

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of)	PARTIAL ORDER OF
ROGER NICHOLSON CATTLE CO.)	DETERMINATION
)	
_____)	Water Right Claim 47

The GENERAL FINDINGS OF FACT of the FINAL ORDER OF DETERMINATION is incorporated as if set forth fully herein.

A. FINDINGS OF FACT

1. On February 1, 1991, ROGER NICHOLSON CATTLE CO. (Claimant) (PO BOX 458, FORT KLAMATH, OR 97626) timely submitted a Statement and Proof of Claim (Claim 47) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication based upon use of water beginning prior to February 24, 1909 (pre-1909 claim).
2. Claim 47 was submitted for a total 2.0 cubic feet per second (cfs) of water from Annie Creek, a tributary of the Wood River, for "Fish and wildlife" with a "year round" season of use. The claimed priority date is 1891.
3. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation) stating the claim was denied.
4. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3390: Klamath Irrigation District, Klamath Drainage District, Tulelake Irrigation District, Klamath Basin Improvement District, Ady District Improvement Company, Enterprise Irrigation District, Klamath Hills District Improvement Co.¹, Malin Irrigation District, Midland District Improvement Company, Pine Grove Irrigation District, Pioneer District Improvement Company, Poe Valley Improvement District, Shasta View Irrigation District, Sunnyside Irrigation District, Don Johnston & Son, Bradley S. Luscombe, Berlva Pritchard, Don Vincent, Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Reames Golf and Country Club, Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.

¹ Klamath Hills District Improvement Co. voluntarily withdrew from Contest 3390 on January 20, 2004. See NOTICE OF WITHDRAWAL OF CONTEST BY KLAMATH HILLS DISTRICT IMPROVEMENT COMPANY.

5. On May 8, 2000, the United States of America timely filed Contest 3792 to the Claim and/or Preliminary Evaluation of Claim 47.
6. On May 8, 2000, the Klamath Tribes timely filed Contest 4102 to the Claim and/or Preliminary Evaluation of Claim 47.
7. On May 8, 2000, WaterWatch of Oregon, Inc. filed Contest 2831 to the Claim and/or Preliminary Evaluation of Claim 47.
8. On May 8, 2000, LMJ Cattle Company and Lauren Peter Owens filed Contest 2792 to the Claim and/or Preliminary Evaluation of Claim 47.
9. On May 8, 2000, Clark W. Roeder filed Contest 2796 to the Claim and/or Preliminary Evaluation of Claim 47.
10. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 110.
11. On April 2, 2002, the Claimant withdrew Claim 47 which thereby rendered all contests moot. *See* CLAIMANT'S WITHDRAWAL OF CLAIM AND CONTEST (Apr. 2, 2002).
12. On April 8, 2002, the Adjudicator withdrew Case 110 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 47 by the Claimant, IT IS ORDERED that Claim 47 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication