

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
DESCHUTES COUNTY

IN THE MATTER OF A PARTIAL CANCELLATION)
OF WATER RIGHT CERTIFICATE 87416, IN THE) FINAL ORDER
NAME OF THE CITY OF BEND)

Authority

Oregon Revised Statute 540.621 and Oregon Administrative Rules 690-17-0100 direct the Commission to enter an order canceling a water right whenever the owner of a perfected and developed water right certifies under oath to the Commission that the water right has been abandoned and the owner desires to cancel the right.

Findings of Fact

1. On September 19, 2018, the Department received an AFFIDAVIT FOR THE DIMINUTION OF WATER RIGHT CERTIFICATE (Affidavit) from Eric King, City Manager, on behalf of the City of Bend (City), 710 NW Wall Street, Bend, OR 97703, stating the City is the legal holder of the Water Right Certificate 87416.
2. Certificate 87416 allows the use of 424 gallons per minute of the water of FIVE wells within the Deschutes Basin for QUASI-MUNICIPAL USE¹. The priority date is December 22, 1978.
3. Certificate 87416 authorizes, in part, the use of groundwater from Hole Ten Well #1 and Hole Ten Well #2, both in Township 18, South, Range 12 East, Section 10, SW1/4 NE1/4, W.M.
4. The Affiant states the City has sold wells Hole Ten Well #1 and Hole Ten Well #2 to Roats Water System. The City provided the Department with a letter dated September 14, 2018, from Bill Roats on behalf of Roats Water System and an ASSET PURCHASE AGREEMENT between the City of Bend and Roats Water System, Inc. dated August 9, 2016. These documents show consent by Roats Water System, Inc. to the removal of these two wells from the City's water rights as authorized points of appropriation. Removal of these two wells from Certificate 87416 is a partial cancellation of the certificate.

¹ The affidavit listed the use as Municipal Use, but by email acknowledged this a typographical error; the permit only authorizes Quasi-municipal Use.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a 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 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. The Affiant has requested a partial cancellation of Certificate 87416 to remove Hole Ten Well #1 and Hole Ten Well #2 as authorized points of appropriation from the certificate described in Finding of Fact #2, above.

Conclusions of Law

The Director of the Water Resources Department concludes the portion of the right described in Finding of Fact #3, and as evidenced by Certificate 87416 has been abandoned in accordance with the provisions of ORS 540.621 and shall be cancelled.

Now, therefore, it is ORDERED

1. Certificate 87416 is cancelled.
2. The Department shall issue a new and superseding certificate to describe the remaining portion of the water right NOT cancelled by the provisions of this order.

Dated at Salem, Oregon on NOV 08 2018



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

Mailing date: NOV 09 2018