

**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
THE NATURE CONSERVANCY)	DETERMINATION
)	
_____)	Water Right Claim 23

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 November 28, 1990, BRATTAIN RANCH, INC. timely submitted a Statement and Proof of Claim (Claim 23) 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 23 was submitted for a total 77.47 cubic feet per second (cfs) of water, being 2.48 cfs from Pole Creek, 4.68 cfs from Coyote Creek, 4.09 cfs from Long Creek, and 66.22 cfs from the Sycan River, all tributaries of the Sprague River, for irrigation of 3098.2 acres, with a season of use "approx. March thru October." The claimed priority date is February 25, 1901.
3. On January 4, 1999, the title to the property associated with Claim 23 was transferred to THE NATURE CONSERVANCY (Claimant) (821 SE 14TH AVE, PORTLAND, OR 97214-2537). *See* COUNTY OF LAKE, GENERAL WARRANTY DEED, BOOK 242, PAGE 701.
4. 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.
5. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3383: 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,² Don Vincent,³ 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.

6. On May 8, 2000, the United States of America timely filed Contest 3779 to the Claim and/or Preliminary Evaluation of Claim 23.
7. On May 8, 2000, the Klamath Tribes timely filed Contest 4081 to the Claim and/or Preliminary Evaluation of Claim 23.
8. On May 8, 2000, Thomas William Mallams filed Contest 4946 to the Claim and/or Preliminary Evaluation of Claim 23.
9. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 104.
10. On March 22, 2002, the Claimant withdrew Claim 23 which thereby rendered all contests moot. *See* NOTICE OF WITHDRAWAL OF CLAIM (Mar. 22, 2002).
11. On March 25, 2002, the Adjudicator withdrew Case 104 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 23 by the Claimant, IT IS ORDERED that Claim 23 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

¹ Klamath Hills District Improvement Co. voluntarily withdrew from Contest 3383 on January 20, 2004. *See* NOTICE OF WITHDRAWAL OF CONTEST BY KLAMATH HILLS DISTRICT IMPROVEMENT COMPANY.

² Berlva Pritchard voluntarily withdrew from Contest 3383 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

³ Don Vincent voluntarily withdrew from Contest 3383 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.