

**BEFORE THE OREGON WATER RESOURCES DEPARTMENT**

In the Matter of Water Right Application S-86460 )  
in the name of Eldred Grizzell, )  
*Applicant and Protestant* )  
\_\_\_\_\_ )

**SETTLEMENT  
AGREEMENT**

The Oregon Water Resources Department ("OWRD") and Eldred Grizzell ("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 9, 2005, ELDRED GRIZZELL ("Applicant") submitted an application to the Department for a water use permit.
- II. OWRD issued a Proposed Final Order ("PFO") on July 18, 2006.
- III. The applicant filed a protest on September 1, 2006.
- IV. OWRD and Applicant agree that all issues raised in Applicant's protest to the PFO on application S-86460 are resolved solely on the following terms.

**Terms of Agreement**

- 1. In signing this Settlement Agreement, Applicant withdraws his protest and any associated request for contested case hearing regarding the PFO for Application S-86460 with prejudice.
- 2. Regarding water right Application S-86460, Applicant hereby 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 of the Final Order or Permit, in addition to waiving any right and opportunity to challenge this Settlement Agreement, including the Draft Final Order and Draft Permit which are part of the Settlement Agreement.
- 3. After Applicant signs this Settlement Agreement, he will promptly mail the signed original back to Oregon Water Resources Department, ATTN: Mike Reynolds, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.
- 4. Within 30 days after OWRD receives the original Settlement Agreement signed by OWRD and Applicant, along with the required \$250.00 permit recording fee, OWRD will issue a Final Order and Permit that are consistent with the Draft Final Order and Draft Permit attached to this Settlement Agreement. The Final Order will incorporate this Settlement Agreement by reference and as an attachment.

**RECEIVED**

APR 06 2007

WATER RESOURCES DEPT<sup>1</sup>  
SALEM, OREGON