

STATE OF OREGON

COUNTY OF DESCHUTES

ORDER APPROVING ADDITIONAL POINTS OF APPROPRIATION

Pursuant to ORS 537.705, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 9408 submitted by

CITY OF BEND  
ATTN: ROGER PROWELL  
575 NE 15TH STREET  
BEND, OREGON 97701.

The right to be modified, as evidenced by Certificate 79994, was perfected under Permit G-4946 with a date of priority of OCTOBER 13, 1971. The right allows the use of RIVER WELL #1, RIVER WELL #2, PILOT BUTTE #1, AND PILOT BUTTE #2, in the DESCHUTES RIVER BASIN, for MUNICIPAL USE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 4.87 cubic feet per second or its equivalent in case of rotation, measured at the wells.

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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The wells are located as follows:

RIVER WELL #1 - SW 1/4 NW 1/4, SECTION 5, TOWNSHIP 18 SOUTH, RANGE 12 EAST, W.M.; 3007.14 FEET SOUTH 58 DEGREES 04 MINUTES 01 SECOND EAST FROM AT THE NW CORNER OF THE NE 1/4 NE 1/4 SECTION 6;

RIVER WELL #2 - SW 1/4 NW 1/4, SECTION 5, TOWNSHIP 18 SOUTH, RANGE 12 EAST, W.M.; 1420 FEET SOUTH AND 950 FEET EAST FROM THE NW CORNER OF SECTION 5;

PILOT BUTTE #1 - NE 1/4 NE 1/4, SECTION 33, TOWNSHIP 17 SOUTH, RANGE 12 EAST; 200 FEET NORTH AND 400 FEET EAST FROM THE SW CORNER NE 1/4 NE 1/4, SECTION 33; AND

PILOT BUTTE #2 - NE 1/4 NE 1/4, SECTION 33, TOWNSHIP 17 SOUTH, RANGE 12 EAST; 100 FEET NORTH AND 370 FEET EAST FROM THE SW CORNER NE 1/4 NE 1/4, SECTION 33.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

WITHIN SERVICE AREA  
CITY OF BEND

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

The applicant proposes to add two points of appropriation to:

BEAR CREEK #1 - SE¼ SE¼, SECTION 33, T 17 S, R 12 E, W.M.; 1074.4 FEET NORTH 40 DEGREES 59 MINUTES 46 SECONDS WEST FROM THE SE CORNER, SECTION 33; AND

BEAR CREEK #2 - SE¼ SE¼, SECTION 33, T 17 S, R 12 E, W.M.; 1087.9 FEET NORTH 33 DEGREES ZERO MINUTE 23 SECONDS WEST FROM THE SE CORNER, SECTION 33.

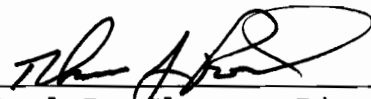
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2008.
2. The combined quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully authorized by the water right.
3. **Prior** to diverting water from the new points of appropriation, the water user **shall** install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Water shall be acquired from the same aquifer as the original point of appropriation.

Certificate 79994 is canceled. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed JUL 07 2003\_\_\_\_\_.

  
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Paul R. Cleary, Director