

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

In the Matter of Application for Extension )  
of Time for Transfer of Water Right )  
Authorized by B-112, Deschutes County, )  
Oregon )

FINAL ORDER APPROVING AN  
EXTENSION OF TIME

**Applicant**

CITY OF BEND  
575 NE 15<sup>TH</sup> STREET  
BEND, OREGON 97701

**Findings of Fact**

1. The Water Resources Department issued an order approving Transfer Application B-112 on December 28, 1959. The order was recorded in Special Order Volume 10, at Page 288. The order set a transfer completion date of October 1, 1968.
2. The Water Resources Department issued an order approving an extension of time dated June 5, 1980. The order was recorded by a letter from the Department and on the original extension application. The order set a transfer completion date of October 1, 1984.
3. The Water Resources Department issued an order approving an extension of time dated November 9, 1984. The order was recorded by a letter from the Department and on the original extension application. The order set a transfer completion date of October 1, 1989.
4. The Water Resources Department issued an order denying an extension of time dated December 2, 1998, because it appeared that an extension of time was not needed.
5. On May 12, 2009, the Department received an application for a new extension of time for transfer of water right from the City of Bend.

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.

6. The City of Bend's existing surface water diversion capacity is currently approximately 18 cfs; however, it has approximately 21 cfs of surface water rights (excluding permits). Thus, additional system capacity is needed to complete the changes authorized in transfer application B-112, in combination with the City of Bend's existing water rights.
7. To fully complete the change, it will be necessary for the city to complete the feasibility studies concerning improvements to surface water diversion and water treatment infrastructure. The city must also implement such improvements and complete the changes under transfer application B-112 in combination with existing water rights.
8. The City has not been able to complete the change within the times allowed because of the cost and complexity of the project.

**Conclusions of Law**

Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application B-112.

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

The time for completion of beneficial use authorized by B-112 shall be extended to October 1, 2019.

Dated at Salem, Oregon this 18<sup>th</sup> day of May, 2009

  
Phillip C. Ward, Director *pm*

Mailing date: MAY 20 2009