

STATE OF OREGON

COUNTY OF DESCHUTES

ORDER APPROVING A CHANGE IN 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 7009 submitted by

CITY OF BEND
PO BOX 431
BEND, OREGON 97709.

The right to be modified, as evidenced by a PORTION of Certificate 68458, was perfected under Permit G-4946 with a date of priority of OCTOBER 31, 1971. The right allows the use of WELLS 1 AND 2, in the DESCHUTES 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 7.57 cubic foot per second, if available at the original wells; SW $\frac{1}{4}$ NW $\frac{1}{4}$ AND SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 5, T 18 S, R 12 E, WM; WELL 1 - SOUTH 58° 04' 01" EAST, 3007.14 FEET; WELL 2 - SOUTH 55° 54' 56" EAST, 3419.16 FEET; BOTH FROM THE NW CORNER OF THE NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 6, or its equivalent in case of rotation, measured at the well.

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

The authorized place of use is as follows:

WITHIN THE SERVICE AREA OF THE CITY OF BEND

This use may be regulated if analysis of data available discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of this right or as those quantities may be reduced.

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

The applicant proposes to add points of appropriation to:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 25, T 17 S, R 11 E, WM; 112 FEET SOUTH AND 108 FEET EAST FROM THE NW CORNER OF THE SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 25, FOR 4.01 CFS;

NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 33, T 17 S, R 12 E, WM; 200 FEET NORTH AND 300 FEET EAST FROM THE SE CORNER OF THE NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 33, FOR 1.86 CFS; AND,

Ext. on 3/4/99 v53 P320

NE¼ NE¼, SECTION 33, T 17 S, R 12 E, WM; 200 FEET NORTH AND 400 FEET EAST FROM THE SE CORNER OF THE NE¼ NE¼, SECTION 33, FOR 1.70 CFS.

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

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, 1997.
2. The quantity of water diverted at the new points of appropriation (well), together with the quantity diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available from the original points of appropriation.
3. When required by the Department the water user shall install an in-line flow meters or other suitable devices for measuring and recording the quantity of water used. The types and plans of the measuring devices 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 points of appropriation.
5. If withdrawal of water from the new well located in the SW¼ NE¼, Section 25, T 17 S, R 11 E, WM, causes substantial interference with the well on water right Permit G-11106, and this interference would not have occurred had the same amount of water been withdrawn from the original well, use of water from the new well shall be discontinued or reduced to mitigate the interference.

Certificate 68458 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. 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 November 23, 1995.

Martha O. Pagel
for Martha O. Pagel, Director