

Oregon Water Resources Department  
Water Rights Division

Water Right Application  
G-15846

**Final Order Incorporating Settlement Agreement**

*Hearing and Appeal Rights*

Under the provisions of Oregon Revised Statutes (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 537.37.621(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 Oregon Administrative Rule (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.

*Findings of Fact*

On October 3, 2002, the Oregon Water Resources Department received an application from Mr. Hendgen; it was assigned the number G-15846.

On September 9, 2008, OWRD issued a Proposed Final Order recommending the application be denied.

On October 24, 2008, Mr. Hendgen filed a timely protest.

On July 30, 2014, OWRD referred the protest to the Office of Administrative Hearings.

A Settlement Agreement was signed by all parties as of December 12, 2014. The terms of the Settlement Agreement have been incorporated into this Final Order and a copy of the Settlement Agreement is enclosed.

*Conclusions of Law*

The proposed use would ensure the preservation of the public welfare, safety and health (ORS 537.621(2)).

**Order**

Application G-15846 is therefore approved with modifications to the Proposed Final Order and pursuant to the Settlement Agreement, and Permit G-17338 is issued as limited by the conditions set forth therein.

DATED *Jan 15, 2015*

*E. Timothy Wallin*

E. Timothy Wallin, Water Rights Program Manager  
for Thomas M. Byler, Director

*This document was prepared by Barbara Park. 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 503-986-0859.*

*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.*