



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

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 6, 2013

AVION WATER CO INC.
60813 PARRELL RD
BEND OR 97702

Reference: File G-17606

INITIAL REVIEW

THIS IS NOT A PERMIT AND IS SUBJECT TO CHANGE DURING PROCESSING

Dear AVION WATER CO INC.

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

1. The application proposed the appropriation of 10.0 cubic feet per second (CFS), at an annual volume of 1287.0 acre-feet (AF), from a well in Deschutes River Basin for year-round quasi-municipal uses.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The appropriation of water from a well in Deschutes River Basin for year-round quasi-municipal uses allowable under the Deschutes Basin Program.
4. If properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights and the resource.
5. The Department has determined, based upon OAR 690-09, that the proposed ground water source is hydraulically connected to Deschutes River, and will have the potential for substantial interference with surface water. Therefore, in accordance with OAR 690-410-0070(1) and 690-400-0010(11)(a), surface water availability and public-interest considerations related to the surface-water source must be considered.
6. Surface water is not available at any time of the year due to senior water rights on Deschutes River and downstream waters.
7. The proposed use of hydraulically-connected ground water with the potential for substantial interference is not allowable in the Deschutes Basin from April 15 through September 30 of each year (OAR 690-33-120(2)(b)).

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8. The mainstem Deschutes River is a State Scenic Waterway. The proposed use will measurably reduce scenic waterway flows as defined in ORS 390.835.
9. Because the proposed well, located in the Deschutes Ground Water Study Area, has the potential for substantial interference and will interfere with scenic waterway flows, by law, the Department is required to deny your application unless you provide mitigation. The unfavorable findings of this Initial Review may be overcome if you provide mitigation pursuant to the Deschutes Ground Water Mitigation Rules (OAR 690-505-0500 through 0630). Those rules provide a process under which applicants may mitigate for the impact their proposed use would have on surface water flows.
10. The Department has determined your mitigation obligation is 514.8 AF annually. The required mitigation is based on the use of 1287.0 AF for year-round quasi-municipal uses. Calculation of the mitigation obligation is based on a consumptive-use factor of 40%.
11. The Department has determined that mitigation for the proposed use must be located in the General Zone of Impact.
12. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

Summary of Initial Review

The appropriation of 10.0 CFS, at an annual volume of 1287.0 AF, from a well in Deschutes River Basin for year-round quasi-municipal uses is not allowable. However, if you provide sufficient mitigation water to offset the proposed use, it may be allowed under OAR 690-505-0610.

Mitigation Obligation Options:

To satisfy your mitigation obligation you can either complete a mitigation project as described in the attached administrative rules, or obtain 514.8 qualifying mitigation credits from an individual or mitigation bank. If you are interested in obtaining mitigation credits, you may want to contact me for a list of mitigation credit holders.

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

If you are proposing to implement a mitigation project, you must identify and describe the project in sufficient detail so that the Department can make a preliminary determination as to whether the proposed project will likely meet your mitigation obligation. Please contact Laura Wilke (503.986.0884) for further information on mitigation projects, forms, and specific requirements to be included in your proposal.

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

Additional Information Required:

Although it is unlikely that a permit will be issued, if you provide satisfactory mitigation, additional information will be required prior to issuance of any Proposed Final Order that may recommend permit approval. Please provide the following item(s):

Documentation that demonstrates the proposed use complies with the local acknowledged comprehensive land-use plan, or that you are actively pursuing approval from the City of Bend. The Land Use Information Form provided by the city on December 3, 2013, (see attached copy) indicates you have not obtained approval, and you are not pursuing it. If you demonstrate you are pursuing it, the Department can continue to process the application and issue a Proposed Final Order and a Final Order even when land use approval has not been obtained. However, before a permit will be issued the Department must receive documentation from the relevant planning jurisdiction that either 1) the proposed use is allowed outright or 2) that an approved land-use decision has been obtained, and that either no administrative appeals were received, or all such appeals have concluded.

Please submit this information no later than Thursday, January 9, 2014. If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the items requested above or a request for an administrative hold by this date, the Department will likely proceed with a Proposed Final Order recommending denial of the application.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$225 processing charge per application). To accomplish this you must notify the Department in writing or by fax by Friday, December 20, 2013. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to do anything at this time. 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.

If a permit is issued, it will likely include the following conditions:

Measurement, Recording and Reporting Conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The meter must be maintained in good working order. The permittee shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water-use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to

report general water-use information, including the place and nature of use of water under the permit.

- B. The permittee shall allow the watermaster access to the meter; where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.

Ground Water Conditions:

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

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

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

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

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

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

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

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's

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

Ground Water Mitigation Conditions:

1. Mitigation Obligation: 514.8 acre-feet of mitigation water in the General Zone of Impact (located anywhere in the Deschutes Basin above the Madras gage, which is located below Lake Billy Chinook).
2. Mitigation Source: Obtain 514.8 mitigation credits, or suitable replacement mitigation that meets the requirements of OAR 690-505-0610(2)-(5).
3. Mitigation water must be legally protected instream in the General Zone of Impact for the life of the permit and subsequent certificate(s). Regulation of the use and/or cancellation of the permit, or subsequent certificate(s) will occur if the required mitigation is not maintained.
4. The permittee shall provide additional mitigation if the Department determines that average annual consumptive use of the subject appropriation has increased beyond the originally mitigated amount.
5. If mitigation is from a secondary right for stored water from a storage project not owned or operated by the permittee, the use of water under this right is subject to the maintenance and terms and conditions of a valid contract or satisfactory replacement, with the owner/operator of the storage project, a copy of which must be on file in the records of the Water Resources Department.
6. Failure to comply with these mitigation conditions shall result in the Department regulating the ground water permit, or subsequent certificate(s), proposing to deny any permit extension application for the ground water permit, and proposing to cancel the ground water permit, or subsequent certificate(s).

Scenic Waterway Condition

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

If you have questions:

This Initial Review was produced by Mary Rohling. If you have any questions about any of the statements contained in this document, I am probably the best person to answer your questions. You may reach me at 503-986-0859 or Mary.F.Rohling@wrd.state.or.us. Please have your application number available if you call. If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to: Water Rights

Section, Oregon Water Resources Department, 725 Summer St NE, Suite A, Salem OR 97301-1266, Fax: 503-986-0901.

Sincerely,



Water Rights Application Caseworker

enclosures: Stop Processing Request Form; Response to Notice of Mitigation Obligation; and Deschutes Mitigation Rules

G-17606
WAB 5-30530112
POU 5-30530112
GW

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Application Fact Sheet

Mail to: Applicant, Watermaster, District Biologist (ODFW)

Application Number: G-17606

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

County: DESCHUTES

Watermaster: District 11, Jeremy T. Giffin

Priority Date: DECEMBER 14, 2012

Source: BROWN 1 WELL, BROWN 2 WELL, AND DYER 2 WELL IN DESCHUTES RIVER BASIN

Use: QUASI-MUNICIPAL USES

Quantity: 10.0 CUBIC FEET PER SECOND, 1287.0 ACRE-FEET

Basin Name & Number: Deschutes, #5

Point of Appropriation:

Wells	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Brown 1	18 S	12 E	WM	15	SE SW	52 FEET NORTH AND 1887 FEET EAST FROM SW CORNER, SECTION 15
Brown 2	18 S	12 E	WM	15	SE SW	52 FEET NORTH AND 1937 FEET EAST FROM SW CORNER, SECTION 15
Dyer 2	17 S	12 E	WM	14	NE SE	1935 FEET NORTH AND 1150 FEET WEST FROM SE CORNER, SECTION 14

Place of Use:

Twp	Rng	Mer	Sec	Q-Q
14 S	14 E	WM	33	NE NE
14 S	14 E	WM	33	NW NE
14 S	14 E	WM	33	SW NE
14 S	14 E	WM	33	SE NE
14 S	14 E	WM	33	NE SE
14 S	14 E	WM	33	NW SE
14 S	14 E	WM	33	SW SE
14 S	14 E	WM	33	SE SE
14 S	14 E	WM	34	SW NE
14 S	14 E	WM	34	SE NE
14 S	14 E	WM	34	NE NW
14 S	14 E	WM	34	NW NW
14 S	14 E	WM	34	SW NW
14 S	14 E	WM	34	SE NW
14 S	14 E	WM	34	NE SW
14 S	14 E	WM	34	NW SW
14 S	14 E	WM	34	SW SW
14 S	14 E	WM	34	SE SW
14 S	14 E	WM	34	NE SE
14 S	14 E	WM	34	NW SE
14 S	14 E	WM	34	SW SE

Twp	Rng	Mer	Sec	Q-Q
14 S	14 E	WM	34	SE SE
15 S	14 E	WM	3	NW NW
15 S	14 E	WM	3	SW NW
15 S	14 E	WM	3	NW SW
15 S	14 E	WM	3	SW SW
15 S	14 E	WM	4	NE NE
15 S	14 E	WM	4	NW NE
15 S	14 E	WM	4	SW NE
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15 S	14 E	WM	14	SW SW
15 S	14 E	WM	15	NE NE
15 S	14 E	WM	15	SE NE
15 S	14 E	WM	15	NE SE
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15 S	14 E	WM	22	NE NE
15 S	14 E	WM	22	SE NE
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Twp	Rng	Mer	Sec	Q-Q
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16 S	12 E	WM	14	SE SW
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16 S	12 E	WM	17	SE SE
16 S	12 E	WM	17	NE SW
16 S	12 E	WM	17	SE SW
16 S	12 E	WM	17	NE SE
16 S	12 E	WM	17	NW SE
16 S	12 E	WM	17	SW SE
16 S	12 E	WM	17	SE SE
16 S	12 E	WM	20	NE NE
16 S	12 E	WM	20	NW NE
16 S	12 E	WM	20	SW NE
16 S	12 E	WM	20	SE NE
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Twp	Rng	Mer	Sec	Q-Q
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16 S	12 E	WM	21	NW NE
16 S	12 E	WM	21	SW NE
16 S	12 E	WM	21	SE NE
16 S	12 E	WM	21	NE NW
16 S	12 E	WM	21	NW NW
16 S	12 E	WM	21	SW NW
16 S	12 E	WM	21	SE NW
16 S	12 E	WM	21	NE SW
16 S	12 E	WM	21	NW SW
16 S	12 E	WM	21	SW SW
16 S	12 E	WM	21	SE SW
16 S	12 E	WM	21	NE SE
16 S	12 E	WM	21	NW SE
16 S	12 E	WM	21	SW SE
16 S	12 E	WM	21	SE SE
16 S	12 E	WM	22	NE NE
16 S	12 E	WM	22	NW NE
16 S	12 E	WM	22	SW NE
16 S	12 E	WM	22	SE NE
16 S	12 E	WM	22	NE NW
16 S	12 E	WM	22	NW NW
16 S	12 E	WM	22	SW NW
16 S	12 E	WM	22	SE NW
16 S	12 E	WM	22	NE SW
16 S	12 E	WM	22	NW SW
16 S	12 E	WM	22	SW SW
16 S	12 E	WM	22	SE SW
16 S	12 E	WM	22	NE SE
16 S	12 E	WM	22	NW SE
16 S	12 E	WM	22	SW SE
16 S	12 E	WM	22	SE SE
16 S	12 E	WM	23	NE NE
16 S	12 E	WM	23	NW NE
16 S	12 E	WM	23	SW NE
16 S	12 E	WM	23	SE NE
16 S	12 E	WM	23	NE NW
16 S	12 E	WM	23	NW NW
16 S	12 E	WM	23	SW NW
16 S	12 E	WM	23	SE NW
16 S	12 E	WM	23	NE SW
16 S	12 E	WM	23	NW SW
16 S	12 E	WM	23	SW SW
16 S	12 E	WM	23	SE SW
16 S	12 E	WM	23	NE SE
16 S	12 E	WM	23	NW SE
16 S	12 E	WM	23	SW SE
16 S	12 E	WM	23	SE SE
16 S	12 E	WM	24	NW NW
16 S	12 E	WM	24	SW NW
16 S	12 E	WM	24	NW SW
16 S	12 E	WM	24	SW SW
16 S	12 E	WM	25	NW NW

Twp	Rng	Mer	Sec	Q-Q
16 S	12 E	WM	25	SW NW
16 S	12 E	WM	25	SW SW
16 S	12 E	WM	26	NE NE
16 S	12 E	WM	26	NW NE
16 S	12 E	WM	26	SW NE
16 S	12 E	WM	26	SE NE
16 S	12 E	WM	26	NE NW
16 S	12 E	WM	26	NW NW
16 S	12 E	WM	26	SW NW
16 S	12 E	WM	26	SE NW
16 S	12 E	WM	26	NE SW
16 S	12 E	WM	26	NW SW
16 S	12 E	WM	26	SW SW
16 S	12 E	WM	26	SE SW
16 S	12 E	WM	26	NE SE
16 S	12 E	WM	26	NW SE
16 S	12 E	WM	26	SW SE
16 S	12 E	WM	26	SE SE
16 S	12 E	WM	27	NE NE
16 S	12 E	WM	27	NW NE
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16 S	12 E	WM	27	SE NE
16 S	12 E	WM	27	NE NW
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16 S	12 E	WM	27	SW NW
16 S	12 E	WM	27	SE NW
16 S	12 E	WM	27	NE SW
16 S	12 E	WM	27	NW SW
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16 S	12 E	WM	27	SE SW
16 S	12 E	WM	27	NE SE
16 S	12 E	WM	27	NW SE
16 S	12 E	WM	27	SW SE
16 S	12 E	WM	27	SE SE
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16 S	12 E	WM	28	NW NE
16 S	12 E	WM	28	SW NE
16 S	12 E	WM	28	SE NE
16 S	12 E	WM	28	NE NW
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16 S	12 E	WM	28	SW NW
16 S	12 E	WM	28	SE NW
16 S	12 E	WM	28	NE SW
16 S	12 E	WM	28	NW SW
16 S	12 E	WM	28	SW SW
16 S	12 E	WM	28	SE SW
16 S	12 E	WM	28	NE SE
16 S	12 E	WM	28	NW SE
16 S	12 E	WM	28	SW SE
16 S	12 E	WM	28	SE SE
16 S	12 E	WM	29	NE NE
16 S	12 E	WM	29	NW NE
16 S	12 E	WM	29	SW NE
16 S	12 E	WM	29	SE NE
16 S	12 E	WM	29	NE NW

Twp	Rng	Mer	Sec	Q-Q
16 S	12 E	WM	29	SE NW
16 S	12 E	WM	29	NE SW
16 S	12 E	WM	29	SE SW
16 S	12 E	WM	29	NE SE
16 S	12 E	WM	29	NW SE
16 S	12 E	WM	29	SW SE
16 S	12 E	WM	29	SE SE
16 S	12 E	WM	32	NE NE
16 S	12 E	WM	32	NW NE
16 S	12 E	WM	32	SW NE
16 S	12 E	WM	32	SE NE
16 S	12 E	WM	32	NE NW
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16 S	12 E	WM	32	SE NW
16 S	12 E	WM	32	NE SW
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16 S	12 E	WM	32	SE SW
16 S	12 E	WM	32	NE SE
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16 S	12 E	WM	33	SW NE
16 S	12 E	WM	33	SE NE
16 S	12 E	WM	33	NE NW
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16 S	12 E	WM	33	SW NW
16 S	12 E	WM	33	SE NW
16 S	12 E	WM	33	NE SW
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16 S	12 E	WM	34	SE SW
16 S	12 E	WM	34	NE SE
16 S	12 E	WM	34	NW SE
16 S	12 E	WM	34	SW SE
16 S	12 E	WM	34	SE SE

Twp	Rng	Mer	Sec	Q-Q
16 S	12 E	WM	35	NE NE
16 S	12 E	WM	35	NW NE
16 S	12 E	WM	35	SW NE
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16 S	12 E	WM	35	NE NW
16 S	12 E	WM	35	NW NW
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16 S	12 E	WM	35	SE NW
16 S	12 E	WM	35	NE SW
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16 S	12 E	WM	35	SE SW
16 S	12 E	WM	35	NE SE
16 S	12 E	WM	35	NW SE
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16 S	12 E	WM	36	NE SE
16 S	12 E	WM	36	NW SE
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16 S	12 E	WM	36	SE SE
16 S	13 E	WM	15	NE SW
16 S	13 E	WM	15	NW SW
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16 S	13 E	WM	16	SE SW
16 S	13 E	WM	16	NE SE
16 S	13 E	WM	16	NW SE
16 S	13 E	WM	16	SW SE
16 S	13 E	WM	16	SE SE
16 S	13 E	WM	21	NE NE

Twp	Rng	Mer	Sec	Q-Q
16 S	13 E	WM	21	NW NE
16 S	13 E	WM	21	SW NE
16 S	13 E	WM	21	SE NE
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16 S	13 E	WM	22	NW SE
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16 S	13 E	WM	27	SW NW
16 S	13 E	WM	27	SE NW
16 S	13 E	WM	27	NW SW
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16 S	13 E	WM	28	SW SE
16 S	13 E	WM	28	SE SE
16 S	13 E	WM	32	SE SW
16 S	13 E	WM	32	NE SE
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16 S	13 E	WM	34	SE SE
16 S	13 E	WM	35	NW NE
16 S	13 E	WM	35	NE NW
16 S	13 E	WM	35	SW NW
16 S	13 E	WM	35	SE NW
16 S	13 E	WM	35	NW SW
16 S	14 E	WM	1	SW NE

Twp	Rng	Mer	Sec	Q-Q
16 S	14 E	WM	1	SE NE
16 S	14 E	WM	1	SW NW
16 S	14 E	WM	1	SE NW
16 S	14 E	WM	1	NE SW
16 S	14 E	WM	1	NW SW
16 S	14 E	WM	1	SW SW
16 S	14 E	WM	1	NE SE
16 S	14 E	WM	1	NW SE
16 S	14 E	WM	1	SW SE
16 S	14 E	WM	1	SE SE
16 S	14 E	WM	2	SW NE
16 S	14 E	WM	2	SE NE
16 S	14 E	WM	2	SW NW
16 S	14 E	WM	2	NW SW
16 S	14 E	WM	2	SW SW
16 S	14 E	WM	2	NE SE
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16 S	14 E	WM	3	SW SW
16 S	14 E	WM	3	SE SW
16 S	14 E	WM	3	NE SE
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16 S	14 E	WM	9	NE SE
16 S	14 E	WM	9	SE SE
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16 S	14 E	WM	10	SW NW
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16 S	14 E	WM	12	NW SE
16 S	14 E	WM	12	SW SE
16 S	14 E	WM	13	SW NW
16 S	14 E	WM	13	NW SW
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16 S	14 E	WM	13	NW SE
16 S	14 E	WM	13	SW SE
16 S	14 E	WM	13	SE SE
16 S	14 E	WM	14	NE NE
16 S	14 E	WM	14	NW NE
16 S	14 E	WM	14	SW NE

Twp	Rng	Mer	Sec	Q-Q
16 S	14 E	WM	14	SE NE
16 S	14 E	WM	14	NE NW
16 S	14 E	WM	14	NE SW
16 S	14 E	WM	14	SE SW
16 S	14 E	WM	14	NE SE
16 S	14 E	WM	14	NW SE
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16 S	14 E	WM	15	SW NW
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16 S	14 E	WM	16	SE NE
16 S	14 E	WM	16	SW SW
16 S	14 E	WM	16	SE SW
16 S	14 E	WM	16	NE SE
16 S	14 E	WM	16	SW SE
16 S	14 E	WM	16	SE SE
16 S	14 E	WM	17	SW SW
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16 S	14 E	WM	17	SW SE
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16 S	14 E	WM	21	SE NE
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16 S	14 E	WM	22	SE SW
16 S	14 E	WM	22	NE SE
16 S	14 E	WM	22	NW SE
16 S	14 E	WM	22	SW SE
16 S	14 E	WM	22	SE SE

Twp	Rng	Mer	Sec	Q-Q
16 S	14 E	WM	23	NE NE
16 S	14 E	WM	23	NW NE
16 S	14 E	WM	23	SW NE
16 S	14 E	WM	23	SE NE
16 S	14 E	WM	23	NE NW
16 S	14 E	WM	23	NW NW
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16 S	14 E	WM	23	SE NW
16 S	14 E	WM	23	NE SW
16 S	14 E	WM	23	NW SW
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16 S	14 E	WM	23	SE SW
16 S	14 E	WM	23	NE SE
16 S	14 E	WM	23	NW SE
16 S	14 E	WM	23	SW SE
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16 S	14 E	WM	26	SE SW
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16 S	14 E	WM	27	SE SW
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16 S	14 E	WM	27	NW SE
16 S	14 E	WM	27	SW SE
16 S	14 E	WM	27	SE SE
16 S	14 E	WM	28	NE NE
16 S	14 E	WM	28	NW NE

Twp	Rng	Mer	Sec	Q-Q
16 S	14 E	WM	28	SW NE
16 S	14 E	WM	28	SE NE
16 S	14 E	WM	28	NE SE
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16 S	14 E	WM	28	SE SE
16 S	14 E	WM	33	NE NE
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16 S	14 E	WM	33	NE NW
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16 S	15 E	WM	8	NE SW
16 S	15 E	WM	8	NW SW
16 S	15 E	WM	8	SW SW
16 S	15 E	WM	8	SE SW
16 S	15 E	WM	8	NE SE

Twp	Rng	Mer	Sec	Q-Q
16 S	15 E	WM	8	NW SE
16 S	15 E	WM	8	SW SE
16 S	15 E	WM	8	SE SE
16 S	15 E	WM	9	SW SE
16 S	15 E	WM	9	SE SE
16 S	15 E	WM	15	NE NE
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16 S	15 E	WM	18	NE NW
16 S	15 E	WM	18	NW NW
16 S	15 E	WM	18	SW NW
16 S	15 E	WM	18	SE NW
16 S	15 E	WM	18	NE SW

Twp	Rng	Mer	Sec	Q-Q
16 S	15 E	WM	18	NW SW
16 S	15 E	WM	18	SW SW
16 S	15 E	WM	18	SE SW
16 S	15 E	WM	18	NE SE
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16 S	15 E	WM	18	SW SE
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16 S	15 E	WM	29	NE NW
16 S	15 E	WM	29	NW NW
16 S	15 E	WM	29	SW NW
16 S	15 E	WM	29	SE NW
16 S	15 E	WM	29	NE SW

Twp	Rng	Mer	Sec	Q-Q
16 S	15 E	WM	29	NW SW
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17 S	12 E	WM	2	SE SW
17 S	12 E	WM	2	NE SE
17 S	12 E	WM	2	NW SE
17 S	12 E	WM	2	SW SE

Twp	Rng	Mer	Sec	Q-Q
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Twp	Rng	Mer	Sec	Q-Q
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Twp	Rng	Mer	Sec	Q-Q
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Twp	Rng	Mer	Sec	Q-Q
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Twp	Rng	Mer	Sec	Q-Q
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Twp	Rng	Mer	Sec	Q-Q
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Twp	Rng	Mer	Sec	Q-Q
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Twp	Rng	Mer	Sec	Q-Q
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Twp	Rng	Mer	Sec	Q-Q
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Twp	Rng	Mer	Sec	Q-Q
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Twp	Rng	Mer	Sec	Q-Q
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Twp	Rng	Mer	Sec	Q-Q
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Twp	Rng	Mer	Sec	Q-Q
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Twp	Rng	Mer	Sec	Q-Q
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Twp	Rng	Mer	Sec	Q-Q
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Twp	Rng	Mer	Sec	Q-Q
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Twp	Rng	Mer	Sec	Q-Q
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Twp	Rng	Mer	Sec	Q-Q
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Twp	Rng	Mer	Sec	Q-Q
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Twp	Rng	Mer	Sec	Q-Q
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Public Notice Date: Tuesday, December 10, 2013

14-day Stop Processing Deadline: Friday, December 20, 2013

End of 30-day Comment Period: Thursday, January 9, 2014

Mailing List for IR Copies

Application: G-17606

IR Date: December 6, 2013

Original emailed to:

Applicant:

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

Copies Mailed
by: _____ (STAFF)
on: _____ (DATE)

Sent by Email:

Applicant – avion@avionwater.com
Agent – asussman@gsiws.com

Copies sent to:

1. WRD - File G-17606
2. WRD - Water Availability: Ken Stahr
3. WRD - Laura Wilke
4. DRC – Genevieve Hubert

IR, Map, and Fact Sheet Copies sent to:

(NOTE: please send only one copy per office, even if there is more than one name on the list)

1. Watermaster District 11
2. ODFW District Biologists: Brett Hodgson and Amy Stuart
3. ODFW: Rick Kepler
4. Columbia River Intertribal Fish Commission:
5. US Fish & Wildlife: Nancy Gilbert, 63095 Deschutes Market Rd, Bend OR 97701-9794
6. NW Power Planning Council
7. DEQ: Eric Nigg & Bonnie Lamb, Eastern Region
8. DOA: Salem: Jim Johnson & Paul Measeles
9. DSL: Shawn Zumwalt
10. Confederated Tribes of the Umatilla Indian Reservation: Jennifer Hudson and Carl Merkle

Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.):

1. Dyer Land and Cattle Co. LLC – 63363 Hamehook Rd, Bend, OR 97701
2. Rebecca Brown – 20950 Knott Rd, Bend, OR 97702
3. COID – 1055 SW Lake Court, Redmond, OR 97756
4. Arnold Irrigation District – 19604 Buck Canyon Rd, Bend, OR 97702

Caseworker: mfr

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

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

Applicant(s): AVION WATER CO INC.

Applicant's agent (*if applicable*): Adam Sussman

Application number: G-17606

Proposed Use: QUASI-MUNICIPAL USES

Period of Use requested: YEAR-ROUND

Rate requested: 10.0 CUBIC FEET PER SECOND

Volume requested: 1287.0 acre-feet

Mitigation Obligation: 514.8 acre-feet

Zone of Impact: General Zone of Impact

Please read and initial the following statements:

We intend to provide incremental mitigation.

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

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

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

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

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

(over)

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

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

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

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

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

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

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

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

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

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

Applicant _____ or Applicant's Agent _____

Date _____

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

(over)

Incremental Development beyond increments one and two:

Application _____

Applicant:_____

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

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

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

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

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

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

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

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

ATTACH ADDITIONAL PAGES AS NECESSARY

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

Land Use

Information Form



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

RECEIVED BY OWRD

Applicant: Avion Water Company, Inc.

First

Last _____

DEC 14 2012

Mailing Address: 60813 Parrell Road

SALEM, OR

Bend
City

OR
State

97702 Daytime Phone: 541-382-5342
Zip _____

RECEIVED
DEC 03 2013
WATER RESOURCES DEPT.
SALEM, OREGON

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
*see	attached	maps				<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Deschutes County and City of Bend

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water Water Right Transfer Permit Amendment or Ground Water Registration Modification
 Limited Water Use License Allocation of Conserved Water Exchange of Water

Source of water: Reservoir/Pond Ground Water Surface Water (name) _____

Estimated quantity of water needed: 10.0 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-Municipal Instream Other _____

Briefly describe:

Avion is applying for a new groundwater right in the amount of 10cfs; water will be appropriated from 3 wells.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): BDC Chapter 2.1
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
Site Plan Review	<u>BDC Chapter 4.2</u>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input checked="" type="checkbox"/> Not Being Pursued
Subdivision Approval	<u>BDC Chapter 4.3</u>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input checked="" type="checkbox"/> Not Being Pursued
Conditional Use Permits	<u>BDC Chapter 4.4</u>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input checked="" type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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



Name: Aaron Henson
Title: Senior Planner

Signature: Aaron Henson Phone: / Date: 11/28/12

Government Entity: City of Bend

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.



Receipt for Request for Land Use Information

Applicant name: _____

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City or County: _____

Staff contact: _____

DEC 14 2012

Signature: _____

Phone: _____

Date: _____

SALEM, OR