

3112 Bend, City of
Bend, Ore

B-112

T 162

STATUS OF APPLICATION

Change in use, place of use and pt. of div.
Date filed June 11, 1959
Date returned for further data
Date application completed
Notice for publication mailed
Date notice published
Date of hearing
Place of hearing
Date of order 12-28-59 Vol. 10, page 288
Date of application of water 10-1-68 ext to 89
Proof mailed
Proof received
Certificate issued Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Tumalo Creek
Trib. of _____ County of Deschutes
Use municipal
Quantity of water _____ No. of acres _____
Name of ditch Tumalo
Date of priority 1900, 1907, 1913
In name of _____
_____ Adjudication, Vol. _____, Page _____
App. No. _____ Per No. _____ Cert. No. _____
Certificate cancelled
Notation made on record by WV

FEES PAID

Date	Amount	Receipt No.
6-11-59	15.00	22137
6-11-59	30.00 Pub. Not.	22137
2-23-98	\$100.00	19303
Total		
4-28-65	\$1 Cert. Fee	22137
8-20-79 Refund \$1.00 Office ch # 3692		

FEES REFUNDED

Date	Amount	Check No.
11/10/59	9.41	7849

REMARKS

Ext 8 Time 5-18-09 V. 77 p. 767 / ext to 2019 C-Date
→ Ext 2038

Date	Fees Paid Cont'd Amount	Receipt #
7/19/19	670.00	130311

STATE OF OREGON
COUNTY OF DESCHUTES
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF BEND
62975 BOYD ACRES ROAD
BEND OR 97701

confirms the right to the use of water perfected under the terms of Permit S-19628. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point(s) of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: TUMALO CREEK, CRATER CREEK, LITTLE CRATER CREEK, AND THREE SPRING BRANCHES, A TRIBUTARY OF TUMALO CREEK AND DESCHUTES RIVER

PURPOSE OR USE: MUNICIPAL USE

MAXIMUM RATE AND VOLUME: THE QUANTITY OF WATER DIVERTED UNDER THIS APPROPRIATION, TOGETHER WITH THE QUANTITY OF WATER DIVERTED UNDER CERTIFICATE 96101, SHALL NOT EXCEED THE FOLLOWING:

CUBIC FEET PER SECOND AT DIVERSION						TOTAL ACRE FEET AT DIVERSION DURING SEASON
APRIL 1 TO MAY 1	MAY 1 TO MAY 15	MAY 15 TO SEPT 15	SEPT 15 TO OCT 1	OCT 1 TO NOV 1	NOV 1 TO APRIL 1	
2.43	3.23	5.99	3.23	2.43	0	1923.5

PERIOD OF USE: APRIL 1 TO NOVEMBER 1

DATES OF PRIORITY: OCTOBER 29, 1913

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	10 E	WM	7	SE NE	CITY OF BEND INTAKE (BRIDGE CREEK) - 465 FEET NORTH AND 542 FEET WEST FROM THE SE CORNER OF SE 1/4 OF THE NE 1/4, SECTION 7

A description of the place of use is as follows:

WITHIN THE CORPORATE LIMITS OF CITY OF BEND AND SURROUNDING TERRITORY SERVED BY
ITS WATER SUPPLY PIPELINES

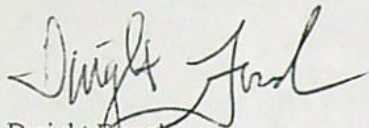
NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described; however, water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

This certificate is issued to confirm changes in POINT OF DIVERSION, PLACE OF USE, and CHARACTER OF USE approved by an order of the Water Resources Director entered DECEMBER 28, 1959, at Special Order Volume 10, Page 288, approving Transfer Application B-112, and together with Certificate 74147, supersedes Certificate 26050, State Record of Water Right Certificates.

Issued MAR 02 2022

A handwritten signature in dark ink, appearing to read "Dwight French", is written over the printed name.

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

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF BEND
62975 BOYD ACRES ROAD
BEND OR 97701

confirms the right to use the waters of TUMALO CREEK, A TRIBUTARY OF THE DESCHUTES RIVER, IN CROOK COUNTY, OREGON for MUNICIPAL USE.

This right was confirmed by decrees of the Circuit Court of the State of Oregon for Crook County. The decrees are of record at Salem, in the Order Record of the Water Resources Director in Volume 1, at Page 135 and Volume 191, at Page 188. The dates of priority are SEPTEMBER 1900 and JUNE 1, 1907.

The amount of water used to which such right is entitled and hereby confirmed for the purposes aforesaid, is limited to an amount actually beneficially used for said purpose.

This right shall be limited to a maximum diversion of 2.01 CUBIC FEET PER SECOND (CFS) BEING, 1.62 CFS WITH PRIORITY DATE SEPTEMBER 1900 AND 0.39 CFS WITH PRIORITY DATE JUNE 1, 1907, beginning on April 15 and ending on October 15 of each year, and the total quantity diverted during said period shall not exceed 253.6 acre feet, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	10 E	WM	7	SE NE	CITY OF BEND INTAKE (BRIDGE CREEK) - 465 FEET NORTH AND 542 FEET WEST FROM THE SE CORNER OF SE 1/4 OF THE NE 1/4, SECTION 7

A description of the place of use is as follows:

WITHIN THE CORPORATE LIMITS OF CITY OF BEND AND SURROUNDING TERRITORY SERVED BY ITS WATER SUPPLY PIPELINES

The right is subject to all other conditions and limitations contained in the decrees.

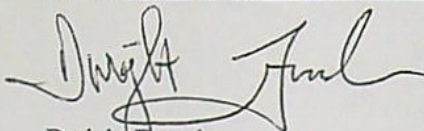
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described; however, water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

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 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

This certificate is issued to confirm changes in POINT OF DIVERSION, PLACE OF USE, and CHARACTER OF USE approved by an order of the Water Resources Director entered DECEMBER 28, 1959, at Special Order Volume 10, Page 288, approving Transfer Application B-112, and together with Certificate 31410 and the adjudication proceedings for the relative rights to the use of the waters of Tumalo Creek and its tributaries, supersedes Certificate 73, a portion of Certificate 87, and a portion of the rights determined by the adjudication proceedings for the relative rights to the use of the waters of Tumalo Creek and its tributaries.

Issued MAR 02 2022

A handwritten signature in black ink, appearing to read "Dwight French", written over a horizontal line.

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

Claim of Beneficial Use Map

Place of Use

Transfer B-112

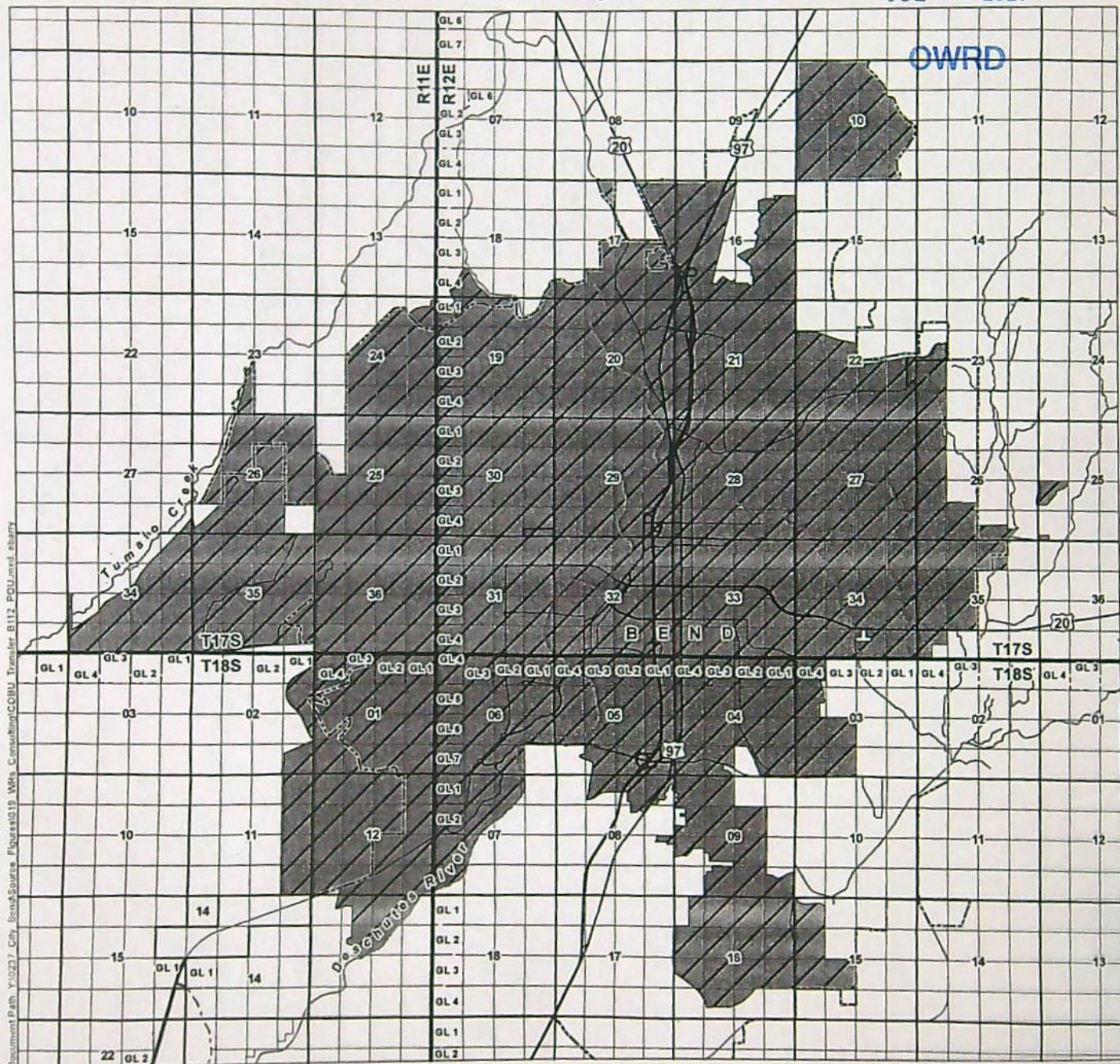
Deschutes County, Oregon

Township 17 and 18 South, Range 11 and 12 East (W.M.)

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JUL 12 2021

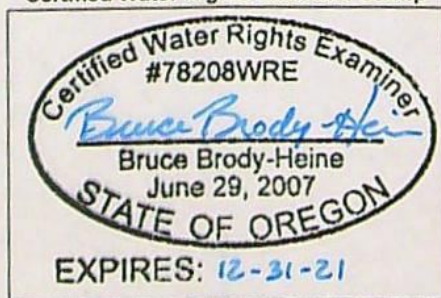
OWRD



LEGEND

- Place of Use (POU)
- City Water Service Boundary
- Government Lot (GL)
- City Boundary
- Major Road
- Watercourse

Certified Water Rights Examiner Stamp

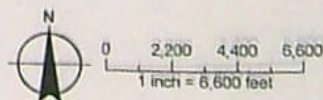


DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: March 1, 2021
Data Sources: BLM, OGIC,
City of Bend

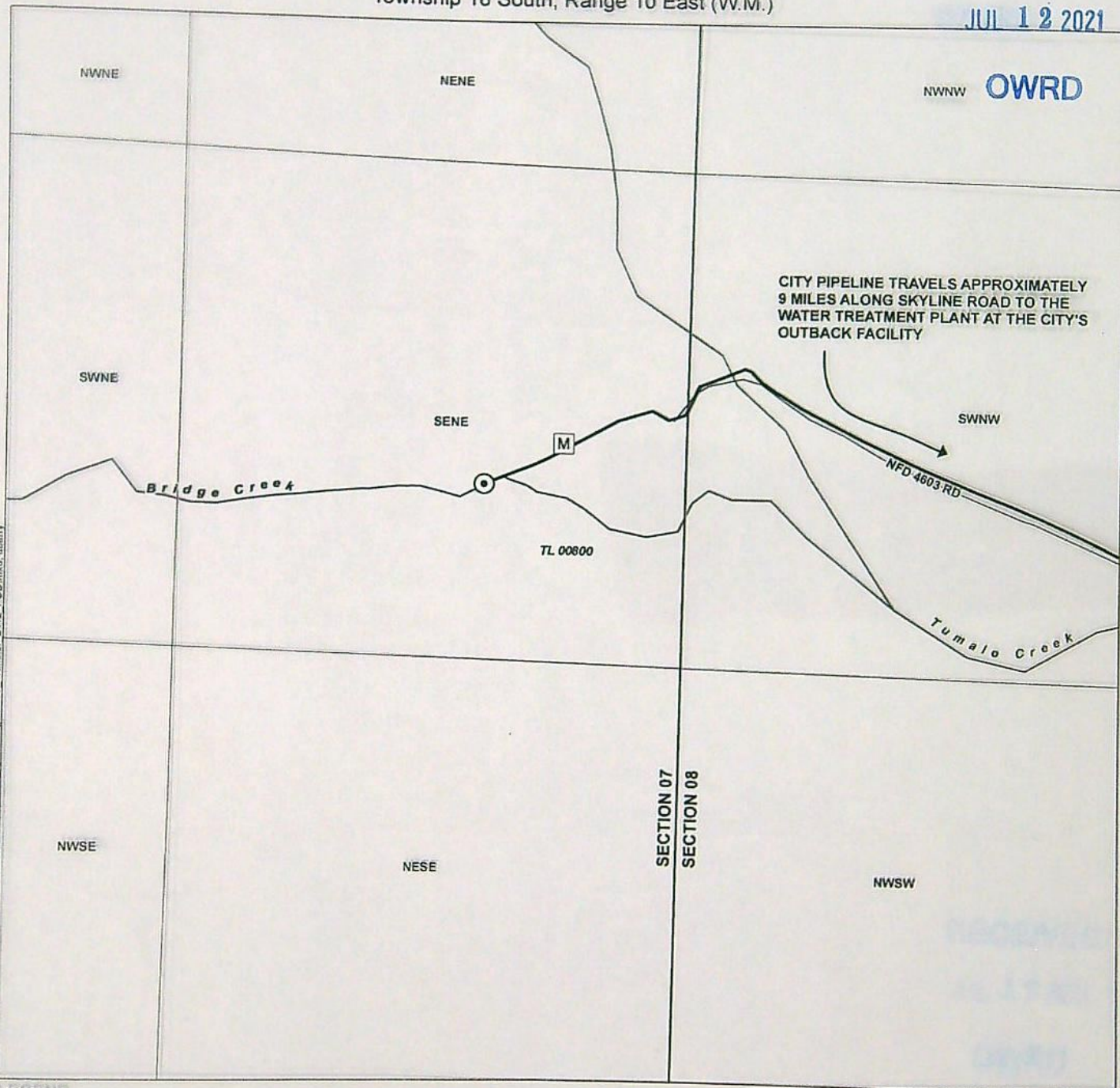


Claim of Beneficial Use Map Point of Diversion

Transfer B-112
Deschutes County, Oregon
Township 18 South, Range 10 East (W.M.)

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LEGEND

- Point of Diversion (POD)
- Meter Location
- Pipeline
- Road
- Watercourse

POD LOCATION DESCRIPTION

Located 465 feet North and 542 feet West from the SE corner of the SE 1/4 of the NE 1/4 Quarter Section, Section 7, Township 18 South, Range 10 East (W.M.)
Water meter: Located 585 feet North and 325 feet West from the SE corner of the SE 1/4 of the NE 1/4 Quarter Section, Section 7, Township 18 South, Range 10 East (W.M.)

Certified Water Rights Examiner Stamp

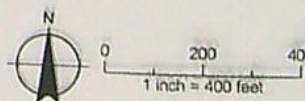


DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: June 24, 2021
Data Sources: BLM, OGIC, City of Bend



**CLAIM OF
BENEFICIAL USE
for Transfer with Multiple
Changes – Surface Water**



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

A fee of \$200 must accompany this form for any Transfer final orders including a water right with a priority date of July 9, 1987, or later.

This COBU is for water rights with priority date of 1900, 1907, and 1913; therefore, no fee is required

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SECTION 1

GENERAL INFORMATION

Type of Authorized Change

This Claim is being submitted for a transfer involving multiple changes.

YES

Mark all that apply:

- | | |
|--|--|
| 1. ☒ Change in POD(s) or Additional POD(s) | 2. ☒ Change in Place of Use |
| 3. ☒ Change in Character of Use | 4. ☐ Change in Character of Use – Reservoir |

A separate section will be completed for each type of change authorized in the transfer final order.

1. File Information

APPLICATION #

Transfer B-112

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME City of Bend; Public Works Department		PHONE NO. 541-317-3008	ADDITIONAL CONTACT NO. ATTN: Patrick Griffiths
ADDRESS 62975 Boyd Acres Rd			
CITY Bend	STATE OR	ZIP 97701	E-MAIL pgriffiths@bendoregon.gov

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. Each transfer holder of record must sign this form.

3. Transfer holder of record (this may, or may not, be the current property owner)

TRANSFER HOLDER OF RECORD City of Bend; Public Works Department		
ADDRESS 62975 Boyd Acres Rd		
CITY Bend	STATE OR	ZIP 97701

4. Date of Site Inspection:

5/20/21

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Patrick Griffiths	5/20/21	Bend Water Resources Manager
Tyler Babich	5/20/21	Bend Water System Operator

6. County:

Deschutes

7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD		
N/A – Municipal Water Right		
ADDRESS		
CITY	STATE	ZIP

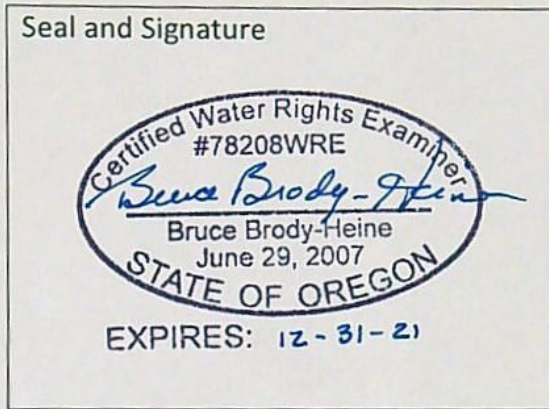
Add additional tables for owners of record as needed

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SECTION 2
SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



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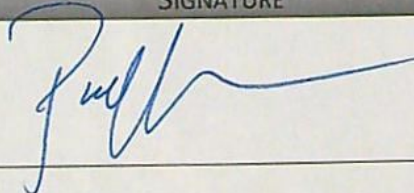
OWRD

CWRE NAME Bruce Brody-Heine		PHONE NO. 971.200.8519	ADDITIONAL CONTACT NO.
ADDRESS 147 SW Shevlin Hixon Drive, Suite 201			
CITY Bend	STATE OR	ZIP 97702	E-MAIL bbheine@gsiws.com

Transfer Holder of Record Signature or Acknowledgement

Each transfer holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Patrick Griffiths	City of Bend Water Resources Manager	July 1, 2021

SECTION 3
Changes Made

Note: The Claim only needs to describe the changes that were authorized in the transfer final order.

Change #1

New or Additional Point of Diversion
Change in POD(s) or Additional POD(s)

*Changes described below apply to all the rights described in 2 (a) and (b) of
the Final Order for Transfer B-112.*

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Did the transfer order authorize a change in the points of diversion or additional points of diversion? **YES**

If "NO", this Section can be deleted.

1. New or additional point of diversion name or number:

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)	SOURCE
City of Bend Surface Water Intake	Bridge Creek ¹

The POD and POU maps are presented in Attachment 1.

¹ As described in the order approving Transfer B-112 (Volume 10, page 288-294), the transfer changed the point of diversion to the City's intake in the SE ¼ NE ¼, Section 7, which is on Bridge Creek, a quarter mile above the confluence with Tumalo Creek (See Attachment 2, B-112 and Extension Orders).

2. Variations:

Was the use developed differently from what was authorized by the transfer final order, or extension final? **NO**

If yes, describe below.

(e.g. "The order allowed three new/additional points of diversion. The water user only developed one of the points.")

N/A

3. Claim Summary:

NEW OR ADDITIONAL POD NAME OR #	MAXIMUM RATE AUTHORIZED IN ORDER	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
City of Bend Surface Water Intake	5.99 cfs	77.6 cfs (pipeline capacity) 31.0 cfs (treatment plant)	18.2 cfs

The measured amount listed above reflects both the amount measured capped at the amount allowed in the City's USFS SUP, described below.

System Description

Are there multiple new or additional Points of Diversion (POD)? **NO**

If "YES" you will need to copy and complete Sections A, B, or C in this Section for each POD.
POD Name or Number this section describes (only needed if there is more than one):

N/A

A. POD System Information

Provide the following information concerning the point of diversion. Information provided must describe the equipment used to appropriate water from the point of diversion.

The POD is a diversion system in the creek that diverts water into a gravity flow pipe system which is described under Section B. There are no pumps associated with the diversion.

1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
N/A					

2. Motor Information

MANUFACTURER	HORSEPOWER
N/A	

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3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
N/A				

4. Provide pump calculations:

N/A

5. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
N/A			

Reminder: For pump calculations use the reference information at the end of this document.

6. Additional notes or comments related to the system:

N/A – The POD is a diversion system in the creek that diverts water into a gravity flow pipe system which is described under Section B. There are no pumps associated with the diversion.

B. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the diversion involve a gravity flow pipe?

YES

If "NO", items 2 through 4 relating to this section may be deleted.

2. Complete the table:

PIPE SIZE	PIPE TYPE	"C" FACTOR	AMOUNT OF FALL	LENGTH OF PIPE	SLOPE	COMPUTED RATE OF WATER FLOW (IN CFS)
30"	Steel	130	1010 ft	48,219 ft	2.1%	77.56 cfs

The calculated pipe flow is provided above, however the system is further limited by the City's water treatment plant capacity which has a maximum flow of 31.0 cfs.

3. Provide calculations:

See Attachment 3, Pipe Flow Calculations.

4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)
5/20/2021	Bruce Brody-Heine/CWRE	SCADA System Bridge Creek Meter	17.79 cfs

Attach measurement notes.

Observed rate reflect the plant's water demand at the time. Attachment 4 presents the City SCADA data that documents beneficial use for 4 hours.

C. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Does the diversion involve a gravity flow ditch or canal?

NO

If "NO", items 2 through 4 relating to this section may be deleted. Items 2 through 4 were deleted.

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Change #2

Change in Place of Use

Changes described below apply to all the rights described in 2 (a) and (b) of the Final Order for Transfer B-112.

Did the transfer order authorize a change in the place of use?

YES

If "NO", this Section can be deleted.

1. Claim Summary – Authorized Use: **Municipal Use**

Transfer authorized the POU changed to "...within the corporate limits of the said city [City of Bend] and surrounding territory served by its water supply pipelines...."

See Attachment 1 for POU and system map.

If Irrigation or Nursery Use:

THE # OF ACRES ALLOWED	THE # OF ACRES DEVELOPED
N/A	

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2. Variations:

Was the use developed differently from what was authorized by the transfer final order?

NO

If yes, describe below.

(e.g. "The order authorized a change in place of use for 40 acres. The water user only developed 38 acres.")

N/A

Change #3

Change in Character of Use

Changes described below apply to all the rights described in 2 (a) and (b) of the Final Order for Transfer B-112.

Did the transfer order authorize a change in character of use?

YES

If "NO", this Section can be deleted.

1. Claim Summary – New Use(s):

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Provide the new uses authorized by the transfer final order:

NEW USE(S) AUTHORIZED

Municipal Use

OWRD

Attachment 4 – presents documentation of beneficial use for four hours.

2. Variations:

Were all the uses developed from what was authorized by the transfer final order?

YES

If no, describe below.

(e.g. "The order authorized changes in character of use to industrial, commercial, and livestock. The water user did not develop the commercial use.")

N/A

Additional Information

The capacity of City's pipeline is 77 cfs and the rated maximum capacity of the surface water treatment plant is 31.0 cfs for municipal use. The City has a US Forest Special Use Permit (SUP) (relevant excerpts included in Attachment 5) for the diversion and conveyance of surface water from the Bridge Creek POD. Under the SUP the City is limited by municipal demand, up to a maximum hourly average diversion rate of 18.2 cfs.

The City of Bend has other certificated surface water rights that are also appropriated at the Bridge Creek POD (Certificates 85526, 31411, 31665, and 85713). Given the varying priority dates of the City's water rights during the peak demand season, the City relies on the full authorized amount of water under Transfer B-112 for beneficial municipal use.

SECTION 4 CONDITIONS

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Changes described below apply to all the rights described in 2 (a) and (b) of the Final Order for Transfer B-112.

All conditions contained in the transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE AUTHORIZED CHANGES WERE COMPLETED *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	12/28/1959	
COMPLETENESS DATE FROM ORDER (C)	10/1/2038	6/2/2021

* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

2. Is there an extension final order(s)?

YES

See Attachment 2

If "NO", you may delete the following table.

If for a transfer extension order, provide the following information:

VOLUME	PAGE	DATE EXTENDED TO
N/A	N/A	10/1/1984
N/A	N/A	10/1/1989
77	767 - 768	10/1/2019
113	838-839	10/1/2038

3. Measurement Conditions:

a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device?

YES

Transfer B-112's Final Order is vague on this topic, but the City's system is fully metered and the metering system for the Bridge Creek diversion is described below.

If "NO", items b through f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion.

b. Has a meter been installed?

YES

c. Meter Information

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Bridge Creek POD	GE-Panametrics	15727	working	4,026,585 gals (on 6/8/2021)	June 2016

If a meter has been installed, items d through f relating to this section may be deleted.

4. Recording and reporting conditions

- a. Is the water user required to report the water use to the Department? **NO**
Water Use Reporting is not required under this Transfer, however the City does report all water use annually including the use from the Bridge Creek diversion

If "NO", item b relating to this section may be deleted. Item b was deleted.

5. Fish Screening

- a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? **NO**
Although the transfer does not require screening, the City's POD contains approved fish screens.

If "NO", items b through e relating to this section may be deleted. Items b through e were deleted.

6. By-pass Devices

- a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? **NO**

If "NO", items b and c relating to this section may be deleted. Items b and c were deleted.

7. Other conditions required by the transfer final order or extension final order:

- a. Was the water user required to restore the riparian area if it was disturbed? **NO**
b. Was a fishway required? **NO**
c. Other conditions? **NO**

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

N/A

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SECTION 5
ATTACHMENTS

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Provide a list of any additional documents you are attaching to this report:

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ATTACHMENT NAME	DESCRIPTION
Attachment 1	POD and POU Maps
Attachment 2	Transfer B-112 Final Order and Extension of Time Final Orders
Attachment 3	Theoretical Gravity Pipe Flow Calculations
Attachment 4	Documentation of Beneficial Use
Attachment 5	Excerpts from City's US Forest Service Special Use Permit

SECTION 6
CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on polyester film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional points of diversion, the original points must be identified the map based on the original right of record at the time the transfer final order was issued.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

The City of Bend is a municipal water supplier with a good understanding of their system components and component locations. During the site inspection the CWRE visited the POD, site facilities, and observed the transmission main meter, but did not independently survey the locations of these structures. These COBU maps were created using information provided by the City of Bend using Geographic Information System (GIS) software and spatial datasets obtained from Oregon Water Resources Department (OWRD), Oregon Geospatial Enterprise Office (GEO), and Deschutes County. The georeferenced data sources are described on the maps. Additional data and information specific to the permittee's property and the permittee's use of under the water right described in this Claim of Beneficial Use report were obtained from the water right holder.

Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- N/A** If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- N/A** Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☒ Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- N/A** Tax lot boundaries and numbers
- ☒ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

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ATTACHMENT 1

POD and POU Maps

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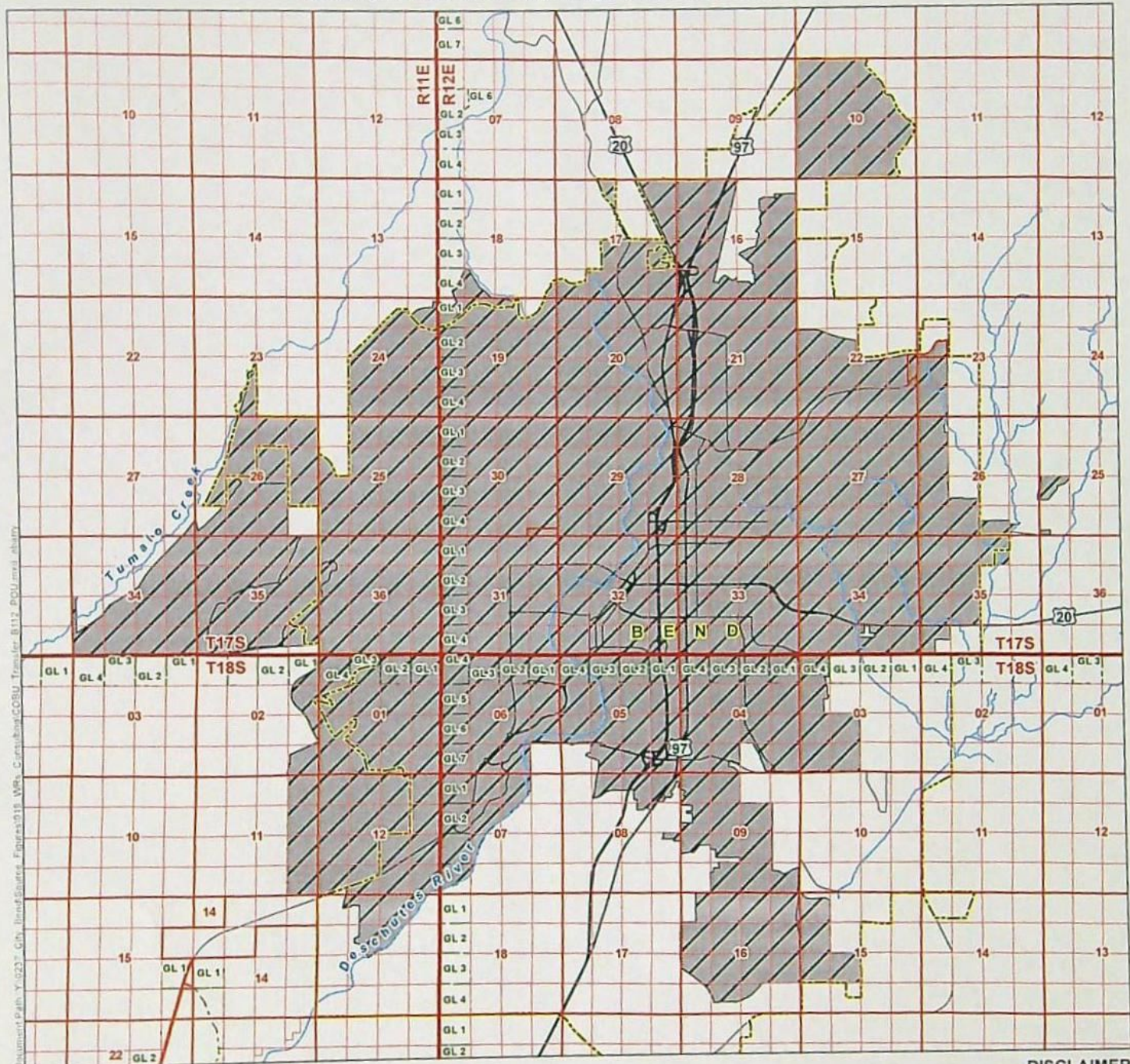
Claim of Beneficial Use Map

Place of Use

Transfer B-112

Deschutes County, Oregon

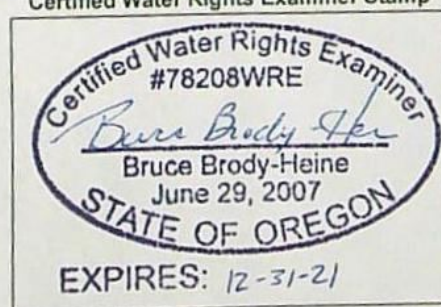
Township 17 and 18 South, Range 11 and 12 East (W.M.)



LEGEND

- Place of Use (POU)
- City Water Service Boundary
- Government Lot (GL)
- City Boundary
- Major Road
- Watercourse

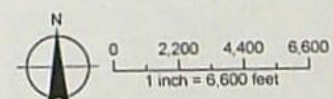
Certified Water Rights Examiner Stamp



DISCLAIMER
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: March 1, 2021
Data Sources: BLM, OGIC,
City of Bend



Claim of Beneficial Use Map

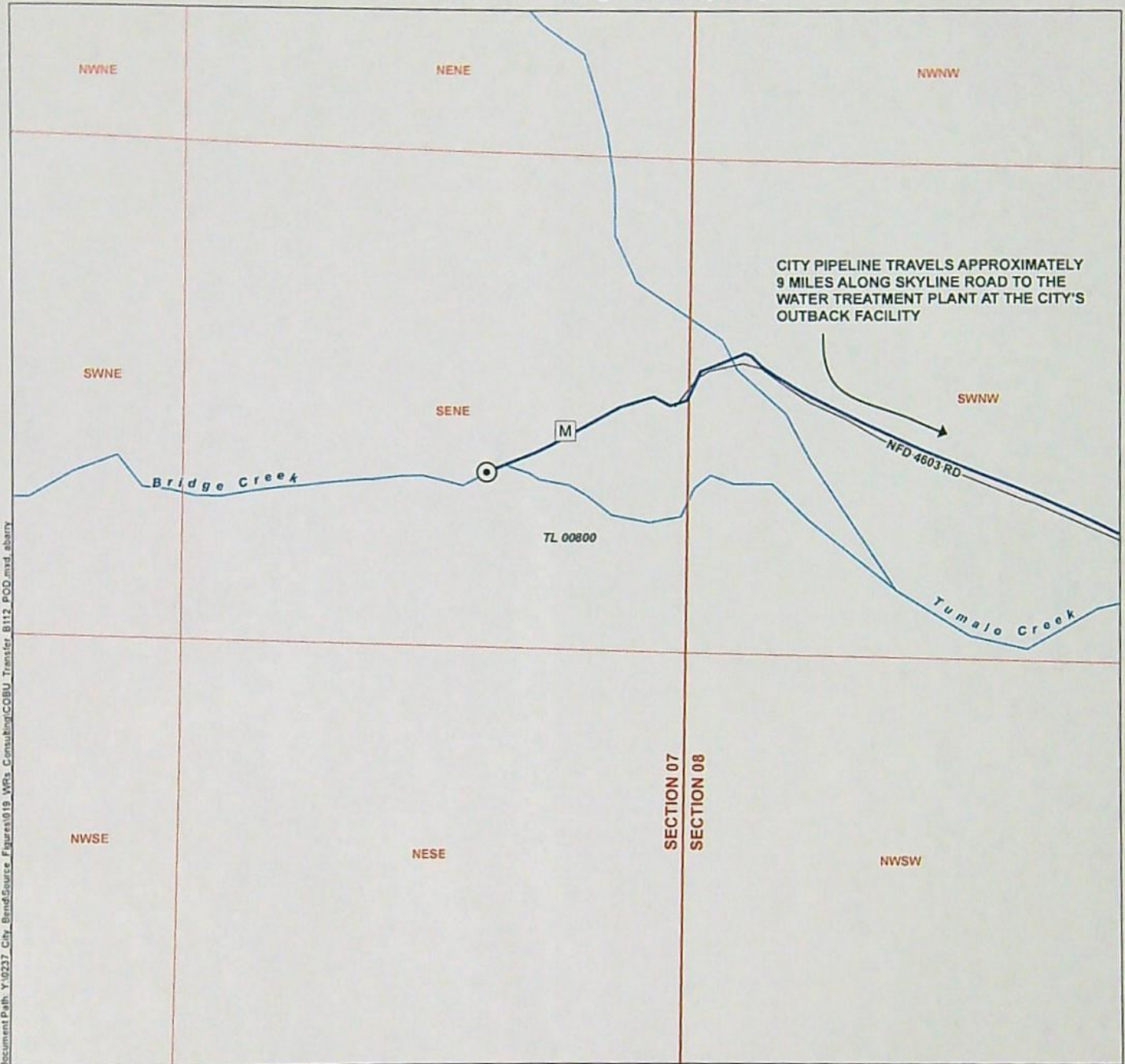
Point of Diversion

Transfer B-112
Deschutes County, Oregon
Township 18 South, Range 10 East (W.M.)

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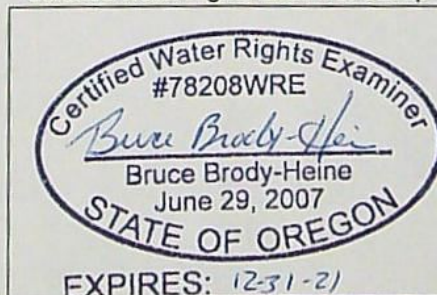
LEGEND

- Point of Diversion (POD)
- Meter Location
- Pipeline
- Road
- Watercourse

POD LOCATION DESCRIPTION

Located 465 feet North and 542 feet West from the SE corner of the SE 1/4 of the NE 1/4 Quarter Section, Section 7, Township 18 South, Range 10 East (W.M.)
Water meter: Located 585 feet North and 325 feet West from the SE Corner of the SE 1/4 of the NE 1/4 Quarter Section, Section 7, Township 18 South, Range 10 East (W.M.)

Certified Water Rights Examiner Stamp

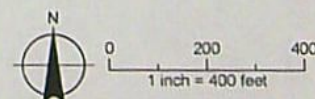


DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: June 24, 2021
Data Sources: BLM, OGIC, City of Bend



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ATTACHMENT 2

Transfer B-112 and Extension of Time FOs

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION
OF THE CITY OF BEND, OREGON, FOR
THE APPROVAL OF A CHANGE IN USE,
PLACE OF USE AND POINT OF DIVER-
SION OF WATER FROM TUMALO,
CRATER, LITTLE CRATER CREEKS AND
THREE SPRING BRANCHES.

ORDER

APPROVING APPLICATION

- 1 -

On June 11, 1959, the City of Bend, Oregon, filed an application in the office of the State Engineer for the approval of a change in use, place of use and point of diversion of water from Tumalo, Crater and Little Crater Creeks and Three Spring Branches pursuant to the provisions of ORS 540.510 to 540.530.

- 2 -

Following is a summary of the water rights appurtenant to the lands involved in the application:

(a) In the adjudication proceedings determining the relative rights to the use of the waters of Tumalo Creek and its tributaries a water right was established for the irrigation of 23.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 28.7 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 12.4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 16.4 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 23.6 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, and 9 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., with a date of priority of September 1900, and 7.6 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, and 20 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., with a date of priority of June 1, 1907, from Tumalo Creek. The right to the use of water from Tumalo Creek for the irrigation of these lands is limited to a rate of flow of one-seventieth of one cubic foot per second per acre and the quantity of water diverted during the irrigation season from April 15 to October 15 of each year is limited to a diversion of not to exceed 1.8 acre feet per acre.

(b) Certificate of water right issued to the Tumalo Irrigation District and recorded at page 26050, Volume 17, State Record of Water Right Certificates confirms a right under Permit No. 19528 for the irrigation of, among other lands, 20 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 16.4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.8 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 0.8 acre in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, and 1 acre in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, and 33.6 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., and supplemental irrigation of 23.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 28.7 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 12.4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 24 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 23.6 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, and 29 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., with a date of priority of October 29, 1913 from Tumalo Creek, Crater Creek, Little Crater Creek and Three Spring Branches. These lands, together with the lands described in paragraph (a) preceding, are irrigated through either the Tumalo Feed Canal or the Columbia Southern Canal, the point of diversion of the Tumalo Feed Canal being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, Township 17 South, Range 11 East, W. M., and the point of diversion of the Columbia Southern Canal being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 18 South, Range 10 East, W. M. The amount of water used for irrigation, together with the amount secured under any other rights existing for the same lands, shall be limited to:

Cubic Feet Per Second Per Acre at Diversion					Total Acre Feet Per Acre at Diversion During Season
April 1 to May 1	May 1 to May 15	May 15 to Sept. 15	Sept. 15 to Oct. 1	Oct. 1 to Nov. 1	
1 ft. to 80 acres	1 ft. to 60 acres	1 ft. to 32.4 ac.	1 ft. to 60 acres	1 ft. to 80 acres	9.91

(c) Certificate of water right issued to the Tumalo Irrigation District and recorded at page 26051, Volume 17, State Record of Water Right Certificates confirms a right under Permit No. 624 for the use of water stored in Crescent Lake Reservoir with a date of priority of April 7, 1911,

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for the supplemental irrigation of all lands described in paragraphs (a) and (b) preceding.

(d) In the adjudication proceedings determining the relative rights to the use of the waters of Deschutes River and its tributaries a water right was established in the name of the Deschutes County Municipal Improvement District for the use of 9.5 cubic feet per second of the waters of Deschutes River with a date of priority of 1905, which water right is appurtenant to all lands within the district including those lands described in paragraphs (a) and (b) preceding.

- 3 -

Agreements between the City of Bend, Oregon, and the Deschutes County Municipal Improvement District (now Tumalo Irrigation District) dated November 17, 1938 and June 10, 1939, provide that the right to the use of water from Tumalo Creek, Crater Creek, Little Crater Creek and Three Spring Branches for the irrigation of 194.1 acres of the 214.5 acres described in paragraph 2 (a) and (b), is to be transferred to the City of Bend, Oregon for municipal purposes. The agreements further provide that the City of Bend will perpetually pay to the Tumalo Irrigation District the annual assessments for operation and maintenance, the payment of outstanding indebtedness including outstanding bonds, and for replacements and capital repairs on the basis of 194.1 acres, each acre to be assessed equally as all other lands within the district are assessed. The agreements further provide that no water right shall be transferred from 20.4 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M. The agreements further provide that the land from which the water is being transferred shall be divested of all remaining water rights except for the 20.4 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M. That part of the 9.5 cubic feet per second of water from Deschutes River appurtenant to the 194.1 acres is to be transferred to the remaining

lands within the district and that part of the right for the use of the storage water from Crescent Lake Reservoir is to be eliminated from the certificate of water right heretofore issued to the Tumalo Irrigation District.

- 4 -

The City of Bend, Oregon, owner of the lands described in paragraph 2 herein, except for 20.4 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., proposes to transfer the right to the use of water from Tumalo Creek, Crater Creek, Little Crater Creek and Three Spring Branches appurtenant to the remaining 194.1 acres for irrigation purposes, to that of municipal use within the corporate limits of the City of Bend, Oregon, and surrounding territory served by its water supply pipeline and to divert the water at the City of Bend's intake from Tumalo Creek in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 18 South, Range 10 East, W. M.

- 5 -

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in use, place of use and point of diversion of water, if any there were, namely: at the county courthouse in Bend, Oregon, on December 15, 1939, beginning at 9:30 o'clock a.m. The notice was published in the Bend Bulletin, a newspaper printed and having general circulation in Deschutes County, Oregon, for a period of three weeks in the issues of October 20, 27 and November 3, 1939. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

- 6 -

No objections having been filed and it appearing that the proposed change in use, place of use and point of diversion of water may be made without injury to existing rights, the application should be approved.

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- 7 -

NOW, THEREFORE, it hereby is ORDERED that the water right from Tumalo Creek for the irrigation of 23.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 28.7 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 12.4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 16.4 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 23.6 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, and 9 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., with a date of priority of September 1900, and 7.6 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, and 20 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., with a date of priority of June 1, 1907, be severed therefrom and simultaneously and without loss of priority transferred to the City of Bend, Oregon for municipal use within the corporate limits of said city and surrounding territory served by its water supply pipelines and said water shall be diverted at the City of Bend's intake from Tumalo Creek located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 18 South, Range 10 East, W. M. The quantity of water heretofore used for the irrigation of 140.9 acres from Tumalo Creek described above and by this order transferred to municipal purposes by the City of Bend, Oregon, shall be limited to a maximum diversion of 2.01 cubic feet per second, beginning on April 15 and ending on October 15 of each year, and the total quantity diverted during said period shall not exceed 253.6 acre feet, measured at the existing meters in the city's parallel pipelines.

- 8 -

It is FURTHER ORDERED that the water right from Tumalo Creek, Crater Creek, Little Crater Creek and Three Spring Branches for the irrigation of 20 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 16.4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.8 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 0.8 acre in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, and 1 acre in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, and 13.2 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., and supplemental irrigation of 23.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 28.7 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 12.4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 24 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and

23.6 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, and 29 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., with a date of priority of October 29, 1913, be severed therefrom and simultaneously and without loss of priority transferred to the City of Bend, Oregon for municipal use within the corporate limits of the said city and surrounding territory served by its water supply pipelines and said water shall be diverted at the City of Bend's intake from Tumalo Creek located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 18 South, Range 10 East, W. M. The quantity of water diverted under this appropriation, together with the quantity of water diverted under the right described in paragraph 7 above, shall not exceed the following:

Cubic Feet Per Second at Diversion							Total Acre Feet at Diversion During Season
April 1 to May 1	May 1 to May 15	May 15 to Sept. 15	Sept. 15 to Oct. 1	Oct. 1 to Nov. 1	Nov. 1 to April 1		
2.43	3.23	5.99	3.23	2.43	0		1923.5

- 9 -

It is FURTHER ORDERED that that part of the right to the use of 9.5 cubic feet per second of the waters of Deschutes River with a date of priority of 1905, appurtenant to the lands described in paragraphs 7 and 8 above, be severed therefrom and simultaneously and without loss of priority transferred to the remaining lands having water rights within the Tumalo Irrigation District.

- 10 -

It is FURTHER ORDERED that the right to the use of water stored in Crescent Lake Reservoir for the irrigation of the lands described in paragraphs 7 and 8 hereof, be eliminated from certificate of water right issued to the Tumalo Irrigation District and recorded at page 26051, Volume 17, State Record of Water Right Certificates.

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- 11 -

It is FURTHER ORDERED that the water so transferred shall be applied to beneficial use by the City of Bend, Oregon, on or before October 1, 1968 or within such extension of time as may be granted by the State Engineer for good cause shown.

- 12 -

It is FURTHER ORDERED that certificates of water right recorded at pages 73 and 87, Volume 1, and page 26050, Volume 17, State Record of Water Right Certificates, which certificates involve the lands from which the water right were transferred herein, be and the same hereby are cancelled. New certificates shall be issued in lieu thereof describing the lands not involved in this transfer.

- 13 -

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use for municipal purposes within the corporate limits of the City of Bend, Oregon, and surrounding territory served by its water supply pipelines, a certificate of water right shall be issued to the City of Bend, Oregon, to the extent to which the water has been used beneficially.

Dated at Salem, Oregon this 28th day of December, 1959.

Noted on Decree

Vol. 16, p. 171

Cert. # 26509 as issued
eliminate the lands
from which the water
was transferred to
the City of Bend.

LEWIS A. STANLEY
State Engineer

Lewis A. Stanley

Trs. "B-112"

. 001

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Application for Extension) FINAL ORDER APPROVING AN
of Time for Transfer of Water Right) EXTENSION OF TIME
Authorized by B-112, Deschutes County,)
Oregon)

Applicant

CITY OF BEND
575 NE 15TH STREET
BEND, OREGON 97701

Findings of Fact

1. The Water Resources Department issued an order approving Transfer Application B-112 on December 28, 1959. The order was recorded in Special Order Volume 10, at Page 288. The order set a transfer completion date of October 1, 1968.
2. The Water Resources Department issued an order approving an extension of time dated June 5, 1980. The order was recorded by a letter from the Department and on the original extension application. The order set a transfer completion date of October 1, 1984.
3. The Water Resources Department issued an order approving an extension of time dated November 9, 1984. The order was recorded by a letter from the Department and on the original extension application. The order set a transfer completion date of October 1, 1989.
4. The Water Resources Department issued an order denying an extension of time dated December 2, 1998, because it appeared that an extension of time was not needed.
5. On May 12, 2009, the Department received an application for a new extension of time for transfer of water right from the City of Bend.

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 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.

B-112.ext.4.sah

Page 1 of 2

Special Order Volume 77, Page 767

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6. The City of Bend's existing surface water diversion capacity is currently approximately 18 cfs; however, it has approximately 21 cfs of surface water rights (excluding permits). Thus, additional system capacity is needed to complete the changes authorized in transfer application B-112, in combination with the City of Bend's existing water rights.
7. To fully complete the change, it will be necessary for the city to complete the feasibility studies concerning improvements to surface water diversion and water treatment infrastructure. The city must also implement such improvements and complete the changes under transfer application B-112 in combination with existing water rights.
8. The City has not been able to complete the change within the times allowed because of the cost and complexity of the project.

Conclusions of Law

Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application B-112.

Now, therefore, it is ORDERED:

The time for completion of beneficial use authorized by B-112 shall be extended to October 1, 2019.

Dated at Salem, Oregon this 18th day of May, 2009


Phillip C. Ward, Director

Mailing date: MAY 20 2009

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Application for Extension	)	FINAL ORDER APPROVING AN EXTENSION
of Time for Transfer Application B-112,	)	OF TIME
Deschutes County	)	

Applicant

CITY OF BEND
ATTN PAUL RHEAULT
62975 BOYD ACRES ROAD
BEND, OREGON 97701

Authority

Oregon Administrative Rules (OAR) 690-380-5140(2) authorizes the Department to grant an extension of time to complete a transfer.

OAR 690-380-6020 establishes an application process and criteria for the review of extensions of time to complete a transfer as authorized by a final order issued under OAR Division 380.

OAR 690-380-6020 (3) establishes that extensions are granted for one year, from October 1 to October 1 of each year. An extension for up to five years may be granted for transfers involving municipal or quasi-municipal use. Extensions may be granted for longer time if the applicant can justify the need for a longer period of time by submission of pertinent evidence.

Background

1. The Water Resources Department issued an order to the City of Bend approving Transfer Application B-112 on December 28, 1959. The order was recorded in Special Order Volume 10, at Page 288. The order set a transfer completion date of October 1, 1968. The order approved changes in character of use from irrigation to municipal use, place of use, and point of diversion pursuant to the provisions of 540.510 to 540.530.

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.

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2. The Water Resources Department issued an order approving an extension of time dated June 5, 1980. The order was recorded by a letter from the Department and on the original extension application. The order set a transfer completion date of October 1, 1984.
3. The Water Resources Department issued an order approving an extension of time dated November 9, 1984. The order was recorded by a letter from the Department and on the original extension application. The order set a transfer completion date of October 1, 1989.
4. The Water Resources Department issued an order denying an extension of time dated December 2, 1998, because it appeared that an extension of time was not needed.
5. On May 18, 2009, the Department signed an order, which was mailed on May 20, 2009, approving a fourth extension of time. The order was recorded in Special Order Volume 77, Pages 767-768. The order extended the transfer completion date to October 1, 2019.

Findings of Facts

6. On July 19, 2019, the Department received a fifth application for extension of time for Transfer Application B-112.
7. Since the approval of the most recent extension of time, the applicant has completed a \$70 million surface water improvement project, including an updated and expanded surface water intake, new and expanded transmission line, and construction of a membrane filtration water treatment plant. The City's new surface water system increased its diversion capacity. The City also obtained a special use permit (SUP) from the U.S. Forest Service for water system components located on U.S. Forest Service lands. The SUP limits the use of surface water to the extent that full beneficial use of water under B-112 in conjunction with other municipal water rights held by the City cannot yet be demonstrated. The SUP expires at the end of 2037.
8. To fully complete the change, the City needs additional time to allow for the U.S. Forest Service to issue an SUP that will not preclude the demonstration of the full beneficial use of Transfer B-112 to meet the demands of its municipal customers.
9. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2038. Consistent with OAR 690-380-6020(3), the applicant provided sufficient justification in the extension application to grant an extension for municipal use for more than five years year. The Department will extend the transfer completion date to October 1, 2038.

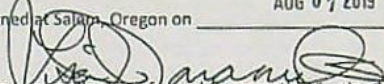
Conclusions of Law

Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application B-112.

Now, therefore, it is ORDERED:

The time for completion of the changes authorized by Transfer Application B-112 shall be extended to October 1, 2038.

Signed at Salem, Oregon on AUG 07 2019


Lisa Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYER, DIRECTOR
Oregon Water Resources Department

Mailing date: AUG 08 2019

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ATTACHMENT 3

Theoretical Gravity Pipe Flow Calculation

Pipe Capacity Calculator

for pipes flowing full, using the Hazen-Williams Formula

TOTAL SYSTEM CAPACITY	
<i>Roughness Coefficient</i>	130
30" Pipe Capacity =	77.558
Total Capacity =	77.558

City of Bend - 30" Pipe

Data Entry (fill in underlined blanks)

Interior Diameter = 30 inches, or 2.5 feet
Roughness Coefficient (C) = 130
Fall = 1010 feet per 48219 feet of distance
Grade = 0.0209461, or 2.1%

Results calculated

Area of cross-section = 4.9087385 square feet
Wetted Perimeter = 7.8539816 feet
Hydraulic Radius = 0.625
Velocity = 15.800066 feet per second

30" Pipe Capacity = 77.558 cubic feet per second

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ATTACHMENT 4

Documentation of Beneficial Use

City of Bend

Beneficial Use Documentation

Water Treatment Plant - June 2, 2021

Data collected by City of Bend Water Plant Operators

Date	cfs	gpm	Totalizing Flow Meter (gallons)
6/2/2021 6:00	17.6	7920	
6/2/2021 6:15	17.8	7968	
6/2/2021 6:30	17.7	7938	
6/2/2021 6:45	17.7	7953	
6/2/2021 7:00	17.8	7970	
6/2/2021 7:15	18.1	8126	
6/2/2021 7:30	18.35	8237	3561048
6/2/2021 7:45	18.55	8327	3685560
6/2/2021 8:00	18.50	8302	3810250
6/2/2021 8:15	18.63	8362	3935912
6/2/2021 8:30	18.65	8373	4061919
6/2/2021 8:45	18.56	8330	4186951
6/2/2021 9:00	18.63	8364	4312693
6/2/2021 9:15	18.58	8338	4437824
6/2/2021 9:30	18.57	8334	4563106
6/2/2021 9:45	18.59	8346	4688199
6/2/2021 10:00	18.62	8356	4813646
6/2/2021 10:15	18.55	8325	4938310
6/2/2021 10:30	18.59	8343	5063470
6/2/2021 10:45	18.57	8333	5188232
6/2/2021 11:00	18.56	8331	5313271
6/2/2021 11:15	18.52	8310	5437976
6/2/2021 11:30	18.50	8304	5562775
6/2/2021 11:45	18.6	8335	
6/2/2021 12:00	18.5	8285	
6/2/2021 12:15	18.4	8276	
6/2/2021 12:30	16.5	7397	
6/2/2021 12:45	14.2	6364	
6/2/2021 13:00	14.2	6369	
6/2/2021 13:15	16.8	7538	
6/2/2021 13:30	17.4	7823	
6/2/2021 13:45	17.5	7834	
6/2/2021 14:00	17.5	7861	
6/2/2021 14:15	17.5	7853	
6/2/2021 14:30	17.3	7782	
6/2/2021 14:45	17.4	7819	
6/2/2021 15:00	17.4	7790	
6/2/2021 15:15	17.4	7817	
6/2/2021 15:30	17.4	7817	
6/2/2021 15:45	17.5	7864	
6/2/2021 16:00	17.5	7847	
6/2/2021 16:15	17.4	7822	
6/2/2021 16:30	17.4	7831	
6/2/2021 16:45	17.6	7886	
6/2/2021 17:00	17.6	7895	

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ATTACHMENT 5

US Forest Service Special Use Permit (Excerpts)

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
SPECIAL USE PERMIT

Authority: FEDERAL LAND POLICY AND MGMT ACT, AS AMENDED October 21, 1976

BEND, CITY OF – UTILITY DEPARTMENT, 62975 BOYD ACRES ROAD, BEND, OR UNITED STATES 97701 (hereinafter "the holder") is authorized to use or occupy National Forest System lands in the **DESCHUTES NATIONAL FOREST** or the **Bend-Fort Rock Ranger District** unit of the National Forest System, subject to the terms and conditions of this special use permit (**BEN1158**).

This permit covers **approximately 10 miles/18.75 acres as described below** ("the permit area"), as shown on the map attached as **Appendix A**. This permit issued for the purpose of:

THE OPERATION AND MAINTENANCE OF A DOMESTIC WATER SYSTEM AND IMPROVEMENTS:

Bridge Creek Water System

Township (T) 17S, Range(R) 11E, Section 34; T 18S, R 10E, Sections 1, 2, 7, 8, 9, 10, and 11; and T 18S, R 11E, Sections 3, 4, 5, 6, 7, and 8. One 30-inch diameter water pipeline of which 8.07 miles is located on National Forest System Lands including monitoring devices and the necessary appurtenances for transporting water between the Intake at Bridge Creek and the Outback Site. The total right-of-way width is 15 feet (approximately 16 acres).

Garage/Storage Shed

- T 18 S., R. 10 E., SW1/4 NE1/4 Section 10 - Garage/storage building near Skyliner Lodge used to support the operation and maintenance of the water system (approximately .25 acres).

Bridge Creek Intake Facility, Caretaker Cabin and Diversion Weir

- T. 18 S., R. 10 E., SE1/4 NE1/4 Section 7 - Intake Facility, caretaker cabin, and diversion weir located on Bridge Creek to divert water into city water distribution system via pipeline (approximately .5 acres).

Bridge Creek Water Diversion Wash Line near Tumalo Falls

- T. 18 S., R. 10 E., S1/2 NE1/4 Section 7- Waterline less than 12 inches in diameter to provide water from Bridge Creek under gravity pressure for cleaning filters at the domestic water intake building. Right-of-way is approximately 10 ft. x 900 ft. in size (approximately .25 acres/.17 miles).

Water System Access Gate

- Gate across Forest Service Road 4603.

Operation and maintenance of this domestic water system and associated facilities will adhere to the "Operation and Maintenance Plan" attached as **Appendix B**.

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The map displays the Tumalo Creek watershed and its infrastructure. Key features include:

- Topography:** Sisters Bend, Tumalo Butte, Bend Butte, Triangle Hill, Bearwallow Butte, and various ridges like Skyline Ridge and Swade Ridge.
- Water Features:** Tumalo Creek, Bull Creek, Cold Creek, Jack Pine Spr, Farewell Spr, Tumalo Falls, and the Tumalo Aqueduct.
- Infrastructure:** Tumalo Feed Canal, Bend Feed Canal, Tumalo Butte, and the City of Bend Bridge Creek Facility.
- Landmarks:** Tumalo St Park, Bend St Park, and the Outback Facility.
- Legend:**
 - Caretaker's Cabin (house icon)
 - City of Bend Monitors (black dot)
 - Flow Temp Monitoring (red dot)
 - Garage/Shed (house icon with chimney)
 - PIPELINE (red line)

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APPENDIX B



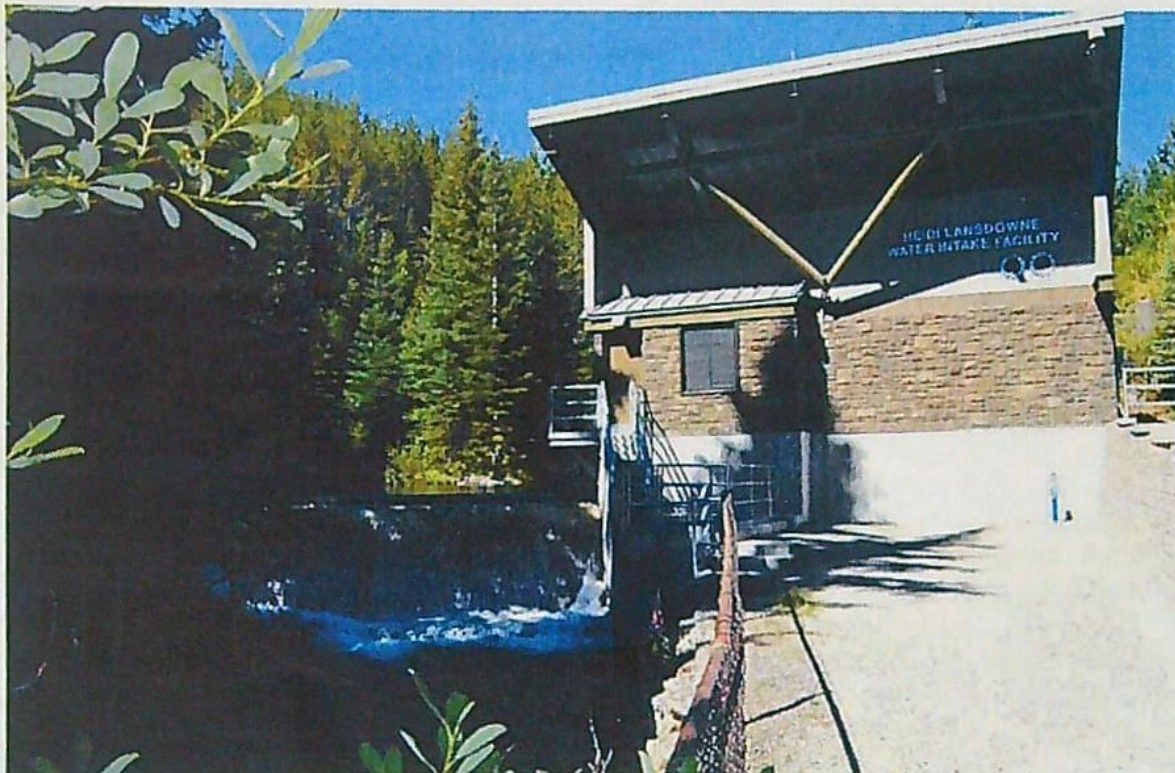
CITY OF BEND
BRIDGE CREEK WATER SUPPLY
SYSTEM

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OPERATION AND MAINTENANCE PLAN

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HOLDER:
CITY OF BEND

US DEPARTMENT OF AGRICULTURE
DESCHUTES NATIONAL FOREST

By: Paul Rheault
Paul Rheault – Utility Director

By: John Allen
John Allen – Forest Supervisor

Date: 10.11.17

Date: 10-13-17



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The committee will convene each fall for the duration of this permit, hosted by the holder. Currently, the target month for each annual meeting will be November/December of each year, starting in 2017. The committee will determine what changes if any, need to occur within the monitoring program.

C. Noxious Weed Monitoring and Treatment

The Caretaker Cabin permit area will need to be treated for weeds per BFR District botanist specifications to prevent the spread of noxious weeds. Cost Recovery may be charged if the Forest Service conducts the treatment.

DATA REPORTING

City of Bend will conduct weed monitoring in consultation with the Bend / Ft. Rock botanist, Charmaine Powers (541-383-4730, cpowers@fs.fed.us) on an annual basis prior to weed treatment.

If required after consultation with the District botanist, the holder will send monitoring/treatment reports to the District Weed Coordinator by August 31 of each year that the holder is responsible for weed monitoring and treatment. (See **EXHIBIT B**).

D. Water Diversion Rate Monitoring

The City of Bend will monitor water diversion rates (in pipe water flow) continuously using either an ultrasonic or magnetic type flow meter located at both the Intake Facility and the Outback site. Under normal operations, the diversion control system will be designed to check flow at least every fifteen minutes and adjust the diversion controls to maintain the desired flow. Reporting will include the average hourly flow rate and the daily (24-hour) volume of water diverted. This will allow the holder to control water diversions, as the holder shall be limited by municipal demand, up to a maximum hourly average diversion rate of 18.2 cfs.

DATA REPORTING

Data reporting on water diversion rate monitoring will be posted on City of Bend website readily available to the public. An annual report will be provided by the holder at the year-end monitoring meeting.

E. Specific Stream Flow and Temperature Monitoring Actions

1. OWRD Flow and Temperature Monitoring

The City of Bend contracted with OWRD to provide year round flow and temperature monitoring services to City of Bend at approximately the following locations:

Location A (See Figure 1):

Upper OWRD Location Station ID #14070920



LAT 44° 01' 47.8" N, LONG 121° 33' 46.5" W (44.02994, -121.56292)

Location B (See Figure 1):

Lower OWRD Location Station ID # 14070980

LAT 44° 01' 54.7" N, LONG 121° 31' 15.3" W (44.03187, -121.52093)

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DATA REPORTING

Web link: http://apps.wrd.state.or.us/apps/sw/hydro_near_real_time/

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2. City of Bend Temperature Monitoring

Additional temperature monitoring will be performed by the holder's monitoring staff using submersible temperature data loggers and secure, non-obtrusive instream equipment.

The holder will provide temperature monitoring at:

Location C (See Figure 1):

Note: This site is at the existing bridge and culvert under the existing crossing of Shevlin Park road and Tumalo Creek.

LAT 44° 04' 58.3" N, LONG 121° 22' 34.8" W (44.08286, -121.37632)

Temperature loggers and temperature data will be audited and graded based on the City of Bend's Water Quality Monitoring Program's quality assurance and quality control procedures.

DATA REPORTING

Data will be made available monthly, or as requested by USFS for use in the monitoring program. Additionally, data relative to the holder's temperature monitoring at the Shevlin Park Road (location C) will be posted on City of Bend website readily available to the public.

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

In the Matter of Application for Extension	)	FINAL ORDER APPROVING AN EXTENSION
of Time for Transfer Application B-112,	)	OF TIME
Deschutes County	)	

Applicant

CITY OF BEND
ATTN PAUL RHEAULT
62975 BOYD ACRES ROAD
BEND, OREGON 97701

Authority

Oregon Administrative Rules (OAR) 690-380-5140(2) authorizes the Department to grant an extension of time to complete a transfer.

OAR 690-380-6020 establishes an application process and criteria for the review of extensions of time to complete a transfer as authorized by a final order issued under OAR Division 380.

OAR 690-380-6020 (3) establishes that extensions are granted for one year, from October 1 to October 1 of each year. An extension for up to five years may be granted for transfers involving municipal or quasi-municipal use. Extensions may be granted for longer time if the applicant can justify the need for a longer period of time by submission of pertinent evidence.

Background

1. The Water Resources Department issued an order to the City of Bend approving Transfer Application B-112 on December 28, 1959. The order was recorded in Special Order Volume 10, at Page 288. The order set a transfer completion date of October 1, 1968. The order approved changes in character of use from irrigation to municipal use, place of use, and point of diversion pursuant to the provisions of 540.510 to 540.530.

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.

2. The Water Resources Department issued an order approving an extension of time dated June 5, 1980. The order was recorded by a letter from the Department and on the original extension application. The order set a transfer completion date of October 1, 1984.
3. The Water Resources Department issued an order approving an extension of time dated November 9, 1984. The order was recorded by a letter from the Department and on the original extension application. The order set a transfer completion date of October 1, 1989.
4. The Water Resources Department issued an order denying an extension of time dated December 2, 1998, because it appeared that an extension of time was not needed.
5. On May 18, 2009, the Department signed an order, which was mailed on May 20, 2009, approving a fourth extension of time. The order was recorded in Special Order Volume 77, Pages 767-768. The order extended the transfer completion date to October 1, 2019.

Findings of Facts

6. On July 19, 2019, the Department received a fifth application for extension of time for Transfer Application B-112.
7. Since the approval of the most recent extension of time, the applicant has completed a \$70 million surface water improvement project, including an updated and expanded surface water intake, new and expanded transmission line, and construction of a membrane filtration water treatment plant. The City's new surface water system increased its diversion capacity. The City also obtained a special use permit (SUP) from the U.S. Forest Service for water system components located on U.S. Forest Service lands. The SUP limits the use of surface water to the extent that full beneficial use of water under B-112 in conjunction with other municipal water rights held by the City cannot yet be demonstrated. The SUP expires at the end of 2037.
8. To fully complete the change, the City needs additional time to allow for the U.S. Forest Service to issue an SUP that will not preclude the demonstration of the full beneficial use of Transfer B-112 to meet the demands of its municipal customers.
9. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2038. Consistent with OAR 690-380-6020(3), the applicant provided sufficient justification in the extension application to grant an extension for municipal use for more than five years year. The Department will extend the transfer completion date to October 1, 2038.

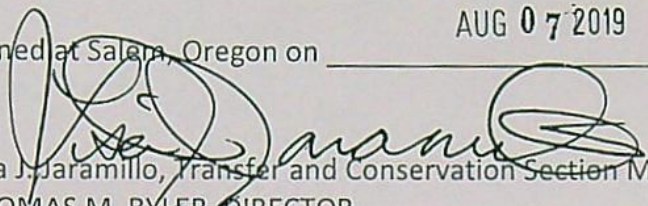
Conclusions of Law

Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application B-112.

Now, therefore, it is ORDERED:

The time for completion of the changes authorized by Transfer Application B-112 shall be extended to **October 1, 2038**.

Signed at Salem, Oregon on AUG 07 2019


Lisa J. Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: AUG 08 2019



APPLICATION FOR EXTENSION OF TIME FOR TRANSFER OF WATER RIGHT

A summary of review criteria and procedures that are generally applicable to these applications is available at http://www.oregon.gov/owrd/pubs/docs/forms/transfer_extension_criteriareview.pdf

To the WATER RESOURCES DIRECTOR OF OREGON:
I, Paul Rheault on behalf of the City of Bend

(Name of Applicant)

of, 62975 Boyd Acres Road, Bend
(Mailing Address) (City)

state of Oregon, 97701, 541-317-3006
(Zip Code) (Phone Number)

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do hereby make application for an extension of time within which to complete a change in:

X point of diversion/appropriation X place of use X character of use
of water under the terms of an order of the Water Resources Director entered on Dec. 28, 1959,
approving Transfer B-112, in the name of the City of Bend, for "municipal use
within the corporate limits of said city and surrounding territory served by its water supply
pipelines"

(Give location of your property, as shown on the order approving the transfer)

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time allowed, which expires on Oct. 1, 2019 (See extension final order at Spec. Order vol. 77, p. 767 in Attachment A):

The City continues to diligently progress toward full development of Transfer B-112, including the construction of water-related infrastructure. Since the last extension of Transfer B-112, the City has completed a \$70 million surface water improvement project, including an updated and expanded surface water intake, new and expanded transmission main, and construction of a membrane filtration water treatment plant. Part of this process included obtaining a special use permit (SUP) from the U.S. Forest Service for the portion of the City's surface water intake and transmission lines that are located on Forest Service lands. The City's new surface water system increased its historic capacity; however, the City's current SUP includes an 18.2 cfs limitation on the City's rate of diversion. (See excerpt of the City's SUP in Attachment B.)

The City has continued to rely on the use of water under Transfer B-112, particularly during times when the City's Certificate 85713 is unavailable. (Certificate 85713 has a 1983 priority date). The City's remaining surface water right certificates (Certificates 85526, 31411 and 31665) authorize the use of up to 15.123 cfs. Accordingly, in combination with the City's other senior water right certificates the City has beneficially used at least 3.077 cfs under Transfer B-112. (See table of the City's water rights in Attachment C.)

The SUP requires monitoring of surface water flows and temperature, as well as monitoring fish, to assess impacts of the City's surface water use. That monitoring is currently underway. The results of the monitoring may indicate that the next SUP will not need to include a rate limitation. The current SUP expires at the end of 2037.

The City has continued to invest in expansion of its water delivery system to new service connections. The City of Bend is one of the fastest growing cities in the country. The City serves about 70 percent of the City of Bend population, which in the 2018 annual population report tables from the Portland State University Population Research Center shows an estimated 2018 population for the City of 89,505. In comparison, the City's population was 76,639 as of 2010, and 52,029 as of 2000, according to the census data for those years. (See Attachment D for information about the increasing number of service connections.) This rapid expansion has required the City to actively plan for and invest in the maintenance and expansion of its municipal water supply system and to continually add additional service connections.

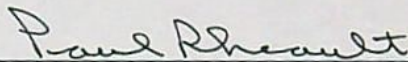
TO FULLY COMPLETE the change, it will be necessary to accomplish the following:

To complete Transfer B-112, the City needs additional time to allow for the current SUP issued by the U.S. Forest Service that limits use of surface water to be modified. The City will apply for a new SUP in advance of the termination of its current SUP in 2037. Based on the results of the monitoring currently being conducted, the City expects that the new SUP will be modified such that a rate limitation will not preclude the demonstration of the full beneficial use of Transfer B-112 to meet the demands of its municipal customers.

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed, because The City's use of water under Transfer B-112 has been delayed by the Forest Service SUP regarding the City's surface water system on Forest Service land. Although the City has recently expanded the historic capacity of its surface water system (which would allow full development of Transfer B-112), the Forest Service SUP currently limits the City's rate of diversion at its upgraded surface water intake to 18.2 cfs. Based on stream monitoring that is currently on-going, the next SUP is expected to be modified such that the City can demonstrate full beneficial use and perfect the full amount of Transfer B-112. Thus, although the City has continued to pursue full development of Transfer B-112, the complexity of the effort, including federal permitting, has resulted in the City needing more time to complete the transfer.

The Department is authorized to grant extensions for one year, from October 1 to October 1 of each year. An extension for up to five years may be granted for transfers involving municipal or quasi-municipal use. Extensions may be granted for longer time if the applicant can justify the need for a longer period of time by submission of pertinent evidence. OAR 690-380-6020 (2) and OAR 690-380-7200 (5).

And request that the time for completion be extended to October 1, 2038.



(Signature of applicant)

In order for an application to be complete, it must be accompanied by the required fee. See the Department's fee schedule at <http://www.oregon.gov/OWRD/> or call (503) 986-0900.

Form updated 10-2017

MAIL COMPLETED APPLICATION AND FEE TO:

Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301-1271

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Attachment A
B-112 Final Order and 2009 Extension Final Order
Extension of Time for Transfer B-112 – City of Bend

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BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Application for Extension)
of Time for Transfer of Water Right) FINAL ORDER APPROVING AN
Authorized by B-112, Deschutes County,) EXTENSION OF TIME
Oregon)

Applicant

CITY OF BEND
575 NE 15TH STREET
BEND, OREGON 97701

Findings of Fact

1. The Water Resources Department issued an order approving Transfer Application B-112 on December 28, 1959. The order was recorded in Special Order Volume 10, at Page 288. The order set a transfer completion date of October 1, 1968.
2. The Water Resources Department issued an order approving an extension of time dated June 5, 1980. The order was recorded by a letter from the Department and on the original extension application. The order set a transfer completion date of October 1, 1984.
3. The Water Resources Department issued an order approving an extension of time dated November 9, 1984. The order was recorded by a letter from the Department and on the original extension application. The order set a transfer completion date of October 1, 1989.
4. The Water Resources Department issued an order denying an extension of time dated December 2, 1998, because it appeared that an extension of time was not needed.
5. On May 12, 2009, the Department received an application for a new extension of time for transfer of water right from the City of Bend.

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 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.

- 11 -

It is FURTHER ORDERED that the water so transferred shall be applied to beneficial use by the City of Bend, Oregon, on or before October 1, 1968 or within such extension of time as may be granted by the State Engineer for good cause shown.

- 12 -

It is FURTHER ORDERED that certificates of water right recorded at pages 73 and 87, Volume 1, and page 26050, Volume 17, State Record of Water Right Certificates, which certificates involve the lands from which the water right were transferred herein, be and the same hereby are cancelled. New certificates shall be issued in lieu thereof describing the lands not involved in this transfer.

- 13 -

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use for municipal purposes within the corporate limits of the City of Bend, Oregon, and surrounding territory served by its water supply pipelines, a certificate of water right shall be issued to the City of Bend, Oregon, to the extent to which the water has been used beneficially.

Dated at Salem, Oregon this 28th day of December, 1959.

*Noted on Decree
Vol. 16, p. 191*

*Cert. #26508 as issued
eliminates the lands
from which the water
was transferred to
the City of Bend.*

Lewis A. Stanley
LEWIS A. STANLEY
State Engineer

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Trsf "B-112"

6. The City of Bend's existing surface water diversion capacity is currently approximately 18 cfs; however, it has approximately 21 cfs of surface water rights (excluding permits). Thus, additional system capacity is needed to complete the changes authorized in transfer application B-112, in combination with the City of Bend's existing water rights.
7. To fully complete the change, it will be necessary for the city to complete the feasibility studies concerning improvements to surface water diversion and water treatment infrastructure. The city must also implement such improvements and complete the changes under transfer application B-112 in combination with existing water rights.
8. The City has not been able to complete the change within the times allowed because of the cost and complexity of the project.

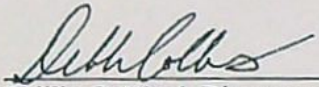
Conclusions of Law

Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application B-112.

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

The time for completion of beneficial use authorized by B-112 shall be extended to October 1, 2019.

Dated at Salem, Oregon this 18th day of May, 2009


Phillip C. Ward, Director *pm*

Mailing date: MAY 20 2009

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BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
OF THE CITY OF BEND, OREGON, FOR)
THE APPROVAL OF A CHANGE IN USE,)
PLACE OF USE AND POINT OF DIVER-)
SION OF WATER FROM TUMALO,)
CRATER, LITTLE CRATER CREEKS AND)
THREE SPRING BRANCHES.)

ORDER

APPROVING APPLICATION

- 1 -

On June 11, 1959, the City of Bend, Oregon, filed an application in the office of the State Engineer for the approval of a change in use, place of use and point of diversion of water from Tumalo, Crater and Little Crater Creeks and Three Spring Branches pursuant to the provisions of ORS 540.510 to 540.530.

- 2 -

Following is a summary of the water rights appurtenant to the lands involved in the application:

(a) In the adjudication proceedings determining the relative rights to the use of the waters of Tumalo Creek and its tributaries a water right was established for the irrigation of 23.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 28.7 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 12.4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 16.4 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 23.6 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, and 9 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., with a date of priority of September 1900, and 7.6 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, and 20 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., with a date of priority of June 1, 1907, from Tumalo Creek. The right to the use of water from Tumalo Creek for the irrigation of these lands is limited to a rate of flow of one-seventieth of one cubic foot per second per acre and the quantity of water diverted during the irrigation season from April 15 to October 15 of each year is limited to a diversion of not to exceed 1.8 acre feet per acre.

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(b) Certificate of water right issued to the Tumalo Irrigation District and recorded at page 26050, Volume 17, State Record of Water Right Certificates confirms a right under Permit No. 19628 for the irrigation of, among other lands, 20 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 16.4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.8 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 0.8 acre in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, and 1 acre in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, and 33.6 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., and supplemental irrigation of 23.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 28.7 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 12.4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 24 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 23.6 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, and 29 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., with a date of priority of October 29, 1913 from Tumalo Creek, Crater Creek, Little Crater Creek and Three Spring Branches. These lands, together with the lands described in paragraph (a) preceding, are irrigated through either the Tumalo Feed Canal or the Columbia Southern Canal, the point of diversion of the Tumalo Feed Canal being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, Township 17 South, Range 11 East, W. M., and the point of diversion of the Columbia Southern Canal being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 18 South, Range 10 East, W. M. The amount of water used for irrigation, together with the amount secured under any other rights existing for the same lands, shall be limited to:

Cubic Feet Per Second Per Acre at Diversion					
April 1 to May 1	May 1 to May 15	May 15 to Sept. 15	Sept. 15 to Oct. 1	Oct. 1 to Nov. 1	Total Acre Feet Per Acre at Diversion During Season
1 ft. to 80 acres	1 ft. to 60 acres	1 ft. to 32.4 ac.	1 ft. to 60 acres	1 ft. to 80 acres	9.91

(c) Certificate of water right issued to the Tumalo Irrigation District and recorded at page 26051, Volume 17, State Record of Water Right Certificates confirms a right under Permit No. 624 for the use of water stored in Crescent Lake Reservoir with a date of priority of April 7, 1911,

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for the supplemental irrigation of all lands described in paragraphs (a) and (b) preceding.

(d) In the adjudication proceedings determining the relative rights to the use of the waters of Deschutes River and its tributaries a water right was established in the name of the Deschutes County Municipal Improvement District for the use of 9.5 cubic feet per second of the waters of Deschutes River with a date of priority of 1905, which water right is appurtenant to all lands within the district including those lands described in paragraphs (a) and (b) preceding.

- 3 -

Agreements between the City of Bend, Oregon, and the Deschutes County Municipal Improvement District (now Tumalo Irrigation District) dated November 17, 1958 and June 10, 1959, provide that the right to the use of water from Tumalo Creek, Crater Creek, Little Crater Creek and Three Spring Branches for the irrigation of 194.1 acres of the 214.5 acres described in paragraphs 2 (a) and (b), is to be transferred to the City of Bend, Oregon for municipal purposes. The agreements further provide that the City of Bend will perpetually pay to the Tumalo Irrigation District the annual assessments for operation and maintenance, the payment of outstanding indebtedness including outstanding bonds, and for replacements and capital repairs on the basis of 194.1 acres, each acre to be assessed equally as all other lands within the district are assessed. The agreements further provide that no water right shall be transferred from 20.4 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M. The agreements further provide that the land from which the water is being transferred shall be divested of all remaining water rights except for the 20.4 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M. That part of the 9.5 cubic feet per second of water from Deschutes River appurtenant to the 194.1 acres is to be transferred to the remaining

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lands within the district and that part of the right for the use of the storage water from Crescent Lake Reservoir is to be eliminated from the certificate of water right heretofore issued to the Tumalo Irrigation District.

- 4 -

The City of Bend, Oregon, owner of the lands described in paragraph 2 herein, except for 20.4 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., proposes to transfer the right to the use of water from Tumalo Creek, Crater Creek, Little Crater Creek and Three Spring Branches appurtenant to the remaining 194.1 acres for irrigation purposes, to that of municipal use within the corporate limits of the City of Bend, Oregon, and surrounding territory served by its water supply pipeline and to divert the water at the City of Bend's intake from Tumalo Creek in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 18 South, Range 10 East, W. M.

- 5 -

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in use, place of use and point of diversion of water, if any there were, namely: at the county courthouse in Bend, Oregon, on December 15, 1959, beginning at 9:30 o'clock a.m. The notice was published in the Bend Bulletin, a newspaper printed and having general circulation in Deschutes County, Oregon, for a period of three weeks in the issues of October 20, 27 and November 3, 1959. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

- 6 -

No objections having been filed and it appearing that the proposed change in use, place of use and point of diversion of water may be made without injury to existing rights, the application should be approved.

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NOW, THEREFORE, it hereby is ORDERED that the water right from Tumalo Creek for the irrigation of 23.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 28.7 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 12.4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 16.4 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 23.6 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, and 9 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., with a date of priority of September 1900, and 7.6 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, and 20 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., with a date of priority of June 1, 1907, be severed therefrom and simultaneously and without loss of priority transferred to the City of Bend, Oregon for municipal use within the corporate limits of said city and surrounding territory served by its water supply pipelines and said water shall be diverted at the City of Bend's intake from Tumalo Creek located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 18 South, Range 10 East, W. M. The quantity of water heretofore used for the irrigation of 140.9 acres from Tumalo Creek described above and by this order transferred to municipal purposes by the City of Bend, Oregon, shall be limited to a maximum diversion of 2.01 cubic feet per second, beginning on April 15 and ending on October 15 of each year, and the total quantity diverted during said period shall not exceed 253.6 acre feet, measured at the existing meters in the city's parallel pipelines.

It is FURTHER ORDERED that the water right from Tumalo Creek, Crater Creek, Little Crater Creek and Three Spring Branches for the irrigation of 20 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 16.4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.8 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 0.8 acre in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, and 1 acre in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, and 13.2 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., and supplemental irrigation of 23.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 28.7 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 12.4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 24 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and

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23.6 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, and 29 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., with a date of priority of October 29, 1913, be severed therefrom and simultaneously and without loss of priority transferred to the City of Bend, Oregon for municipal use within the corporate limits of the said city and surrounding territory served by its water supply pipelines and said water shall be diverted at the City of Bend's intake from Tumalo Creek located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 18 South, Range 10 East, W. M. The quantity of water diverted under this appropriation, together with the quantity of water diverted under the right described in paragraph 7 above, shall not exceed the following:

Cubic Feet Per Second at Diversion						Total Acre Feet at Diversion During Season
April 1 to May 1	May 1 to May 15	May 15 to Sept. 15	Sept. 15 to Oct. 1	Oct. 1 to Nov. 1	Nov. 1 to April 1	
May 1	May 15	Sept. 15	Oct. 1	Nov. 1	April 1	
2.43	3.23	5.99	3.23	2.43	0	1923.5

- 9 -

It is FURTHER ORDERED that that part of the right to the use of 9.5 cubic feet per second of the waters of Deschutes River with a date of priority of 1905, appurtenant to the lands described in paragraphs 7 and 8 above, be severed therefrom and simultaneously and without loss of priority transferred to the remaining lands having water rights within the Tumalo Irrigation District.

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It is FURTHER ORDERED that the right to the use of water stored in Crescent Lake Reservoir for the irrigation of the lands described in paragraphs 7 and 8 hereof, be eliminated from certificate of water right issued to the Tumalo Irrigation District and recorded at page 26051, Volume 17, State Record of Water Right Certificates.

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Attachment B
Excerpts from the City's Special Use Permit
Extension of Time for Transfer B-112 – City of Bend

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
SPECIAL USE PERMIT

Authority: FEDERAL LAND POLICY AND MGMT ACT, AS AMENDED October 21, 1976

BEND, CITY OF – UTILITY DEPARTMENT, 62975 BOYD ACRES ROAD, BEND, OR UNITED STATES 97701 (hereinafter "the holder") is authorized to use or occupy National Forest System lands in the **DESCHUTES NATIONAL FOREST** or the **Bend-Fort Rock Ranger District** unit of the National Forest System, subject to the terms and conditions of this special use permit (**BEN1158**).

This permit covers **approximately 10 miles/18.75 acres as described below** ("the permit area"), as shown on the map attached as **Appendix A**. This permit issued for the purpose of:

THE OPERATION AND MAINTENANCE OF A DOMESTIC WATER SYSTEM AND IMPROVEMENTS:

Bridge Creek Water System

Township (T) 17S, Range(R) 11E, Section 34; T 18S, R 10E, Sections 1, 2, 7, 8, 9, 10, and 11; and T 18S, R 11E, Sections 3, 4, 5, 6, 7, and 8. One 30-inch diameter water pipeline of which 8.07 miles is located on National Forest System Lands including monitoring devices and the necessary appurtenances for transporting water between the Intake at Bridge Creek and the Outback Site. The total right-of-way width is 15 feet (approximately 16 acres).

Garage/Storage Shed

- T 18 S., R. 10 E., SW1/4 NE1/4 Section 10 - Garage/storage building near Skyliner Lodge used to support the operation and maintenance of the water system (approximately .25 acres).

Bridge Creek Intake Facility, Caretaker Cabin and Diversion Weir

- T. 18 S., R. 10 E., SE1/4 NE1/4 Section 7 - Intake Facility, caretaker cabin, and diversion weir located on Bridge Creek to divert water into city water distribution system via pipeline (approximately .5 acres).

Bridge Creek Water Diversion Wash Line near Tumalo Falls

- T. 18 S., R. 10 E., S1/2 NE1/4 Section 7- Waterline less than 12 inches in diameter to provide water from Bridge Creek under gravity pressure for cleaning filters at the domestic water intake building. Right of-way is approximately 10 ft. x 900 ft. in size (approximately .25 acres/.17 miles).

Water System Access Gate

- Gate across Forest Service Road 4603.

Operation and maintenance of this domestic water system and associated facilities will adhere to the "Operation and Maintenance Plan" attached as **Appendix B**.

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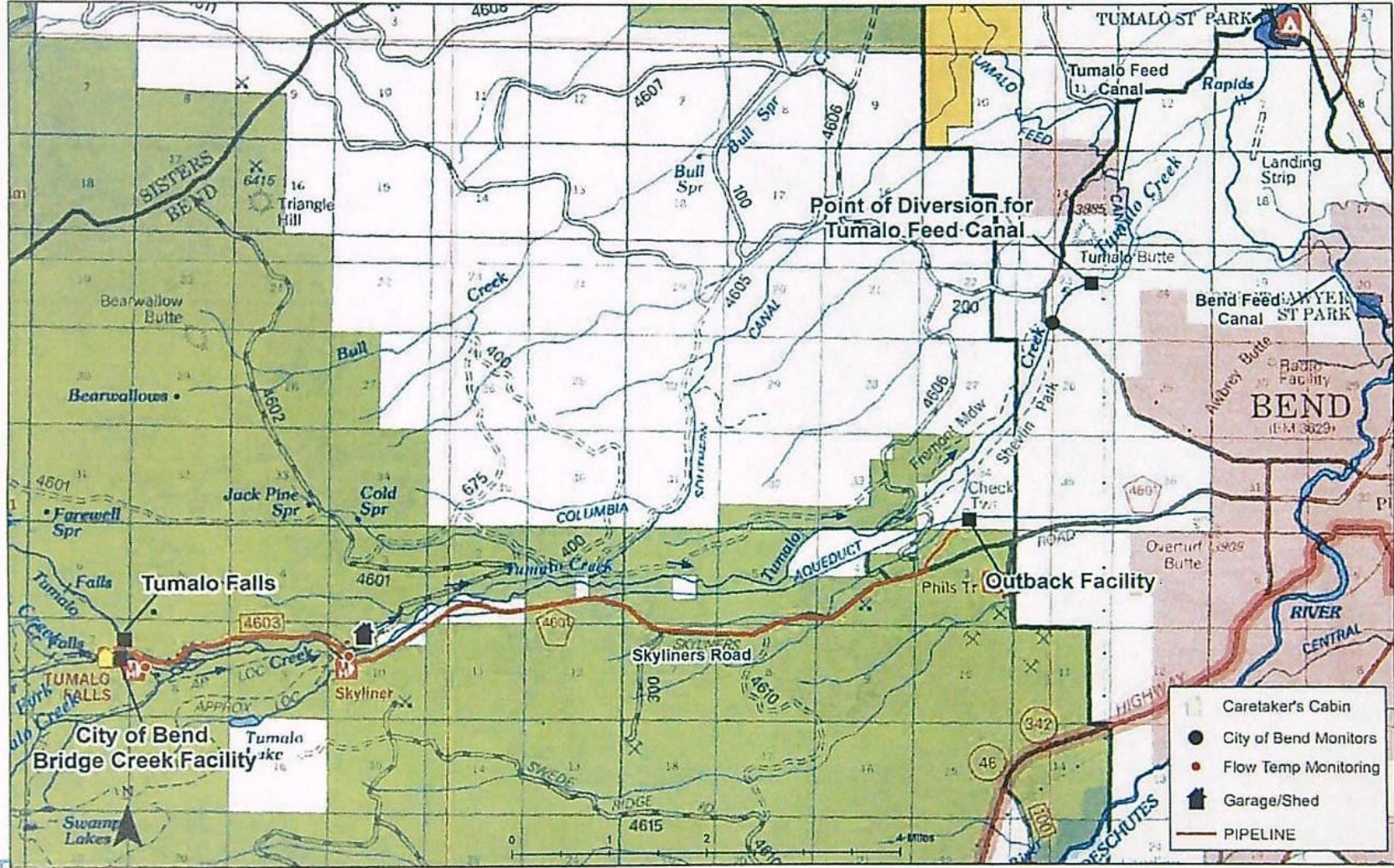
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APPENDIX A - MAP



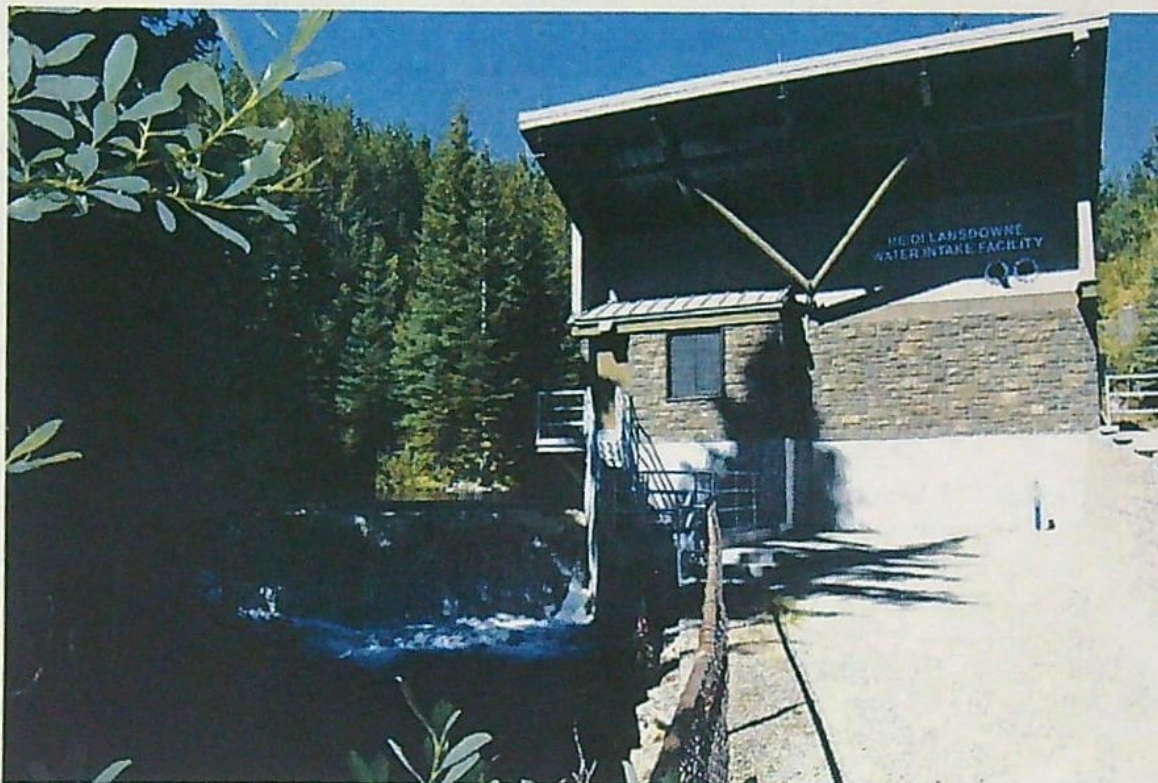
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APPENDIX B

CITY OF BEND BRIDGE CREEK WATER SUPPLY SYSTEM

OPERATION AND MAINTENANCE PLAN



HOLDER:
CITY OF BEND

US DEPARTMENT OF AGRICULTURE
DESCHUTES NATIONAL FOREST

By: Paul Rheault
Paul Rheault – Utility Director

By: John Allen
John Allen – Forest Supervisor

Date: 10.11.17

Date: 10-13-17

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The committee will convene each fall for the duration of this permit, hosted by the holder. Currently, the target month for each annual meeting will be November/December of each year, starting in 2017. The committee will determine what changes if any, need to occur within the monitoring program.

C. Noxious Weed Monitoring and Treatment

The Caretaker Cabin permit area will need to be treated for weeds per BFR District botanist specifications to prevent the spread of noxious weeds. Cost Recovery may be charged if the Forest Service conducts the treatment.

DATA REPORTING

City of Bend will conduct weed monitoring in consultation with the Bend / Ft. Rock botanist, Charmane Powers (541-383-4730, cpowers@fs.fed.us) on an annual basis prior to weed treatment.

If required after consultation with the District botanist, the holder will send monitoring/treatment reports to the District Weed Coordinator by August 31 of each year that the holder is responsible for weed monitoring and treatment. (See **EXHIBIT B**).

D. Water Diversion Rate Monitoring

The City of Bend will monitor water diversion rates (in pipe water flow) continuously using either an ultrasonic or magnetic type flow meter located at both the Intake Facility and the Outback site. Under normal operations, the diversion control system will be designed to check flow at least every fifteen minutes and adjust the diversion controls to maintain the desired flow. Reporting will include the average hourly flow rate and the daily (24-hour) volume of water diverted. This will allow the holder to control water diversions, as the holder shall be limited by municipal demand, up to a maximum hourly average diversion rate of 18.2 cfs.

DATA REPORTING

Data reporting on water diversion rate monitoring will be posted on City of Bend website readily available to the public. An annual report will be provided by the holder at the year-end monitoring meeting.

E. Specific Stream Flow and Temperature Monitoring Actions

1. OWRD Flow and Temperature Monitoring

The City of Bend contracted with OWRD to provide year round flow and temperature monitoring services to City of Bend at approximately the following locations:

Location A (See Figure 1):
Upper OWRD Location Station ID #14070920

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LAT 44° 01' 47.8" N, LONG 121° 33' 46.5" W (44.02994, -121.56292)

Location B (See Figure 1):

Lower OWRD Location Station ID # 14070980

LAT 44° 01' 54.7" N, LONG 121° 31' 15.3" W (44.03187, -121.52093)

DATA REPORTING

Web link: http://apps.wrd.state.or.us/apps/sw/hydro_near_real_time/

2. City of Bend Temperature Monitoring

Additional temperature monitoring will be performed by the holder's monitoring staff using submersible temperature data loggers and secure, non-obtrusive instream equipment.

The holder will provide temperature monitoring at:

Location C (See Figure 1):

Note: This site is at the existing bridge and culvert under the existing crossing of Shevlin Park road and Tumalo Creek.

LAT 44° 04' 58.3" N, LONG 121° 22' 34.8" W (44.08286, -121.37632)

Temperature loggers and temperature data will be audited and graded based on the City of Bend's Water Quality Monitoring Program's quality assurance and quality control procedures.

DATA REPORTING

Data will be made available monthly, or as requested by USFS for use in the monitoring program. Additionally, data relative to the holder's temperature monitoring at the Shevlin Park Road (location C) will be posted on City of Bend website readily available to the public.

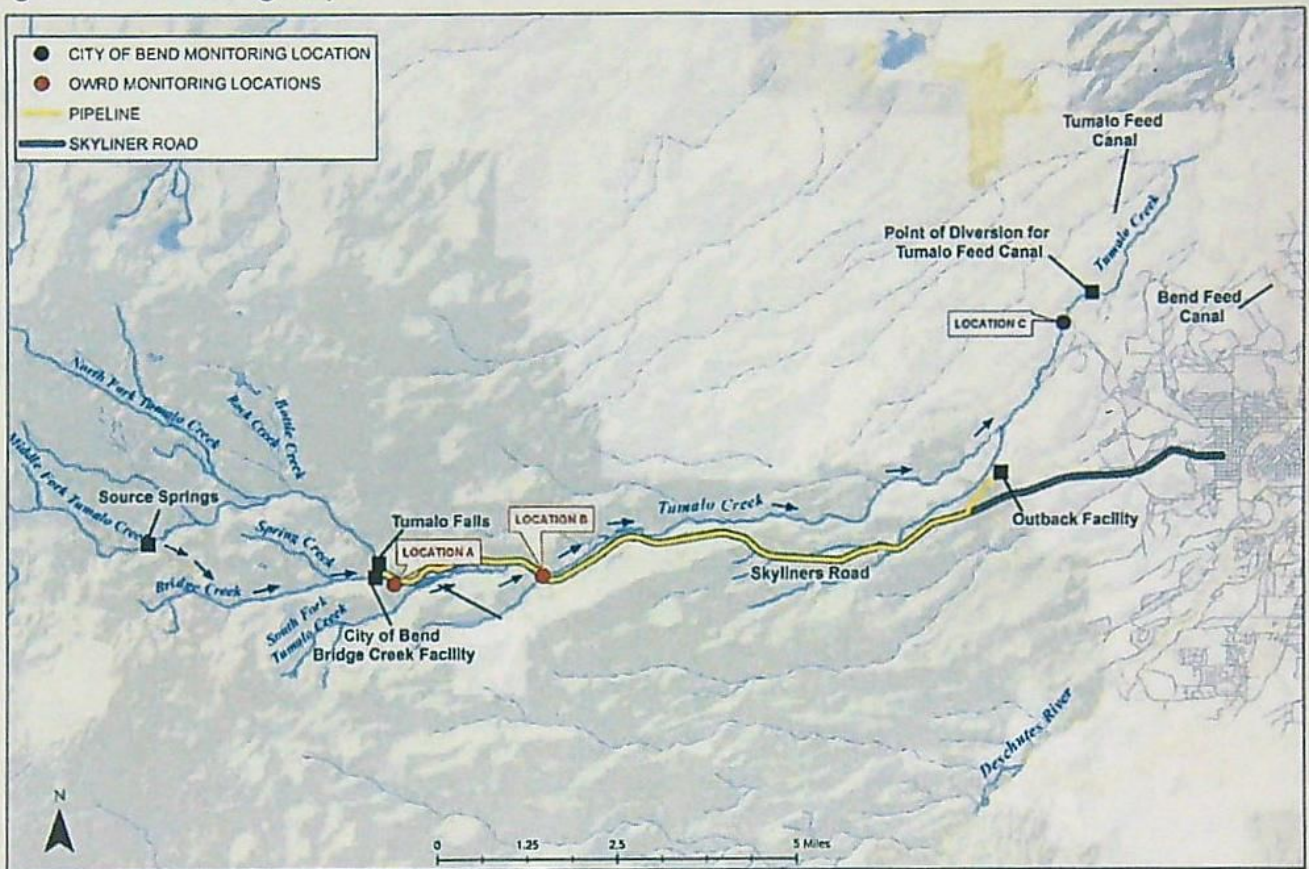
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Figure 1 – Monitoring Map



T:\FS\Deschutes\Projects\scops\Bend\2009\Land\GIS\BFR\MXD\2015 Bend waterline OM four monitoring.mxd

F. Fish Monitoring

Redband trout populations are to be monitored in Tumalo Creek to determine trends in population size and age class structure. The methodology will be snorkeling in late summer in sub-reach A1 and an area above the confluence with Bridge Creek using stations that were established during a 2011 fisheries survey conducted by the Forest Service. This data will supplement the fisheries data collected during the 2011 survey.

The fish snorkeling and related report will be completed by USFS Fish biologists and paid for by the City of Bend. The costs for monitoring during the years it is required will be assessed and collected pursuant to cost recovery regulations in 36 CFR 251.58.

Fish monitoring will include a total of five sites to be surveyed annually in late summer for three years, (2016, 2017, and 2018), then biennially over the next six years (2020, 2022, and 2024). This schedule is subject to change based on an annual evaluation of the monitoring program. One monitoring site will be above the City of Bend intake facility (between the junction with Bridge Creek and Tumalo Falls) and the four remaining sites will be within the affected area of Tumalo Creek which fall within sub-reach A1. These monitoring sites will include two sites within sub-reach A1-RR and two

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sites within sub-reach A1-B. (See Tumalo Creek stream reach map in **EXHIBIT E**). The four sites within the affected area will be those previously surveyed in the 2011 fisheries survey of Tumalo Creek. The one site above the holder's intake facility will be a new survey and control site. Each site will be 200 meters in length. The holder will enter into a multi-year cost recovery agreement with the Forest Service to recover the following monitoring costs:

Approximate Annual Budget for Tumalo Creek Snorkel Surveys

Item	Person Days	Cost/person Day	Total Cost
Monitoring Site Assessment	1	\$380	\$380
Snorkel 5 sites	12	\$408	\$4896
Post-project report	1	\$283	\$283
Vehicle use			\$200
Misc. equipment (dive light, dry suit repair, etc.)			\$264
Inflation & Overhead Costs			\$1401
Total			\$7,424

Holder will be responsible for any unforeseen additional monitoring costs and an amendment to the cost recovery agreement will be issued. See **EXHIBIT D** for an example of a Major Cost Recovery Agreement.

DATA REPORTING

Fish monitoring information will be reported by the USFS at the annual monitoring meeting with the holder. The Forest Service may require adjustments in flow or ramping rates when necessary.

VII. RAMPING RATES

The holder will continue to work with the USFS to develop and modify the following ramping rate procedures to ensure that they are operationally sound and reasonably protective of fish. USFS guidance for ramping rate procedures is provided in **EXHIBIT F**.

A. Water Diversion Rates - City of Bend Surface Water Supply

The holder's surface water filtration facility began operating in spring of 2016. Operational protocols will continue to be developed to guide operations as experience builds and staff gain experience running under different seasonal conditions. These protocols will balance protections for stream, as well as for the operational constraints from equipment and water demand changes that occur during normal operations.

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Attachment C
City of Bend Water Rights
Extension of Time for Transfer B-112 – City of Bend

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Application Number	Permit Number	Certificate or Transfer Number	Authorized Wells	Priority Date	Authorized Rate (cfs)	Authorized Rate (mgd)	Type of Beneficial Use	Maximum Withdrawal to Date	Authorized Date for Completion	Mitigation Credits		Notes
								Instantaneous (cfs)				
Groundwater												
G-12226	G-11380	85414	Outback Well #1 Outback Well #2 Outback Well #3 Outback Well #4 Bear Creek Well #1 Airport Well #2	9/7/1990	10	6.5	Municipal	10	N/A - Certificated	N/A		
G-5644	G-4946	68702	River Well #1 River Well #2	10/31/1971 ¹	0.9	0.6	Municipal	0.9	N/A - Certificated	N/A		
G-5644	G-4946	85415	River Well #1 River Well #2	10/13/1971	2.7	1.7	Municipal	2.7	N/A - Certificated	N/A		
G-5644	G-4946	85412	River Well #1 River Well #2 Copperstone Pilot Butte Well #1	10/13/1971	7.57	4.9	Municipal	7.57	N/A - Certificated	N/A		
G-5644	G-4946	85413	River Well #1 River Well #2 Pilot Butte Well #1 Bear Creek Well #1 Bear Creek Well #2	10/13/1971	4.87	3.1	Municipal	4.87	N/A - Certificated	N/A		
G-8695	G-8565	85411	A Well (Westwood)	12/22/1978	1.51	1.0	Quasi-Municipal	1.51	N/A - Certificated (Partial perfection of Permit G-8565)	N/A		
G-8695	G-8565	94101	A Well (Westwood) Pilot Butte Well #4 Shiloh Well #3	12/22/1978	0.94	0.6	Quasi-Municipal	0.94	N/A - Certificated (Partial perfection of Permit G-8565)	N/A		Permit Amendment T-10941
G-11942	G-11379	85539	Rock Bluff Well #1 Rock Bluff Well #2 Rock Bluff Well #3	6/30/1989	4.16	2.7	Municipal	4.16	N/A - Certificated (Partial perfection of Permit G-11379)	N/A		
G-11942	G-11379		(Rock Bluff) Well #1 (Rock Bluff) Well #2 (Rock Bluff) Well #3 Pilot Butte Well #3	6/30/1989	3.84	2.5	Municipal		10/1/9998	N/A		Permit Amendment T-8342 Extension application pending
G-13097	G-16177		Bear Creek Well #3 Bear Creek Well #4 Bear Creek Well #5 Outback #7 Shiloh #3 Hole Ten 1 Hole Ten 2	8/27/1992	12	7.8	Municipal	0	4/26/2027	Obligation: 1,611.5; Assigned: 209.5		Limited by Maximum annual volume of 3223 AF and corresponding mitigation provided Permit Amendment T-11138
G-13098	G-16178		Pilot Butte Well #3 Pilot Butte Well #4 Pilot Butte Well #5 Outback #7 Shiloh #3 Hole Ten 1 Hole Ten 2	8/27/1992	12	7.8	Municipal	0	5/2/2027	Obligation: 1,611.5; Assigned: 608.95		Limited by Maximum annual volume of 3223 AF and corresponding mitigation provided Permit Amendment T-11138
G-4677	G-4435	94100	Bear Creek Well #2 Outback Well #3 Outback Well #4 Outback Well #5 Outback Well #6 Pilot Butte Well #4 Shiloh Well #3	11/8/1968	7.75	5	Municipal		N/A - Certificated	N/A		Permit Amendments T-8783, T-10351, & T-10941
Total Authorized					68.2	44.1						

¹ Priority date day is likely a typo. Application G-5644 and Permit G-4946 had priority dates of 10/13/1971.

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Application Number	Permit Number	Certificate or Transfer Number	Facility/ Location Name	Priority Date	Authorized Rate (cfs)	Authorized Rate (mgd)	Type of Beneficial Use	Maximum Withdrawal To Date	Authorized Date for Completion	Mitigation Credits	Notes
								Instantaneous (cfs)			
Surface Water											
S-67983	S-49823	85713	Bridge Creek & Unnamed Tributary of Middle Fork Tumalo Creek	12/12/1983	12.2	7.9	Municipal	12.2	N/A - Certificated (Partial perfection of Permit S-49823)	N/A	
S-67983	S-49823		Bridge Creek & Unnamed Tributary of Middle Fork Tumalo Creek	12/12/1983	2.8	1.8	Municipal		10/1/1999	N/A	Permit extension pending
Decree: Vol. 1, Page 153		85526	Tumalo Creek	This right is senior to all other rights on Tumalo Creek	6	3.9	Domestic, Municipal	6	N/A - Certificated	N/A	
Decree: Vol. 1, Page 135		31411	Tumalo Creek	8/5/1900	2	1.29	Municipal	2	N/A - Certificated	N/A	Period of use: 4/15-10/15; Not to exceed 6.52 cfs and 821.7 AF/year
				9/30/1900	4.5	2.91		4.5		N/A	
				6/1/1907	0.02	0.01		0.02		N/A	
Decree: Vol. 1, Page 135		31665	Tumalo Creek	9/30/1900	1.314	0.85	Municipal	1.314	N/A - Certificated	N/A	Period of use: 4/15-10/15; Not to exceed 2.603 cfs and 328.14 AF/year
				4/28/1905	0.186	0.12		0.186		N/A	
				6/1/1907	1.103	0.71		1.103		N/A	
Decree: Vol. 1, Page 135		Transfer B-112	Tumalo Creek	10/29/1913*	4/1-5/1: 2.43 cfs 5/1-5/15: 3.23 cfs 5/15-9/15: 5.99 cfs 9/1-10/1: 3.23 cfs 10/1-11/1: 2.43 cfs	4/1-5/1: 1.57 mgd 5/1-5/15: 2.09 mgd 5/15-9/15: 3.87 mgd 9/1-10/1: 2.09 mgd 10/1-11/1: 1.57 mgd	Municipal	5.99	10/1/2019	N/A	Period of use: 4/1-11/1; Not to exceed 5.99 cfs and 1923.5 AF/year.
Total Authorized					36.1	23.3					

* A 1.62 cfs portion of Transfer B-112 has a September 1900 priority date, and a 0.39 cfs portion has a June 1, 1907 priority date. These rate are not, however, additive to the 2.43 - 5.99 cfs rate with a October 29, 1913 priority date.

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Attachment D
City of Bend Service Connections
Extension of Time for Transfer B-112 – City of Bend

City of Bend Service Connections

Year	Number of Service Connections
2009	22,244
2010	22,227
2011	22,456
2012	22,730
2013	23,245
2014	23,837
2015	24,463
2016	24,945
2017	25,395
2018	25,387

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Last revised: Nov 20, 2003

Transfer B-112

APPLICATION FOR EXTENSION OF TIME
FOR TRANSFER OF WATER RIGHT

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

To the WATER RESOURCES DIRECTOR OF OREGON:

I/We, the City of Bend

of 575 NE 15th St. (Name of Applicant) Bend

state of Oregon (Mailing Address) 97701 (City) 541-317-3008

(Zip Code) (Phone Number)

do hereby make application for an extension of time within which to complete a change in:

☒ point of diversion/appropriation ☒ place of use ☒ character of use

of water under the terms of an order of the Water Resources Director entered on 12/28/59, 20__

approving Transfer B-112, in the name of the City of Bend

for municipal use within the corporate limits of the City of Bend, Oregon, and surrounding territory served by its water supply pipelines.

(Give location of your property, as shown on the order approving the transfer)

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time allowed, which expired on October 1, 20__:

The previous transfer extension expired on 10-1-1989. Prior to that date, Bend used the maximum portion of water under transfer B-112 that could be made within the system capacity (approx. 18 cfs) in combination with existing surface water rights.

(If for irrigation, how many acres total are now irrigated)

TO FULLY COMPLETE the change, it will be necessary to accomplish the following:

Complete feasibility studies concerning improvements to surface water diversion and water treatment infrastructure, implement such improvements, and complete the changes under transfer B-112 in combination with existing rights.

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed, because Based on the cost and complexity of the project, more time will be needed to complete transfer B-112 in combination with the City's existing surface water rights.

See "Attachment A" for additional information.

And request that the time for completion be extended to October 1, 2019.

(Signature of applicant)

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WATER RESOURCES DEPT
SALEM, OREGON

In order for an application to be complete, it must be accompanied by the required fee. See the Department's fee schedule at www.wrd.state.or.us or call (503) 986-0900.

MAIL COMPLETED APPLICATION AND FEE TO:

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

APPLICATION FOR EXTENSION OF TIME FOR TRANSFER OF WATER RIGHT

ATTACHMENT A ADDITIONAL INFORMATION

I. Introduction

The City of Bend is requesting an extension of time to complete the changes to its water right authorized under water right transfer B-112. Bend is requesting an extension of time until October 1, 2019. The extension is needed due to the cost and complexity associated with the project.

- * [Bend's existing surface water diversion capacity is currently approximately 18 cfs, however, it has approximately 21 cfs of surface water rights (excluding permits). Thus, additional system capacity is needed to complete the changes authorized in transfer B-112, in combination with the City's existing water rights.] Bend is currently evaluating potential improvements to its surface water diversion system.

II. Population and Service Connections

Pursuant to Oregon Administrative Rules (OAR) 690-380-6020(4), Bend is providing the following information regarding the continued increase in service population and the number of service connections.

Year	Water Service Population
1990	14,328
1995	21,441
2000	35,900
2005	52,941
2030	103,000 (projected)

Year	Service Connections
1990	2,000 (estimated)
1995	3,371
1998	12,319
1999	13,372
2000	14,568
2001	15,433
2002	16,501
2003	18,291

The City of Bend's water supply, transmission, and distribution system currently provides potable water to approximately 53,000 people through residential, commercial, industrial and institutional services. As noted in the City's 2007 Water System Master Plan Update, the projected water service population in year 2030 is 103,000. Service connections have steadily increased, as shown above.

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WATER RESOURCES DEPT
SALEM, OREGON

III. Need for Extension of Time for Transfer B-112

The City of Bend has been diligent in its pursuit of completing the changes authorized by Transfer B-112. Within the last transfer extension period, the City of Bend made use of the maximum portion of the water authorized under transfer B-112 that the existing diversion system can accommodate. As noted above, the current capacity of Bend's surface water diversion system is approximately 18 cfs. Bend has approximately 21 cfs of surface water rights (excluding permits). Therefore, Bend needs additional capacity to complete the changes authorized in Transfer B-112.

Over the years, Bend has undertaken a number of actions to maintain and enhance its surface water diversion system and to be in a position to complete the changes authorized in Transfer B-112. A partial listing of recent representative actions is attached. The estimated cost of those actions is \$5,319,500.

The City's 2007 Water System Master Plan Update allocated \$200,000 for a water supply integrated engineering study for preliminary analysis of surface water supply improvement alternatives. Existing aging raw water transmission pipelines will ultimately need to be replaced if the City continues to route water under pressure from the Bridge Creek watershed to the City. The 2007 Water System Master Plan Update suggested that a budget amount of \$50,000,000 be identified as a "placeholder" for preliminary Capital Improvement Program planning.

Bend needs an extension of time until 2019 in order to complete the aforementioned feasibility studies, implement the associated infrastructure improvements, and complete the changes authorized in Transfer B-112.

IV. Conclusion

The City of Bend has been diligently pursuing completion of the changes authorized under Transfer B-112. Due to the complexity and cost of the effort, Bend will need until the year 2019 to complete the transfer.

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WATER RESOURCES DEPT
SALEM, OREGON

City of Bend - Selected Surface Water System Expenditures 1992-2009

Year	Description	Estimated Cost
1992	Install chlorination taps on the Intake mains and all necessary chlorination equipment for an initial injection site.	\$6,000
1998	Culvert Reinforcement Project: Removed trees from culverts and placed eye beams under culverts for support	\$20,000
2004	Upgraded return flow head gates for the Miller Family property going into their ditch	\$2,500
2005	Upgrade intake room with new wall panels	\$10,000
2007	Water master plan update	\$150,000
2007	Pressure Reducing Valve #1 - surface water in Outback facility	\$250,000
2007	Install automated inlet valve at C.T. basin	\$12,000
2007	Surface Water transmission line realignment, surface water treatment recalculation and flow analysis	\$1,200,000
2007	Water Quality Monitoring Study - raw surface water supply	\$30,000
2008	Install chlorination taps on the Intake mains and all necessary chlorination equipment for an initial injection site.	\$6,000
2008	Install upgraded measurement meter on transmission line with Mag Meter to prevent damage or inaccurate readings	\$20,000
2008	Pressure Reducing Valve #2 - surface water in Outback facility	\$250,000
2008	Water Master Plan addendum	\$100,000
2008	Surface Water feasibility study	\$550,000
2009	Upgrade and provide new and labeling for blow-off and air release valves on main transmission lines	\$2,500
2009	Yard piping upgrade and surface water management replumbed with 24" inch piping around C.T.	\$65,000
	TOTAL	\$2,645,500
	Note: this does not represent all the projects or investments made on the surface water system.	

RECEIVED

MAY 12 2009

WATER RESOURCES DEPT
SALEM, OREGON

Application No.

Application for Extension of Time
for Transfer of Water Right

RECEIVED

JUN 5 1980

WATER RESOURCES DEPT
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, John B. Donahue, City of Bend
(Name of applicant)
of 1345 N.W. Wall, Bend,
(Mailing address) (City)
State of Oregon, 97701, 382-4211 ext. 32
(Zip Code) (Phone number)

do hereby make application for an extension of time within which to complete
a change in: (X) point of diversion
(X) place of use
(X) use heretofore made of water

under the terms of an order of the Water Resources Director entered on
Dec. 29, 1959, approving transfer application No. B-112,
in the name of City of Bend *

The following has been accomplished toward completion of the
change within the time allowed, which expired on _____, 19__:
Installed pump and irrigation system

(If for irrigation, how many acres, total, are now irrigated)

*If you are not the applicant named above, please explain your interest in
this matter. _____

To fully complete the change, it will be necessary to accomplish the following: enlarge system to fully utilize allotted water rights as the demand warrant an increase in usage.

I am unable to complete the change under the terms of the order, within the time allowed, because of the gradual continuance of growth of the City proper.

and request that the time for completion be extended to maximum allowed.

AFFIDAVIT OF APPLICANT

I, John B. Donahue, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____

June 2, 1980

Subscribed and sworn to before me this 2nd day of June, 1980

[Notarial Seal]

My commission expires May 8, 1983

MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$ 10.00

TO:

Water Resources Department
MILL CREEK OFFICE PARK
655 13th STREET N.E.
SALEM, OREGON 97310

Receipt # 18369
\$10
6/5/80

to 10-1-84

Transfer B-112

APPLICATION FOR EXTENSION OF TIME
FOR TRANSFER OF WATER RIGHT

RECEIVED

NOV 9 1984

WATER RESOURCES DEPT
SALEM OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Edward C. Spring, City of Bend (Operations Supervisor)
(Name of Applicant)

of 1345 N.W. Wall Street, Bend
(Mailing Address) (City)

State of Oregon, 97701, (503) 388-5540
(Zip Code) (Phone Number)

do hereby make application for an extension of time within which to complete a change in:

(☒) point of diversion (☒) place of use (☒) use heretofore made
of water under the terms of an order of the Water Resources Director entered
on December 29,, 1984, approving Transfer B-112, in the name
of City of Bend,
for see prior agreements.

(give location of your property, as shown on the order approving the transfer)

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time
allowed, which expired on October 1, 1984 :

Construction of two 1 million gallon reservoirs.

Enlargement of section of intake pipe.

Expansion of existing system.

(if for irrigation, how many acres, total, are now irrigated)

TO FULLY COMPLETE the change, it will be necessary to accomplish the
following: Enlarge system to fully utilize allotted water rights as the demand warrant
an increase in usage.

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed,
because of the gradual continuance of growth of the City proper.

_____ and request that the
time for completion be extended to October 1, 1986 Maximum allowed.

Edward C. Spring
(signature of applicant)

Ext to 10-1-89
SDB

0056/6

MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$100 TO:
WATER RESOURCES DEPARTMENT
Mill Creek Office Park
555 13th Street, NE
Salem, Oregon 97310

\$100.00
11-9-84
#44586

RECEIVED

NOV 29 1984

WATER RESOURCES DEPT.
SALEM, OREGON

Extended to 10-1-89

NOTICE OF COMPLETION OF CHANGE IN

PLACE OF USE OF IRRIGATION WATER RIGHT

PURSUANT TO TRANSFER APPLICATION NO. T-B-112

I, EDWARD C. SPRING, OPERATION SUPT., hereby certify that
completion of works and use of water to the extent intended
within the provisions of the order of the Water Resources
Director approving said water right transfer application
was accomplished by OCTOBER 1,, 19 84.

Nov 8-1984

Date

Edward C. Spring

Signature

(Mail completed form to Tumalo Irrigation District,
64697 Cook Avenue, Bend, Oregon 97701)

10-1-89

Transfer _____

APPLICATION FOR EXTENSION OF TIME
FOR TRANSFER OF WATER RIGHT

RECEIVED

NOV 20 1984

WATER RESOURCES DEPT.

SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Edward C. Spring, City of Bend (Operations Supervisor)
(Name of Applicant)
of 1345 N.W. Wall Street, Bend
(Mailing Address) (City)
State of Oregon, 97701, (503) 388-5540
(Zip Code) (Phone Number)

do hereby make application for an extension of time within which to complete a change in:

(☒) point of diversion (☒) place of use (☒) use heretofore made
of water under the terms of an order of the Water Resources Director entered
on December 29, 1989, approving Transfer B-112, in the name
of City of Bend,
for see prior agreements.

(give location of your property, as shown on the order approving the transfer)

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time
allowed, which expired on October 1, 1984 :

Construction of two 1 million gallon reservoirs.

Enlargement of section of intake pipe.

Expansion of existing system.

(if for irrigation, how many acres, total, are now irrigated)

TO FULLY COMPLETE the change, it will be necessary to accomplish the
following: Enlarge system to fully utilize allotted water rights as the demand warrant
an increase in usage.

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed,
because of the gradual continuance of growth of the City proper.

_____ and request that the
time for completion be extended to October 1, 1986 Maximum allowed.

(signature of applicant)

MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$100 TO:
WATER RESOURCES DEPARTMENT
Mill Creek Office Park
555 13th Street, NE
Salem, Oregon 97310

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

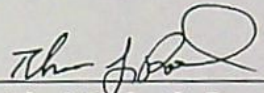
DENIAL OF EXTENSION OF TIME REQUEST

The changes approved under Transfer B-112, in the name of the City of Bend, were to have been completed by October 1, 1989. The City requested additional time to complete the changes.

Upon review of the file, it appears the changes has been completed. The City claimed in an earlier final proof survey to be diverting more water than allowed by this transfer. The diversion of the additional water is allowed under other water rights and permits. An extension of time is not needed and the request should be denied.

The request for extension of time for Transfer B-112, in the name of the City of Bend, is
DENIED.

Witness the signature of the Water Resources Director, affixed DEC 02 1998.



for Martha O. Pagel, Director

APPLICATION FOR EXTENSION OF TIME
FOR TRANSFER OF WATER RIGHTRECEIVED
FEB 23 1998WATER RESOURCES DEPT.
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, ROGER PRONELL, ASSISTANT WATER SUPERVISOR
(Name of Applicant)
of CITY OF BEND 1375 NE FORBES ROAD, BEND
(Mailing Address) (City)
State of OR, 97701, 541 317-3017
(Zip Code) (Phone Number)

do hereby make application for an extension of time within which to complete a change in:

() point of diversion () place of use (x) use heretofore made
of water under the terms of an order of the Water Resources Director entered
on DEC 29, 1959, approving Transfer B-112, in the name
of CITY OF BEND
for SEE PRIOR AGREEMENTS

(give location of your property, as shown on the order approving the transfer)

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time
allowed, which expired on October 1, 1989 :expanded distribution system
constructed two 1.5 MG reservoirs, 2 MG reservoir, replaced sections of
transmission main, constructed new disinfection facilities

(if for irrigation, how many acres, total, are now irrigated)

TO FULLY COMPLETE the change, it will be necessary to accomplish the
following:increase transmission main size, enlarge systemI AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed,
becausegrowth of system and population dynamicsand request that the
time for completion be extended to October 1, 19 2003.Roger Pronell
(signature of applicant)

MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$100 TO:

Water Resources Department
3850 Portland Road NE
Salem, OR 97310

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

DENIAL OF EXTENSION OF TIME REQUEST

The changes approved under Transfer B-112, in the name of the City of Bend, were to have been completed by October 1, 1989. The City requested additional time to complete the changes.

Upon review of the file, it appears the changes has been completed. The City claimed in an earlier final proof survey to be diverting more water than allowed by this transfer. The diversion of the additional water is allowed under other water rights and permits. An extension of time is not needed and the request should be denied.

The request for extension of time for Transfer B-112, in the name of the City of Bend, is DENIED.

Witness the signature of the Water Resources Director, affixed DEC 02 1998.

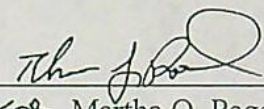

for Martha O. Pagel, Director



Table 1. City of Bend's Surface Water Rights

Source	Transfer, Permit, or Certificate Number	Priority Date	Authorized Rate (cfs)	Total Rate (cfs) (mgd)	Status	Comments
Bridge Creek	Permit S-49823	12/12/1983	15.00	15.00 (9.69)	Permit	Authorizes year-around use
Tumalo Creek	Court judgment	N/A	6.00	21.113 (13.64)		Authorizes year-around use
	Certificate 31411	9/30/1900	4.50		Certificated	Season of use: April 15 - Oct. 15
		8/5/1900	2.00			
		6/1/1907	0.02			
	Certificate 31665	9/30/1900	1.314		Certificated	Limited by annual volume*
		4/28/1905	0.186			
		6/1/1907	1.103			
	Transfer B-112	10/29/1913	2.43 -- 5.99**		Inchoate	
Total Authorized Surface Water Rate				36.113 4 (23.33 mgd)		

* Subject to annual volume limits of 821.7 acre-feet for Certificate 31411 and 328.14 acre-feet for Certificate 31665.

** Maximum authorized rate of diversion varies based on the season. Maximum rate of 5.99 cfs is allowed May 15 to Sept. 15.

REPORT ON INSPECTION UNDER TRANSFER
OF WATER RIGHT FOR CHANGE IN: (PO

POD -

PQU

USE

Add'l POD

382-4211

Jack Donahue
9:00
Mond. Pub w/ks
Dir.

Transfer NO. B-112

Old Certificate NO. 87, 26050, 26051,

1. Name City of Bend

Address

2. Source of Supply Tumalo Creek, et. al.

, Trib of

3. Use from irrigation 194.1 ac to municipal

4. Amount of Water 2.01 cfs

Priority Date	Sept 1900, 6-1-1907; 10-29, 1913
---------------	-------------------------------------

5. Proposed Point of Diversion City of Bend's intake from Tumalo Cr, in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 7,
T 18S, R 10E, WM

6. Completion Date 10-1-68

extension?

7. Place of Use:

SEE ATTACHED ORDER PAGES.

[illegible]

Drop Coater Co.
Little Coater

382-4211

Jack Donahue
9:00
Nand. Pub with
Dir.

2) 089

18⁵ cfs
inc. about 5 yrs.

Total
RECEIVED
APR 2 1980
WATER RESOURCES DEPT
SALEM, OREGON

County DESCHUTES

APR 2 1980

WATER RESOURCES DEPT
SALEM, OREGON

Sept 1900,

5. Proposed Point of Diversion City of Bend's intake from Tumalo Cr, in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 7,
T 18S, R 10E, WM

7. Place of Use:

SEE ATTACHED ORDER PAGES.

[illegible]

BEND WATER DEPARTMENT

1978 WATER PRODUCTION

Gallons

<u>Month</u>	<u>Bridge Creek</u>	<u>Well No. 1</u>	<u>Well No. 2</u>	<u>Total Consumption</u>
January	73,660,000			73,660,000
February	68,800,000			68,800,000
March	101,030,000			101,030,000
April	93,470,000			93,470,000
May	154,031,000			154,031,000
June	257,096,000			257,096,000
July	262,377,000	9,711,000		272,088,000
August	244,290,000	11,227,000		255,517,000
September	144,160,000			144,160,000
October	145,040,000			145,040,000
November	85,730,000	1,343,000		87,073,000
December	80,770,000			80,770,000
				<u>1,732,735,000</u>

Monthly Average 144,394,583

Daily Average 4,747,219

Average Daily Consumption Per Person*

Estimated Population Being Served

8-112 City of Bend

Info: Jack Donahue, PW. Dir.

At the present time the city is diverting about 18[±] cfs. According to BAE they have accumulated ~~to~~ rights to about 21 cfs. The city is investigating the enlargement of the Bridge Co. intake in about 5 yrs. The city would like extensions on these transfers.

Notes: They are putting together a Water Master Plan which will probably give much of the F.P. info. I asked for a copy to be sent to me. LHW

3-19-80

Larry B. Funn
Field Engineer

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
 OF THE CITY OF BEND, OREGON, FOR)
 THE APPROVAL OF A CHANGE IN USE,)
 PLACE OF USE AND POINT OF DIVER-)
 SION OF WATER FROM TUMALO,)
 CRATER, LITTLE CRATER CREEKS AND)
 THREE SPRING BRANCHES.)

O R D E R

APPROVING APPLICATION

- 1 -

On June 11, 1959, the City of Bend, Oregon, filed an application in the office of the State Engineer for the approval of a change in use, place of use and point of diversion of water from Tumalo, Crater and Little Crater Creeks and Three Spring Branches pursuant to the provisions of ORS 540.510 to 540.530.

- 2 -

Following is a summary of the water rights appurtenant to the lands involved in the application:

(a) In the adjudication proceedings determining the relative rights to the use of the waters of Tumalo Creek and its tributaries a water right was established for the irrigation of 23.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 28.7 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 12.4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 16.4 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 23.6 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, and 9 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., with a date of priority of September 1900, and 7.6 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, and 20 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., with a date of priority of June 1, 1907, from Tumalo Creek. The right to the use of water from Tumalo Creek for the irrigation of these lands is limited to a rate of flow of one-seventieth of one cubic foot per second per acre and the quantity of water diverted during the irrigation season from April 15 to October 15 of each year is limited to a diversion of not to exceed 1.8 acre feet per acre.

26050

(b) Certificate of water right issued to the Tumalo Irrigation District and recorded at page 26050, Volume 17, State Record of Water Right Certificates confirms a right under Permit No. 19628 for the irrigation of, among other lands, 20 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 16.4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.8 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 0.8 acre in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, and 1 acre in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, and 33.6 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., and supplemental irrigation of 23.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 28.7 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 12.4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 24 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 23.6 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, and 29 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., with a date of priority of October 29, 1913 from Tumalo Creek, Crater Creek, Little Crater Creek and Three Spring Branches. These lands, together with the lands described in paragraph (a) preceding, are irrigated through either the Tumalo Feed Canal or the Columbia Southern Canal, the point of diversion of the Tumalo Feed Canal being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, Township 17 South, Range 11 East, W. M., and the point of diversion of the Columbia Southern Canal being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 18 South, Range 10 East, W. M. The amount of water used for irrigation, together with the amount secured under any other rights existing for the same lands, shall be limited to:

Cubic Feet Per Second Per Acre at Diversion

April 1 to May 1	May 1 to May 15	May 15 to Sept. 15	Sept. 15 to Oct. 1	Oct. 1 to Nov. 1	Total Acre Feet Per Acre at Diversion During Season
1 ft. to 80 acres	1 ft. to 60 acres	1 ft. to 32.4 ac.	1 ft. to 60 acres	1 ft. to 80 acres	9.91

(c) Certificate of water right issued to the Tumalo Irrigation District and recorded at page 26051, Volume 17, State Record of Water Right Certificates confirms a right under Permit No. 624 for the use of water stored in Crescent Lake Reservoir with a date of priority of April 7, 1911,

for the supplemental irrigation of all lands described in paragraphs (a) and (b) preceding.

(d) In the adjudication proceedings determining the relative rights to the use of the waters of Deschutes River and its tributaries a water right was established in the name of the Deschutes County Municipal Improvement District for the use of 9.5 cubic feet per second of the waters of Deschutes River with a date of priority of 1905, which water right is appurtenant to all lands within the district including those lands described in paragraphs (a) and (b) preceding.

- 3 -

Agreements between the City of Bend, Oregon, and the Deschutes County Municipal Improvement District (now Tumalo Irrigation District) dated November 17, 1958 and June 10, 1959, provide that the right to the use of water from Tumalo Creek, Crater Creek, Little Crater Creek and Three Spring Branches for the irrigation of 194.1 acres of the 214.5 acres described in paragraphs 2 (a) and (b), is to be transferred to the City of Bend, Oregon for municipal purposes. The agreements further provide that the City of Bend will perpetually pay to the Tumalo Irrigation District the annual assessments for operation and maintenance, the payment of outstanding indebtedness including outstanding bonds, and for replacements and capital repairs on the basis of 194.1 acres, each acre to be assessed equally as all other lands within the district are assessed. The agreements further provide that no water right shall be transferred from 20.4 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M. The agreements further provide that the land from which the water is being transferred shall be divested of all remaining water rights except for the 20.4 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M. That part of the 9.5 cubic feet per second of water from Deschutes River appurtenant to the 194.1 acres is to be transferred to the remaining

lands within the district and that part of the right for the use of the storage water from Crescent Lake Reservoir is to be eliminated from the certificate of water right heretofore issued to the Tumalo Irrigation District.

- 4 -

The City of Bend, Oregon, owner of the lands described in paragraph 2 herein, except for 20.4 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., proposes to transfer the right to the use of water from Tumalo Creek, Crater Creek, Little Crater Creek and Three Spring Branches appurtenant to the remaining 194.1 acres for irrigation purposes, to that of municipal use within the corporate limits of the City of Bend, Oregon, and surrounding territory served by its water supply pipeline and to divert the water at the City of Bend's intake from Tumalo Creek in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 18 South, Range 10 East, W. M.

- 5 -

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in use, place of use and point of diversion of water, if any there were, namely: at the county courthouse in Bend, Oregon, on December 15, 1959, beginning at 9:30 o'clock a.m. The notice was published in the Bend Bulletin, a newspaper printed and having general circulation in Deschutes County, Oregon, for a period of three weeks in the issues of October 20, 27 and November 3, 1959. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

- 6 -

No objections having been filed and it appearing that the proposed change in use, place of use and point of diversion of water may be made without injury to existing rights, the application should be approved.

OFF Acres

NOW, THEREFORE, it hereby is ORDERED that the water right from Tumalo Creek for the irrigation of 23.2^x acres in the NW¹/₄ NE¹/₄, 28.7^x acres in the SW¹/₄ NE¹/₄, 12.4^x acres in the SE¹/₄ NE¹/₄, 16.4^x acres in the NE¹/₄ NW¹/₄, and 23.6^x acres in the NW¹/₄ NW¹/₄, Section 7, and 9^x acres in the NW¹/₄ NW¹/₄, Section 8, Township 16 South, Range 12 East, W. M., with a date of priority of September 1900, and 7.6^x acres in the NE¹/₄ NW¹/₄, Section 7, and 20 acres in the NW¹/₄ NW¹/₄, Section 8, Township 16 South, Range 12 East, W. M., with a date of priority of June 1, 1907, be severed therefrom and simultaneously and without loss of priority transferred to the City of Bend, Oregon for municipal use within the corporate limits of said city and surrounding territory served by its water supply pipelines and said water shall be diverted at the City of Bend's intake from Tumalo Creek located in the SE¹/₄ NE¹/₄, Section 7, Township 18 South, Range 10 East, W. M. The quantity of water heretofore used for the irrigation of 140.9 acres from Tumalo Creek described above and by this order transferred to municipal purposes by the City of Bend, Oregon, shall be limited to a maximum diversion of 2.01 cubic feet per second, beginning on April 15 and ending on October 15 of each year, and the total quantity diverted during said period shall not exceed 253.6 acre feet, measured at the existing meters in the city's parallel pipelines.

3.1

C. 87 Amended
26050
Supp. 1

DN

ADD FOR
2
#7

It is FURTHER ORDERED that the water right from Tumalo Creek, Crater Creek, Little Crater Creek and Three Spring Branches for the irrigation of 20 acres in the NE¹/₄ NE¹/₄, 16.4 acres in the SE¹/₄ NE¹/₄, 1.8 acres in the NE¹/₄ NW¹/₄, and 0.8 acre in the NW¹/₄ NW¹/₄, Section 7, and 1 acre in the NW¹/₄ NW¹/₄, and 13.2 acres in the SW¹/₄ NW¹/₄, Section 8, Township 16 South, Range 12 East, W. M., and supplemental irrigation of 23.2 acres in the NW¹/₄ NE¹/₄, 28.7 acres in the SW¹/₄ NE¹/₄, 12.4 acres in the SE¹/₄ NE¹/₄, 24 acres in the NE¹/₄ NW¹/₄, and

Primary
26050

23.6 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, and 29 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 16 South, Range 12 East, W. M., with a date of priority of October 29, 1913, be severed therefrom and simultaneously and without loss of priority transferred to the City of Bend, Oregon for municipal use within the corporate limits of the said city and surrounding territory served by its water supply pipelines and said water shall be diverted at the City of Bend's intake from Tumalo Creek located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 18 South, Range 10 East, W. M. The quantity of water diverted under this appropriation, together with the quantity of water diverted under the right described in paragraph 7 above, shall not exceed the following:

Cubic Feet Per Second at Diversion						Total Acre Feet at Diversion During Season
April 1 to May 1	May 1 to May 15	May 15 to Sept. 15	Sept. 15 to Oct. 1	Oct. 1 to Nov. 1	Nov. 1 to April 1	
✓	✓	✓	✓	✓	✓	
2.43	3.23	5.99	3.23	2.43	0	1923.5

1.00 - 1.33 - 2.47 - 1.33 - 1.00 - 0 - 792.8 -

- 9 -

It is FURTHER ORDERED that that part of the right to the use of 9.5 cubic feet per second of the waters of Deschutes River with a date of priority of 1905, appurtenant to the lands described in paragraphs 7 and 8 above, be severed therefrom and simultaneously and without loss of priority transferred to the remaining lands having water rights within the Tumalo Irrigation District.

- 10 -

It is FURTHER ORDERED that the right to the use of water stored in Crescent Lake Reservoir for the irrigation of the lands described in paragraphs 7 and 8 hereof, be eliminated from certificate of water right issued to the Tumalo Irrigation District and recorded at page 26051, Volume 17, State Record of Water Right Certificates.

- 11 -

It is FURTHER ORDERED that the water so transferred shall be applied to beneficial use by the City of Bend, Oregon, on or before October 1, 1968 or within such extension of time as may be granted by the State Engineer for good cause shown.

- 12 -

It is FURTHER ORDERED that certificates of water right recorded at pages 73 and 87, Volume 1, and page 26050, Volume 17, State Record of Water Right Certificates, which certificates involve the lands from which the water right were transferred herein, be and the same hereby are cancelled. New certificates shall be issued in lieu thereof describing the lands not involved in this transfer.

- 13 -

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use for municipal purposes within the corporate limits of the City of Bend, Oregon, and surrounding territory served by its water supply pipelines, a certificate of water right shall be issued to the City of Bend, Oregon, to the extent to which the water has been used beneficially.

Dated at Salem, Oregon this 28th day of December, 1959.

/s/ LEWIS A. STANLEY
State Engineer

B-112

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, City of Bend

(Name of applicant)

of Bend

(Postoffice)

County of Deschutes

State of Oregon

, do hereby make application for change place of use,

point of diversion and type of use

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Tumalo Creek

(Name of stream)

2. The use to which the water is applied is Municipal

(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is Tumalo

4. The point of diversion is located ft. and ft. from the

(N. or S.)

(E. or W.)

corner of

(Section or subdivision)

being within the

of Section

Tp.

(No. N. or S.)

R.

(No. E. or W.)

W. M., in the County of

5. Give the number of acres irrigated in each smallest legal subdivision (40-acre tract). Only show the acreage which is being transferred. If the water is used for power, mining or other use, show place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
16	12	7	20	232	28.7	28.8	25.8	24.4										
16	12	8					30.0	13.2										

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

Total 194.1 acres

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes

(If not owner, explain your interest)

6a. Have the lands described above been irrigated during the past 5 years? Yes

7. What is the priority date of your water right? 1900, 1907 and 1913

8. Was your water right acquired by State Engineer's Permit? part of rights If so, give number

(Yes or No)

of permit 19628

9. Do you hold a water right certificate? If so, give number of certificate
(Yes or No)

10. Was your water right determined by State Engineer's order of Determination or Decree of Court?

..... If so, give title of proceedings Tumalo Creek Adjudication & Permit No. 19628 May 1, 1911
(Yes or No)

11. Is the water right recorded in your name? City of Bend
(If not, give name)

12. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

(Attach separate sheet if necessary)

NOTE: Do not answer questions 13, 14, 15 and 16, if the application is not for change in point of diversion.

13. The proposed point of diversion is located 461.28 ft. N. and 538.67 ft. W. from the E. corner of SE $\frac{1}{4}$ being within the NE $\frac{1}{4}$ of Section 7 Tp. 18 R. 10 E. W. M.,
(N. or S.) (E. or W.)
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Deschutes The name of the ditch to be used is Columbia Southern

14. Are you the owner of the land on which the proposed point of diversion is to be located? Yes.

15. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

16. Are there any diversions between your present point of diversion and the proposed point of diversion?

NOTE: Do not answer questions 17 and 18 if application is for change in point of diversion only.

17. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? Yes
(Answer Yes or No)

18. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

19. Reasons for the proposed changes are Needed in the City of Bend for Municipal use.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Deschutes

ss.

I, Walter T. Thompson, City Manager, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 10th day of JUNE, 1959.

Walter T. Thompson
(Name of applicant) City Manager.

Subscribed and sworn to before me this 10th day of JUNE, 1959.

[Notarial Seal]

Garry C. English
NOTARY PUBLIC FOR OREGON

My commission expires

July 2, 1959

Remarks Contracts with Deschutes County Municipal Improvement District date of November 17, 1958, and date of June 10, 1959 enclosed.

State Engineer's office has a copy of City Water Intake area.

This application must be accompanied by a map showing the location of the point of diversion, place of use and works utilized under the present water right. The map should also show the new point of diversion or place of use, as the case may be.

Application for Transfer of Water Right

Name of
applicant

Date filed

Date returned for further data

Date application completed

Date notice published

Date of hearing

Place of hearing

Date of final order
of State Engineer

Date of issuance of certificate
confirming change

Recorded in State Record of Water Right Certificates,

volume, page

Fees paid

Receipt No.

C O N T R A C T

THIS AGREEMENT, Made and entered into between the CITY OF BEND,
a Municipal Corporation and Political Subdivision of the State of Oregon, hereinafter
called the City, and DESCHUTES COUNTY MUNICIPAL IMPROVEMENT DISTRICT,
a Municipal Corporation of the State of Oregon, hereinafter called the District,

W I T N E S S E T H :

THAT, WHEREAS, The City, in order to obtain an additional water sup-
ply from Tumalo Creek for domestic use for its inhabitants, is purchasing the
following described premises located within the County of Deschutes, State of Oregon,
more particularly described as follows:

NW1/4 NW1/4, Section 7	24.4 acres
NE1/4 NW1/4, Section 7	25.8 acres
NW1/4 NE1/4, Section 7	23.2 acres
NE1/4 NE1/4, Section 7	20.0 acres
SW1/4 NE1/4, Section 7	28.7 acres
SE1/4 NE1/4, Section 7	28.8 acres
NW1/4 NW1/4, Section 8	30.0 acres
SW1/4 NW1/4, Section 8	33.6 acres 13.2 (see amendment attached)

All in Township Sixteen (16) South, Range Twelve (12) East of the
Willamette Meridian, Deschutes County, Oregon;

AND, WHEREAS, The above described lands lie within the District, which
is an irrigation district, organized and existing under and by virtue of the laws of
the State of Oregon, and which lands have a water right appurtenant to the respective
tracts in the aggregate amount of 214.5 acres, and are subject to levy and assess-
ment for the operation and maintenance of the District and the payment of outstanding
indebtedness, including outstanding bonds.

That the District, through its irrigation system, is required to maintain
a system sufficient to furnish water to its residents, and that the revenue to be de-
rived from the lands within its boundaries, including the lands hereinabove specific-
ally described, for the furnishing of water thereto, is necessary for the operation
and maintenance of the District, and the releasing or transferring of the water right
appurtenant to the above lands to the City would decrease the revenue of the District
but would not decrease the maintenance and operation expense, and in order to main-
tain the District so as to be able to furnish water to all the lands requiring water
under the District's irrigation system, it is necessary to maintain an acreage as
large as the present acreage within the District, including the lands hereinabove
specifically described.

AND, WHEREAS, It is the desire of the City to transfer the water rights

appurtenant to the lands hereinabove specifically described from an irrigation right for said lands, and to change the manner of use from irrigation to "municipal supply for the inhabitants of the City", to be diverted through the intake of the City; the effect of which transfer would change the manner of use from irrigation to municipal use, and remove the water right from said lands, and they would, therefore, no longer be subject to assessment for the payment of operation and maintenance expenses and outstanding obligations and indebtedness, including bonds, and that to release these lands from the obligation of the payments of said outstanding indebtedness, including bonds, would result in an increased burden on the balance of the lands within the District for the payment thereof, and deprive the District of revenue therefrom.

NOW, THEREFORE, IT IS HEREBY MUTUALLY UNDERSTOOD AND AGREED That the City does hereby specifically undertake and agree with the District that it will perpetually pay to the District a like amount per irrigable acre for all the water transferred from the above described premises each year as is assessed or levied against the balance of the acreage within the District for the payment of operation and maintenance and the payment of outstanding indebtedness, including outstanding bonds and for replacements and capital repairs, but in no event shall the City be required to pay any greater sum per acre of water right transferred to it than shall be charged and paid by any other irrigable acre of land within the District for any of the purposes set out in this paragraph or otherwise; such payments to be made upon presentation of a statement of the amount to the City by the District during the months of January and July of each year.

In consideration of the foregoing, the District does hereby agree to approve such transfer and to execute such instruments as may be necessary to make and execute for said transfer; provided, it is understood by both the parties hereto that this agreement is conditioned upon the approval of such transfer by the State Engineer of the State of Oregon, without which approval this agreement shall be considered as of no force and effect.

IT IS FURTHER UNDERSTOOD AND AGREED That, if and when such transfer of water rights shall be made from said described lands and tracts, the District shall thereafter be under no obligation to furnish any water to any part of said land, but until said transfer is actually made and the water rights removed or transferred to the City, the City may demand and receive water therefor, if the same shall be put to farming use by the City or its tenants.

IT IS FURTHER UNDERSTOOD AND AGREED That the City shall transfer back to the District all Crescent Dam and Deschutes River permit rights and the City agrees to execute such instruments as may be necessary to make and effectuate such transfer of Crescent Dam and Deschutes River Permit rights back to said District.

IN WITNESS WHEREOF, The CITY OF BEND had caused this contract to be signed by its duly authorized officers this 17 day of November, 1958, by resolution duly adopted and the DESCHUTES COUNTY MUNICIPAL IMPROVEMENT DISTRICT has caused this contract to be signed by its duly authorized officers this 17 day of November, 1958, by resolution duly adopted.

CITY OF BEND

By M. L. Rogers
Mayor

By W. T. Thompson
City Manager

ATTEST: Lucia S. Johnson
City Recorder

DESCHUTES COUNTY MUNICIPAL
IMPROVEMENT DISTRICT

By Geo. Heilman
President

By James S. Frakes
Secretary

STATE OF OREGON)

County of Deschutes) ss. On this 17th day of November, 1958, before me appeared M. L. Rogers and Walter T. Thompson, both to me personally known, who, being duly sworn, did say that he, M. L. Rogers is the Mayor, and he, the said Walter T. Thompson is the City Manager of the City of Bend, the within named Municipal Corporation, and that the seal affixed to said instrument is the corporate seal of said City of Bend, and that the said instrument was signed and sealed in behalf of said Corporation by authority of its City Commission, and the said M. L. Rogers and Walter T. Thompson acknowledged said instrument to be the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.

Ray A. English
Notary Public for Oregon
My Commission expires July 2, 1959

STATE OF OREGON)

County of Deschutes) ss. On this 17 day of November, 1958, before me appeared Geo. Heilman and James S. Frakes, both to me personally known, who, being duly sworn, did say that he, the said Geo. Heilman is the President, and he the said James S. Frakes is the Secretary of Deschutes County Municipal Improvement District, the within named Corporation, and that the seal affixed to said instrument is the corporate seal of said Corporation, and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and said Geo. Heilman and James S. Frakes acknowledged said instrument to be the free act and deed of said Corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, on the day and year last above written.

John M. Cozart
Notary Public for Oregon
My Commission expires 12/16/59

CONTRACT

RECEIVED
JUN 11 1959
STATE ENGINEER
SALEM, OREGON

This Agreement made and entered into between the CITY OF BEND, a Municipal Corporation and Political Subdivision of the State of Oregon, hereinafter called the City, and the Tumalo Irrigation District, a Municipal Corporation of the State of Oregon, hereinafter called the District, which said District was formerly known as the Deschutes County Municipal Improvement District,

WITNESSETH:

That whereas on the 17th day of November, 1958, the parties hereto did enter into a Contract regarding the approval of transfer of water from certain lands as set forth in that Contract and providing for the City to pay the maintenance on the said lands and other conditions and agreements as are set forth in that afore-described Contract and

THAT WHEREAS the City in going over the contents of that said Contract has noted that the last item on the lands described in that Contract, to-wit: the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Eight (8), Township Sixteen (16) S. Range 12, EWM, Deschutes County, Oregon, there is set forth 33.6 acres of water to be transferred therefrom and to which the operation and maintenance costs are to be computed and applied and paid for by the City to the District. In delving further into this transaction it was noted by the City that with regard to the particular land herein described that there was actually transferred from the same only 13.2 acres of water rather than the 33.6 acres as set forth in the original contract between the City and the District herein.

NOW THEREFORE, the parties hereto do mutually agree to amend the original contract between the City and the District so that the land described as the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Eight (8), Township Sixteen (16) S. Range 12, EWM, Deschutes County, Oregon, will read 13.2 acres rather than the 33.6 acres as set forth in the original Contract between the parties hereto.

THAT all of the other terms, conditions, statements and obligations as set forth in the Contract afore-mentioned which was entered into on the 17th day of November, 1958, shall remain the same except that the total of the lands in view of the above amendment shall be decreased to 194.1 acres rather than the 214.5 acres as are set forth in the original contract.

IN WITNESS WHEREOF the City of Bend has caused this Contract to be signed by its duly authorized officers this 10th day of JUNE, 1959, by Resolution duly adopted and the Tumalo Irrigation District has caused this Contract to be signed by its duly authorized officers this 2nd day of JUNE, 1959, by Resolution duly adopted.

CITY OF BEND

BY

Jack C. Dempsey
Mayor

BY

W. T. Thompson
City Manager

ATTEST:

Julius S. Johnson
City Recorder

TUMALO IRRIGATION DISTRICT

BY

Geo. Heilman
President

BY

James S. Frakes
Secretary

STATE OF OREGON)

) SS

COUNTY OF DESCHUTES)

On this 10th day of JUNE, 1959, before me appeared Jack Dempsey and Walter T. Thompson, both to me personally known, who, being duly sworn, did say that he, Jack Dempsey is the Mayor, and he, the said Walter T. Thompson is the City Manager of the City of Bend, the within named Municipal Corporation, and that the seal affixed to said instrument is the corporate seal of said City of Bend, and that the said instrument was signed and sealed in behalf of said Corporation by authority of its City Commission, and the said Jack Dempsey and Walter T. Thompson acknowledged said instrument to be the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.

Larry A. English
Notary Public for Oregon
My Commission Expires July 2, 1959

STATE OF OREGON)

) SS

COUNTY OF DESCHUTES)

On this 2 day of June, 1959, before me appeared George Heilman and James S. Frakes both to me personally known, who, being duly sworn, did say that he, the said George Heilman is the President, and he the said James S. Frakes is the Secretary of the Tumalo Irrigation District, the within named Corporation, and that the seal affixed to said instrument is the corporate seal of said Corporation, and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and said George Heilman and James S. Frakes acknowledged said instrument to be the free act and deed of said Corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, on the day and year last above written.

John M. Cornhauer
Notary Public for Oregon
My Commission Expires 2/6/59

NOTICE OF FILING
APPLICATION FOR A CHANGE
IN USE, PLACE OF USE
AND POINT OF
DIVERSION OF WATER

Notice is given hereby that the City of Bend has filed an application for the approval of a change in use, place of use and point of diversion of water from Tumalo Creek.

The Tumalo Irrigation District has a water right from Tumalo, Crater and Little Crater Creeks, and 3 spring branches for the irrigation of 20 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 23.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 28.7 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 28.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 25.8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 24.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, and 30.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 13.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, T. 16 S., R. 12 E., W. M., with dates of priority between Sept. 1900 and Oct. 29, 1913. These lands are irrigated thru either the Tumalo Feed Canal or the Columbia Southern Canal, the point of diversion of the Tumalo Feed Canal being within SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 17 S., R. 11 E., W. M., and the point of diversion of the Columbia Southern Canal being within NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T. 18 S., R. 10 E., W. M.

The City of Bend, Ore., proposes to transfer the water rights for the irrigation of the lands above described, to that of municipal purposes within the corporate limits of the City of Bend and surrounding territory served by its water supply pipeline and to divert the water at the City of Bend's intake from Tumalo Creek located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 18 S., R. 10 E., W. M.

All persons interested are notified hereby that a hearing will be held in the county courthouse at Bend, Ore., on Dec. 15, 1959, beginning at 9:30 A.M. All objections to the proposed changes, if any there are, will be heard at said time and place. Any objections shall be prepared in writing, one copy to be served on the City of Bend, Bend, Ore., and one copy filed with the State Engineer, Salem, Ore., together with a \$2 filing fee, at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Ore., this 15th day of Oct., 1959.

LEWIS A. STANLEY,
State Engineer

268-274-280-C

Affidavit of Publication

STATE OF OREGON, COUNTY OF DESCHUTES,—ss.

I, Nell Wescoatt, being first duly sworn, depose and say that I am the Principal Clerk of the Publisher of The Bend Bulletin, a newspaper of general circulation printed and published at Bend in the aforesaid county and state, as defined by ORS 193.010 and ORS 193.020, that Notice of Filing

Application for a Change in Use, Place of Use and
Point of Diversion of Water

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for three successive and consecutive weeks in the following issues: October 20, 27, November 3, 1959

Nell Wescoatt

Subscribed and sworn to before me this 3rd day
of November, 1959.

Mary Damon

Notary Public for Oregon

(My Commission Expires 10/24/62)

TUMALO IRRIGATION DISTRICT

ROUTE 2 - - BEND, OREGON

Oct. 13, 1959

STATE ENGINEER
251 Finance Building
170 12th St. S.E.
SALEM, OREGON

RECEIVED
OCT 14 1959
STATE ENGINEER
SALEM, OREGON

Dear Mr. Stanley;

The Board of Directors, at their regular meeting Oct. 6, 1959, approved the transfer application No. B 112 of the city of Bend.

Sincerely Yours,

James S. Frakes

Mr. James S. Frakes

Sec'y-Mgr.