

**Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-8719**

**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**

The Department issued Permit G-8719 on February 7, 1980. The permit called for completion of construction by October 1, 1981, and complete application of water to beneficial use by October 1, 1982. On November 7, 1997, Rockwood Water People's Utility District submitted an application to the Department for an extension of time for Permit G-8719. In accordance with OAR 690-315-0050(2), on June 10, 2008, 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. The protest period closed July 25, 2008, in accordance with OAR 690-315-0060(1). The applicant filed a timely protest.

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 protest and additional information provided by the applicant 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. **Limited Water Level Decline/Interference Condition**

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.

Measurements must be made according to the following schedule:

**Seven Consecutive Annual Measurements**

**Beginning in March 2012**, the user shall submit seven consecutive annual reports of static water level measurements. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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.

If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by 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.

4. **Development Limitations**

Diversion of any water beyond 4.42 cfs under Permit G-8719 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86. The required WMCP shall be submitted to the Department within 3 years of an approved extension of time application. Use of water under Permit G-8719 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 that is on file with the Department.

The deadline established in this Final Order for submittal of a WMCP shall not relieve a

permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders.

5. **Condition to Appropriate Water Only from Wells Having No Potential for Substantial Interference with Surface Water**

This extension of time is conditioned to provide that the extended time to complete construction of the water system and to complete application of water to beneficial use under Permit G-8719 applies only to further development and use of water from Well 6 (MULT 70128) and specifically excludes further development and/or water use from the 5 wells determined by the Department on January 28, 2008, to have the potential for substantial interference with surface water. However, appropriation of water under Permit G-8719 may include use of water from wells authorized by the Department's approval of Permit Amendment T-10554, providing that any additional wells will not have the potential for substantial interference with surface water as determined by the Department under OAR Chapter 690 Division 9.

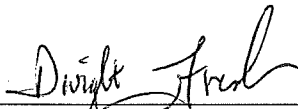
The findings of fact and conclusions of law in the Proposed Final Order for extension of time for Permit G-8719 are hereby incorporated as if set forth fully herein.

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-8585, Permit G-8719, 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: April 10<sup>th</sup>, 2012



Dwight French, Administrator, Water Right Services Division  
for  
Phillip C. Ward, Director

If you have any questions about statements contained in this document, please contact Ann L. Reece at (503) 986-0827.

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

## Mailing List for Extension FO Copies

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

**FO Date:** April 10<sup>th</sup>, 2012

**Application G-8585**

**Permit G-8719**

<b>Copies Mailed</b> 4-16-12 <b>By:</b> PM (SUPPORT STAFF)
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**Original mailed to permit holder:**

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

**Copies sent to:**

1. WRD - Appl. File G-8585 / Permit G-8719
2. WRD - Watermaster District 20 – Oregon City
3. WRD - Kelly Starnes, Permit Amendments
4. WRD – Lisa Jaramillo, TACS (for MU and QM requiring Division 86 plan.)
5. Kimberly Grigsby, GSI Water Solutions, Inc., 1600 SW Western Blvd, Suite 240  
Corvallis, OR 97333
6. WRD - Support Staff, Salem...*Permit record update*

**Fee paid as specified under ORS 536.050 to receive copy:**

7. None

**Receiving via e-mail (10 AM day of signature date)**

8. None

CASEWORKER: ALR

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Extension of Time for )  
Water Right Application G-8585, Permit ) SETTLEMENT  
G-8719 in the name of Rockwood Water ) AGREEMENT  
People's Utility District )  
*Applicant, Protestant* )

4/5/2012  
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APR 05 2012  
WATER RESOURCES DEPT  
SALEM, OREGON

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

**A. Background**

1. On November 7, 1997, OWRD received an application from the Applicant for an extension of time for Permit G-8719.
2. On June 10, 2008, OWRD issued a Proposed Final Order ("PFO") recommending an extension time with conditions.
3. On July 25, 2008, Applicant filed a timely protest.

**B. Consent**

1. Applicant hereby acknowledges that it has read and understands the terms of this Agreement, and the terms of the draft Final Order Incorporating Settlement Agreement for Permit G-8719 (Application G-8585) which is attached hereto.
2. Applicant and OWRD understand and agree that this Agreement and all documents incorporated by reference set forth the entire Agreement of the parties and constitutes the complete and final resolution of the protest to the PFO on the extension application for Permit G-8719.
3. Effective upon the issuance of the Final Order Incorporating Settlement Agreement for Permit G-8719 (Application G-8585) Applicant waives any and all rights to petition for judicial review of this Agreement, waives any and all rights to request reconsideration, petition for judicial review or appeal the Final Order Incorporating Settlement Agreement for Permit G-8719 (Application G-8585).
4. Notwithstanding the waiver agreed to above in paragraphs B.3, Applicant retains the right to petition OWRD to correct any scrivener's error in the Final Order Incorporating Settlement Agreement for Permit G-8719 (Application G-8585).

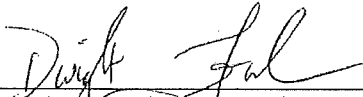
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**C. Terms of the Agreement**

1. OWRD will issue a Final Order Incorporating Settlement Agreement for Permit G-8719 (Application G-8585) consistent with the draft Final Order Incorporating Settlement Agreement for Permit G-8719 (Application G-8585) attached to this Agreement.
2. 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.
3. 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.
4. Each Party to this Settlement Agreement certifies that it has read the entire Settlement Agreement, including the draft Final Order Incorporating Settlement Agreement for Permit G-8719 (Application G-8585) and understands and agrees with the contents thereof.
5. This Settlement Agreement may be signed in counterparts.

  
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Dwight French, Water Right Services Administrator,  
for Phillip C. Ward, Director,  
Oregon Water Resources Department

March 19, 2012  
Date

  
\_\_\_\_\_  
Rockwood Water People's Utility District

April 3, 2012  
Date

**RECEIVED**

**APR 05 2012**

**WATER RESOURCES DEPT  
SALEM, OREGON**

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