

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-7217

**Final Order Incorporating Settlement Agreement
Extension of Time for Permit Number G-6639**

Appeal Rights

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.

Application History

On November 7, 1997, Rockwood People's Utility District submitted an application to the Department for an extension of time for Permit G-6639. The Department issued Permit G-6639 on March 24, 1976. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 1978. In accordance with OAR 690-315-0050(2), on August 15, 2006, the Department issued a Proposed Final Order (PFO) proposing to extend the time to complete construction to October 1, 2047, and the time to fully apply water to beneficial use to October 1, 2047, and to make the extension subject to certain conditions. The protest period closed on September 29, 2006, in accordance with OAR 690-315-0060(1). On September 29, 2006, the Department received a protest from the Applicant.

At time of issuance of the PFO the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to a number of conditions that were listed in the PFO.

However, based on consideration of issues raised in the Applicant's protest and related issues, the Department has determined that the extension should be subject to only the following conditions.

CONDITIONS

1. **Interference Condition**

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

2. **Static Water Level Measurements**

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of **March**. Reports shall be submitted to the Department within 30 days of measurement.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- A. Identify each well with its associated measurement; and
- B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method used to obtain each well measurement; and
- D. Certify the accuracy of all measurements and calculations submitted to the Department.

3. **Well Location Condition**


If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0080(3).

Order

The extension of time for Application G-7217, Permit G-6639, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2047. The deadline for applying water to full beneficial use is extended to October 1, 2047.

DATED: Dec 8, 2006, 2006


Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

If you have any questions about statements contained in this document, please contact Ann Reece at (503) 986-0900.

If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Extension of Time for Water Right)
Application G-7217, Permit G-6639, in the Name)
of Rockwood Water People’s Utility District,)
Applicant and Protestant)
_____)

**SETTLEMENT
AGREEMENT**

The Oregon Water Resources Department (“OWRD”) and Rockwood Water People’s Utility District (“Applicant”), referred to collectively as “the Parties” and each individually a “Party,” do hereby stipulate and agree in this “Settlement Agreement” as follows:

Stipulations

- I. On November 7, 1997, Applicant submitted an “Application for Extension of Time” to OWRD for water right Application G-7217, Permit G-6639.
- II. On August 15, 2006, OWRD issued a Proposed Final Order (PFO) that proposed to grant the extension of time with certain conditions.
- III. The deadline to protest the PFO was September 29, 2006. On September 29, 2006, OWRD received a protest from the Applicant regarding the PFO on extension of time for Application G-7217, Permit G-6639.
- IV. OWRD and Applicant agree that all issues raised in Applicant’s protest to the PFO on extension of time for Application G-7217, Permit G-6639, are resolved solely on the following terms.

Terms of Agreement

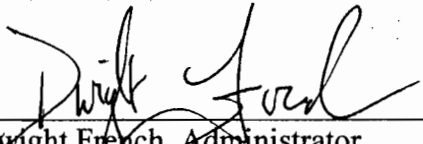
- 1. In signing this Settlement Agreement, Applicant withdraws its protest and request for contested case hearing to the PFO on extension of time for Application G-7217, Permit G-6639 with prejudice.
- 2. Regarding the Final Order on extension of time for Application G-7217, Permit G-6639, Applicant expressly waives all right and opportunity to file a protest or request for contested case hearing, request for reconsideration, exceptions, or to seek judicial review. Applicant also expressly waives all right and opportunity to challenge this Settlement Agreement. The Parties retain the right to defend the Settlement Agreement, Draft Final Order, and Final Order in the event that another individual or entity that is not a Party to this Settlement Agreement challenges or attempts to challenge such documents.
- 3. After Applicant signs this Settlement Agreement, they will mail the signed original back to Oregon Water Resources Department, ATTN: Mike Reynolds, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

RECEIVED

NOV 28 2006

**WATER RESOURCES DEPT 1
SALEM, OREGON**

4. Within 30 days after OWRD receives the original Settlement Agreement signed by OWRD and Applicant, OWRD will issue a Final Order that is consistent with the Draft Final Order attached to this Settlement Agreement. The Final Order will 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 they have had a reasonable opportunity to review and request changes to the Settlement Agreement, and that they have signed this Settlement Agreement of their own free will and accord. Each Party to this Settlement Agreement also certifies that they have read the entire Settlement Agreement and Draft Final Order and understand and fully agree with the contents thereof.
7. 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 97301-1266

11-21-2006

Date

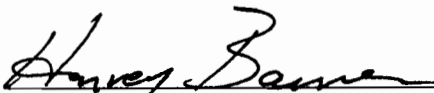
Rockwood People's Utility District, Applicant
Print name: _____

Date

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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 97301-1266

Date



Rockwood People's Utility District, Applicant
Print name: Harvey Barnes

Nov 21, 2006
Date

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**WATER RESOURCES DEPT
SALEM, OREGON**

**DRAFT Final Order Incorporating Settlement Agreement
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DATED: _____, 2006

DRAFT - DO NOT SIGN

Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

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NOTE: Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder

Mailing List for Extension FO Copies

Application G-7217
Permit G-6639

FO Date: [REDACTED], 2006

Original mailed to permit holder:

Rockwood Water People's Utility District
Attn: Harvey Barnes, Director
19601 NE Halsey
Portland, OR 97302

Copies Mailed

By: _____
(SUPPORT STAFF)

On: _____
(DATE)

For Extension PFO's - Copies sent to:

1. WRD - Appl. File G-7217, Permit G-6639
2. WRD - Watermaster District 20 – Sabrina White, Oregon City
3. WRD – Support Staff, Salem...*Permit record update*

Other interested parties:

4. Clark I. Balfour, Cable Huston Benedict & Lloyd LLP, Suite 2000, 1001 SW Fifth Ave.,
Portland, OR 97204-1136

CASEWORKER: ALR

Document1