

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

IN THE MATTER OF A PARTIAL)
CANCELLATION OF WATER RIGHT) ORDER
PERMIT G-16178, IN THE NAME OF CITY)
OF BEND)

Findings of Fact

1. On September 19, 2018, the Department received an AFFIDAVIT FOR THE DIMINUTION OF A WATER RIGHT PERMIT from Eric King, City Manager, on behalf of the City of Bend (City), 710 NW Wall Street, Bend, OR, 97703, stating that the City is the legal holder of the Water Right Permit G-16178.
2. Permit G-16178 allows for the use of 12.0 cubic feet per second of water, limited to a maximum annual volume of 3223.0 acre-feet, for municipal use. The date of priority is August 27, 1992.
3. Permit G-16178 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 20, SE¼ NE¼, W.M.
4. The Affiant states the City has sold Hole Ten Well #1 and Hole Ten Well #2 to Roats Water System, Inc. The City provided the Department with a letter dated September 14, 2018, from Bill Roats, on behalf of Roats Water Systems 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 Permit G-16178 is a partial cancellation of the permit.
5. The Affiant has requested a partial cancellation of Permit G-16178 to remove Hole Ten Well #1 and Hole Ten Well #2 as authorized points of appropriation from the permit described in Finding of Fact #2, above.

Conclusions of Law

The Director of the Water Resources Department concludes the portion of the right evidenced by Permit G-16178 has been abandoned in accordance with the provisions of ORS 540.621 and shall be cancelled.

This is a final 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.

Now, therefore, it is ORDERED:

1. Permit G-16178, dated May 2, 2007, is cancelled and is of no further force or effect.
2. The Department shall issue Permit G-18124 to describe the remaining portion of the water right NOT cancelled by the provisions of this order.

Dated at Salem, Oregon JUL 25 2019



Dwight French, Water Right Services Division Administrator
for Thomas M. Byler, Director

Mailing date: JUL 26 2019