

### **Final Order Incorporating Settlement Agreement**

#### *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.

#### *Application History*

On DECEMBER 11, 2000, SPRINGFIELD UTILITY BOARD submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on November 8, 2005. The protest period closed December 23, 2005. A timely protest was filed by the applicant on December 19, 2005.

A "Settlement Agreement" was entered into between the applicant and the Department on February 24, 2006. An "Amendment" to the Settlement Agreement was entered into between the applicant and the Department as of March 23, 2006. The Settlement Agreement and the Amendment are incorporated herein by reference.

**Order**

Application G-15244 therefore is approved consistently with the terms of the aforementioned Settlement Agreement and Amendment, and Permit G-16149 is issued.

DATED January 2, 2007

A handwritten signature in black ink, appearing to read "Dwight French", written over a horizontal line.

Dwight French, Administrator  
Water Rights and Adjudications,

*for*

Phillip C. Ward, Director  
Oregon Water Resources Department