

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

In the Matter of Permit Amendment                    )     FINAL ORDER  
T-12767, Deschutes County                            )     APPROVING A CHANGE IN POINT  
  )     OF APPROPRIATION AND A  
  )     CHANGE IN PLACE OF USE

**Authority**

Oregon Revised Statute (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 SISTERS  
PAUL BERTAGNA  
520 E. CASCADE AVE  
PO BOX 39  
SISTERS, OR 97759

**Findings of Fact**

1. On November 1, 2017, filed an application to change the point of appropriation and to change the place of use under Permit G-13316. The Department assigned the application number T-12767.
2. On June 8, 2012, the Department approved an extension of time for complete application of water to October 1, 2023.
3. On September 26, 2017, the Department approved an assignment of the permit to City of Sisters.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on November 7, 2017, and in the Bend Bulletin newspaper on July 19 and 26, 2019, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

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 and OAR 690-01-0005 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.

5. Permit Amendment Application T-12767 proposes to move the authorized point of appropriation with approximate distances from the existing point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from existing Well
15 S	10 E	WM	8	SW SW	WELL 4 – 230 FEET NORTH AND 1125 FEET EAST FROM THE SW CORNER OF SECTION 8	0.74 mile
15 S	10 E	WM	9	SW NE	EASTSIDE WELL - 1505 FEET SOUTH AND 1715 FEET WEST FROM THE NE CORNER OF SECTION 9	1.0 mile

6. Permit Amendment Application T-12767 also proposes to change the place of use of the permit to:

QUASI-MUNICIPAL
WITHIN THE SERVICE BOUNDARIES OF THE CITY OF SISTERS

***Permit Amendment Review Criteria***

7. The changes would not result in injury to other water rights.
8. The proposed place of use is owned and/or controlled by the permit holder.
9. The changes do not enlarge the permit.
10. The changes do not alter any other terms of the permit.
11. The proposed place of use is contiguous to the authorized place of use.

**Conclusions of Law**

The change in point of appropriation and change in place of use proposed by Permit Amendment Application T-12767 are consistent with the requirements of ORS 537.211.

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

1. The change in point of appropriation and change in place of use proposed by Permit Amendment Application T-12767 are approved.
2. Permit G-18261, in the name of City of Sisters, is issued to replace Permit G-13316, and incorporates the amendments approved by this order, the extension of time, the assignment, and the Water Management and Conservation Plan. Permit G-13316, in the name of CITY OF SISTERS, is no longer of any force or effect.
3. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.

4. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing)
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
5. Water shall be acquired from the same aquifer as the original point of appropriation.
6. The former place of use shall no longer be irrigated as part of this permit.
7. All other terms and conditions of Permit G-18261 remain the same.

Dated at Salem, Oregon this           **AUG 06** 2019          

  
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Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

Mailing Date:           **AUG 07** 2019