

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application G-16635)
in the name of Confederated Tribes of)
Siletz Indians of Oregon)
Applicant)
and)
)
Devils Lake Water Improvement District)
Salmon Drift Creek Watershed Council)
Protestant)

**SETTLEMENT
AGREEMENT**

RECEIVED

JUN 17 2008

WATER RESOURCES DEPT.
SALEM, OREGON

The Oregon Water Resources Department ("Department"), the Confederated Tribes of Siletz Indians of Oregon ("Applicant"), Devils Lake Water Improvement District and Salmon Drift Creek Watershed Council ("Protestant"), referred to collectively as "the Parties" and each individually as a "Party", do hereby stipulate and agree in this "Settlement Agreement" as follows:

Stipulations

- I. On March 2, 2006, Confederated Tribes of Siletz Indians of Oregon, submitted an application to the Department for a water use permit for 1.67 cubic feet per second from 25 wells in the Devils Lake Basin for supplemental irrigation use on 129.9 acres and pond maintenance.
- II. On July 24, 2007 the Department issued a Proposed Final Order (PFO) recommending that the application be approved and a permit be issued with conditions.
- III. On September 7, 2007 the Devil's Lake Water Improvement District and Salmon Drift Creek Watershed Council filed a timely protest to the PFO.
- IV. The Department, the Applicant and the Protestant agree that all issues raised in the protest to the PFO on Application G-16635 are resolved solely on the following terms.

Terms of Agreement

- 1. The Applicant agrees to the additional conditions, which are underlined in the attached Draft Permit.
- 2. The Confederated Tribes of the Siletz Indians of Oregon agree to continue efforts to secure the use of new or existing surface water rights (including, but not limited to, alternative sources of water such as reclaimed water) that would be practicable and feasible alternatives to the use of groundwater under the permit or certificate issued for Application G-16635.
- 3. In signing this Settlement Agreement Protestant withdraw the protest to the PFO for Application G-16635 with prejudice.

4. Regarding water right Application G-16635, Applicant and Protestant hereby expressly waive all right and opportunity to file protests or requests for contested case hearing, requests for reconsideration, exceptions, or to seek judicial review of the Final Orders or Permits, and also expressly waive any right and opportunity to challenge this Settlement Agreement or the attached Draft Final Order and Draft Permit which are part of this Settlement Agreement.


5. After Applicant and Protestant sign this Settlement Agreement, they will mail the signed original back to Oregon Water Resources Department, ATTN: Patricia McCarty, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

6. Within 30 days after OWRD receives the original Settlement Agreement signed by OWRD, Applicant and Protestant, the Department will issue a Final Order and Permit. The Final Order will incorporate this Settlement Agreement by reference and as an attachment.

7. 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.

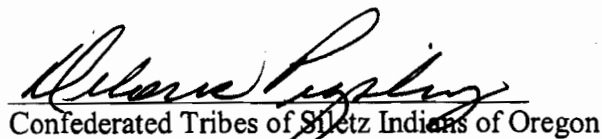
8. Each Party to this Settlement Agreement certifies that it has had a reasonable opportunity to review and request changes to the Settlement Agreement, and that it has signed this Settlement Agreement of its own free will and accord. Each Party to this Settlement Agreement also certifies that it has read the entire Settlement Agreement, draft Final Order, and draft Permit, and understand and fully agree with the contents thereof.

9. 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.

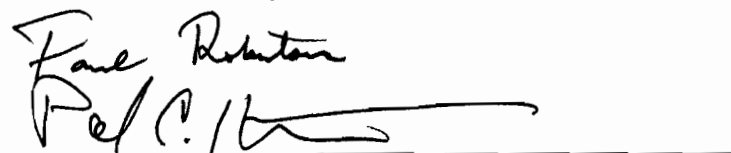

Dwight French, Administrator
Water Rights and Adjudications Division
for Phillip C. Ward, Director
Water Resources Department

June 6, 2008
Date

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WATER RESOURCES DEPT.
SALEM, OREGON


Confederated Tribes of Siletz Indians of Oregon

6/6/08
Date


Devils Lake Water Improvement District
Salmon Drift Creek Watershed Council

2008 June 12
6/12/2008
Date

Appeal Rights

ORS 536.075(2) allows for appeal rights for orders in contested cases. This is a final order in 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 536.075 and OAR 137-003-0080 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.

Final Order Incorporating Settlement Agreement

Application History

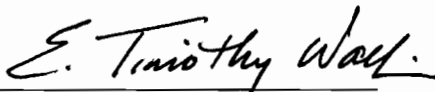
On March 2, 2006, Confederated Tribes of Siletz Indians of Oregon, submitted an application to the Department for a water use permit for 1.67 cubic feet per second from 25 wells in the Devils Lake Basin for supplemental irrigation use on 129.9 acres and pond maintenance. On July 24, 2007 the Department issued a Proposed Final Order (PFO) recommending that the application be approved and a permit be issued with conditions. On September 7, 2007 the Devils Lake Water Improvement District and Salmon Drift Creek Watershed Council filed a timely protest to the PFO. A settlement agreement was signed by all parties as of June 12, 2008. The Settlement Agreement is incorporated into this final order and is attached hereto.

The approved use will not impair or be detrimental to the public interest. The Applicant, the Protestants and the Department have agreed to permit conditions set forth in the draft permit.

Order

Application G-16635 is approved and a permit substantially consistent with the attached permit G-16348 shall be issued, authorizing the water use approved by this order.

DATED July 3,, 2008



for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Joel Plahn. 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 503-986-0815.

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.