured, generated, treated, stored, disposed of, or released any Hazardous Material on, under or about the Property or real estate in the vicinity of the Property or transported any Hazardous Material over the Property. For the purposes hereof, "**Hazardous Materials**" shall mean any substance, chemical, waste or other material which is listed, defined or otherwise identified as "hazardous" or "toxic" under any federal, state local or administrative agency law or ordinance including but not limited to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601 *et seq.*; the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 *et seq.*; the Federal Water Pollution Control Act, U.S.C. §§ 1251 *et seq.*; the Clean Air Act, 42 U.S.C. §§ 7401 *et seq.* or any similar or analogous state or local statute or ordinance, or any regulation, order, rule, or requirement adopted thereunder, as well as any formaldehyde, urea, polychlorinated biphenyls, petroleum, petroleum product or by-product, crude oil, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel or mixture thereof, radon, asbestos, and "source," "special nuclear" and "by-product" material as defined in the Atomic Energy Act of 1985, 42 U.S.C. §§ 3011 *et seq.*

7.8 **Contracts of Sale.** Seller has not committed nor obligated itself in any manner whatsoever to sell the Property to any person other than Buyer. Without limiting the generality of the foregoing, no right of first refusal regarding the Property exists. Seller will not, prior to Closing, offer to or enter into any backup or contingent option or other agreement to sell the Property to any other person.

7.9 **Foreign Person or Entity.** Seller is not a foreign person, non-resident alien, foreign corporation, foreign partnership, foreign trust, or foreign estate, as those terms are defined in the Internal Revenue Code and the Income Tax Regulations promulgated thereunder. At Closing, Seller shall deliver to Buyer a certificate of non-foreign status in form required by the Income Tax Regulations and reasonably acceptable to Buyer.

7.10 **Financial Status.** Seller has not: (a) filed any voluntary or had involuntarily filed against it in any court or with any governmental body pursuant to any statute either of the United States or of any state, a petition in bankruptcy or insolvency or seeking to effect any plan or other arrangement with creditors, or seeking the appointment of a receiver; (b) had a receiver, conservator, or liquidating agent or similar person appointed for all or a substantial portion of its assets; (c) suffered the attachment or other judicial seizure of all, or substantially all of its assets; (d) given notice to any person or governmental body of insolvency; or (e) made an assignment for

the benefit of its creditors or taken any other similar action for the protection or benefit of its creditors. Seller is not insolvent and will not be rendered insolvent by the performance of its obligations under this Agreement.

7.11 **Contracts.** There are no management, service, supply, equipment rental or similar agreements related to the Property that will be effective after Closing.

7.12 **Leases.** There are no leases related to the Property that will be effective after Closing.

The representations and warranties made by Seller shall be true and correct as of the date hereof and shall be deemed automatically reaffirmed on the Closing Date as true and correct. Buyer's rights to enforce such representations, warranties and covenants shall survive the Closing for the period set forth in Section 10.1 and shall not merge with and into the Deed to be delivered by Seller to Buyer at Closing. Seller shall indemnify, defend and hold Buyer harmless from and against any cause, claim, loss, damage or expense, including attorneys' fees, which Buyer suffers as a result of a breach of the representations, warranties and covenants contained in this Agreement.

8. **Buyer's Representations and Warranties.** Buyer represents and warrants to Seller that the following facts are true as of the date of Buyer's execution hereof and as of Closing:

8.1 **Power and Authority.** Once the purchase is approved by the Buyer's Board of Directors, no further action is necessary on the part of Buyer to make this Agreement fully and completely binding upon Buyer in accordance with its terms.

8.2 **No Violations and Actions.** The execution, delivery and performance by Buyer of its obligations under this Agreement do not constitute a default under any of the provisions of any law, governmental rule, regulation, judgment, decree or order by which the Buyer is bound, or by any of the provisions of any contract to which the Buyer is a party or by which the Buyer is bound, or by the Buyer's certificate of formation, operating agreement, or other organizational documents, as the case may be.

9. **Events of Default.**

9.1 **By Seller.** In the event Seller, without legal excuse fails to Close, Buyer will be entitled: (a) in addition to all other remedies available at law or in equity, to seek specific performance of Seller's obligation to Close under this Agreement; or (b) to terminate this Agreement by written notice to Seller and Title Company. If Buyer terminates this Agreement, the Escrow will be terminated, the Earnest Money, and any interest accrued thereon shall immediately be returned to Buyer, all documents will be immediately returned to the party who deposited them, and neither party will have any further rights or obligations under this Agreement except as otherwise provided in this Agreement, including in clause (a) above, except that Seller shall pay any costs of terminating the Escrow.

9.2 **By Buyer.** If Closing and the consummation of the transaction herein contemplated does not occur as herein provided by reason of any default of Buyer, and Buyer fails to complete the purchase of the Property, Seller may terminate this Agreement by written notice

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to Buyer. Buyer and Seller agree that it would be impractical and extremely difficult to estimate the damages suffered by Seller as a result of Buyer's failure to complete the purchase of the Property pursuant to this Agreement, and that under the circumstances existing as of the date of this Agreement, the liquidated damages provided for in this Section 9 represent a reasonable estimate of the damages which Seller will incur as a result of such failure. **THEREFORE, BUYER AND SELLER HEREBY AGREE THAT A REASONABLE ESTIMATE OF THE TOTAL DAMAGES THAT SELLER WOULD SUFFER IN THE EVENT THAT BUYER DEFAULTS AND FAILS TO COMPLETE THE PURCHASE OF THE PROPERTY IS AN AMOUNT EQUAL TO ALL OF THE EARNEST MONEY. SUCH AMOUNT WILL BE THE FULL, AGREED AND LIQUIDATED DAMAGES FOR THE BREACH OF THIS AGREEMENT BY BUYER, AND AFTER PAYMENT THEREOF TO SELLER, NEITHER PARTY SHALL HAVE ANY FURTHER OBLIGATION TO OR RIGHTS AGAINST THE OTHER.**

10. Miscellaneous.

10.1 Survival. All indemnities set forth in this Agreement shall survive Closing for a period of two (2) years following the Closing Date and be fully enforceable during such period. All covenants, representations and warranties set forth in this Agreement shall survive the Closing for a period of two (2) years following the Closing Date (the "**Survival Period**") and thereafter shall be extinguished unless a party has delivered written notice to the other party of a breach of any such covenants, representations or warranties (in which event, such claim shall remain active).

10.2 General Provisions. This is the entire agreement of the parties with respect to the Property and supersedes all prior written or oral agreements or understandings. This Agreement may be modified only in writing signed by both parties. This Agreement shall be construed according to the laws of the State of Oregon. The parties have been represented by their respective legal counsel in connection with negotiation of this Agreement, and accordingly waive the rule of construction that this Agreement shall be construed against its drafter. If the date for any performance under this Agreement falls on a weekend or holiday, the time shall be extended to the next business day. "Business day" means a day that both national banks and Title Company are open for business in Bend, Oregon.

10.3 Notices. Any demand, request or notice which either party hereto desires or may be required to make or deliver to the other shall be in writing and shall be deemed given when personally delivered, when delivered by private courier service (such as Federal Express), when received if by telecopy (with a copy by mail) or three (3) days after being deposited in the United States Mail in certified form, return receipt requested, in each case addressed as follows:

If to Seller:

Dean "Butch" Rogers

22648 Nelson Rd. Bend, OR.

97701

Telephone No.: 541-788-5103

If to Buyer:

Avion Water Company, Inc.

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60813 Parrell Rd.
Bend, OR 97702
Attn: Jason J. Wick.
Telephone No.: 541-382-5342

With a copy to: Brix Law LLP
15 SW Colorado Ave., Suite 3
Bend, OR 97702
Attn: Kyle D. Wuepper, Esq.
Telephone No.: (541) 693-0062

For purposes of notices, either party may change its address to any address that is not a post office box by giving notice to the other in the manner herein prescribed.

10.4 Commissions; Disclosure of Licensed Broker. Seller warrants and represents to Buyer that no broker or finder has been engaged by it in connection with the transaction contemplated by this Agreement. Buyer warrants and represents to Seller that no broker or finder has been engaged by it in connection with the transaction contemplated by this Agreement. In the event any other claims for brokers' or finders' fees or commissions are made in connection with the negotiation, execution, or consummation of this Agreement, then Buyer shall indemnify, hold harmless, and defend Seller from and against such claims if they are based upon any statement, representation or agreement made by Buyer, and Seller shall indemnify, hold harmless, and defend Buyer if such claims shall be based on any statement, representation or agreement made by Seller.

10.5 Waiver. Failure of either party at any time to require performance of any provision of this Agreement shall not limit such party's right to enforce such provision, nor shall any waiver of any breach of any provision of this Agreement constitute a waiver of any succeeding breach of such provision or a waiver of such provision itself.

10.6 Attorneys' Fees. In the event a suit, action, arbitration, or other proceeding of any nature whatsoever, including, without limitation, any proceeding under the U.S. Bankruptcy Code, is instituted, or the services of an attorney are retained, to interpret or enforce any provision of this Agreement or with respect to any dispute relating to this Agreement, the prevailing party shall be entitled to recover from the losing party its reasonable attorneys' fees, legal costs and expenses actually incurred and reasonably necessary in connection therewith. In the event of suit, action, arbitration, or other proceeding, the amount thereof shall be determined by the judge or arbitrator, shall include fees and expenses incurred on any appeal or review, and shall be in addition to all other amounts provided by law.

10.7 Severability. If any term or provision of this Agreement or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Agreement and the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each term or provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

10.8 Operating Covenants. Between the date of this Agreement and the Closing Date, Seller shall continue to operate the Property as it has in the past and carry insurance in the same manner as before the making of this Agreement, as if Seller were retaining the Property. In no event may Seller, without Buyer's prior written consent, which consent may be withheld by Buyer in its sole discretion, enter into any service contracts affecting the Property that are not terminable at the Closing.

10.9 Assignment. Buyer shall not be permitted to assign this Agreement without Seller's prior written consent, which may be withheld, delayed or conditioned in Seller's sole discretion. Subject to the foregoing, this Agreement shall bind and inure to the benefit of the heirs, successors, and assigns of the parties hereto.

10.10 1031 Exchange. Seller and Buyer shall have the right to convey all or a portion of the Property in exchange for real property or properties of like kind pursuant to Section 1031 of the Internal Revenue Code (a "1031 Exchange"), either in a simultaneous exchange or in a deferred exchange. Buyer agrees to cooperate with Seller in effecting such an exchange and, if requested by Seller, Buyer shall execute any exchange agreement reasonably requested by Seller and consistent with the above. Seller agrees to cooperate with Buyer in effecting such an exchange, and if requested by Buyer, Seller shall execute any exchange agreement reasonably requested by Buyer and consistent with this Section. Neither party shall be required to take title to any property, incur any costs or be subject to any liability whatsoever in connection with such cooperation.

10.11 Exhibits; Schedules. All Exhibits and Schedules, if any, attached hereto are incorporated herein by this reference.

10.12 Counterparts. This Agreement may be signed in counterparts, each of which shall be deemed an original and when taken together shall constitute one and the same instrument. The execution and delivery of facsimile or e-mail copies of this Agreement shall be deemed to be delivery of an original signature. Execution of this Agreement by electronic means intended to preserve the original pictorial appearance of this Agreement or by industry-standard electronic signature software shall have the same legal force and effect as execution by original signatures.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSONS RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS

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92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

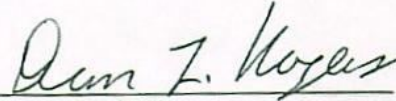
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MAR 27 2024

IN WITNESS WHEREOF, the parties have executed the foregoing Agreement as of **OWRD**
dates set forth above.

SELLER:

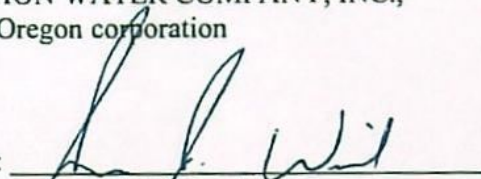


Dean "Butch" Rogers, as successor in interest to
Hartke Enterprises, LLC, an Oregon limited liability
company

BUYER:

AVION WATER COMPANY, INC.,
an Oregon corporation

By:


Jason J. Wick, President

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MAR 27 2024
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EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Tax lots: 1711140004601, 1711140004901, 1711140002701

Parcel 1 (Reservoir Site — Saddleback):

That portion of Lot 9, Block 2, Saddleback described as follows:

Beginning at a point on the Southerly line of said Lot 9, whence the Southwest corner of said Lot 9 bears North 87°10'33" West, 181.08 feet; thence North 20°03'29" East, 87.63 feet; thence around a 1030 foot radius curve left, 126.91 feet, long chord bears South 46°29'43" East, 126.83 feet; thence South 50°01'30" East, 37.23 feet; thence around a 12.66 foot radius curve right, 35.38 feet, long chord bears South 30°02'00" West, 24.94 feet; thence North 69°54'31" West, 147.09 feet to the point of beginning.

Parcel 2 (Well Site):

A portion of Lot 1, Block 7, Saddleback West, described as follows:

Beginning at the P.C. of a 20-foot radius curve on Saddleback Drive, thence North 77°02'15" west, 100.00 feet; thence North 12°57'45" East, 29.86 feet; thence South 83°16'25" East, 112.00 feet; thence South 06°43'35" West, 9.97 feet; thence around a 20-foot radius curve right, 33.59 feet, long chord bears South 54°50'40" West, 29.78 feet, to the point of beginning.

Parcel 3 (Well Site #2):

A portion of Lot 3, Block 5, Saddleback West, described as follows:

Beginning at the Northwest corner of said Lot 3, thence South 02°05'31" East, 60.00 feet to the true point of beginning, thence North 87°54'29" East, 30.00 feet; thence South 02°05'71" East, 60.00 feet; thence South 87°54'29" West, 30.00 feet; thence North 02°05'31" West, 60.00 feet, to the point of beginning.

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EXHIBIT B

SPECIAL STATUTORY WARRANTY DEED

After Recording Return To:
Avion Water Company, Inc.
60813 Parrell Rd.
Bend, OR 97702
Attn: Jason J. Wick, President

Unless a change is requested all tax statements
shall be sent to:

Avion Water Company, Inc.
60813 Parrell Rd.
Bend, OR 97702
Attn: Jason J. Wick, President

SPECIAL STATUTORY WARRANTY DEED

Dean Rogers, as successor in interest to HARTKE ENTERPRISES, LLC, an Oregon limited liability company ("Grantor"), conveys and specially warrants to Avion Water Company, Inc., an Oregon corporation ("Grantee"), the real property legally described on Exhibit A attached hereto, free of encumbrances created or suffered by Grantor except as specifically set forth on Exhibit B attached hereto.

The true consideration paid for this conveyance is Fifty Thousand Dollars and 00/100 (\$50,000.00).

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007,

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SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

[SIGNATURE PAGE FOLLOWS]

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Dated this 23rd day of January, 2024.

GRANTOR:

HARTKE ENTERPRISES, LLC,
an Oregon limited liability company

Dean L. Rogers

Dean "Butch" Rogers, as successor in interest to
Hartke Enterprises, LLC, an Oregon limited liability
company

STATE OF Oregon)

) ss.

County of Deschutes)

The foregoing instrument was acknowledged before me this 23rd day of January,
2024, by Kristina Rose, as the Manager of Hartke Enterprises, LLC, an Oregon limited liability
company.

Mike Heffernan

Notary Public for Oregon

My Commission Expires: October 18th 2024

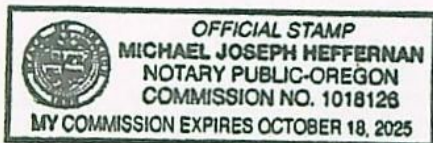


Exhibit A

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Tax lots: 1711140004601, 1711140004901, 1711140002701

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Parcel 3 (Well Site #2):

A portion of Lot 3, Block 5, Saddleback West, described as follows:

Beginning at the Northwest corner of said Lot 3, thence South 02°05'31" East, 60.00 feet to the true point of beginning; thence North 87°54'29" East, 30.00 feet; thence South 02°05'71" East, 60.00 feet; thence South 87°54'29" West, 30.00 feet; thence North 02°05'31" West, 60.00 feet, to the point of beginning.

MAR 27 2024

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EXHIBIT C

BILL OF SALE

This Bill of Sale (the "**Bill of Sale**") is made and entered into January 23, 2024 by and between HARTKE ENTERPRISES, LLC, an Oregon limited liability company ("**Assignor**"), and Avion Water Company, Inc., an Oregon corporation ("**Assignee**"). This Bill of Sale is given pursuant to that Real Estate Purchase and Sale Agreement dated January 23, 2024 between Assignor and Assignee (the "**Agreement**") relating to the acquisition of land in Bend, Oregon legally described on Exhibit A attached hereto (the "**Property**").

In consideration of the purchase price for the Property and other good and valuable consideration paid by Assignee to Assignor, the receipt and sufficiency of which are hereby acknowledged by Assignor, Assignor does hereby assign, transfer, convey and deliver to Assignee, (a) all items of tangible personal property, if any, which is owned by Assignor and situated upon and used exclusively in connection with the Property (the "**Personal Property**"), and (b) all transferable warranties, licenses and permits related to the Property and Personal Property. Notwithstanding the forgoing, the Personal Property specifically excludes any and all personal property owned by tenants or otherwise considered the property of tenants under any leases affecting the Property. The Personal Property includes the property listed on Schedule 1.

ASSIGNEE ACKNOWLEDGES AND AGREES THAT, EXCEPT AS SET FORTH IN THIS BILL OF SALE AND THE AGREEMENT, ASSIGNOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO: (A) THE NATURE, QUALITY OR CONDITIONS OF THE PERSONAL PROPERTY, (B) THE INCOME TO BE DERIVED FROM THE PERSONAL PROPERTY, (C) THE SUITABILITY OF THE PERSONAL PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH ASSIGNEE MAY CONDUCT THEREON, (D) THE COMPLIANCE OF OR BY THE PERSONAL PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE HABITABILITY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE PERSONAL PROPERTY, OR (F) ANY OTHER MATTER WITH RESPECT TO THE PERSONAL PROPERTY. ASSIGNEE FURTHER ACKNOWLEDGES AND AGREES THAT, HAVING BEEN GIVEN THE OPPORTUNITY TO INSPECT THE PERSONAL PROPERTY, ASSIGNEE IS RELYING SOLELY ON ITS OWN INVESTIGATION OF THE PERSONAL PROPERTY AND NOT ON ANY INFORMATION PROVIDED OR TO BE PROVIDED BY ASSIGNOR, EXCEPT AS SPECIFICALLY PROVIDED IN THE AGREEMENT. ASSIGNEE FURTHER ACKNOWLEDGES AND AGREES THAT ANY INFORMATION PROVIDED OR TO BE PROVIDED WITH RESPECT TO THE PERSONAL PROPERTY WAS OBTAINED FROM A VARIETY OF SOURCES AND THAT ASSIGNOR HAS NOT MADE ANY INDEPENDENT INVESTIGATION OR VERIFICATION OF SUCH INFORMATION, EXCEPT AS SPECIFICALLY PROVIDED IN THE AGREEMENT. ASSIGNEE FURTHER ACKNOWLEDGES AND AGREES THAT THE SALE OF THE PERSONAL PROPERTY AS PROVIDED FOR HEREIN IS MADE ON AN "AS

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MAR 27 2024

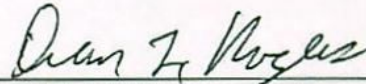
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IS, WHERE IS" CONDITION AND BASIS "WITH ALL FAULTS," EXCEPT AS SPECIFICALLY PROVIDED IN THE AGREEMENT.

Assignor represents and warrants that: (i) Assignor has full power and authority to enter into this Bill of Sale and all requisite action has been taken by Assignor in connection with the execution of this Bill of Sale, and (ii) there are no liens encumbering the Personal Property and Assignor shall defend title to (a) the Personal Property and (b) all transferable warranties, licenses and permits related to the Property and Personal Property against the claims and demands of all persons whomsoever claiming by, through or under Assignor.

IN WITNESS WHEREOF, Assignor and Assignee have caused this Bill of Sale to be executed on the date and year first above written.

ASSIGNOR:



Dean "Butch" Rogers, as successor in interest to
Hartke Enterprises, LLC, an Oregon limited liability
company

ASSIGNEE:

AVION WATER COMPANY, INC.,
an Oregon corporation

By:

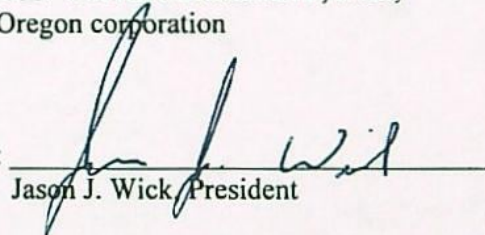

Jason J. Wick, President

Exhibit A to Bill of Sale

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SCHEDULE 1 to Bill of Sale

PERSONAL PROPERTY

Silverado Well, well log DESC 4698; including associated pumping equipment

Saddleback Drive Well, well log DESC 4699; including associated pumping equipment

Water reservoir and associated booster station

Booster station located near 63287 Saddleback Drive

Various buildings housing various appurtenances

Pipes, valves, meters, and other appurtenances

Water appropriation permits G-12766 and G-6350



Oregon

John A. Kitzhaber, MD, 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

June 22, 2011

HARTKE ENTERPRISES, LLC
22648 NELSON RD
BEND, OR 97701

REFERENCE: Application G-13551 / Permit G-12766

Dear Permit Holder:

On July 19, 2007, the Department issued a Final Order approving an Extension of Time for Permit G-12766. This Final Order included a condition that required the permit holder to submit a written progress report to the Department by October 1, 2007 as well as a future progress report(s) due by October 1, 2012, 2017, and 2022.

This letter is being sent to you because the Department has not yet received the progress report that was due on October 1, 2007.

For your convenience, I have enclosed a **Progress Report Form** for you to fill out and submit. In order to maintain the ability to continue developing water under this permit, you should submit your overdue progress report immediately.

As per your most recent extension, the date by which water must be applied to full beneficial use within the terms and conditions of your permit is October 1, 2026. *Failure to submit a written progress report may jeopardize continued development of your permit beyond October 1, 1999. Furthermore, future extensions are evaluated on past due diligence, and consequently may not be granted.*

If you have any questions concerning this matter, you may contact me by telephone at (503) 986-0827.

Sincerely,

Ann Reece
Extensions
Water Rights Services Division

Enclosure

cc: Application G-13551
Watermaster District 11 – Jeremy Giffin



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

June 6, 2008

HARTKE ENTERPRISES, LLC
22648 NELSON RD
BEND, OR 97701

REFERENCE: Application G-13551 / Permit G-12766

Dear Permit Holder:

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If you have any questions concerning this matter, you may contact me by telephone at (503) 986-0827.

Sincerely,

Ann Reece

Extensions

Water Rights and Adjudications Division

Enclosure

cc: Application G-13551
Watermaster District 11 – Jeremy Giffin

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13551

Final Order
Extension of Time for Permit Number G-12766

Appeal Rights

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 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.

Application History

The Department issued Permit G-12766 on September 11, 1996. The permit called for completion of construction by October 1, 1998 and complete application of water to beneficial use by October 1, 1999. On January 13, 2004, Hartke Enterprises, LLC submitted to the Department an Application for Extension of Time for Permit G-12766. In accordance with OAR 690-315-0050(2), on May 22, 2007, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2026 and the time to fully apply water to beneficial use to October 1, 2026. The protest period closed July 6, 2007, in accordance with OAR 690-315-0060(1). No protest was filed.

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 Diligence Progress Report to the Department by **October 1, in the years 2007, 2012, 2017 and 2022. A form for each year is enclosed for your use.**

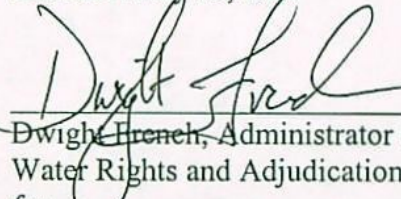
- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder 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-13551, Permit G-12766, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2026. The deadline for applying water to full beneficial use is extended to October 1, 2026.

DATED: July 19, 2007


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 Kim French at (503) 986-0813.
 - 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
-



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 Diligence Progress Reporting Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Hartke Enterprises, LLC

Application G-13551

Permit G-12766

Report Due no later than October 1, 2007

Diligence Progress Report for 2007

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-12766

INSERT DATES	WORK ACCOMPLISHED and FINANCIAL INVESTEMENT SINCE OCTOBER 1, 1999	FINANCIAL INVESTEMENT
	<i>List all work done after the last authorized date for complete application of water up to the date of this Diligence Progress Reporting Form</i>	

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 = _____ cfs (cubic feet per second)

Maximum rate = _____ gpm (gallons per minute)

Acre Feet Stored = _____ 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 – usually only specified on a reservoir water right). Do not provide daily, monthly or annual water use totals.

Signature _____ Date _____

For OWRD use only

Diligence Shown ☐ Yes ☐ No

Date Public Noticed: _____

Reviewed by: _____

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 Diligence Progress Reporting Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Hartke Enterprises, LLC

Application G-13551

Permit G-12766

Report Due no later than October 1, 2012

Diligence Progress Report for 2012

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-12766

INSERT DATES	WORK ACCOMPLISHED and FINANCIAL INVESTEMENT SINCE OCTOBER 1, 2007	FINANCIAL INVESTEMENT
	<i>List all work done after the last authorized date for complete application of water up to the date of this Diligence Progress Reporting Form</i>	

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 = _____ cfs (cubic feet per second)

Maximum rate = _____ gpm (gallons per minute)

Acre Feet Stored = _____ 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 – usually only specified on a reservoir water right). Do not provide daily, monthly or annual water use totals.

Signature _____ Date _____

For OWRD use only

Diligence Shown ☐ Yes ☐ No

Date Public Noticed: _____

Reviewed by: _____

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 Diligence Progress Reporting Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Hartke Enterprises, LLC

Application G-13551
Permit G-12766

Report Due no later than October 1, 2017

Diligence Progress Report for 2017

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-12766

INSERT DATES	WORK ACCOMPLISHED and FINANCIAL INVESTEMENT SINCE OCTOBER 1, 2012 <i>List all work done after the last authorized date for complete application of water up to the date of this Diligence Progress Reporting Form</i>	FINANCIAL INVESTEMENT

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 = _____ cfs (cubic feet per second)

Maximum rate = _____ gpm (gallons per minute)

Acre Feet Stored = _____ 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 – usually only specified on a reservoir water right). Do not provide daily, monthly or annual water use totals.

Signature _____ Date _____

For OWRD use only

Diligence Shown ☐ Yes ☐ No

Date Public Noticed: _____

Reviewed by: _____

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 Diligence Progress Reporting Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Hartke Enterprises, LLC

Application G-13551
Permit G-12766

Report Due no later than October 1, 2022

Diligence Progress Report for 2022

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-12766

INSERT DATES	WORK ACCOMPLISHED and FINANCIAL INVESTEMENT	FINANCIAL INVESTEMENT
	SINCE OCTOBER 1, 2017 <i>List all work done after the last authorized date for complete application of water up to the date of this Diligence Progress Reporting Form</i>	

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 = _____ cfs (cubic feet per second)

Maximum rate = _____ gpm (gallons per minute)

Acre Feet Stored = _____ 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 – usually only specified on a reservoir water right). Do not provide daily, monthly or annual water use totals.

Signature _____ Date _____

For OWRD use only

Diligence Shown ☐ Yes ☐ No

Date Public Noticed: _____

Reviewed by: _____

Date: _____

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: July 19, 2007

Copies Mailed

Application G-13551
Permit G-12766

By: JIS
On: 7/19/07

Original mailed to permit holder

Hartke Enterprises, LLC
22648 Nelson Rd.
Bend, OR 97701

Copies sent to:

1. WRD - App. File G-13551/ Permit G-12766
2. WRD - Watermaster District 11, Jeremy Giffin - Bend
3. WRD- Ken Stahr
4. Sun Country Water Inc., 63755 Johnson Rd., Bend, OR 97701
5. WRD - Support Staff, Salem...*Permit record update*

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

CASEWORKER: KRF

**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-12766, Water Right Application G-13551)
in the name of Hartke Enterprises, LLC) PROPOSED FINAL ORDER

Permit Information

Application File G-13551 Permit G-12766

Basin: 5 – Deschutes/ Watermaster District 11

Date of Priority: November 4, 1993

Authorized Use of Water

Source of Water:	Two Wells within the Tumalo Creek Basin
Purpose of Use:	Group Domestic Use Expanded for 50 Households
Maximum Rate:	0.223 Cubic Feet per Second (cfs), being 0.1115 cfs From Each Well

**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-12766, water right Application G-13551.
A copy of Permit G-12766 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, 1998 to October 1, 2026, and
- grant an extension of time to apply water to full beneficial use from October 1, 1999 to October 1, 2026.
- 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. The Department issued Permit G-12766 to Sun Country Water, Inc. on September 11, 1996. On May 27, 2005, Permit G-12766 was assigned to Hartke Enterprises, LLC. The permit authorizes the use of up to 0.223 cfs of water from two wells, being 0.1115 cfs from each well, for group domestic use expended for 50 households. The permit specified actual construction of the well was to begin by September 11, 1997, construction of the water system was to be completed by October 1, 1998, and complete application of water was to be made on or before October 1, 1999.
2. The permit holder submitted an "Application for Extension of Time" to the Department on January 13, 2004 requesting the time to complete construction of the water system be extended from October 1, 1998 to October 1, 2026 and the time to apply water to full beneficial use under the terms of Permit G-12766 be extended from October 1, 1999 to October 1, 2026. This is the first permit extension requested for Permit G-12766.
3. Notification of the Application for Extension of Time for Permit G-12766 was published in the Department's Public Notice dated March 2, 2004. 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)]

4. On January 13, 2004, the Department received a completed Application for Extension of Time and the fee required by ORS 536.050 from the permit holder.

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

¹ ORS 537.230 applies to surface water permits only.

² ORS 537.248 applies to reservoir permits only.

³ ORS 537.630 applies to ground water permits only.

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

5. Actual construction of the well began prior to the deadline specified in the permit, being September 11, 1997.

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.

6. As of January 13, 2004, the remaining work to be completed consists of completing construction of the water system and complete application of water to beneficial use.
7. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2026, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms of Permit G-12766 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)]

8. The following construction was completed within the time allowed in the permit or previous extension:
 - a. Construction of the wells and water system began prior to the time specified in the permit, being September 11, 1997
 - b. Work was accomplished (specified in the Application for Extension of Time) during the original development time frame under Permit G-12766.

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

9. The following beneficial use was made of the water during the permit or previous extension time limits:
 - a. Since the issuance of Permit G-12766 on September 11, 1996, no water has been appropriated from the wells.

- b. Delay of full beneficial use of water under Permit G-12766 was due, in part, to the size and scope of the development and the fluctuations in growth, land values and regulations.

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

- 10. 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)]

- 11. Financial investments made toward developing the beneficial water use.

- a. As of January 13, 2004, the permit holder has invested approximately \$250,000, which is 63 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$150,000 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)]

- 12. As of January 13, 2004, the permit holder has invested approximately \$250,000 which is 63 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$150,000 investment is needed for the completion of this project.

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

- 13. The Department has found good faith of the appropriator under Permit G-12766.

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:

- 14. 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-12766; 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 points of appropriation for Permit G-12766, located within the Tumalo Creek Basin, are not located within a limited or critical ground water area. Tumalo Creek is located above a state scenic waterway and within a federal scenic waterway. It is also located within an area ranked "high" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. Tumalo Creek is listed by the Department of Environmental Quality as a water quality limited stream.
15. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
 - a. As of January 13, 2004, the permit holder has invested approximately \$250,000.
16. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
 - a. None have been identified.
17. 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.
18. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time 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)]

19. 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)]

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

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

21. 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, 2026⁵, 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 18 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-12766.

Proposed Order

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

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 the claim of beneficial use.

extend the time for complete construction of the water system under Permit G-12766 from October 1, 1998 to October 1, 2026; and

extend the time to apply water to beneficial use under Permit G-12766 from October 1, 1999 to October 1, 2026.

Subject to the following conditions:


CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Diligence Progress Report to the Department by October 1, in the years 2007, 2012, 2017 and 2022. *A form for each year is enclosed for your use.*

- (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: May 22, 2007


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 protest and

request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than July 6, 2007 being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.

2. A written request for contested case hearing 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 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 protest fee required under ORS 536.050, if petitioner is other than the water right permit holder.
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 request for contested case hearing 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 Kim French at 503-986-0813.
 - 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 Mike Reynolds at 503-986-0820.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
 - Address any correspondence to : Water Rights and Adjudications Division
725 Summer St NE, Suite A
Fax: 503-986-0901 Salem, OR 97301-1266
-



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 Diligence Progress Reporting Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Hartke Enterprises, LLC

Application G-13551

Permit G-12706

Report Due no later than October 1, 2007

Diligence Progress Report for 2007

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-12706

INSERT DATES	WORK ACCOMPLISHED and FINANCIAL INVESTEMENT SINCE OCTOBER 1, 1999	FINANCIAL INVESTEMENT
	<i>List all work done after the last authorized date for complete application of water up to the date of this Diligence Progress Reporting Form</i>	

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 = _____ cfs (cubic feet per second)

Maximum rate = _____ gpm (gallons per minute)

Acre Feet Stored = _____ 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 – usually only specified on a reservoir water right). Do not provide daily, monthly or annual water use totals.

Signature _____ Date _____

For OWRD use only

Diligence Shown ☐ Yes ☐ No

Date Public Noticed: _____

Reviewed by: _____

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 Diligence Progress Reporting Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Hartke Enterprises, LLC

Application G-13551

Permit G-12706

Report Due no later than October 1, 2012

Diligence Progress Report for 2012

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-12706

INSERT DATES	WORK ACCOMPLISHED and FINANCIAL INVESTEMENT SINCE OCTOBER 1, 2007	FINANCIAL INVESTEMENT
	List all work done after the last authorized date for complete application of water up to the date of this Diligence Progress Reporting Form	

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 = _____ cfs (cubic feet per second)

Maximum rate = _____ gpm (gallons per minute)

Acre Feet Stored = _____ 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 – usually only specified on a reservoir water right). Do not provide daily, monthly or annual water use totals.

Signature _____ Date _____

For OWRD use only

Diligence Shown ☐ Yes ☐ No

Date Public Noticed: _____

Reviewed by: _____

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 Diligence Progress Reporting Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Hartke Enterprises, LLC

Application G-13551

Permit G-12706

Report Due no later than October 1, 2017

Diligence Progress Report for 2017

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-12706

INSERT DATES	WORK ACCOMPLISHED and FINANCIAL INVESTEMENT SINCE OCTOBER 1, 2012 <i>List all work done after the last authorized date for complete application of water up to the date of this Diligence Progress Reporting Form</i>	FINANCIAL INVESTEMENT

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 = _____ cfs (cubic feet per second)

Maximum rate = _____ gpm (gallons per minute)

Acre Feet Stored = _____ 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 – usually only specified on a reservoir water right). Do not provide daily, monthly or annual water use totals.

Signature _____ Date _____

For OWRD use only

Diligence Shown ☐ Yes ☐ No

Date Public Noticed: _____

Reviewed by: _____

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 Diligence Progress Reporting Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Hartke Enterprises, LLC

Application G-13551

Permit G-12706

Report Due no later than October 1, 2022

Diligence Progress Report for 2022

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-12706

INSERT DATES	WORK ACCOMPLISHED and FINANCIAL INVESTEMENT SINCE OCTOBER 1, 2017	FINANCIAL INVESTEMENT
	<i>List all work done after the last authorized date for complete application of water up to the date of this Diligence Progress Reporting Form</i>	

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 = _____ cfs (cubic feet per second)

Maximum rate = _____ gpm (gallons per minute)

Acre Feet Stored = _____ 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 – usually only specified on a reservoir water right). Do not provide daily, monthly or annual water use totals.

Signature _____ Date _____

For OWRD use only

Diligence Shown ☐ Yes ☐ No

Date Public Noticed: _____

Reviewed by: _____

Date: _____

Mailing List for Extension PFO Copies

PFO Date: May 22, 2007

Application G-13551
Permit G-12706

Copies Mailed

By: MS
On: 5/22/07

Original mailed to Applicant:

Hartke Enterprises, LLC
22648 Nelson Rd.
Bend, OR 97701

Copies sent to:

1. WRD - App. File G-13551/ Permit G-12706
2. WRD - Watermaster District 11, Jeremy Giffin – Bend
3. Sun Country Water Inc., 63755 Johnson Rd., Bend, OR 97701

Fee paid as specified under ORS 536.050 to receive copy:

4. None

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

5. None

CASEWORKER: KRF

Extension PFO Checklist for
Other than Muni or Quasi-Municipal

Water Use Permits
(OAR 690-315-0010 through OAR 690-315-0060)

Application: G-13551 Permit: G-12706
Permittee's Name: HARTKE ENTERPRISES, LLC
Permittee's Mailing Address: 22648 NELSON RD, BEND, OR 97701
POD Location: Township 17S Range 11E Section 14 $\frac{1}{4}$ NWSE & NESW
Drainage Basin: #5 DESCHUTES County: DESCHUTES Watermaster District: 11

Date Permit was issued: 9-11-96 Priority Date: 11-4-93 Date of PN: 3-2-04
Source: TWO WELLS IN THE TUMALO BASIN
Use: GROUP DOMESTIC USE EXPANDED FOR 50 HOUSEHOLDS
"Q": 0.223 CFS, BEING 0.1115 CFS FROM WELL #1 & 0.1115 CFS FROM WELL #2
Orig "A" Date: 9-11-97 Orig "B" Date: 10-1-98 Orig "C" Date: 10-1-99
Extension request received: 1-13-04 Last Authorized "B" Date: 10-1-98 Last Authorized "C" Date: 10-1-99
Request Number (...1st, 2nd, 3rd): 1ST Proposed "B" Date: 10-1-2026 Proposed C Date: 10-1-2026

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"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

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

Yes No

- ☒ ☐ Construction was completed within the time allowed in the permit or previous extension
- ☒ ☒ Beneficial use made of the water during the permit or previous extension time limits
- Permit holder has beneficially used 0 cfs/gpm/af of the total permitted quantity of water.
- ☒ ☐ Water right permit holder conformed with the permit or previous extension conditions; and
- ☒ ☐ Financial investments were made toward developing the beneficial water use.
- Permit holder has invested approximately _____ % of the total estimated cost to complete the project.
 - Amount Invested to date: \$ 250,000 Estimated Remaining Cost: \$ 150,000

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

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

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

Yes No

- ☒ ☐ within or above a state 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#or
☐ ☒ within a critical or limited Ground Water 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 a sensitive, threatened or endangered species area source: "/>

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: 2007, 2012, 2017, 2022)

☐ 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(3), 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 the claim of beneficial use."
- ☒ **COBU Requirement - Ground Water - post July 9, 1987**
"Pursuant to ORS 537.630(3), 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 the claim of beneficial use."

NOTES:

CC: SW COUNTRY WATER INC
63755 JOHNSON RD
BEND OR 97701

Extension "PFO" Dates

Mailing / Issuance Date: 5-22-07 Protest Deadline Date: 7-6-07

Reviewer's Name: Kim Lunde Date: 5/15/07

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **63067**

158 12TH ST. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Sun Country Water, Inc

BY: _____

APPLICATION	G6710
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 4035 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 100.00

0401 TREASURY 0417 WRD MISC CASH ACCT

0407	COPIES	\$
_____	OTHER: (IDENTIFY) _____	\$
_____	OTHER: (IDENTIFY) _____	\$

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY) _____	\$
TC162	DEPOSIT LIAB. (IDENTIFY) _____	\$
0240	EXTENSION OF TIME	\$ <u>100.00</u>

WATER RIGHTS:

0201	SURFACE WATER	EXAM FEE \$	0202	RECORD FEE \$
0203	GROUND WATER	EXAM FEE \$	0204	RECORD FEE \$
0205	TRANSFER	EXAM FEE \$		

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219	LICENSE FEE \$
	LANDOWNER'S PERMIT		0220	LICENSE FEE \$

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: **63067**

DATED: 9/22/03 BY: Linda Doeyle

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

I, Sun Country Water, Inc.
NAME
63755 Johnson Rd. Bend OR 97701 ⁽⁵⁴¹⁾ 382-3833
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. G-13551, Permit No. G-12766 do hereby request that the time in which to: this permit is tied to permit G-6350

- ☒ 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, 1998, be extended to October 1, 2026,

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, 2026.

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, you may contact the Department 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, the wells were drilled prior to this permit

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, there are flow meters at the wells and houses

RECEIVED

Page 1 of 5

JAN 13 2004

WATER RESOURCES DEPT
SALEM, OREGON

- 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 flow meters were installed years ago

- 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.

NA

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:

One new house built. Pulled 25 HP pump from well #1 and replaced with 50 HP motor and changed hang pipe to 4" for 100 HP (\$17,275)
Well #2 upgrade from 25 HP to 30 HP and hang pipe increased to 3" (\$12,000)

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

Wells drilled and delivery system built. Numerous upgrades in wells and reservoir.

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

101 homes connected. Pumpage increased to 240 GPM

RECEIVED

JAN 13 2004

WATER RESOURCES DEPT
SALEM, OREGON

estimate
Cost of project to date \$250,000. Estimated remaining cost to complete the project \$

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.

There are 6 vacant buildable lots in Saddleback
subdivision and 4 more within this service area.
I have no control over time frame for these owners
to build.

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

NA

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.

NA

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

NA

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

Central Oregon is a major growth area in Oregon, but
zoning changes impact this. This permit provides for
some of the expansion.

RECEIVED

Page 3 of 5

JAN 13 2004

WATER RESOURCES DEPT
SALEM, OREGON

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

There have been wild fluctuations in growth, land values and regulations. These all impact development of the resources in the area.

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

Only the downturns

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

yes, municipal, agriculture, golf courses and the Deschutes Scenic Waterway mitigation issues

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

No, just continual increase

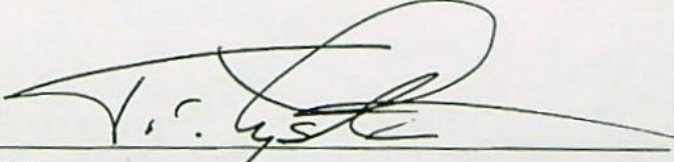
RECEIVED

JAN 13 2004

WATER RESOURCES DEPT
SALEM, OREGON

- B) Are you aware of alternative sources of water that may be able to satisfy the competing demands?
Yes, there are several reservoir sites available to store winter run off
- 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, there is a huge supply of water in the regional aquifer
8. Will the income or use from the water development project authorized by this permit provide reasonable returns against the investment in the project?
Yes, depending the rate structure allowed by PUC and Central Electric Coop.
9. If the extension request is denied, is the current level of water use economically feasible?
Not quite

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
President, Sun Country Water, Inc.

Dec 31, 2003
Date

RECEIVED

Page 5 of 5

JAN 13 2004

WATER RESOURCES DEPT
SALEM, OREGON

SUN COUNTRY WATER, INC.
63755 JOHNSON RD.
BEND, OR 97701

HOME/OFFICE: (541) 382-3833
CELL: (541) 410-1833
FAX: (541) 382-8098

January 7, 2004

Lisa J. Juul
Water Rights Specialist
Water Resources Department
725 N.E. Summer St.
Salem, OR 97301-1271

RE: Appl# G- 6710 (Permit # G- 6350)
Appl# G-13551 (Permit # G-12766)

Dear Lisa:

Enclosed are the Extension Applications for the above noted permits. I finally caught up with Bruce Estes on New Years Eve (during the day) and we were able to complete the forms, but then I got tied up and havent been able to get them off until now. I trust these meet your approval, but should you have questions, please don't hesitate to call.

Sincerely,



T. C. Lyster
President

Enc/ (2)

RECEIVED

JAN 13 2004

WATER RESOURCES DEPT
SALEM, OREGON

File # G-13551

SUN COUNTRY WATER, INC.
63755 JOHNSON RD.
BEND, OR 97701

HOME/OFFICE: (541) 382-3833
CELL: (541) 410-1833
FAX: (541) 382-8098

October 29, 2003

Lisa J. Juul
Water Rights Specialist
Water Resources Department
725 N.E. Summer St.
Salem, OR 97301-1271

RE: Appl# G- 6710 (Permit # G- 6350)
Appl# G-13551 (Permit # G-12766)

Dear Lisa:

Confirming our telephone conversation, I am requesting at least a 60 day extension on filing the revised "Application for Extension of Time" forms for the above noted Applications. As outlined in our phone conversation I have just returned from an extended trip in China, and I have been unable to get in touch with Bruce Estes until today. Bruce got my message and called this morning to say that he was in Missouri and would not be home until after Thanksgiving. As you are aware, I would like to have him review the revised application, since some of the questions have changed from the old forms and some minor changes have been made in our system (pumps and related equipment). Based on our conversation, I trust this will be OK as I, too, will be out of town for a while.

Sincerely,



T. C. Lyster
President

RECEIVED

NOV 03 2003

WATER RESOURCES DEPT
SALEM, OREGON

SUN COUNTRY WATER, INC.
63755 JOHNSON RD.
BEND, OR 97701



Ms. Lisa J. Jurel
Water Rights Specialist
Water Resources Department
725 N.E. Summer St.
Salem, OR 97301-1271

97301+1271

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:

G-13551
SUN COUNTRY WATER INC
ATTN: T C LYSTER
63755 JOHNSON RD
BEND, OR 97701

2. Article Number

(Transfer from service label)

7002 2030 0001 5444 2536

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Eloise A. Lyster* ☒ Agent
☐ Addressee

B. Received by (Printed Name)

ELOISE A. LYSTER

C. Date of Delivery

10-2-03

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)

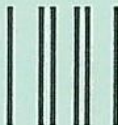
☐ Yes

Domestic Return Receipt

WR

102595-02-M-1540

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

WATER RESOURCES DEPARTMENT
725 SUMMER STREET NE SUITE A
SALEM OR 97301-2430

RECEIVED

OCT 06 2003

WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

CERTIFIED MAIL

Return Receipt Requested

September 26, 2003

File # G-13551
Water Resources Department

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

Sun Country Water Inc.
Attn: T. C. Lyster, President
63755 Johnson Road
Bend, OR 97701

REFERENCE: Appl #G-13551 (Permit #G-12766)

Dear Permit Holder:

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:

- ▶ Please complete the enclosed "Application for Extension of Time" form and return it to the Department. The application form that you submitted is no longer used by the Department and does not contain sufficient information necessary to properly evaluate an extension request under OAR Chapter 690, Division 315.

Please submit this information by **Monday, October 27, 2003**. 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 information requested above, 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.

If you should have any questions concerning your extension request or the required materials listed above, you may contact me at (503) 378-8455, extension 272.

Sincerely,

Lisa J. Juell
Water Rights Specialist

Enclosure: New Extension Request Form
Municipal Water Uses and Projected Needs Form

cc: Appl #G-13551 (Permit #G-12766)
Jeremy Giffin, Watermaster District #11



Application for Extension of Time

TO THE WATER RESOURCES DIRECTOR OF OREGON

RECEIVED

SEP 22 2003

WATER RESOURCES DEPT.
SALEM, OREGONI, SUN COUNTRY WATER, INC.

Name

63755 JOHNSON RD.

Mailing Address

BEND

City

OR

State

97701

Zip

record owner of water permit No. G-6350, do hereby request that the time in which to:

☒ complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, ²⁰⁰¹~~19~~, be extended to October 1, ²⁰¹¹~~19~~; and/or the time in which to

☒ accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, ²⁰⁰¹~~19~~, be extended to October 1, ²⁰¹¹~~19~~.

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

(1) within the past year _____

SEE PAGE ATTACHED

(2) prior to this past year _____

SEE PAGE ATTACHED

(3) and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED) _____

SEE PAGE ATTACHED

(If additional space is required, attach separate sheet)

PRESIDENT, SUN COUNTRY WATER, INC.

(If signing for a corporation please identify your title)

Dated SEPTEMBER 19, 2003

MAIL COMPLETED APPLICATION AND STATUTORY FEE
OF \$100.00 FOR EACH PERMIT TO:

Water Resources Department

3850 Portland Road N.E. 158 12TH STREET, N.E.
Salem, Oregon 97310 97301-4172

Applicant: Sun Country Water, Inc.

File No.: G-6710

Permit No.: G-6350

RECEIVED

SEP 22 2003

**WATER RESOURCES DEPT.
SALEM, OREGON**

To be attached to, and become a part of the Application for Extension of Time for the above noted water permit dated September 19, 2003:

- (1) ***within the past year:*** In August 2003 the 25hp pump and motor in Well #2 (P.O. Well) was replaced with a 30hp pump and motor, larger electric wire, and the hang pipe was increased to 3". The cost of the upgrade is approximately \$12,000. Production for this well has been increased to approximately 100 GPM to the reservoir against a 900' head. A turbine meter is being installed on the discharge line for Well #1 (Silverado Well).

At the present time, construction of a new home is nearing completion on a parcel currently served by Sun Country Water, but outside the Saddleback subdivision. This parcel has been listed as an active connection on past reports, but has only been using minimal water. Consumption for this connection will increase substantially once the home is occupied.

- (2) ***prior to the past year:*** a 2" displacement meter was installed at Well #1. In August of 2000 the 25hp pump and motor in Well #1 (Silverado Well) was replaced with a 40hp pump and 50hp motor. Transformers were upsized, new heavier electric wire installed, and the hang pipe increased to 4". The cost of the upgrade was approximately \$13,000. Production from this well was increased to approximately 140GPM to the reservoir against a 900' head.

In 1998 a new home was constructed on Lot 9, Block 8 Saddleback West and in 1999 a new home was constructed on Lot 4, Block 7 Saddleback West.

- (3) and have accomplished beneficial use of water to the extent of: providing water to the three new residences cited in (1) and (2) above. Additionally, many of the existing homes served by Sun Country Water have invested substantial amounts in lawns and landscaping (some of which has been done to materially lessen the risk of wildfire).

At the present time there remain 6 vacant, buildable lots within the Saddleback subdivision. Each of these lots is served by a service waterline to the property, but there is no way to predict when the owner of a lot might request that the connection be activated.

Much of the area west of Saddleback has recently been partitioned into a number of large-acreage parcels and sold to private parties by the former owner, Crown Pacific LTD (successor to Brooks Scanlon Lumber Co.) This area (Bend - Central Oregon) has experienced tremendous growth in the last few years, so it is highly probable that these large parcels will be further subdivided and developed in the future.

SUN COUNTRY WATER, INC.
63755 JOHNSON RD.
BEND, OR 97701

HOME/OFFICE: (541) 382-3833
CELL: (541) 410-1833
FAX: (541) 382-8098

September 19, 2003

Water Resources Department
158 12th Street N.E.
Salem, OR 97301-4172

RE: Application for Extension of Time
File No. G-6710, Permit No. G-6350

Appl. No. G-13551, Permit No. G-12766

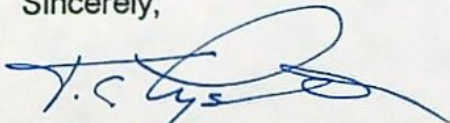
Dears Sirs:

Enclosed please find the above noted Applications for Extension of Time together with check No's 4035 and 4035 in the amount of \$100.00 each to cover the extension fees.

I recognize the these applications are late and had fully intended to complete them last winter, but Well #2 was experiencing significantly reduced production at that time. We were not able to determine the cause of the problem until this summer. It was feared that a partial cave-in of the bowl might have caused the problem. It was not until the pump could be pulled and a video inspection of the well completed that we wished to risk the installation of an upgraded pump. The video inspection showed that the well was OK (much of it is uncased) and the problem was, essentially, a worn out pump and motor. The project was completed near the first of September and the well is now back in service.

Sun Country Water takes pride in providing its customers with the finest water in the country.

Sincerely,



T. C. Lyster
President

RECEIVED

SEP 22 2003

WATER RESOURCES DEPT.
SALEM, OREGON

Application # G-13551 / Permit # G-12706

Route Slip ... Extension of Time

per Division 315 Rules... (Extensions received on July 1, 2001 or after)

♦ WRIG...
Money Received: \$100.00 on 9-22-03

♦ Lisa Juul...
Extension Completeness: _____
(If NOT complete, send certified letter requesting add'l information.)

If Extension Appl complete and \$100 fee submitted, route to...

♦ Jonnine Fuss...
Initial 30-day Public Notice: 3/2/04
Update Extension Database: 3/2/04
Files back to filing cabinets: 3/2/04

At the close of the Initial 30-day Comment Period...

♦ Lisa Juul...
Pull files for Ext PFO review: _____
Extension PFO completed: _____


Once Extension PFO signed by Dwight French...


♦ Jonnine Fuss...
Prepare Ext PFO for mailing to applicant: _____
Mail to those who commented and paid copy fee: _____
Include Ext PFO on weekly Public Notice: _____

*Within 60 days after the close of the 45-day PFO Protest Period...
(PFO Protest Period ends 45 days from PFO sign date)...*

♦ Lisa Juul...
Issue an Extension FO: _____

PROPOSED
BOUNDARY: 

AREA UNDER
PERMIT G 6350: 

EXISTING WELLS: 

SCALE: 4 inches = 1 mile

T17S, R11E, WM

Sec. 10, 11, 14, 15, 22, 23



WELL LOCATIONS

WELL #1:
NW $\frac{1}{4}$ SEC 14
151' S, 111' E of
CTR $\frac{1}{4}$ CORNER SEC 14.

WELL #2:
NE $\frac{1}{4}$ SW $\frac{1}{4}$ SEC 14
801' S, 430' W of
CTR $\frac{1}{4}$ CRNR SEC 14

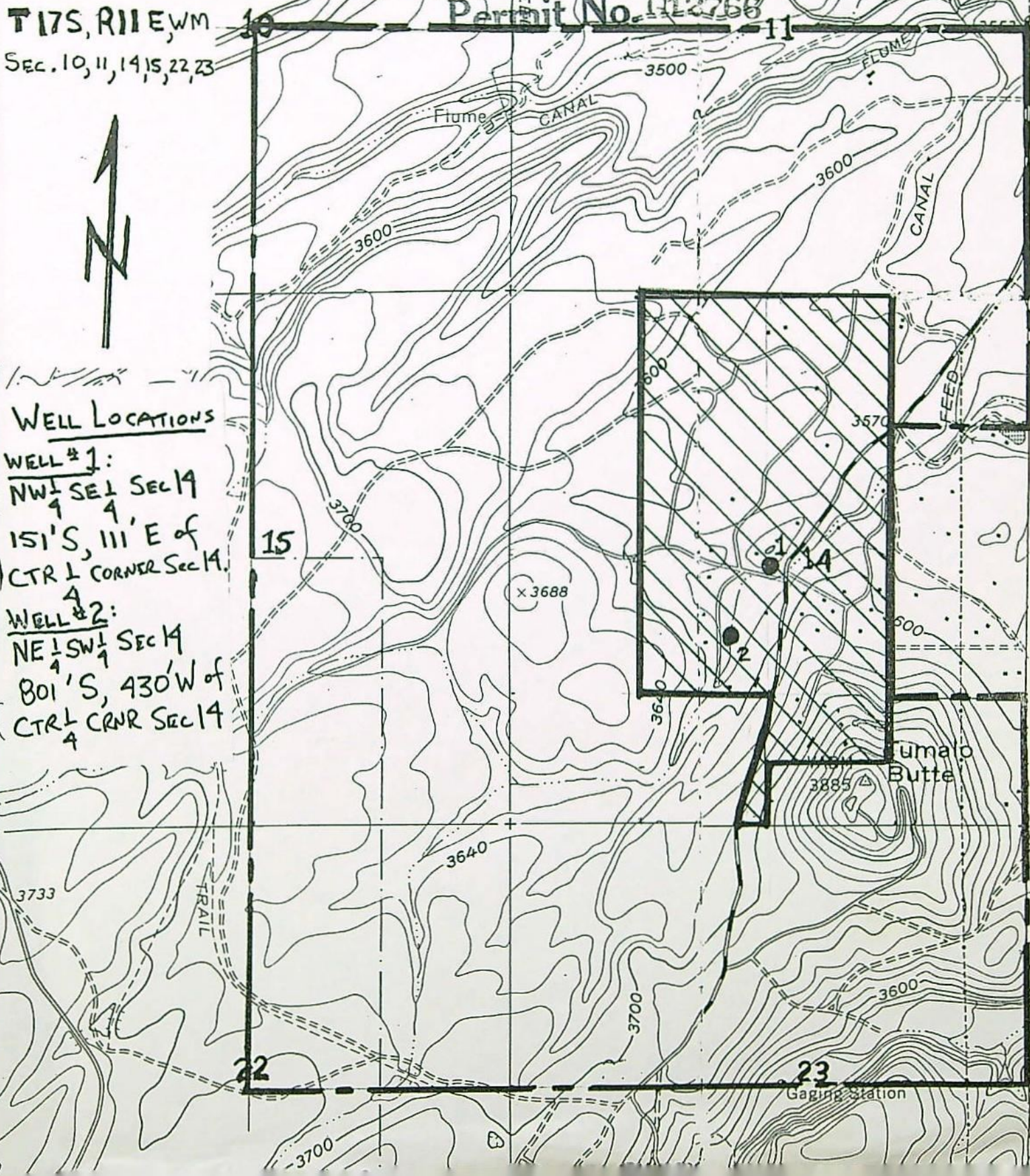
RECEIVED

NOV 4 1993

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. C 13551

Permit No. Q12768



STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SUN COUNTRY WATER, INC.
63755 JOHNSON RD
BEND, OREGON 97701

(541) 382-3833

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

APPLICATION FILE NUMBER: G-13551

SOURCE OF WATER: TWO WELLS IN THE TUMALO BASIN

PURPOSE OR USE: GROUP DOMESTIC USE EXPANDED FOR 50 HOUSEHOLDS

MAXIMUM RATE: 0.223 CUBIC FOOT PER SECOND (CFS), BEING 0.1115 CFS FROM WELL 1 AND 0.1115 CFS FROM WELL 2

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 4, 1993

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, NE 1/4 SW 1/4 SECTION 14, T17S, R11E, W.M.; WELL 1 - 151 FEET SOUTH AND 111 FEET EAST; WELL 2 - 801 FEET SOUTH AND 430 FEET WEST, BOTH FROM THE C 1/4 CORNER OF SECTION 14

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 10

NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 11

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
NE 1/4 NW 1/4

NW 1/4 NW 1/4
 SW 1/4 NW 1/4
 SE 1/4 NW 1/4
 NE 1/4 SW 1/4
 NW 1/4 SW 1/4
 SW 1/4 SW 1/4
 SE 1/4 SW 1/4
 NW 1/4 SE 1/4
 SW 1/4 SE 1/4
 SE 1/4 SE 1/4

SECTION 14

NE 1/4 NE 1/4
 NW 1/4 NE 1/4
 SW 1/4 NE 1/4
 SE 1/4 NE 1/4
 NE 1/4 SE 1/4
 NW 1/4 SE 1/4
 SW 1/4 SE 1/4
 SE 1/4 SE 1/4

SECTION 15

NE 1/4 NE 1/4
 NW 1/4 NE 1/4
 SW 1/4 NE 1/4
 SE 1/4 NE 1/4

SECTION 22

NE 1/4 NE 1/4
 NW 1/4 NE 1/4
 SW 1/4 NE 1/4
 SE 1/4 NE 1/4
 NE 1/4 NW 1/4
 NW 1/4 NW 1/4
 SW 1/4 NW 1/4
 SE 1/4 NW 1/4

SECTION 23

TOWNSHIP 17 SOUTH, RANGE 11 EAST, 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 may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be 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, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued September 11, 1996


Martha O. Pagel, Director
Water Resources Department



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

May 31, 2005

Sun Country Water, Inc.
63755 Johnson Road
Bend, Oregon 97709

Reference: Application G-6710, Permit G-6350
Application G-13551, Permit G-12766

The assignments from Sun Country Water, Inc., to Hartke Enterprises, LLC, 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 74864 covering the recording fee of \$25.00 is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: Receipt 74864

cc: Watermaster 11
Hartke Enterprises, LLC
Data Center, OWRD
Mary Rohling
File

REQUEST FOR ASSIGNMENT

(Name of Applicant / Permit Holder)

SUN COUNTRY WATER, Inc.
63755 JOHNSON Rd. BEND, OR 97709 (541) 382-3833

(Mailing address)

(City)

(State)

(Zip)

(Phone #)

CHECK ONE

☒ ...heretofore assign all my interest in and to application/permit;☐ ...heretofore assign all my interest in and to a portion of application/permit;

(You must include a map showing the portion of the application/permit to be assigned.)

☐ ...heretofore assign a portion of my interest in and to the entire application/permit;Application # G-6710 Permit # G-13551
G-13551 Permit # G-12766

-OR-

GR Statement # _____ GR Certificate of Registration # _____

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

HARTKE ENTERPRISES, LLC

(Name of New Owner)

22648 NELSON Rd BEND, OR 97701 (541) 382-5103

(Mailing address)

(City)

(State)

(Zip)

(Phone #)

NOTE:

If there are other owners of the property described in this Application, Permit or Certificate of Ground Water 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 or Certificate of Registration of this request for assignment.

Witness my hand this 23 day of May, 20 05.Applicant/Permit holder SUN COUNTRY WATER, IncApplicant/Permit holder by Theodore C. Gault, PRESIDENT

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 # 74864
 - 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 appropriate recording fees:

- ◆ \$25 for the first page, and
 - ◆ \$5 for each additional page.
- [as required by ORS 536.050(1)(d)]

WATER RESOURCES DEPARTMENT
 725 Summer St. NE, Suite A
 Salem, OR 97301-1266

RECEIVED

MAY 27 2005

WATER RESOURCES DEPT
 SALEM, OREGON

500/22/5-S-111
 4/9/06
 KC

SUN COUNTRY WATER, INC.
63755 JOHNSON RD.
BEND, OR 97701

HOME/OFFICE: (541) 382-3833
CELL: (541) 410-1833
FAX: (541) 382-8098

May 23, 2005

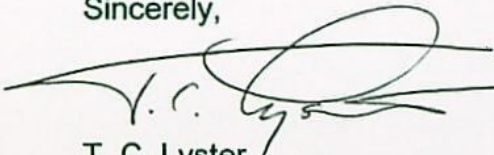
Water Resources Department
725 Summer St., NE, Suite A
Salem, OR 97301-1266

RE: Request for Assignment of Water Permits
Application # G-6710 - Permit # G-6350
Application # G-13551 - Permit # G-12766

Dear Sirs:

Enclosed please find a completed "Request for Assignment" to transfer the interest in the above noted Applications/Permits of Sun Country Water, Inc. to Hartke Enterprises, LLC effective this date. A check in the amount of \$25.00 is enclosed per your instructions.

Sincerely,



T. C. Lyster
President

TCL:me
Encl. (2)

RECEIVED
MAY 27 2005
WATER RESOURCES DEPT
SALEM, OREGON

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **74864**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: San Country Water Inc

BY: _____

CASH: ☐ CHECK: # 4302 ☒ OTHER: (IDENTIFY) _____

APPLICATION	<u>See below</u>
PERMIT	
TRANSFER	

TOTAL REC'D \$ 25.00

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 \$ _____ G 6710 12.50

0410 RESEARCH FEES \$ _____ G 13551 12.50

0408 MISC REVENUE: (IDENTIFY) assignment \$ 25.00

TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE \$ _____ 0202 RECORD FEE \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT

OTHER (IDENTIFY) _____ 0220 \$ _____

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: **74864**

DATED: 5/27/05 BY: Linda Daugherty



Oregon

Theodore R. Kulongoski, Governor

App # G-13551

JS

Water Resources Department

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

February 7, 2003

G 12766
SUN COUNTRY WATER INC.
63755 JOHNSON RD
BEND, OR 97701

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

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:

6-15551

SUN COUNTRY WATER INC
63755 JOHNSON RD
BEND OR 97701

63755 IS 97701 2477

2. Article Number

(Transfer from service label)

7099 3220 0000 9951 7621

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

T C Lyster 10/8/02

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

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

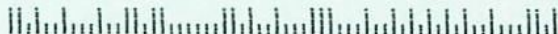
- Sender: Please print your name, address, and ZIP+4 in this box

RECEIVED

NOV 12 2002

WATER RESOURCES DEPT.
SALEM, OREGON

WATER RESOURCES DEPT
ATTN: J. SAUTER
158 - 12TH STREET NE
SALEM OR 97301-4172





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

November 1, 2002

Certified mail number 9951 7621
Return receipt requested

SUN COUNTRY WATER INC
63755 JOHNSON RD
BEND OR 97701

Reference: Application G-13551, Permit G-12766

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 1999.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use, to include a final proof survey map of the development. The map and claim of beneficial use was to have been submitted to our Department within one year of October 1, 1999. A list of certified water right examiners is enclosed for your use.

If you are not finished with the development of your permit, you need to file for an extension of time to complete your development. An extension form is also enclosed with this letter.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. A cancellation form is enclosed, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time of your permit, within 60 days of the date of this letter (December 31, 2002) the Department may cancel your permit without further notice.

Please give me a call if you have questions. My phone number is 503-378-8455 extension 274.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (3)

cc: OWRD Watermaster JEREMY GIFFIN, District 11
File G-13551

12/09/2002
TED. LYSTEN CALLED, NOT DONE DEVELOPMENT
NEEDS EXTENSION, NEEDS ADDL 30 DAYS
TO FILE OUT & JERRY IS OUT OF STATE TILL
AFTER 1ST OF YEAR.
OK.

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13551

Final Order

Application History

On November 4, 1993, SUN COUNTRY WATER, INC. submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 4, 1996. The protest period closed July 19, 1996, and no protest was filed.

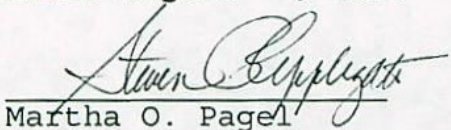
The proposed use would not impair or be detrimental to the public interest.

Order

Upon payment of outstanding permit recording fees, Application G-13551 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

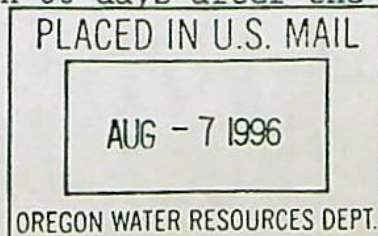
Permit recording fees are required in the amount of \$100.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application G-13551.

DATED August 7, 1996

for 
Martha O. Pagel
Director

Appeal Rights

Under the provisions of ORS 183.484, 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.



STATE OF OREGON

COUNTY OF DESCHUTES

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

SUN COUNTRY WATER, INC.
63755 JOHNSON RD
BEND, OREGON 97701

(541) 382-3833

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

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PURPOSE OR USE: GROUP DOMESTIC USE EXPANDED FOR 50 HOUSEHOLDS

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NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 10
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NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 11
NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
NE 1/4 NW 1/4

NW 1/4 NW 1/4
 SW 1/4 NW 1/4
 SE 1/4 NW 1/4
 NE 1/4 SW 1/4
 NW 1/4 SW 1/4
 SW 1/4 SW 1/4
 SE 1/4 SW 1/4
 NW 1/4 SE 1/4
 SW 1/4 SE 1/4
 SE 1/4 SE 1/4

SECTION 14

NE 1/4 NE 1/4
 NW 1/4 NE 1/4
 SW 1/4 NE 1/4
 SE 1/4 NE 1/4
 NE 1/4 SE 1/4
 NW 1/4 SE 1/4
 SW 1/4 SE 1/4
 SE 1/4 SE 1/4

SECTION 15

NE 1/4 NE 1/4
 NW 1/4 NE 1/4
 SW 1/4 NE 1/4
 SE 1/4 NE 1/4

SECTION 22

NE 1/4 NE 1/4
 NW 1/4 NE 1/4
 SW 1/4 NE 1/4
 SE 1/4 NE 1/4
 NE 1/4 NW 1/4
 NW 1/4 NW 1/4
 SW 1/4 NW 1/4
 SE 1/4 NW 1/4

SECTION 23

TOWNSHIP 17 SOUTH, RANGE 11 EAST, W.M.

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

STANDARD CONDITIONS

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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, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

{DATE}

DRAFT

Martha O. Pagel, Director
Water Resources Department

Water Right Conditions
Tracking Slip

Groundwater/Hydrology Section

FILE ## G-13551

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: 17S/11E-14

CONDITIONS ATTACHED? ☒ Yes ☐ No

REMARKS OR FURTHER INSTRUCTIONS:

Permit should include GW
conditions 7B & 7J

Reviewer: K. Lite

TO: Water Rights Section

February 2, 1996

FROM: Groundwater/Hydrology Section

K. L. Ite

Reviewer's Name

SUBJECT: Application G-13551

GROUNDWATER/SURFACE WATER CONSIDERATIONS

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
- b. ☒ will not _____ surface water source, namely _____; 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 from substantial interference.

2/13/96
K.L.Ite's
per notes
in file
-Don Miller

GROUNDWATER AVAILABILITY CONSIDERATIONS

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
- b. _____ will not _____ and/or within the capacity of the resource; or
- c. ☒ will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
- i. ☒ The permit should contain condition #(s) 713;
- 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
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 Considerations on Reverse Side)

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
_____, 199____.
(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: _____

_____, 199____.
(Signature)

of this report are to be
filed with the

DESC 4699

WATER WELL REPORT

WELL NO. 1 (P.U.)

STATE OF OREGON

State Well No.

RECEIVED

STATE ENGINEER, SALEM, OREGON 97310

within 30 days from the date
of well completion.

Application No. 613551

State Permit No.

NOV - 4 1993

VNER:

R.S. Inc.

Bend, Oregon 97701

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

(5) CASING INSTALLED:

Threaded ☐ Welded ☐

8" Diam. from +2 ft. to 120 ft. Gage 250

" Diam. from ft. to ft. Gage

" Diam. from ft. to ft. Gage

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No

Type of perforator used

Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Model No.

L Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☐ Yes ☐ No If yes, by whom?

Yield gal./min. with ft. drawdown after hrs.

" " " " " "

" " " " " "

Bailer test 15 gal./min. with 0 ft. drawdown after 1 hrs.

Artesian flow g.p.m.

Temperature of water 54 Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal--Material used 2 yds. Cement grout.

Well sealed from land surface to 120 ft.

Diameter of well bore to bottom of seal 10 in.

Diameter of well bore below seal 8 in.

Number of sacks of cement used in well seal 2 Yds. grout sacks

Number of sacks of bentonite used in well seal sacks

Brand name of bentonite

Number of pounds of bentonite per 100 gallons
of water lbs./100 gals.

W drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.

strata contain unusable water? ☒ Yes ☐ No

Water palatable depth of strata 190 - 212

of sealing strata off Cement grout, Redi-Mix

Was well gravel packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

WATER RESOURCES DEPT.

County Deschutes Driller's well number SALEM, OREGON
NW 1/4 Section 14 T. 17S R. 11-E W.M.

Bearing and distance from section or subdivision corner
151 ft S and 111 ft E of CTR 1/4 CRNE SEC. 14

(11) WATER LEVEL: Completed well.

Depth at which water was first found 770 ft.

Static level 760 ft. below land surface. Date 10/7/71

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 8

Depth drilled 790 ft. Depth of completed well 785 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Pumice	0	5	
Clay, brown	5	96	
Lava, grey, broken	96	110	
Lava, grey	110	130	
Cinders, sediments	190	200	185
Cinders, red	200	212	185
Clay	212	215	
Above water cemented off			
Cinders, clay	215	310	
Cinders, red	310	660	
Lava, grey, brkn, cinders	660	700	
Cinders, red	700	730	
Cinders, black	730	755	
Lava, grey, broken	755	785	765
Cinders, red	785	795	765

The top strata of water was sealed off
because it was a very low yield.

Work started 7-20-71 19 Completed 10-8-71 19

Date well drilling machine moved off of well 10-8-71 19

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.

[Signed] William Dover Date 10-8-71 19
(Drilling Machine Operator)

Drilling Machine Operator's License No. 400

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.

Name Reed's Well Drilling
(Person, firm or corporation) (Type or print)

Address Rt. 7 Box 2565- Bend, Oregon

[Signed] Lloyd Reed
(Water Well Contractor)

Contractor's License No. 443 Date 10-8-71 19

STATE ENGINEER, SALEM, OREGON
within 30 days from the date
of well completion.

STATE OF OREGON
Application No. 613551
(Do not write above this line)

State Well No.

State Permit No.

NOV - 4 1993

Permit No.

WNER:

M.R.S. Inc.
Bend, Oregon

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

(5) CASING INSTALLED:

8" Diam. from +2 ft. to 174 ft. Gage 250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used

Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Model No.

Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☐ No If yes, by whom?

Yield: gal./min. with ft. drawdown after hrs.

" " " " "

Bailer test 10 gal./min. with 0 ft. drawdown after 2 hrs.

Artesian flow g.p.m.

Temperature of water 51 Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal-Material used Redi-Mix grout 4 Yds.

Well sealed from land surface to 174 ft.

Diameter of well bore to bottom of seal 12 in.

Diameter of well bore below seal 8 in.

Number of sacks of cement used in well seal sacks

Number of sacks of bentonite used in well seal sacks

Brand name of bentonite

Number of pounds of bentonite per 100 gallons of water lbs./100 gals.

Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.

strata contain unusable water? ☐ Yes ☒ No

water? depth of strata

of sealing strata off

Was well gravel packed? ☐ Yes ☒ No Size of gravel: ft.

Gravel placed from ft. to ft.

(10) LOCATION OF WELL: WATER RESOURCES DEPT. SALEM, OREGON

County Deschutes Driller's well number ME SW 1/4 Section 14 T. 17-S. 11-E W.M.

Bearing and distance from section or subdivision corner
801 ft S, 430 ft. W of CTR 1/4 CNE SEC 14

(11) WATER LEVEL: Completed well.

Depth at which water was first found 754 ft.

Static level 751 ft. below land surface. Date 2-15-72

Artesian pressure lbs. per square inch. Date

(12) WELL LOG: Diameter of well below casing 8

Depth drilled 783 ft. Depth of completed well 780 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Lava, boulders	0	20	
Lava, grey, broken	20	70	
Lava, grey, clay	70	80	
Brown clay	80	130	
Lava, grey, broken	130	170	
Brown clay	170	210	
Lava, grey, broken	210	320	
Brown clay	320	334	
Lava, grey	334	360	
Brown clay	360	374	
Lava, grey, broken	374	420	
Sediments	420	490	
Lava, grey, broken, clay	490	680	
Lava, grey	680	731	
Grey basalt	731	754	
Lava, grey, broken	754	777	751
Sediments & cinders	777	783	751

Work started 10-16-71 19 Completed 2-20-72 19

Date well drilling machine moved off of well 2-22-72 19

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] William Dover Date 3-13-72
(Drilling Machine Operator)

Drilling Machine Operator's License No. 400

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name Reed's Well Drilling
(Person, firm or corporation) (Type or print)

Address Rt. 7 Box 2565, Bend, Oregon

[Signed] Lloyd Reed
(Water Well Contractor)

Contractor's License No. 443 Date March 13, 1972

RECEIVED

AUG 22 1996

Oregon Water Resources Department
Water Rights Division

WATER RESOURCES DEPT.
SALEM, OREGON

Water Rights Application
Number G-13551

Final Order

Application History

On November 4, 1993, SUN COUNTRY WATER, INC. submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 4, 1996. The protest period closed July 19, 1996, and no protest was filed.

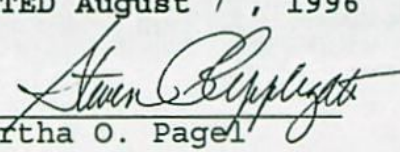
The proposed use would not impair or be detrimental to the public interest.

Order

Upon payment of outstanding permit recording fees, Application G-13551 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$100.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application G-13551.

DATED August 7, 1996

for 
Martha O. Pagel
Director

JD 8/16/96
CK# 2833
\$ 100.00

Appeal Rights

Under the provisions of ORS 183.484, 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.

PLACED IN U.S. MAIL

AUG - 7 1996

OREGON WATER RESOURCES DEPT.

FO CHECKLIST

FILE # 13551
WEEK # 45

PFO TO FO CONVERSION

REVIEW DATE: 07/26/96

INITIALS: LLS

In preparing the FO, you should check the following:

1. Y / ☒ N Were comments or protests received in response to the PFO?
2. ☒ Verify names and addresses on the PFO CC list. **ALL** commentors (regardless of comment date), **affected landowners**, and **those who paid the \$10 fee** should be listed.
3. 100.00 Verify payment of recording fees (circle the appropriate option)
(1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, including **standing fees if no protest is filed and no modifications are being made to the PFO**
(2) ☒ Issue FO w/o permit if fees are lacking
4. Y / ☒ N Is the file lacking a signed oath of accuracy for the application? 200
100 1 CFS
300
5. Y / ☒ N Has ODFW asked for self certification on screening condition?
6. Y / ☒ N Is water use prohibited for one or more months of the normal use period?
7. Y / ☒ N If #6 = "Y", is short season letter on file?
8. ☐ Assign permit numbers to files with oath, fees, and no protests or other issues

		Route to: (circle one)	
DENIAL	FO w/o PERMIT	FO & PERMIT	COMMENTS
LARRY	CORY	JERRY & JEREMY	DOUG

Initials _____

9. ☒ Y / ☐ N Is further processing possible? If not state reason: _____
10. 100 Notify applicant of additional information or fees required prior to permit issuance (**SEND CERTIFIED LETTER** & use standard wording from M:\T\FO\TOOLS if possible)

Modify FO as needed to:

11. 100 Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
12. ☒ Include or exclude permit conditions and management codes
13. 8 Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

14. 100 Save WordPerfect document in M:\T\FO\WEEK 46 & delete duplicates
15. ☒ Print final draft of document and submit to team leader for review
16. ☒ Y / ☐ N Team leader review completed

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13551

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Application History

On November 4, 1993, Sun Country Water Inc. submitted an application to the Department for the following water use permit:

- Amount of Water: 100.0 gallons per minute (0.223 cfs), being 50.0 gallons (0.115 cfs) from well 1 and 50.0 gallons (0.115 cfs) from well 2
- Use of Water: Group Domestic for an additional 50 households, being Domestic including the irrigation of up to 1/2 acre lawn and non-commercial garden for each of 50 households.
- Source of Water: Two wells in the Tumalo Creek Basin
- Area of Proposed Use: Deschutes County within Sections 10, 11, 14, 15, 22, and 23, Township 17 South, Range 11 East, W.M.

On February 14, 1996, the Department mailed the applicant notice of its Initial Review, determining that the use of 0.223 cfs from two wells, being 0.1115 cfs from each well, for Group Domestic, being Domestic use including irrigation of up to 1/2 acre lawn and non-commercial garden for each of 50 households, may be allowed year round. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On March 5, 1996, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available

- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Deschutes Basin Program allows the following uses: Domestic

Senior water rights exist on two wells in the Tumalo Creek Basin or on downstream waters.

Two wells in the Tumalo Creek Basin are above a State Scenic Waterway.

Water is available for further appropriation (at an 80 percent exceedance probability) for the period, year round.

The Department finds that 0.223 cfs would be necessary for the proposed use. The amount of water requested, 0.223 cfs (100.0 gallons per minute), being 0.1115 cfs (50.0 gallons) from well 1 and 0.1115 cfs (50.0 gallons) from well 2, is allowable.

The Department 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 an unnamed stream tributary to Tumalo Creek.

The Groundwater Section finds that there is NOT a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Deschutes Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

The proposed use complies with the State Agency Agreement for land use.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

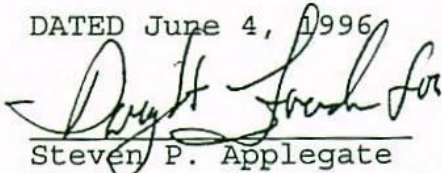
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED June 4, 1996



Steven P. Applegate
Administrator
Water Rights and Adjudications Division

Protest Rights

Under the provisions of ORS 537.621(7), you have the right to submit a protest against this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050.
- If you are the applicant, a statement of whether or not you are requesting that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than July 19, 1996.

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

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

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF DESCHUTES

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

SUN COUNTRY WATER INC.
63755 JOHNSON RD
BEND, OREGON 97701

(541)382-3833

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

APPLICATION FILE NUMBER: G-13551

SOURCE OF WATER: TWO WELLS IN THE TUMALO BASIN WITHIN THE DESCHUTES BASIN

PURPOSE OR USE: GROUP DOMESTIC FOR AN ADDITIONAL 50 HOUSEHOLDS, BEING DOMESTIC USE INCLUDING IRRIGATION OF UP TO 1/2 ACRE LAWN AND NON-COMMERCIAL GARDEN FOR EACH OF 50 HOUSEHOLDS

MAXIMUM RATE: 0.223 CFS, BEING 0.1115 CFS FROM WELL 1 AND 0.1115 CFS FROM WELL 2

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 4, 1993

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, NE 1/4 SW 1/4 SECTION 14, TOWNSHIP 17 SOUTH, RANGE 11 EAST, W.M.; WELL 1 - 151 FEET SOUTH AND 111 FEET EAST; WELL 2 - 801 FEET SOUTH AND 430 FEET WEST, BOTH FROM C1/4 CORNER, SECTION 14

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 10
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4

SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 11

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
NE 1/4 NW 1/4
NW 1/4 NW 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 14

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NE 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 15

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NE 1/4

SECTION 22

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NE 1/4
NE 1/4 NW 1/4
NW 1/4 NW 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4

SECTION 23

TOWNSHIP 17 SOUTH, RANGE 11 EAST, 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 may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be 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.

Application G-13551

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, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

Application G-13551 Water Resources Department
Basin 05 Volume 1A Tumalo Creek & Tribs.
JKS-007 MGMT.CODE

PERMIT DRAFT
District 11

J.R.
Feb. 14, 1996
March 5, 1996

Week 45

175116-17

8090

PFO CHECK SHEET

APP. NO. 6-13551

DATE OF APP. 11-5-1993

RATE & DUTY: /

SCENIC: 4. DACHUTES

TMDL: N

USE: GROUP POWERLINE BEING DOMESTIC INCLUDING 120' OF UP TO 1/2 MILE (AFTER) N. 1/4 SECTION 16, T. 14 N. R. 10 E. S. 10 E.

AMOUNT: 0.223 cfs BEING 0.1115 cfs FROM WELLS 1 & 2

SEASON: YEAR ROUND

ODFW COMMENTS: THERE IS NO EVIDENCE...

WM: 11 RM: SC12

M & R: M

CWRE IF AGENT: /

AREA SUBMERGED: /

DEPTH OF WATER: /

HEIGHT OF DAM: /

CC LIST: _____

MACROS: 7R & 7J

CONDITIONS: _____

JKS C:\WP51

* WILL NOT HAVE THE POTENTIAL TO AFFECT STREAM - TOWN OF...

Vol. 1A Town of Creek & Truss.

PFO CHECKLIST

Application #: _____

Basin: 5WAB: 010346100Township 17S Range 11E Section 10, 11, 12, 13 1/4 1/4 _____A1. Public Interest Screen Criteria

1. Is the file complete by the Completeness Checklist?
2. Fees or other shortcomings (items needed before a permit and/or FO can be issued)
3. Check file for indicators that the process should not continue until a later date (ie - protest, letter to file indicating hold, or other)
4. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
- 1 a. Is second groundwater review necessary? (objection)
- 1 b. Is HB 1033 review complete?
5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.
6. Is the Proposed Use located in or above a Scenic Waterway? - DESCRIBES
7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)
8. Is the use allowed or limited by the Basin Program?
9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD)
10. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
11. Rate _____ Duty _____ Irrigation Season _____
12. Period of Allowed Use YEAR DOMESTIC - Ground Domestic
13. Is use from a B.O.R. project and if so, is a signed contract in the file?
14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 8, 1994 or June 3, 1994)
15. Have conflicts been identified, verified and/or addressed?
16. Is the use Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or Large (≥ 1.5 cfs, ≥ 100 AF)? 0.275 cfs
17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO
18. Fill out Accuracy Checklist
19. Spell Check
20. Documents used in determination are attached and highlighted
21. Fill out PFO CC List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners.
- NO a. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes)
22. Final PFO report hard copy check (format, margins, etc.)
23. Final PFO has been saved to m:\t\pfo\done\week#\application #

Name: _____ Date: MAY 24

JKS-007

FEBRUARY 14, 1996

SUN COUNTRY WATER INC
63755 JOHNSON RD
BEND, OREGON 97701

Reference: File G-13551

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT NEXT PHASE OF PROCESS**

This letter is to inform you of the status of your application for water use. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for GROUP DOMESTIC INCLUDING IRRIGATION OF UP TO 1/2 ACRE LAWN AND NON-COMMERCIAL GARDEN is allowed under OAR 505, the Deschutes Basin Program.
4. The use of 0.223 cubic foot per second (100.0 gallons per minute), being 0.1115 cfs from WELL 1 and 0.1115 cfs from WELL 2, for Group Domestic, being Domestic use including irrigation of up to 1/2 acre lawn and non-commercial garden for each of 50 households is available year round.

Summary of Initial Determinations

The use of 0.223 cfs from Two Wells, being 0.1115 cfs from each well, for Group Domestic, being Domestic use including irrigation of up to 1/2 acre lawn and non-commercial garden for each of 50 households, may be allowed year round.



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

Because of these favorable determinations to your application the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period, will be evaluated at the next phase of the process.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **FEBRUARY 28, 1996**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. You may be required to measure the amount of water used and report that use annually.
2. The priority date for this application is November 4, 1993.
3. 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.

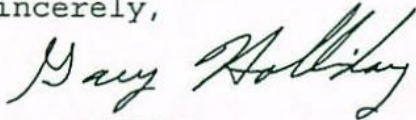
G-13551
February 14, 1996
Page 3

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

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 454 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Gary Holliday
Initial Reviewer

cc: Regional Manager, Watermaster, Water Availability
Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

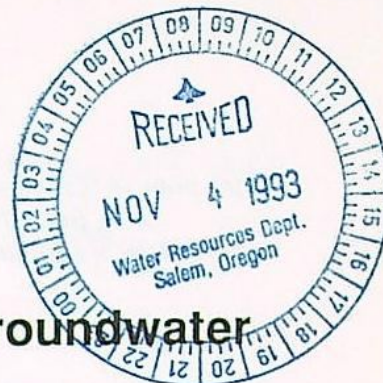
Application No.

G 13551

State of Oregon

WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Groundwater



Applicant(s) SUN COUNTRY WATER, INC.
(Please print or type - use dark ink)

Mailing Address: 63755 Johnson Road
Bend Oregon 97701 (503) 382-3833
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.):
2 wells, 60,000 gal. concrete reservoir, distribution system

If development is less than one mile from a natural stream, give the following:

Distance from development to stream: aprox. 0.8 mile

Elevation difference between streambed and development: aprox. 110'

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.

see well logs (2) attached
Diameter of well: _____ Depth in feet: _____

Type and size of well casing: _____ No. of feet: _____

Estimated depth to water: _____

Type of access port or measuring device: _____

Wells to be drilled by: _____

Address: _____

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 100GPM gallons per minute. If water is to be used from more than one groundwater source, give the quantity of water from each: 50 GPM each well

3. **INTENDED USE(s) OF WATER:** Group domestic use including yard irrigation

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; 50 homes

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).*

Existing system is a gravity flow water utility which has 2 wells at 785'+ each with 25HP submersible pumps @ 80 GPM, a 60,000 gal. concrete reservoir plus three 200 gal. pressure tanks with booster pumps for those homes unable to be served by gravity flow. Distribution by 3,600' of 6" PVC, 10,100' of 4" PVC, and 3,940' of 3" PVC pipe. Expansion of the system would be by buried PVC pipeline, diameter and length to be determined as appropriate to the individual line required.

5. **PROJECT SCHEDULE:** *(List month and year)*

Proposed date construction work will begin existing system constructed prior to 1974

Proposed date construction work will be completed 12/31/99

Proposed date water use will be completed 12/31/99

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. See attached remarks.

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):

X Applicant 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):

X Applicant 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. Applicant is a state approved water utility requesting a service area boundary.

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: See attached Supplemental Remarks. The increased water production to
meet the needs of this application could be achieved by increasing the pumping
capacity of the existing wells or by the construction of a third well, most
likely located in the NW¼SE¼ or the NE¼SW¼ of Sec. 14, T17S, R11EWM.

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:

Theodore C. Lyster
Signature Theodore C. Lyster

November 1, 1993
Date

President, SUN COUNTRY WATER, INC.
Signature

Date

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.

Theodore C. Lyster
Signature of Applicant Theodore C. Lyster
President, SUN COUNTRY WATER, INC.

November 1, 1993
Date

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 4 day of November, 1993, at 8 o'clock, A M.

APPLICATION NO: G 13551

TO: Water Rights Section
FROM: Groundwater/Hydrology Section
SUBJECT: Application G-13554

12/9, 1993

Gates

1. ✓ PER THE Willamette Basin rules, one c
feet/mile of a surface water source (McKay
connected to the surface water. well &
hydraulic
McKay

2. BASED UPON OAR 690-09 currently in effect:
a. #1 will, or } have the potential for su.
b. #2 will not } source, namely M
c. ___ will, if properly conditioned, adequately:
i. ___ The permit should contain condi
ii. ___ The permit should contain specia
iii. ___ The permit should be conditione
d. ___ will, with well reconstruction, adequatel

3. BASED UPON available data, I have determi
a. X will, or } likely be available in the
b. ___ will not } within the capacity of the
c. ___ can, if properly conditioned, avoid inju
i. ___ The permit should contain condi
ii. ___ The permit should contain specia
iii. ___ The permit should be conditione

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.

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## G-13554

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: T1N/3W-25

CONDITIONS ATTACHED? [] yes [X] no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Gates

REMARKS: _____

G-13554
N

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.

_____, 1992.

(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: _____

_____.

_____, 1992.

(Signature)

(WRFORM 3/92)

STATE OF OREGON
WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

date : 12/9/93

TO: File G- 13554
From: Sarah C Meyer
Subject: Surface/Ground Water Considerations

Applicant Vern Vandehay
32015 NW Horneck Rd
Hillsboro, OR 97124
503-648-1352

The applicant seeks 11.4 gpm from two wells for domestic
yard and pond maintenance

T 1N R 3W

S 25 SE NW

County Washington

FACTS

WELL #1 8 gpm

WELL #2 23 gpm

Near-by stream

McKay Creek

Distance from stream

400'

300'

elevation difference

30'

30'

Depth of well

70-80

130

Casing to

70-80

1-113 113-128

Lined to

—

—

Sealed to

—

25

Perforated/screened

no log

Screens

—

113-123

—

/ /

Well tests

25'

B-24/57/1

Water found first

25'

113

Water-bearing zones

40' of clay

113-123

above aquifer

medium to

(well from #1697)

coarse

—

black sand

—

23

Static water level

1967

7/5/91

date

1967

7/5/91

Information sources

Forest Grove Quail

WSP #1697

Conceptual model

—

Water bearing zone

—

sandwiched btw

—

clay layers.

—

Confined/Unconfined?

Hydraulic Connection

Confined

Direct hydraulic conn.?

YES

NO

Substantial Interference?

YES

NO

Water Resources Department

MEMO

February 2, 1996TO Application G- 13551FROM GW: K. Lite
(Reviewer's Name)

SUBJECT Scenic Waterway Interference Evaluation

☒ Yes☐ No

The source of appropriation is within or above a Scenic Waterway.

☒ Yes☐ No

Use the Scenic Waterway condition (Condition 7J).

PREPONDERANCE OF EVIDENCE FINDING: (Check box only if statement is true)



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.

FLOW REDUCTION: (To be filled out only if Preponderance of Evidence box is not checked)

Exercise of this permit is calculated to reduce monthly flows in _____ Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

G 13551

TO: Water Rights Section

February 2, 1996

FROM: Groundwater/Hydrology Section

K. L. Ite

Reviewer's Name

SUBJECT: Application G- 13551

GROUNDWATER/SURFACE WATER CONSIDERATIONS

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
 - b. will not surface water source, namely ; 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 from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

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
 - b. will not and/or within the capacity of the resource; or
 - c. X will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. X The permit should contain condition #(s) 7B;
 - 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
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 Considerations on Reverse Side)

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
_____, 199____.
(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: _____

_____, 199____.
(Signature)

Water Right Conditions
Tracking Slip

Groundwater/Hydrology Section

FILE ## G-13551

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: 17S/11E-14

CONDITIONS ATTACHED? ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

Permit should include GW
conditions 7B & 7J

Reviewer: K. Lite

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Groundwater/Hydrology Files

Date 2/2/96

FROM: Ken Lite

12766 permit

SUBJECT: Groundwater Application G- 13551

Applicant(s) seek 100 gpm (cfs) from 2 wells in the
Deschutes basin
Tumalo Creek sub basin
 sub basin.

Pertinent 7 1/2 - minute quads

Bend

Well 1 WRD# Desc 4699 T 17S R 11E S 14 QQ dbb County Deschutes

Legal Description 151' South and 111' east of center 1/4 corner of Section 14

Well is ~4100' ft from Tumalo Creek (river/stream)

Well is ~8600' ft from Deschutes (river/stream)

Well elevation 3570 ft River/stream elevation ~3460, ~3280 ft.

Well elevation - river/stream elevation Tumalo cr.: 110'; Deschutes River: 290

Well depth 795 SWL 760 on 10/7/71

Sealed to 120; 190-212 Depth first water found 190; 770

Cased to 120 Perforations/screens

Lined to Perforations/screens

Well tests and types bailer 15 gpm w/ 0' dd after 1 hr

Confined or unconfined? unconfined Direct hydraulic connection? not at nearest reach

Potential to cause substantial interference? NO

Well 2 WRD# Desc 4698 T 17S R 11E S 14 QQ cad County Deschutes

Legal Description 801' south and 430' west of center 1/4 corner of Section 14

Well is ~4600' ft from Tumalo Creek (river/stream)

Well is ~9400' ft from Deschutes (river/stream)

Well elevation 3579 ft River/stream elevation ~3480; ~3300 ft.

Well elevation - river/stream elevation Tumalo cr.: 99'; Deschutes 279'

Well depth 783 SWL 751 on 2-15-72

Sealed to 174 Depth first water found 754

Cased to 174 Perforations/screens

Lined to Perforations/screens

Well tests and types bailer 10 gpm w/ 0' dd after 2 hrs

Confined or unconfined? unconfined Direct hydraulic connection? not at nearest reach

Potential to cause substantial interference? NO

Conditioned water rights in area: G-13492, G-13317

Other nearby water rights of record: G-5644 (T-7009), G-12156

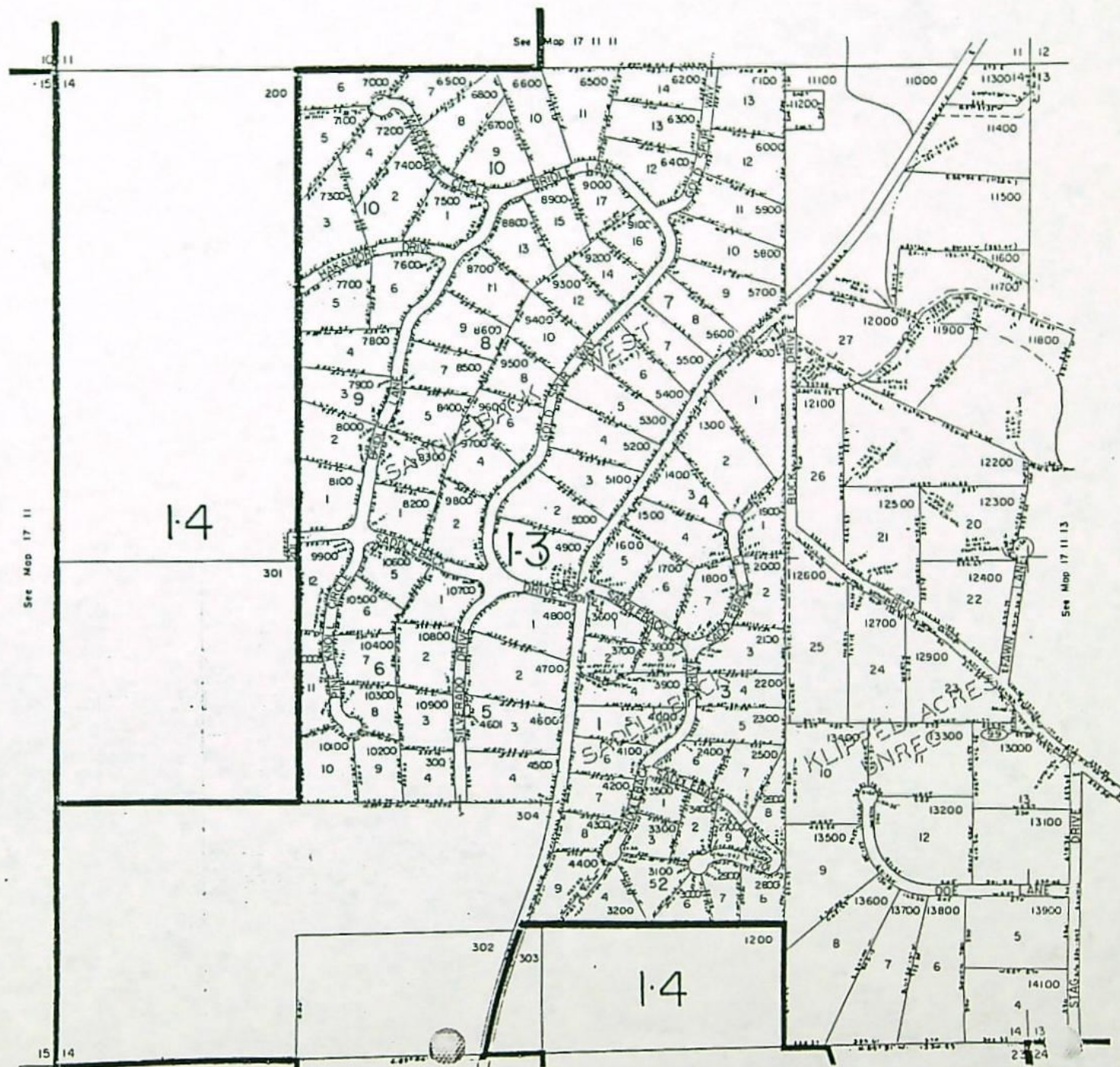
Density of nearby wells: mostly rural residential, few irrigation, industrial

Comments Wells are constructed into layered lava's within the
Deschutes Fm. Water bearing zones are below surface water sources
at nearby reaches. Groundwater flow is towards the north-northeast
with nearest discharge points north of Lower Bridge (~20 miles distance).
Well construction in well #1 is questionable - upper water bearing strata
may not be adequately sealed. Recommend conditions 7B & 7J

References used: USGS WRS data; well Reports Desc 4698; Desc 4699;
USGS MAP MF-2189 (Mimura, 1992).

1" = 400'

17 11 14



Application No. G-13551
Permit No.

APPLICATION FOR A PERMIT TO APPROPRIATE GROUNDWATER
SUN COUNTRY WATER, INC.
NOVEMBER 1, 1993

RECEIVED

NOV - 4 1993

**WATER RESOURCES DEPT.
SALEM, OREGON**

SUPPLEMENTAL REMARKS

Sun Country Water is a state approved water utility, operating under the control of the Oregon State Health Department and, to some extent, the Oregon Public Utilities Commission, providing domestic water to about 100 homes in the Saddleback Subdivision, Deschutes County under Permit G-6350, which was originally filed in 1974.

The original delivery system was designed and built so that it could, at some future time, be extended to serve additional homes in the surrounding area. Correspondence in connection with the permit extension filed in 1981 indicated that several homes were being served in this adjoining area and would be included under the permit at such time as the final proof survey was completed. At the present time there are 8 homes being served that are outside the boundaries of the original application (Permit G-6350), and two more are currently on the drawing board. Recent communications with ODWR indicate that the 1981 expansion will not be recognized under Permit G-6350.

The purpose of this new application is to secure permission to deliver water to those eight homes not included under Permit G-6350 but which are already being served by the system and to be able to provide water service to those other properties in the requested area should they desire it in the near future, thus providing an alternative to a multiplicity of individual wells.

Central Oregon, especially the greater Bend area, has experienced tremendous growth in recent years and indications are that this trend will continue. Wells in this area are expensive to construct with no guarantee as to the availability of sufficient water and each additional well provides one more source of potential contamination of the area's groundwater. The area surrounding Saddleback is, for the most part, undeveloped marginal timberland zoned 20 to 40 acre minimum. Despite a rather large acreage included in this application, taking into account the zoning and terrain it is anticipated that no more than 50 homes, including the 8 already served, will be added to the system under this permit creating an additional water demand of 100 gallons per minute.

The impact that this application will have on the regional water table is minimal but the potential for reducing the number of additional private wells in the area (and thus reducing the risk of contamination to the water table) is significant. Customers receive the benefit of being assured that the water they receive from Sun Country Water is constantly being tested to see that it meets all Oregon State Health Department and EPA requirements, plus the economic benefits of not

having to construct and maintain an individual water supply system which can prove to be both costly and risky in this area.

A map showing the boundaries of the proposed service area covered by this application, as well as the area covered by Permit G-6350 and the location of the two wells, is included as a part of this application. A map prepared by a Certified Water Right Examiner will be furnished on request, prior to issuance of the permit.

RECEIVED

NOV - 4 1993

**WATER RESOURCES DEPT.
SALEM, OREGON**

IR CHECKLIST

Application #: 6 13551 Vol _____ Subbasin _____

Basin: 5 WAB: 010346100 POU-WAB: 010346100

Township _____ Range _____ Section _____ 1/4 1/4 _____

- ☒ 1. Items have been verified on Completeness Checklist.
- ☒ 2. Check file for indicators that the process should not continue until a later date (ie - protest, items (other than oath) missing from the completeness check, letter to file indicating hold, or other)
- ☒ 3. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
 - ☒ a. Is the well located in a groundwater limited area?
 - ☒ b. A (B) C D
 - ☒ c. SWW 7J
- ☒ 4. Is the Proposed Use located in or above a Scenic Waterway?
- ☒ 5. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)
- ☒ 6. Is the use allowed or limited by the Basin Program? _____ OAR(s) _____
- ☒ 7. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.
- ☒ 8. Basin Maps (metal cabinet) have been checked and River Mile (_____) has been identified
- ☒ 9. Water Availability Data has been verified (50% < July 17, 1992 ** 80% [50% storage] > July 17, 1992) _____
- ☒ 10. Rate _____ Duty _____ Season _____
- ☒ 11. Use _____ Period of Allowed Use _____
- ☒ 12. Priority Date(s) _____
- ☒ 13. Is use from a B.O.R. project and if so, is a signed contract in the file? _____
- ☒ 14. Division 33 (Abv Bonn > July 17, 1992 & Blw Bonn > April 18, 1994 or June 3, 1994) _____
- ☒ 15. Plat cards have been checked and a copy of the map is attached showing the conflict with _____
- ☒ 16. Land use approval OK'd needs approval county notified NA
- ☒ 17. conditions? (BOR, GW, etc.) 7B, 7J
- ☒ 18. Watermaster District #: 11
- ☒ 19. Regional Office (NWR, NCR, ER, SCR, or SWR)
- ☒ 20. IR has been saved to m:\t\ir\sent\app # from m:\t\ir\work\app #

Name: YJ Date: _____

OREGON ADMINISTRATIVE RULES
WATER RESOURCES DEPARTMENT
CHAPTER 690
DIVISION 500
BASIN PROGRAMS

Basin Programs Preamble

690-500-010

- (1) The Water Resources Commission is responsible for the establishment of policy and procedures for the use and control of the state's water resources. In executing this responsibility, the Commission develops, adopts and periodically modifies programs for the state's major drainage basins as shown in Figure 1.
- (2) Basin programs are administrative rules which establish water management policies and objectives and which govern the appropriation and use of the surface and ground water within each of the respective basins. The rules classify surface and ground waters according to the uses which are permitted, may establish preferences among uses, may withdraw surface and ground waters from further appropriation, may reserve waters for specified future uses, and may establish minimum perennial streamflows. These rules are in addition to rules with statewide applicability which govern the allocation and use of water.
- (3) The Commission has adopted programs for the following basins:
- (a) North Coast Basin (Division 501)
 - (b) Willamette Basin (Division 502)
 - (c) Sandy Basin (Included in Division 502)
 - (d) Hood Basin (Division 504)
 - (e) Deschutes Basin (Division 505)
 - (f) John Day Basin (Division 506)
 - (g) Umatilla Basin (Division 507)
 - (h) Grand Ronde Basin (Division 508)
 - (i) Powder Basin (Division 509)
 - (j) Malheur - Owyhee Basins (Division 510)
 - (k) Goose and Summer Lakes Basin (Division 513)
 - (l) Rogue Basin (Division 515)
 - (m) Umpqua Basin (Division 516)
 - (n) South Coast Basin (Division 517)
 - (o) Mid Coast Basin (Division 518)
 - (p) Columbia River (Division 519)
 - (q) Middle Snake River Basin (Division 520)
- (4) Although the Commission has not adopted a comprehensive basin program for the waters of the Malheur Lake Basin, minimum perennial streamflows have been adopted for specified streams in the basin. These minimum perennial streamflows are in Division 512. Allocation and use of the waters of the basin also are subject to administrative rules with statewide applicability.
- (5) The Commission has not adopted a comprehensive basin program for the waters of the Klamath Basin. Allocation and use of the waters of the basin are subject to administrative rules with statewide applicability and to the provisions of the Klamath River Basin Compact (ORS 542.62

{ adopted 9-23-88 and renumbered from 690-80-000 }

Definitions

690-500-020 Unless otherwise defined in a basin program, the following definitions apply in OAR Chapter 690, Divisions 501, 504-512, and 515-520 to any classification adopted prior to January 1, 1993:

- (1) "Domestic use" means the use of water for domestic water use, group domestic water use, commercial water use of less than 5,000 gallons per day, or human consumption as defined in OAR 690-11-010.
- (2) "Fish culture or fish life use" means the use of water for aquatic life water uses as defined in OAR 690-11-010 and public uses related to fish culture or fish life water uses as defined in OAR 690-77-010.
- (3) "Industrial use" means the use of water for commercial water use or industrial water use as defined in OAR 690-11-010.
- (4) "Irrigation use" means the use of water for agricultural water use, cranberry use, irrigation, nursery operations use, or temperature control as defined in OAR 690-11-010.
- (5) "Livestock use" means the use of water for stockwater use as defined in OAR 690-11-010.
- (6) "Mining use" means the use of water for mining water use or placer mining as defined in OAR 690-11-010.
- (7) "Municipal use" means the use of water for commercial water use, municipal water uses, or quasi-municipal water uses as defined on OAR 690-11-010.
- (8) "Pollution abatement use" means the use of water for pollution abatement or prevention water use as defined in OAR 690-11-010 and public uses related to pollution abatement as defined in OAR 690-77-010.
- (9) "Power or power development use" means the use of water for power development water use as defined in OAR 690-11-010.
- (10) "Recreation use" means the use of water for recreation water use as defined in OAR 690-11-010 and public uses related to recreation uses as defined in OAR 690-77-010.
- (11) "Wildlife use" means the use of water for wildlife use as defined in OAR 690-11-010 and public uses related to wildlife uses as defined in OAR 690-77-010.

{adopted 10-1-93}

(B) Water legally released from storage.

(b) Attainment of the specified flow levels during some portions of the year will require development of water storage or implementation of other measures to augment flows.

(3) Water Quality

Rights to use of water for industrial or mining purposes granted by any state agency shall be issued only on the condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

Middle Deschutes River Basin

690-505-002

(1) Classifications

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Middle Deschutes River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses and the waters of the Middle Deschutes River Basin are hereby so classified with the following exceptions:

(A) OAR 690-505-006, Lower Main Stem Deschutes River, adopted April 3, 1964, as modified by the Water Policy Review Board.

(B) The maximum economic development of this state, the attainment of the highest and best use of the waters of the main stem, Metolius River, above river mile 13.0, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, irrigation of lawn or non-commercial garden not to exceed one-half acre in area, power development, recreation, wildlife and fish life uses and the waters of the main stem, Metolius River, above river mile 13.0, are hereby so classified.

(C) Further, no out-of-basin diversions of the waters of the mainstem Metolius River, above river mile 13.0, shall be permitted for any use.

(D) No further appropriations except for domestic or livestock uses shall be permitted for waters of the mainstem Deschutes River, from the head of Lake Billy Chinook near river mile 120 to the North Canal Dam near river mile 165.

(E) The maximum economic development of this state, the attainment of the highest and best use of the waters of the natural lakes of the Middle Deschutes River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development not to exceed 7 1/2 theoretical horsepower, recreation, wildlife and fish life uses.

(b) Applications for the use of the waters of the Middle Deschutes River Basin shall not be accepted by any state agency for any other use and the granting of applications for such other uses is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated and coordinated program for the use and control of the water resources of the state.

(c) Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with the applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Minimum Perennial Streamflows

For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses shall be made or granted by any state agency or public corporation of the state for the waters of Lake Creek or its tributaries above the confluence of Lake Creek with the Metolius River for flows of Lake Creek below 20 cubic feet per second measured at the mouth of Lake Creek except that this limitation shall not apply to waters legally stored or legally released from storage (priority date - May 24, 1962).

(3) Water Quality

Rights to use of water for industrial or mining purposes granted by any state agency shall be issued only on condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

Lower Deschutes River Basin

690-505-003

*Treat Cr. & tribs are withdrawn
except for H.C. & Livestock
from May 1 - Oct. 31*

(1) Classifications

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Lower Deschutes River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses and the waters of the Lower Deschutes River Basin are hereby so classified with the following exceptions:

[illegible]

TOWNSHIP <u>17S</u> , RANGE <u>11E</u> , W.M.																SECTION <u>23</u>		
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
								Fish								8804	5889	4915
																CANCELLED	Spec. Or. <u>V¹² p. 242</u>	<u>-62</u>
								Mun				Mun				67983	49823	29
		-mu-						MU				MUNICIPAL				G-11942		53
		-mu-										-mu				G-12226		
																G-13492		
																G-13551		
<u>GROUP DOMESTIC</u>																		

FAX TRANSMITTAL
COVER SHEET

FROM:

DATE:

Sept. 5, 1995

SUN COUNTRY WATER, INC.

VOICE LINE: (503) 382-3833

FAX LINE: (503) 382-8098

TO:

MR. COREY ENGEL

WATER RESOURCES

COMPLETENESS TEAM

1-503-378-8130

PAGES: 3 (Including cover sheet)

Corey -
ORIGINAL TO Follow by mail -
if you have questions before I leave Friday AM
get back to me

TRO hystez

SUN COUNTRY WATER, INC
63755 Johnson Road
Bend, OR 97701

PHONE: (503) 382-3833
MOBILE: 382-8811, Unit 6621
FAX: (503) 382-8098

September 5, 1995

Mr. Cory Engel
Water Resources Department
11158 12th Street, NE
Salem, OR 97310-0210

RE: Application File # G-13551

Dear Mr. Engel:

Responding to your letter of August 22, and our subsequent telephone conversation last week, perhaps the following explanation can best speak to the information requested:


The bulk of the existing distribution system of Sun Country Water is located within the original platted subdivision of Saddleback (Phases I & II) and all lines, wells, reservoir, and booster station are located on ground deeded to the water company, within easements granted to the water company by the affected property owners, or within the dedicated public right-of-ways. Those few homes currently served which are outside of Saddleback are served by lines which are owned and maintained by the respective customers.

The rest of the property included in Application G-13551 is undeveloped raw land, for the most part in larger (20-40+) acerages, or in a few cases private homes which currently have alternative sources of domestic water. Should any of these owners seek to be served by Sun Country Water at some future date, then appropriate easements will be obtained as necessary. Should public utility corridors within public right-of-ways be part of a development plan, then easements may prove to be unnecessary. It was the purpose of this application to be in a position to provide service to these potential customers should they need or desire it at some future time (and it is economically feasible for sun Country to meet the need). Single residences in this area often obtain water from much shallower water tables than the regional table which is the source of Sun Country Water's water. Should the current drought condition continue to persist, these shallower water tables may prove inadequate to meet the needs of the users (or may fail completely); when this application is approved, Sun Country Water would then be in a position to help (in so far as water permits are concerned). Of course the physical distribution problems of main extensions, easements, increased pumping capacity, or increased reservoir capacity will all have to be addressed at

such time as the need actually arises, but at least we are attempting to anticipate the problem before it occurs.

I hope this provides the information you need. If you have further questions, do not hesitate to contact me, but be advised that I will be out of town from about Sept. 9 to the end of the month.

Sincerely,


T. C. Lyster
President

RECEIVED

SEP 08 1995

WATER RESOURCES DEPT.
SALEM, OREGON

SUN COUNTRY WATER, INC
63755 Johnson Road
Bend, OR 97701

PHONE: (503) 382-3833
MOBILE: 382-8811, Unit 6621
FAX: (503) 382-8098

September 5, 1995

Mr. Cory Engel
Water Resources Department
11158 12th Street, NE
Salem, OR 97310-0210

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Sincerely,

T. C. Lyster
President

A handwritten signature in blue ink, appearing to read 'T.C. Lyster', with a long horizontal flourish extending to the right.

RECEIVED

SEP 08 1995

WATER RESOURCES DEPT.
SALEM, OREGON

WaterWatch

O F O R E G O N

RECEIVED

NOV 23 1993

WATER RESOURCES DEPT.
SALEM, OREGON

November 21, 1993

Water Resources Department
3850 Portland Rd. N. E.
Salem, OR 97310

RE: Application for Permit #G13551, Sun Country Water
Tumalo Basin, Deschutes Co., Group Domestic

WaterWatch has reviewed the limited amount of information contained in the public notice of this water right application. Based upon that information, WaterWatch raises the following issues, questions and concerns:

Is there unappropriated water available for this proposed use? How will the Department determine water availability for this proposed use? What will be the cumulative effect of this proposed use, in combination with other, already existing uses of the aquifer?

Is the groundwater source in question in hydraulic connection with surrounding surface waters? If so, what is the amount of surface water depletion and what effect will this proposed use have on instream flows necessary to protect the public's interest in fish, wildlife, recreation and a health aquatic system? We oppose any application which in any way reduces surface water flows needed for the public uses that are served by any instream water right.

Given the importance of this groundwater resource, and the Department's limited enforcement staff, it only makes sense to require this applicant to measure and record water use. Measurement not only helps the Department carry out its statutory mandate to promote the control of water resources in Oregon for all beneficial uses, it helps the Department protect the public's interest in assuring the use is within the bounds of the permit. ORS 536.220(1)(a), 537.170(5)

Will this proposed use be compatible with Goal 5 elements in the local comprehensive plan?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. OAR 690-410-060(1) Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. What conditions are proposed for this permit that will carry out and encourage compliance with state policy?

Is this an existing illegal use of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest?

We request copies of the draft permit and the Department's technical review of this application.

Sincerely,

Jim Myron

bc:

////////////////////////////////////
/ ATTENTION /
/ WATER RIGHTS SECTION!!! /
////////////////////////////////////

The following point of diversions may have been filed on a restricted stream

Application	Stream	Restriction
G 13551	UNN STR > TUMALO CR	WDN ORS 538.110/440
G 13551	UNN STR > TUMALO CR	WDN ORS 538.110/440

File

Receipt for Request for Land Use Information

WRD Applicant Name: SUN COUNTRY WATER, INC.

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application **IF** the local government cannot provide the above requested land use information while the applicant waits.

City or County: Deschutes County

Staff Contact: Brian Harrington Phone: 300-6575

Signature: BRIAN HARRINGTON Date of Information Request: 10/2/93

SUN COUNTRY WATER, INC.
63755 Johnson Rd.
Bend, OR 97701

RECEIVED
NOV - 4 1993
WATER RESOURCES DEPT.
SALEM, OREGON

November 1, 1993

Water Resources Department
3850 Portland Road, NE
Salem, OR 97310

REF: Application for a permit to appropriate groundwater

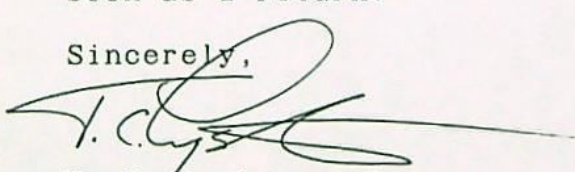
Dear Sirs:

Enclosed please find check No.2417 in the amount of \$200.00 (permit application fee) together with the completed application for a permit to appropriate groundwater, including a map of the proposed area to be served, copies of the well logs for the two existing Sun Country Water, Inc. wells, Supplemental Remarks, and copy of the Land Use Information Form filed with Deschutes County.

As noted in the Supplemental Remarks, the CWRE prepared map will be provided upon request prior to the approval of the application.

Please be advised that I will be out of town and unavailable until after December 1, 1993. Should you have any questions regarding this application please leave word with my wife/office or on my answering machine (503-382-3833) or a FAX memo at (503-382-8098) and I will get back to you as soon as I return.

Sincerely,



T. C. Lyster
President

TL:me
Encl.

Application No. 6-13551
Permit No.

Application No. 6-13551

Land Use Information Form: Permits, Hydroelectric 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 water use application. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

Applicant's Name: SUN COUNTRY WATER, INC.
Address: 63755 Johnson Road
City: Bend State: OR Zip: 97701 Day Phone: (503) 382-3833

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, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

See attached service area boundary map.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
T17S, R11E, M	SE 1/4 Sec. 10; S 1/2 Sec. 11; all of Sec. 14 except: SE 1/4 NE 1/4 SE 1/4; E 1/2 Sec. 15; NE 1/4 Sec. 22; NW 1/4 Sec. 23.			

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. Deschutes County

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

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): _____ 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)

Receipt for Request for Land Use Information

WRD Applicant Name: SUN COUNTRY WATER, INC.

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government cannot provide the above requested land use information while the applicant waits.

City or County: Deschutes County

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: _____

Title: _____

Date: _____

Phone: _____

Signature: _____

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

Additional Comments:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings 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: SUN COUNTRY WATER, INC.
 Address: 63755 Johnson Road
Bend, OR 97701
 Phone: (503) 382-3833

RECEIVED

NOV - 4 1993

WATER RESOURCES DEPT.
 SALEM, OREGON

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

- ☐ 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): aprox. 50 homes in addition to the aprox. 100 homes in Saddleback Subdivision already being served.
- ☐ 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): _____

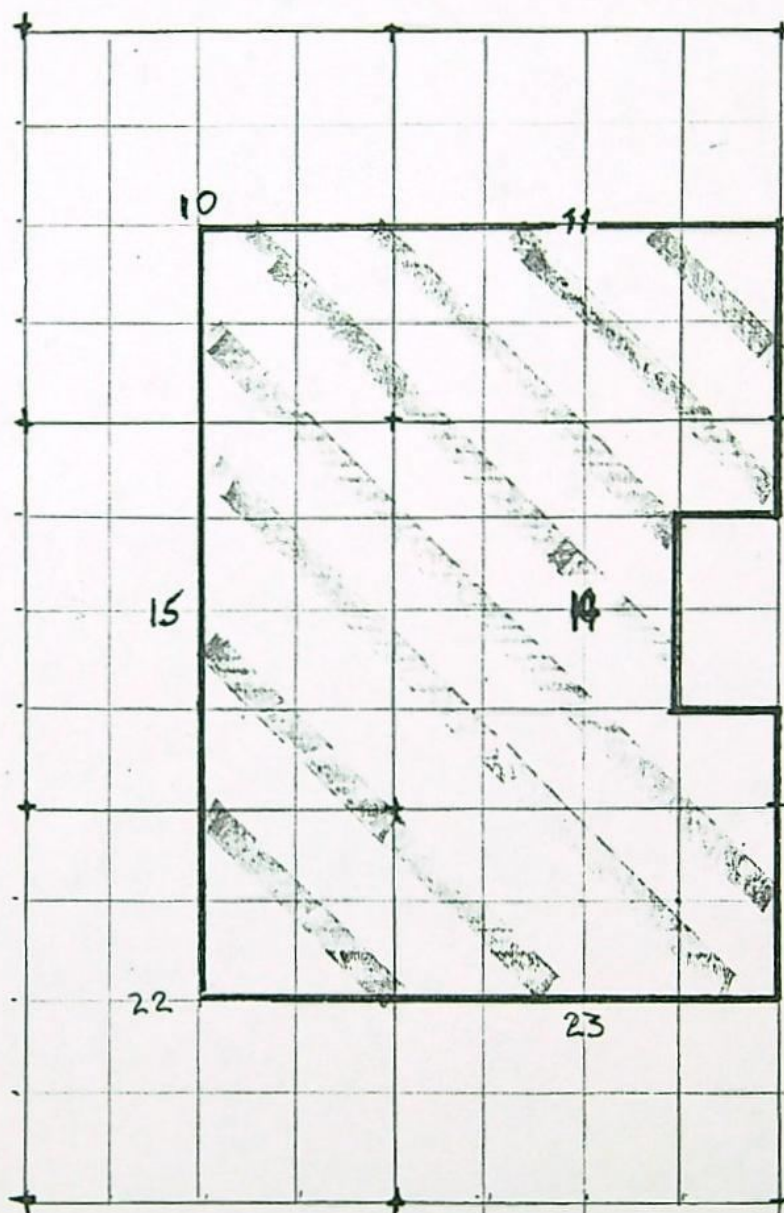
Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input type="checkbox"/> Surface Water Name sources: _____ _____ _____	_____ Cubic feet per second. <u>100</u> Gallons per minute. add '1'. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input checked="" type="checkbox"/> Ground Water	

SUN COUNTRY WATER, INC.

Proposed water service area
Application for a permit to appropriate groundwater

November 1, 1993

TOWNSHIP 17 SOUTH, RANGE 11 EAST, W.M.



FILE#: G 13551

SUN COUNTRY WATER INC.
63755 JOHNSON RD
BEND, OR 97701

93257

NUMBER _____

Check 200⁰⁰ NO _____ Cash _____

_____ Surface Application

_____ Reservoir Application

☒ Ground Water Application 200

_____ Transfer Application P

_____ Power Claim

_____ Hydroelectric Examination

_____ Hydroelectric License

_____ Copying

_____ Assignment

_____ Extension of Time

_____ Other

_____ P-6

_____ Quadrangle

_____ Basin

_____ Protest

_____ Constructors Examination

_____ Constructors License

_____ Adjudication

A97

Application No.G13551
Permit No.G12766

SUN COUNTRY WATER INC.

Name ... 63755 JOHNSON RD

Address BEND, OR 97701

Assigned

Address

Beginning constructionSEP 11 1997.....

Completion of constructionOCT 01 1998.....

Extended to

Complete application of waterOCT 01 1999.....

Extended to

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **5701**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Sun Country

BY: _____

APPLICATION	13531
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 24-32 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) _____

TC165 DEPOSIT LIAB. (IDENTIFY) _____

\$
\$
\$
\$

WATER RIGHTS:

0201 SURFACE WATER

0203 GROUND WATER

0205 TRANSFER

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

OTHER (IDENTIFY) _____

EXAM FEE

\$

\$ D

\$

EXAM FEE

\$

0202

0204

0206

0219

0220

RECORD FEE

\$

\$ 100.00

\$

LICENSE FEE

\$

\$

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

0210 MONITORING WELLS

OTHER (IDENTIFY) _____

\$

\$

CARD #

CARD #

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 # **5701**

DATED: 8-22-96

BY: FLD L

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

QM?

Group Domestic - 50 households DESCHUTES

PERMIT STATUS REVIEW BY jd DATE 10/14/02 FILE # 19-13551

1. Per Dwight French, do not send "C" DATE NOTICE PACKET if:

note on JS list

 Permit is for municipal or quasi-municipal use or in Bonanza study area
(per DF, when in doubt about MU/QM, change database code)

no Extension pending final

no Assignment is pending

no Cancellation is requested final

no Dept. has already sent a certified "Form 100" letter (date , #)

Was 60 days notice allowed?

Was mail deliverable as addressed? date

Send cancellation letter

no Claim of beneficial use and final proof map (COBU) have been received by Department

Date information received

2. IF NONE OF THE ABOVE APPLY

yes Send certified "C" date notice packet to permit holder.

"C" DATE 10/1/99

WATERMASTER DISTR # 11

WATERMASTER NAME Jeremy Hoppin

OK letter
M.S. 10/15/2002

7573

NUMBER _____

Check 100⁰⁰ Mo _____ Cash _____

____ Surface Application

____ Reservoir Application

☒ Ground Water Application

____ Transfer Application

____ PFO Request

____ Research

____ Hydroelectric Fees

____ Copying

____ Assignment

____ Extension of Time

____ Protest

____ Other

F.O.

16-00