

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number S-87076

*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 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 January 30, 2008, Echo Irrigation District submitted an application to the Department for a water use permit to use water from Columbia River, a tributary of Pacific Ocean. The Department issued a Proposed Final Order on February 3, 2009, recommending the application be issued with conditions.

On March 20, 2009, a timely protest was filed by the applicant.

On May 22, 2009, on behalf of the client, Heath Curtiss, with Stoel Rives LLP, submitted an updated place of use table accompanied by an updated map, submitted May 26, 2009, which modified the place of use. The updated place of use is reflected in the attached permit.

On May 27, 2009, on behalf of the client, Heath Curtiss, with Stoel Rives LLP, submitted documentation that sufficiently describes the need for use of water for irrigation outside of the standard irrigation season.

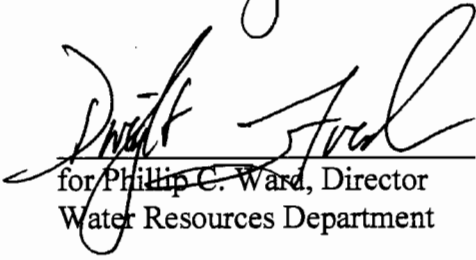
A settlement agreement was signed by all parties as of May 27, 2009. The terms of the Settlement Agreement have been incorporated into this Final Order and a copy of the Settlement Agreement is included below.

The proposed use would not impair or be detrimental to the public interest. The Protestant and the Department have agreed to permit conditions set forth in the permit.

**Order**

Application S-87076 is therefore approved with modifications to the Proposed Final Order.

DATED *May 27*, 2009



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.*

**BEFORE THE OREGON WATER RESOURCES DEPARTMENT**

In the Matter of Water Rights	)	SETTLEMENT
Application Number S-87076 in the name	)	AGREEMENT
of Echo Irrigation District	)	

The Oregon Water Resources Department (“OWRD”) and Echo Irrigation District (“Applicant”), do hereby stipulate and agree in this “Settlement Agreement” as follows:

**Background**

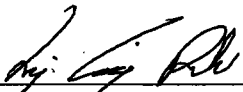
- A. On January 30, 2008, Applicant submitted Application Number S-87076 to OWRD for a water use permit for 50 cubic feet per second for irrigation of certain lands in Umatilla County, Oregon.
- B. On February 3, 2009, OWRD issued a Proposed Final Order (the “PFO”) and a draft permit attached thereto (the “Permit”).
- C. On May 11, 2009, Applicant submitted to OWRD a timely Protest of Applicant Echo Irrigation District; Request for Contested Case Hearing (the “Protest”), disputing certain provisions in the PFO and the Permit. No other timely protests to the PFO for Application Number S-87076 were received by OWRD.
- D. OWRD and Applicant agree that the issues raised in Applicant’s Protest are resolved solely on the following terms.

**Terms of the Agreement**

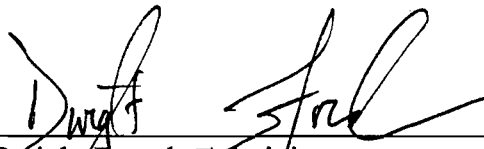
- 1. The Applicant waives all right and opportunity to request reconsideration or exception and to seek judicial review of this Settlement Agreement.
- 2. In signing this Settlement Agreement, the Applicant withdraws its Protest to the PFO for Application S-87076 with prejudice.
- 3. OWRD shall issue the Final Order Incorporating Settlement Agreement and Permit consistent with the attached draft Final Order Incorporating Settlement Agreement and draft Permit.
- 4. Each Party to this Settlement Agreement represents, warrants, and agrees that the person who executed 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.

5. 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.
6. Each Party to this Settlement Agreement certifies that it has read the entire Settlement Agreement, and understands and agrees with the contents thereof.
7. This Settlement Agreement may be signed in counterparts.

ECHO IRRIGATION DISTRICT, Applicant

By:   
\_\_\_\_\_  
Craig Reeder, Manager

Date: 05-27-09

  
\_\_\_\_\_  
Dwight French, Administrator  
Water Rights and Adjudications Division  
For Phillip C. Ward, Director  
Oregon Water Resources Department

Date: May 27, 2009