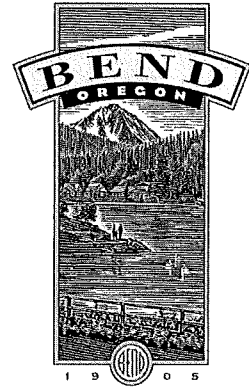


November 20, 2009

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WATER RESOURCES DEPT
SALEM, OREGON



575 NE 15TH STREET
BEND, OR 97701
[541] 317-3000 TEL
[541] 389-2245 FAX
WWW.CI.BEND.OR.US

Kerry Kavanagh
Water Rights and Adjudications Division
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Comments regarding Groundwater Application G-17079

KATHIE ECKMAN
Mayor

Dear Ms. Kavanagh:

MARK CAPELL
Mayor Pro Tem

JIM CLINTON
City Councilor

JODIE BARRAM
City Councilor

JEFF EAGER
City Councilor

TOM GREENE
City Councilor

ORAN TEATER
City Councilor

ERIC KING
City Manager

SONIA ANDREWS
Finance Director

SANDRA L BAXTER
Police Chief

LARRY HUHN
Fire Chief

PATTY STELL
City Recorder

On July 9, 2008, the Bend Metro Park and Recreation District (Park District) filed application G-17079 with the Oregon Water Resources Department (OWRD). On October 23, 2009, OWRD issued an Initial Review for Application G-17079 and the IR was included in the October 27, 2009 public notice. On behalf of the City of Bend (City), I am submitting the following comments regarding Application G-17079 and the Initial Review for that application.

Application G-17079 requests a permit to use groundwater for irrigation of 8 acres at the Riverbend Park in Bend. The application provides inconsistent information about the rate of use requested, indicating a "total rate of water requested" of 44.88 gpm (0.1 cfs) but then stating a maximum, instantaneous rate of 130 gpm (0.289 cfs) would be used. The land use form signed by the City of Bend and submitted with the application, however, indicates the applicant proposes to use 44.88 gpm (0.1 cfs) of groundwater. The initial review indicated that the application proposed to use 130.0 gpm (0.289 cfs), and stated that this rate would be allowed if the application is approved. OWRD should not issue a permit that enlarges the water right beyond that identified in the land use form signed by the City.

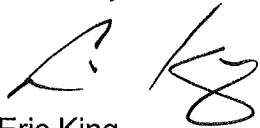
Additionally, the Park District application proposes to appropriate groundwater from a well that is approximately 1200 feet from the City's River wells. The proximity of the Park District's well to these municipal water supply wells poses two problems. First, the Park District's use of water will likely cause interference with the City's wells. At a minimum this could have serious adverse impacts on well production and could ultimately reduce the City's ability to provide water to meet its customers' water demands. Second, the Park District well could act as a conduit for contamination and contaminate the groundwater used for the City's municipal supply. The aquifer currently provides a safe, clean water supply for the City's residents and the City distributes this water to its customers with minimal treatment. Contamination of this aquifer would have serious consequences for the City and its residents.

November 20, 2009
Kerry Kavanagh

Permit Application G-17079 also raises numerous public interest issues for the City beyond the specific water-related concerns described above. The City intends to work cooperatively with the Park District and expects the parties can equitably resolve the City's concerns. Nonetheless, OWRD should consider the above comments prior to issuing a proposed final order for Application G-17079. As needed, the City is prepared to protest the Department's Proposed Final Order.

Please contact me if you have any questions regarding the City's comments on Application G-17079.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. King', written over a light blue horizontal line.

Eric King
City Manager

Cc Don Horton, Bend Parks and Recreation

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