

Oregon Water Resources Department  
Water Rights Division

Water Right Application  
G-17677

**Final Order Incorporating Settlement Agreement**

*Appeal Rights*

The applicant, William and Lori Peila, and the protestant, WaterWatch of Oregon, Inc. waive the right to reconsideration and appeal of this final order in the settlement agreement.

ORS 536.075 allows any party affected by a final order in other than contested case to appeal the order in Marion County Circuit or the circuit court of the county in which all or part of the property affected by the order is situated. This is a final order in other than contested case and 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 Oregon Administrative Rule (OAR) 137-004-0080 you may also 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.

*Findings of Fact*

1. The findings of fact in the Proposed Final Order are incorporated into this Final Order.
2. On May 28, 2013, William and Lori Peila submitted an application for appropriation of 12.3 cubic feet per second (CFS) from Well 1 (HARN 1085), Well 2 (HARN 1084), Well 3, Well 4, Well 5, Well 6, and Well 7 in Cote Slough Basin for primary irrigation of 273.1 acres and supplemental irrigation of 467.7 acres.
3. On January 7, 2014, the Department issued a Proposed Final Order recommending the application be approved.
4. On February 21, 2014, a timely protest was filed by WaterWatch of Oregon, Inc.
5. A Settlement Agreement was signed by all parties as of October 23, 2015. The terms of the Settlement Agreement are incorporated into this Final Order and the Settlement Agreement is herein made a part of this Final Order.
6. The parties agree to the conditions set forth in the permit.

*Conclusions of Law*

1. The conclusions of law in the Proposed Final Order are incorporated into this Final Order.

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

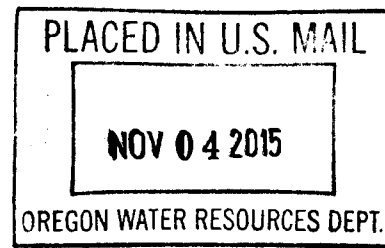
**Order**

Application G-17677 is therefore approved as described in the Proposed Final Order as modified pursuant to the Settlement Agreement, and Permit G-17517 is issued as limited by the conditions set forth therein.

DATED October 30, 2015



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



*This document was prepared by Kim French. If you have any questions about any of the statements contained in this document I can be reached at [Kim.R.French@wrp.state.or.us](mailto:Kim.R.French@wrp.state.or.us) or 503-986-0816.*

*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 WATER RESOURCES DEPARTMENT  
OF THE STATE OF OREGON**

In the Matter of Water Right Application	)	SETTLEMENT
G-17677 in the name of William and Lori Peila	)	AGREEMENT
<i>Applicant</i>	)	
	)	
WaterWatch of Oregon, Inc.	)	
<i>Protestant</i>	)	

The Oregon Water Resources Department (OWRD), William and Lori Peila and WaterWatch of Oregon, Inc. (collectively “the parties”) do hereby stipulate and agree in this “Settlement Agreement” (Agreement) as follows:

**A. Background**

1. On May 28, 2013, the Oregon Water Resources Department received an Application from William and Lori Peila; it was assigned the number G-17677.
2. On January 7, 2014, OWRD issued a Proposed Final Order (PFO) recommending the application be approved.
3. On February 21, 2014, WaterWatch of Oregon, Inc. filed a timely protest.
4. OWRD, William and Lori Peila, and WaterWatch of Oregon, Inc. agree that the protest on G-17677 is resolved solely on the following terms.

**B. Consent**

1. Each Party to this Settlement certifies that it has read the entire Settlement Agreement, including the draft Final Order Incorporating Settlement Agreement and draft Permit and understands and agrees with the contents thereof.
2. Each Party to this Settlement understands and agrees that this Agreement and all documents incorporated by reference set forth the entire Agreement of the parties.
3. Each Party to this Settlement understands and agrees that this Agreement and Final Order Incorporating Settlement Agreement for Application G-17677 issued pursuant to this Agreement constitutes the complete and final resolution of the protest.
4. Effective upon the complete signing of this Agreement William and Lori Peila and WaterWatch of Oregon, Inc. waive any and all rights to petition for judicial review of this Agreement, waive any and all rights to request reconsideration, petition for judicial review or appeal the Final Order Incorporating Settlement Agreement for Application G-17677 issued by OWRD.

**C. Terms of the Agreement**

1. OWRD, William and Lori Peila and WaterWatch of Oregon, Inc. agree that the application has been voluntarily reduced by William and Lori Peila to propose the following:

Amount of Water: 5.30 cubic feet per second (CFS), being no more than 2.65 CFS each from Well 2 (HARN 1084) and Well 3

Use of Water: Primary irrigation of 173.6 and supplemental irrigation of 144.8 acres

Source: Well 2 (HARN 1084) and Well 3 in Cote Slough Basin

Well Locations:

Well 2 (HARN 1084): NE ¼ SW ¼, Section 29, T25S, R29E, W.M.; 1320 Feet East from the W1/4 Corner, Section 29

Well 3: NW ¼ SW ¼, Section 28, T25S, R29E, W.M.; 1320 Feet South & 1320 Feet East from the E1/4 Corner, Section 29

Place of Use:

<u>QQ</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE ¼ SW ¼	40.0 ACRES	
NW ¼ SW ¼	40.0 ACRES	
SW ¼ SW ¼	40.0 ACRES	
SE ¼ SW ¼	40.0 ACRES	
	SECTION 28	
SW ¼ NW ¼	6.4 ACRES	33.6 ACRES
SE ¼ NW ¼	7.2 ACRES	32.8 ACRES
NE ¼ SW ¼		40.0 ACRES
NW ¼ SW ¼		38.4 ACRES
	SECTION 29	
	TOWNSHIP 25 SOUTH, RANGE 29 EAST, W.M.	

2. OWRD will issue a Final Order Incorporating Settlement Agreement and Permit consistent with the attached draft Final Order Incorporating Settlement Agreement and draft Permit which reflects the voluntary reduction of the application.
3. Each Party to this Settlement 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.

4. Each Party to this Settlement 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.
5. The Parties agree that nothing in this Settlement Agreement or the Final Order establishes factual, legal, or policy precedent.
6. This Settlement Agreement may be signed in counterparts.



Dwight French, Administrator, Water Right Services Division  
for Thomas M. Byler, Director  
Oregon Water Resources Department

10-12-2015

Date

William and Lori Peila

Date



Water Watch of Oregon, Inc.

10/23/15  
Date

Agreement on behalf of that Party and bind that Party to the terms of this Settlement Agreement.

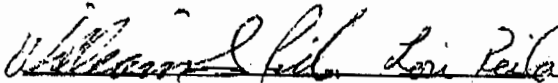
4. Each Party to this Settlement certifies that it has had a reasonable opportunity to review and request changes to the Settlement Agreement, and that it has signed this Settlement Agreement of its own free will and accord.
5. The Parties agree that nothing in this Settlement Agreement or the Final Order establishes factual, legal, or policy precedent.
6. This Settlement Agreement may be signed in counterparts.



Dwight French, Administrator, Water Right Services Division  
for Thomas M. Byler, Director  
Oregon Water Resources Department

10-12-2015

Date



William and Lori Peila

10/13/2015

Date

\_\_\_\_\_  
WaterWatch of Oregon, Inc.

\_\_\_\_\_  
Date