

**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
DAVID P. HENZEL	)	DETERMINATION
	)	
_____	)	Water Right Claim 288

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 April 29, 1997, DAVID P. HENZEL (Claimant) (15195 NW ABERDEEN DR, PORTLAND, OR 97229) timely submitted a Statement and Proof of Claim (Claim 288) 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 288 was submitted for a total of 6.034 cubic feet per second (cfs) of water from Upper Klamath Lake, tributary to "U.S.B.R.'s A Cannel [sic]," for irrigation of 36.3 acres with a season of use "May through October." The claimed priority date is 1905.
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 3427: 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.<sup>1</sup>, 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<sup>2</sup>, Don Vincent<sup>3</sup>, Randy Walthall,

<sup>1</sup> Klamath Hills District Improvement Company voluntarily withdrew from Contest 3427 on January 16, 2004. See VOLUNTARY WITHDRAWAL OF CONTEST BY KLAMATH HILLS DISTRICT IMPROVEMENT COMPANY

<sup>2</sup> Berlva Pritchard voluntarily withdrew from Contest 3427 on June 24, 2002. See NOTICE OF WITHDRAWAL OF CLAIMANT.

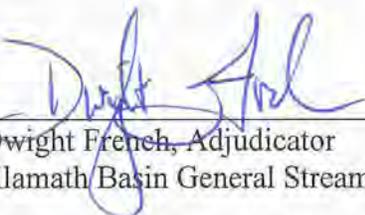
Inter-County Title Co., Winema Hunting Lodge, Inc., Reames Golf and Country Club, Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.

5. On May 8, 2000, the United States of America timely filed Contest 3861 to the Claim and/or Preliminary Evaluation of Claim 288.
6. On May 8, 2000, the Klamath Tribes timely filed Contest 4213 to the Claim and/or Preliminary Evaluation of Claim 288.
7. On May 8, 2000, Horsefly Irrigation District, Langell Valley Irrigation District, Rogue River Valley Irrigation District, and Medford Irrigation District filed Contest 3211 to the Claim and/or Preliminary Evaluation of Claim 288.
8. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 150.
9. On May 30, 2003, the Claimant withdrew Claim 288 which thereby rendered all contests moot. *See* NOTICE OF WITHDRAWAL OF CLAIM (May 30, 2003).
10. On July 3, 2003, the Adjudicator withdrew Case 150 from the Office of Administrative Hearings.

## **B. DETERMINATION**

Based upon the file and record herein, including the withdrawal of Claim 288 by the Claimant, IT IS ORDERED that Claim 288 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

---

<sup>3</sup> Don Vincent voluntarily withdrew from Contest 3427 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.