RESOLUTION NO. 1147

A RESOLUTION CANCELING A PORTION OF A WATER RIGHT

WHEREAS, the City of Prineville ("City") is the owner of Water Rights Certificate No. 75223 issued by The Oregon Water Resources Department ("OWRD"); and

WHEREAS, Water Rights Certificate No. 75223 is a municipal water right for the use of up to 1.2 cubic feet per second ("CFS") or 539.1 gallons per minute ("GPM") from a well owned by City; and

WHEREAS, City also owns Permit G-16146 issued by OWRD, which Permit authorizes City to pump water from wells the City owns at the Prineville-Crook County Airport. City desires to increase the water pumped pursuant to Permit G-16146; and

WHEREAS, pursuant to Oregon law, City is required to mitigate its use of ground water if City increases the water pumped pursuant to Permit G-16146; and

WHEREAS, by canceling a .4 CFS (equal to 200 GPM) portion of Certificate No. 75223, the City would receive a reduction of 129 acre feet in its mitigation obligation for the increased use of ground water under Permit G-16146, and

WHEREAS, in order to cancel the .4 CFS portion of Certificate No. 75223 an affidavit must be signed by a person authorized by City.

NOW, THEREFORE, based upon the above recitals, the City of Prineville resolves as follows:

- 1. City's Manager, Steve Forrester, is authorized and instructed to sign the affidavit for the cancellation of .4 CFS of Water Rights Certificate No. 75223.
- 2. Steve Forrester is also authorized to sign any and all other documents necessary or convenient for partial cancellation of Water Rights Certificate No. 75223, as well as any other documents related to Water Rights Certificate No. 75223 and Permit G-16146.

Dated: August 24th, 2010

Mike Wendel, Mayor

ATTEST:

Lisa Morgan, City Recorder

AFFIDAVIT FOR THE PARTIAL CANCELLATION OF A WATER RIGHT CERTIFICATE

State of Oregon)
County of Crook) ss
I, Steve Forrester , on behalf of the City of Prineville, address 387 NE Third Street, Prineville, OR 97754, telephone 541-447-5627, being first duly sworn depose and say:
1. The City is the legal holder of water right certificate 75223. This water right is a municipal water right subject to transfer. Certificate 75223 authorizes the use of up to 1.2 cubic feet per second (cfs) or 539.1 gallons per minute (gpm) for municipal use.
2. The place of use and point of appropriation for certificate 75223 are described in the attached water right certificate.
3. Certificate 75223 is a municipal water right for the use of groundwater from a well owned by the City of Prineville. It is not affected by any irrigation, drainage, water improvement, or water control district, or federal reclamation project.
4. The City voluntarily cancels a 0.4 cfs (200 gpm) portion in exchange for receiving a reduction in its mitigation obligation (offset) for its use of groundwater under Permit G-16146. (OAR 690-505-0610(8) and OAR 690-522-0040). This voluntary partial cancellation is void if the City does not concurrently receive 130.4 acre-feet of offset for Permit G-16146.
5. I request the portion of the water right described above be canceled concurrently with receiving the offset for Permit G-16146 described above.
Sept. 1, 2010
Signature of legal owner Date
Subscribed and Sworn to Before Me this 1st day of September , 2000.
OFFICIAL SEAL LISA K MORGAN NOTARY PUBLIC - OREGON NOTARY PUBLIC - O
COMMISSION FORRES SEPTEMBER 11, 2012) My Commission Expires 9-11-2012

PLEASE ATTACH A LEGIBLE COPY OF: IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S) AS LISTED ON THE DEED.