

STATE OF OREGON, }  
County of Marion. }

I certify that the within was received by me  
on the 1st day of October, 19 86, at 1:00  
o'clock p.m., and was recorded in Miscellaneous  
Records, Vol. 6 Page 1633.

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SEP 15 1986

WATER RESOURCES DEPT  
SALEM, OREGON

Water Resources Director  
BEFORE THE OREGON WATER RESOURCES DEPARTMENT

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In re: )  
CITY OF BEND APPLICATION FOR )  
PERMIT TO APPROPRIATE WATER )  
OF TUMALO CREEK NO. 67983 )  
WITHDRAWAL OF TUMALO  
IRRIGATION DISTRICT PROTEST  
AND STIPULATED AGREEMENT

By letter of January 18, 1984, Tumalo Irrigation District protested the above-referenced application of the City of Bend for a permit to appropriate water from Tumalo Creek. Subsequent to the submission of the protest, representatives of Tumalo Irrigation District and the City of Bend entered into discussions to resolve any differences over the application that they might have. As a result of those discussions, the City of Bend and Tumalo Irrigation District have agreed that the inclusion of three specific conditions in a permit issued to the City of Bend pursuant to the application will satisfy the objections of Tumalo Irrigation District to the application and are acceptable conditions to the City of Bend.

Accordingly, Tumalo Irrigation District hereby withdraws its protest to Application No. 67983 on condition that the following three conditions are included in the permit issued pursuant to Application No. 67983, and the City of Bend hereby consents to the inclusion of those conditions in the permit issued pursuant to Application No. 67983:

1. The City of Bend shall by December 31, 1987, install flow meters on the transmission mains at the intake. Meters shall be of the following type or equivalent: 14-inch McCrometer, Model MW500.

Page 1. WITHDRAWAL OF PROTEST AND STIPULATED AGREEMENT

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1                   2.    At such time as the <sup>Water Resources Director</sup> flow capacity of the City of Bend  
2 system is expanded, a headgate and wier will be installed at the  
3 intake to regulate the flow into the system. The timing of this  
4 installation shall be subject to any further order of the Water  
5 Resources Department Director.

6                   3.    Due to the priority of Tumalo Irrigation District's  
7 right, the City of Bend shall, upon twenty-four (24) hours  
8 written notice by Tumalo Irrigation District, return sufficient  
9 water diverted pursuant to this permit from the overflow point to  
10 Tumalo Creek so as not to interfere with the water rights granted  
11 to Tumalo Irrigation District by Certificate No. 26050.

DATED this 20<sup>th</sup> day of August, 1986.

12 TUMALO IRRIGATION DISTRICT                   CITY OF BEND

13  
14 By Ralph McNulty  
15 Title: Manager

14 By Richard Peterson  
15 Title: City Manager