

**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
AMBROSE W. MCAULIFFE,)	DETERMINATION
AND SUSAN MCAULIFFE)	
_____)	
)	Water Right Claim 40

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, AMBROSE W. MCAULIFFE AND SUSAN MCAULIFFE (Claimants) (PO BOX 456, FORT KLAMATH, OR 97626) timely submitted a Statement and Proof of Claim (Claim 40) 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 40 was submitted for a total 20.0 cubic feet per second (cfs) of water from Anna Creek, a tributary of the Wood River, for "Fish and Wildlife" with a "year around" season of use. The claimed priority date is April 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 Claimants timely filed Contest 3266 to the Claim and/or Preliminary Evaluation of Claim 40.
5. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3386: 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., 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.

6. On May 8, 2000, the United States of America timely filed Contest 3785 to the Claim and/or Preliminary Evaluation of Claim 40.
7. On May 8, 2000, the Klamath Tribes timely filed Contest 4095 to the Claim and/or Preliminary Evaluation of Claim 40.
8. On May 8, 2000, WaterWatch of Oregon, Inc. filed Contest 2824 to the Claim and/or Preliminary Evaluation of Claim 40.
9. On May 8, 2000, LMJ Cattle Company and Lauren Peter Owens filed Contest 2790 to the Claim and/or Preliminary Evaluation of Claim 40.
10. On May 8, 2000, Clark W. Roeder filed Contest 2794 to the Claim and/or Preliminary Evaluation of Claim 40.
11. These matters were referred to the Office of Administrative Hearings for a contested case hearing.
12. On February 27, 2003, the Claimants withdrew Claim 40 which thereby rendered all contests moot. *See* NOTICE OF WITHDRAWAL OF CLAIM (Feb. 27, 2003).
13. On March 3, 2003, the Adjudicator withdrew Claim 40 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 40 by the Claimant, IT IS ORDERED that Claim 40 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