

**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 |
| C. B. CHAPLINE AND |) | DETERMINATION |
| JO I. CHAPLINE |) | |
| _____ |) | |
| |) | Water Right Claim 111 |

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, C. B. CHAPLINE AND JO I. CHAPLINE (Claimants) (PO BOX 1263, ELY, NV 89301) timely submitted a Statement and Proof of Claim (Claim 111) 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 111 was submitted for an “unknown” quantity of water from the Sprague River, for irrigation of 40 acres and livestock watering of 3 head, with a season of use “April – June.” The claimed priority date is prior to February 24, 1909.
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 because the required pre-1909 elements were not established.
4. The Claimants did not file a contest to the Preliminary Evaluation of Claim 111.
5. On May 8, 2000, the following parties, hereinafter collectively referred to as the “Klamath Project Water Users,” filed Contest 3392: 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,

¹ Klamath Hills District Improvement Company voluntarily withdrew from Contest 3392 on January 16, 2004. See VOLUNTARY WITHDRAWAL OF CONTEST BY KLAMATH HILLS DISTRICT IMPROVEMENT COMPANY

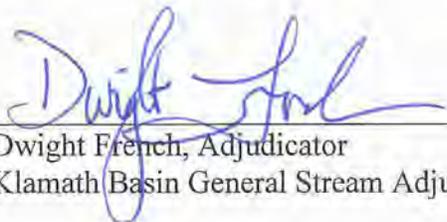
Inter-County Title Co., Winema Hunting Lodge, Inc., Reames Golf and Country Club, Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.

6. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 11.
7. On March 28, 2002, the OWRD and Klamath Project Water Users executed STIPULATION TO RESOLVE CONTEST 3392 (Settlement Agreement) which resolved the only contest to Claim 111.
8. On March 27, 2002, the Adjudicator withdrew Case 11 from the Office of Administrative Hearings.

B. DETERMINATION

1. The Settlement Agreement executed between OWRD and Klamath Project Water Users is adopted and incorporated as if set forth fully herein.
2. The elements of a pre-1909 claim are not established. The GENERAL CONCLUSIONS OF LAW CONCERNING PRE-1909 CLAIMS is incorporated as if set forth fully herein.
3. Based on the file and record herein, IT IS ORDERED that Claim 111 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