

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-86825

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

ORS 536.075 allows for additional appeal rights for other than contested case. 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.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

Final Order Incorporating Settlement Agreement

Application History

On April 3, 2007, LISA BROCKMAN submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on August 28, 2007. The protest period closed September 14, 2007. On September 12, 2007, a timely protest was filed. A settlement agreement was signed by all parties as of April 7, 2008. The Settlement Agreement is incorporated into this final order and is attached hereto.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the character of use.

The Proposed Final Order described the character of use as domestic use for one household.

As modified in the attached permit, the character of use is human consumption use for one household.

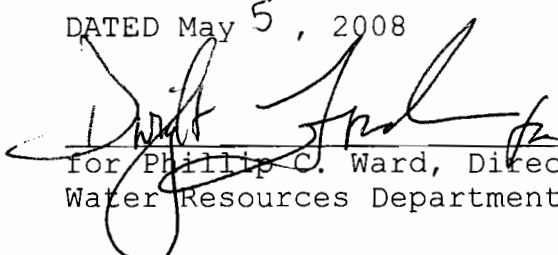
On September 12, 2007, Lee Brockman submitted sufficient information which explored the option to truck water.

Upon review of the information submitted on September 12, 2007, the Department concluded that the applicant cannot reasonably obtain water from any other source.

Order

Application S-86825 is therefore approved with these modifications to the Proposed Final Order, and Permit S-54457 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED May 5, 2008



for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Brook Geffen. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0808.

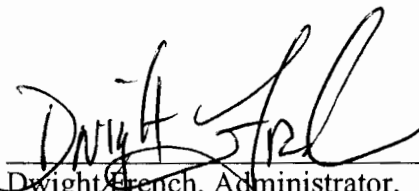
If you have questions about how to file a protest or a request for standing, please refer to the section in this Final Order entitled "Hearing and Appeal Rights". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801.


Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

incorporate this Settlement Agreement by reference and as an attachment.

5. Each Party to this Settlement Agreement represents, warrants, and agrees that the person who executes this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that Party and bind that Party to the terms of this Settlement Agreement.
6. Each Party to this Settlement Agreement certifies that it has had a reasonable opportunity to review and request changes to the Settlement Agreement, and that it has signed this Settlement Agreement of its own free will and accord. Each Party to this Settlement Agreement also certifies that it has read the entire Settlement Agreement, Draft Final Order, and Draft Permit, and understands and fully agrees with the contents thereof.
7. As mentioned above, permit recording fees in the amount of \$300.00 must be paid prior to issuance of a permit. If the Final Order and/or Permit Issuance are delayed due to failure of the Applicant to pay any required fees, this will not constitute breach of the Settlement Agreement by OWRD.
8. This Settlement Agreement may be signed in counterparts, each of which will be deemed an original, and all of which together shall constitute one and the same Settlement Agreement.


Dwight French, Administrator,
Water Rights and Adjudications Division
for
Phillip C. Ward, Director
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301

4-7-08
Date


Ken and/or Lisa Brockman, Applicant

2/14/08
Date

RECEIVED

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