

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Permit Amendment                    )  
T-10351, Deschutes County                            )  
  )  
  )  
  )  
  )

**FINAL ORDER**  
**APPROVING ADDITIONAL POINTS**  
**OF APPROPRIATION AND**  
**CORRECTION OF A PREVIOUS**  
**FINAL ORDER**

**Authority**

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

**Applicant**

City of Bend  
Attn: Roger Prowell  
575 NE 15<sup>th</sup> Street  
Bend, Oregon 97701

**Findings of Fact**

1. On March 21, 2007, City of Bend, filed an application for additional points of appropriation under Permit G-4435. The Department assigned the application number T-10351.

2. The permit to be amended is as follows:

**Permit:** G-4435, in the name of City of Bend (previously modified by Permit Amendment T-8783 (Special Order Volume 70, pages 407-423))

**Use:** Municipal

**Priority Date:** November 8, 1968

**Quantity:** 7.75 cubic feet per second (cfs); being 0.935 cfs from Well 1, 0.98 cfs from Well 2, 0.98 cfs from Well 3, 0.97 cfs from Well 4, 0.97 cfs from Well 5, 0.97 cfs from Well 6, 0.97 cfs from Well 7, and 0.975 cfs from Well 8.

The combined quantity of water diverted at Bear Creek Well 2, Outback Well 3 and Outback Well 4, together with that amount diverted at Wells 1 through 8, shall not exceed the maximum rate and duty allowed under Permit G-4435

**Source:** 11 Wells, in the Deschutes River Basin

**Date of Complete Application of Water:** October 1, 2020

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 137-004-080 and OAR 690-01-005 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.

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
18 S	11 E	WM	27	SW NW	Well 1 (Lava Island) - South 5° 08' East 1902 feet from the NW Corner of Section 27
18 S	11 E	WM	27	SW NW	Well 2 (Lava Island) - South 20° 29' East 1749 feet from the NW Corner of Section 27
18 S	11 E	WM	27	SW NW	Well 3 (Lava Island) - South 18° 30' East 2010 feet from the NW Corner of Section 27
18 S	11 E	WM	27	NW NW	Well 4 (Lava Island) - South 15°10' East 1155 feet from the NW Corner of Section 27
18 S	11 E	WM	28	SE NE	Well 5 (Lava Island) - South 8° 00' West 1420 feet from the NW Corner of Section 27
18 S	11 E	WM	27	NW NW	Well 6 (Lava Island) - South 13° 35' East 675 feet from the NW Corner of Section 27
18 S	11 E	WM	28	NE NE	Well 7 (Lava Island) - South 13° 15' West 435 feet from the NW Corner of Section 27
18 S	11 E	WM	28	NE NE	Well 8 (Lava Island) - South 27° 40' West 990 feet from the NW Corner of Section 27
17 S	12 E	WM	33	SE SE	Bear Creek Well 2 - North 32° 38' 11" West 926.8 feet from the SE Corner of Section 33
17 S	11 E	WM	34	SW SE	Outback Well 3 - North 82° 22' 27" West 2677.7 feet from the SE Corner of Section 34
17 S	11 E	WM	34	SW SE	Outback Well 4 - North 77° 01' 13" West 2592.7 feet from the SE Corner of Section 34

**Authorized Place of Use:**

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
17 S	11 E	WM	13	NE NE
17 S	11 E	WM	13	NW NE
17 S	11 E	WM	13	SW NE
17 S	11 E	WM	13	SE NE
17 S	11 E	WM	13	NE SW
17 S	11 E	WM	13	SW SW
17 S	11 E	WM	13	SE SW
17 S	11 E	WM	13	NE SE
17 S	11 E	WM	13	NW SE
17 S	11 E	WM	13	SW SE
17 S	11 E	WM	13	SE SE
17 S	11 E	WM	23	SW NE
17 S	11 E	WM	23	SE NE
17 S	11 E	WM	23	NE SW
17 S	11 E	WM	23	SE SW
17 S	11 E	WM	23	NE SE
17 S	11 E	WM	23	NW SE
17 S	11 E	WM	23	SW SE
17 S	11 E	WM	23	SE SE
17 S	11 E	WM	24	NE NE
17 S	11 E	WM	24	NW NE
17 S	11 E	WM	24	SW NE
17 S	11 E	WM	24	SE NE
17 S	11 E	WM	24	NE NW

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
17 S	11 E	WM	24	NW NW
17 S	11 E	WM	24	SW NW
17 S	11 E	WM	24	SE NW
17 S	11 E	WM	24	NE SW
17 S	11 E	WM	24	NW SW
17 S	11 E	WM	24	SW SW
17 S	11 E	WM	24	SE SW
17 S	11 E	WM	24	NE SE
17 S	11 E	WM	24	NW SE
17 S	11 E	WM	24	SW SE
17 S	11 E	WM	24	SE SE
17 S	11 E	WM	25	NE NE
17 S	11 E	WM	25	NW NE
17 S	11 E	WM	25	SW NE
17 S	11 E	WM	25	SE NE
17 S	11 E	WM	25	NE NW
17 S	11 E	WM	25	NW NW
17 S	11 E	WM	25	SW NW
17 S	11 E	WM	25	SE NW
17 S	11 E	WM	25	NE SW
17 S	11 E	WM	25	NW SW
17 S	11 E	WM	25	SW SW
17 S	11 E	WM	25	SE SW
17 S	11 E	WM	25	NE SE
17 S	11 E	WM	25	NW SE
17 S	11 E	WM	25	SW SE
17 S	11 E	WM	25	SE SE
17 S	11 E	WM	26	NE NE
17 S	11 E	WM	26	NW NE
17 S	11 E	WM	26	SW NE
17 S	11 E	WM	26	SE NE
17 S	11 E	WM	26	NE NW
17 S	11 E	WM	26	NW NW
17 S	11 E	WM	26	SW NW
17 S	11 E	WM	26	SE NW
17 S	11 E	WM	26	NE SW
17 S	11 E	WM	26	NW SW
17 S	11 E	WM	26	SW SW
17 S	11 E	WM	26	SE SW
17 S	11 E	WM	26	NE SE
17 S	11 E	WM	26	NW SE
17 S	11 E	WM	26	SW SE
17 S	11 E	WM	26	SE SE
17 S	11 E	WM	35	NE NE
17 S	11 E	WM	35	NW NE
17 S	11 E	WM	35	SW NE
17 S	11 E	WM	35	SE NE
17 S	11 E	WM	35	NE NW
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MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
17 S	11 E	WM	35	SE NW
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17 S	11 E	WM	35	NE SE
17 S	11 E	WM	35	NW SE
17 S	11 E	WM	35	SW SE
17 S	11 E	WM	35	SE SE
17 S	11 E	WM	36	NE NE
17 S	11 E	WM	36	NW NE
17 S	11 E	WM	36	SW NE
17 S	11 E	WM	36	SE NE
17 S	11 E	WM	36	NE NW
17 S	11 E	WM	36	NW NW
17 S	11 E	WM	36	SW NW
17 S	11 E	WM	36	SE NW
17 S	11 E	WM	36	NE SW
17 S	11 E	WM	36	NW SW
17 S	11 E	WM	36	SW SW
17 S	11 E	WM	36	SE SW
17 S	11 E	WM	36	NE SE
17 S	11 E	WM	36	NW SE
17 S	11 E	WM	36	SW SE
17 S	11 E	WM	36	SE SE
17 S	12 E	WM	7	NE SW
17 S	12 E	WM	7	NW SW
17 S	12 E	WM	7	SW SW
17 S	12 E	WM	7	SE SW
17 S	12 E	WM	7	NE SE
17 S	12 E	WM	7	NW SE
17 S	12 E	WM	7	SW SE
17 S	12 E	WM	7	SE SE
17 S	12 E	WM	8	NE SW
17 S	12 E	WM	8	NW SW
17 S	12 E	WM	8	SW SW
17 S	12 E	WM	8	SE SW
17 S	12 E	WM	8	NE SE
17 S	12 E	WM	8	NW SE
17 S	12 E	WM	8	SW SE
17 S	12 E	WM	8	SE SE
17 S	12 E	WM	10	NE NW
17 S	12 E	WM	10	NW NW
17 S	12 E	WM	10	SW NW
17 S	12 E	WM	10	SE NW
17 S	12 E	WM	10	NE SW
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17 S	12 E	WM	10	SW SW
17 S	12 E	WM	10	SE SW
17 S	12 E	WM	16	NE NE

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
17 S	12 E	WM	16	NW NE
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17 S	12 E	WM	18	NW SE
17 S	12 E	WM	18	SW SE
17 S	12 E	WM	18	SE SE
17 S	12 E	WM	19	NE NE
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MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
17 S	12 E	WM	19	SE NE
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MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
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17 S	12 E	WM	23	SW NW
17 S	12 E	WM	23	NW SW
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17 S	12 E	WM	28	SE SE
17 S	12 E	WM	29	NE NE
17 S	12 E	WM	29	NW NE
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17 S	12 E	WM	29	SE NE

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
17 S	12 E	WM	29	NE NW
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17 S	12 E	WM	29	NE SE
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17 S	12 E	WM	29	SW SE
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17 S	12 E	WM	30	NW NE
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17 S	12 E	WM	30	SE SW
17 S	12 E	WM	30	NE SE
17 S	12 E	WM	30	NW SE
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17 S	12 E	WM	30	SE SE
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17 S	12 E	WM	31	NW NE
17 S	12 E	WM	31	SW NE
17 S	12 E	WM	31	SE NE
17 S	12 E	WM	31	NE NW
17 S	12 E	WM	31	NW NW
17 S	12 E	WM	31	SW NW
17 S	12 E	WM	31	SE NW
17 S	12 E	WM	31	NE SW
17 S	12 E	WM	31	NW SW
17 S	12 E	WM	31	SW SW
17 S	12 E	WM	31	SE SW
17 S	12 E	WM	31	NE SE
17 S	12 E	WM	31	NW SE
17 S	12 E	WM	31	SW SE
17 S	12 E	WM	31	SE SE
17 S	12 E	WM	32	NE NE
17 S	12 E	WM	32	NW NE
17 S	12 E	WM	32	SW NE
17 S	12 E	WM	32	SE NE
17 S	12 E	WM	32	NE NW
17 S	12 E	WM	32	NW NW



MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
17 S	12 E	WM	32	SW NW
17 S	12 E	WM	32	SE NW
17 S	12 E	WM	32	NE SW
17 S	12 E	WM	32	NW SW
17 S	12 E	WM	32	SW SW
17 S	12 E	WM	32	SE SW
17 S	12 E	WM	32	NE SE
17 S	12 E	WM	32	NW SE
17 S	12 E	WM	32	SW SE
17 S	12 E	WM	32	SE SE
17 S	12 E	WM	33	NE NE
17 S	12 E	WM	33	NW NE
17 S	12 E	WM	33	SW NE
17 S	12 E	WM	33	SE NE
17 S	12 E	WM	33	NE NW
17 S	12 E	WM	33	NW NW
17 S	12 E	WM	33	SW NW
17 S	12 E	WM	33	SE NW
17 S	12 E	WM	33	NE SW
17 S	12 E	WM	33	NW SW
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17 S	12 E	WM	33	SE SW
17 S	12 E	WM	33	NE SE
17 S	12 E	WM	33	NW SE
17 S	12 E	WM	33	SW SE
17 S	12 E	WM	33	SE SE
17 S	12 E	WM	34	NE NE
17 S	12 E	WM	34	NW NE
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17 S	12 E	WM	34	SW NW
17 S	12 E	WM	34	SE NW
17 S	12 E	WM	34	NE SW
17 S	12 E	WM	34	NW SW
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17 S	12 E	WM	34	SE SW
17 S	12 E	WM	34	NE SE
17 S	12 E	WM	34	NW SE
17 S	12 E	WM	34	SW SE
17 S	12 E	WM	34	SE SE
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17 S	12 E	WM	35	NW NW
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17 S	12 E	WM	35	SE NW
17 S	12 E	WM	35	NE SW
17 S	12 E	WM	35	NW SW

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
17 S	12 E	WM	35	SW SW
17 S	12 E	WM	35	NW SE
18 S	11 E	WM	1	NE NE
18 S	11 E	WM	1	NW NE
18 S	11 E	WM	1	SW NE
18 S	11 E	WM	1	SE NE
18 S	11 E	WM	1	NE NW
18 S	11 E	WM	1	NW NW
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18 S	11 E	WM	12	SE SW

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
18 S	11 E	WM	12	NE SE
18 S	11 E	WM	12	NW SE
18 S	11 E	WM	12	SW SE
18 S	11 E	WM	12	SE SE
18 S	11 E	WM	13	NE NE
18 S	11 E	WM	13	NW NE
18 S	11 E	WM	13	SW NE
18 S	11 E	WM	13	NE NW
18 S	11 E	WM	13	NW NW
18 S	11 E	WM	13	SW NW
18 S	11 E	WM	13	SE NW
18 S	11 E	WM	13	NE SW
18 S	11 E	WM	13	NW SW
18 S	11 E	WM	13	SW SW
18 S	11 E	WM	13	SE SW

3. The following place of use was proposed in Permit Amendment T-8783 and omitted in error from Special Order Volume 70, pages 407-423, approving Permit Amendment T-8783:

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
18 S	12 E	WM	3	NE NW
18 S	12 E	WM	3	NW NW
18 S	12 E	WM	3	SW NW
18 S	12 E	WM	3	SE NW
18 S	12 E	WM	3	NE SW
18 S	12 E	WM	3	NW SW
18 S	12 E	WM	3	SW SW
18 S	12 E	WM	3	SE SW
18 S	12 E	WM	4	NE NE
18 S	12 E	WM	4	NW NE
18 S	12 E	WM	4	SW NE
18 S	12 E	WM	4	SE NE
18 S	12 E	WM	4	NE NW
18 S	12 E	WM	4	NW NW
18 S	12 E	WM	4	SW NW
18 S	12 E	WM	4	SE NW
18 S	12 E	WM	4	NE SW
18 S	12 E	WM	4	NW SW
18 S	12 E	WM	4	SW SW
18 S	12 E	WM	4	SE SW
18 S	12 E	WM	4	NE SE
18 S	12 E	WM	4	NW SE
18 S	12 E	WM	4	SW SE
18 S	12 E	WM	4	SE SE
18 S	12 E	WM	5	NE NE
18 S	12 E	WM	5	NW NE
18 S	12 E	WM	5	SW NE
18 S	12 E	WM	5	SE NE
18 S	12 E	WM	5	NE NW

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
18 S	12 E	WM	5	NW NW
18 S	12 E	WM	5	SW NW
18 S	12 E	WM	5	SE NW
18 S	12 E	WM	5	NE SW
18 S	12 E	WM	5	NW SW
18 S	12 E	WM	5	SW SW
18 S	12 E	WM	5	SE SW
18 S	12 E	WM	5	NE SE
18 S	12 E	WM	5	NW SE
18 S	12 E	WM	5	SW SE
18 S	12 E	WM	5	SE SE
18 S	12 E	WM	6	NE NE
18 S	12 E	WM	6	NW NE
18 S	12 E	WM	6	SW NE
18 S	12 E	WM	6	SE NE
18 S	12 E	WM	6	NE NW
18 S	12 E	WM	6	NW NW
18 S	12 E	WM	6	SW NW
18 S	12 E	WM	6	SE NW
18 S	12 E	WM	6	NE SW
18 S	12 E	WM	6	NW SW
18 S	12 E	WM	6	SW SW
18 S	12 E	WM	6	SE SW
18 S	12 E	WM	6	NE SE
18 S	12 E	WM	6	NW SE
18 S	12 E	WM	6	SW SE
18 S	12 E	WM	7	NW NE
18 S	12 E	WM	7	SW NE
18 S	12 E	WM	7	NE NW
18 S	12 E	WM	7	NW NW
18 S	12 E	WM	7	SW NW
18 S	12 E	WM	7	SE NW
18 S	12 E	WM	7	NE SW
18 S	12 E	WM	7	NW SW
18 S	12 E	WM	7	SW SW
18 S	12 E	WM	7	SE SW
18 S	12 E	WM	8	NE NE
18 S	12 E	WM	8	NW NE
18 S	12 E	WM	8	SW NE
18 S	12 E	WM	8	SE NE
18 S	12 E	WM	8	NE NW
18 S	12 E	WM	8	NW NW
18 S	12 E	WM	8	NE SE
18 S	12 E	WM	8	NW SE
18 S	12 E	WM	9	NE NW
18 S	12 E	WM	9	NW NW
18 S	12 E	WM	9	SW NW
18 S	12 E	WM	9	SE NW
18 S	12 E	WM	9	NE SW
18 S	12 E	WM	9	NW SW

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
18 S	12 E	WM	9	NE SE
18 S	12 E	WM	9	NW SE
18 S	12 E	WM	9	SW SE
18 S	12 E	WM	9	SE SE
18 S	12 E	WM	16	NW NE
18 S	12 E	WM	16	SW NE
18 S	12 E	WM	16	NE NW
18 S	12 E	WM	16	SE NW

4. Application T-10351 proposes additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	11 E	WM	34	SE SW	Outback Well 5 – North 38° 50' 59" West 241.7 feet from the SW Corner of the SE¼ of Section 34.
17 S	11 E	WM	34	SE SW	Outback Well 6 – North 45° 11' 27" West 458.7 feet from the SW Corner of the SE¼ of Section 34.

5. Notice of the application for the permit amendment was published in the Department's weekly notice on April 3, 2007, and in the Bend Bulletin newspaper on April 9, 16, and 23, 2008, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
6. The change would not result in injury to other water rights.
7. The change does not enlarge the permit.
8. The change does not alter any other terms of the permit.

**Conclusions of Law**


The additional points of appropriation proposed by Permit Amendment Application T-10351 are consistent with the requirements of ORS 537.211.

**Now, therefore, it is ORDERED:**

1. The additional points of appropriation proposed in Permit Amendment T-10351 are approved.
2. The place of use listed in Finding of Fact 3, which was mistakenly omitted in Special Order Volume 70, pages 407-423, approving Permit Amendment T-8783, is approved as a portion of the authorized place of use under Permit G-4435.
3. The combined quantity of water diverted at the new points of appropriation (wells), together with that diverted at the old points of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-4435.
4. The water user shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of groundwater withdrawn.

5. Water shall be acquired from the same aquifer as the original points of appropriation.
6. All other terms and conditions of Permit G-4435 remain the same.
7. Permit G-4435, in the name of City of Bend, is amended as described herein.

Dated at Salem, Oregon this 30<sup>th</sup> day of April, 2008.

  
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Phillip C. Ward, *Enr*  
Director

Mailing Date: MAY 02 2008