

**Oregon Water Resources Department  
Water Right Services Division**

**Application for Extension of Time**

In the Matter of the Application for an Extension of Time	)	FINAL
for Permit G-8033, Water Right Application G-8668, in the	)	ORDER
name of Avion Water Company, Inc	)	

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Permit Information

Application:	G-8668
Permit:	G-8033
Basin:	5 – Deschutes / Watermaster District 11
Date of Priority:	February 27, 1978
Source of Water:	one well
Purpose or Use:	irrigation, domestic use for 118 families, and fire protection
Maximum Rate:	0.56 cubic foot per second (cfs)

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This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

Appeal Rights

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

Application History

Permit G-8033 was issued by the Department on May 11, 1978. The permit specified actual construction of the well to begin by May 11, 1979, completion of construction by October 1, 1979 and complete application of water to beneficial use by October 1, 1980. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2008. On December 10, 2021, Avion Water Company, Inc submitted an Application for Extension of Time for Permit G-8033. In accordance with OAR 690-315-0050(2), on March 15, 2022, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2031, and the time to fully apply water to beneficial use to October 1, 2031. The protest period closed April 29, 2022, in accordance with OAR 690-315-0060(1). No protest was filed.

## FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated March 15, 2022.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, the permit may be extended subject to the following conditions:

## LIMITATIONS AND CONDITIONS

1. **Permit Amendment Condition**

The use of any water from DESC 58443 under Permit G-8033 is subject to this Condition.

No water may be used from DESC 58443, or any other well not authorized by the permit, prior to gaining approval of a Permit Amendment authorizing the well as a point of appropriation under the permit.

2. **Last Extension Condition**

This shall be the last extension of time granted for Permit G-8033. Any future extensions of time request will be denied.

3. **Development Limitation**

Development of the domestic use under this permit shall be limited to no more than 92 households located within the original authorized place of use.

4. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2027. A form will be enclosed with your Final Order.**

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

## CONCLUSION OF LAW

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-8668, Permit G-8033, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2008, to October 1, 2031. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2008, to October 1, 2031.

DATED: May 13, 2022



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

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- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist at (503) 979-3213.
  - 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
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OREGON  
WATER  
RESOURCES  
DEPARTMENT

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**Extension of Time  
Progress Report Form  
For Checkpoints**

**TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT**

Permit Holder: Avion Water Company, Inc

Application G-8668

Permit G-8033

**Progress Report for 2027**

Report Due no later than October 1, 2027

**DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE**

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-8033.

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between December 10, 2021 and October 1, 2027	FINANCIAL INVESTMENT

Use back of form if needed

2. Describe actions to achieve compliance with conditions of the permit and/or previous extension.  
(Examples: installed a meter, submitted water usage reports, submitted static water level measurements, installed a fish screen, obtained approval for fish screen from ODFW etc.)

3. Total number households served to date: \_\_\_\_\_

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

Maximum rate used to date = \_\_\_\_\_ cfs

Maximum Rate per well:

DESC 3978 \_\_\_\_\_

Additional Authorized Well \_\_\_\_\_ please identify any new well by well log number

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

**INCOMPLETE REPORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM.  
FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE  
EXTENSION BEING DENIED.**

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name/Title \_\_\_\_\_

Diligence Shown ☐ Yes ☐ No

Date Public Noticed: \_\_\_\_\_

*For OWRD use only*

Reviewed by:

Date: \_\_\_\_\_

