

**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
NBCC, LLC	)	DETERMINATION
	)	
_____	)	Water Right Claim 45

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

**A. FINDINGS OF FACT**

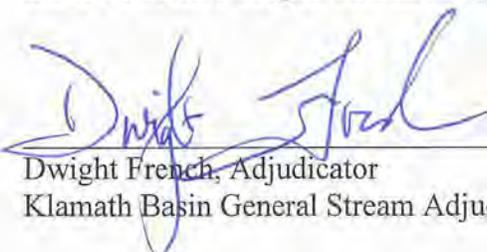
1. Claim 45 and its associated contests (2829, 3271, 3449, 3790, and 4100) were referred to the Office of Administrative Hearings for a contested case hearing which was designated as Case 181.
2. On May 6, 2003, Claim 45 was consolidated with Case 900 “for the sole purpose of determining whether [this and other] claims for rights to water from the Wood River system . . . which have been previously adjudicated, bar the Claimants from participation in this adjudication.” See ORDER GRANTING MOTION TO CONSOLIDATE AND SCHEDULING PREHEARING CONFERENCE (May 6, 2003) at 3.
3. On April 20, 2004, an ORDER AMENDING RULINGS ON MOTIONS FOR RULING ON LEGAL ISSUES (April 20, 2004) was issued in Case 900, and is adopted and incorporated in its entirety as if set forth fully herein.
4. On May 27, 2004, the consolidation of claims and cases in Case 900 was reversed; the law of the case in each case is set out in the ORDER AMENDING RULINGS ON MOTIONS FOR RULING ON LEGAL ISSUES (referenced in Finding 3, above). See ORDER VACATING ORDER TO CONSOLIDATE (May 27, 2004).
5. The Office of Administrative Hearings conducted contested case proceedings and ultimately issued an ORDER ON MOTIONS FOR RULING ON LEGAL ISSUES; PROPOSED ORDER DENYING CLAIM (Proposed Order) on November 25, 2005, denying Claim 45.
6. Exceptions were filed to the Proposed Order within the exception filing deadline by claimants Roger Nicholson, Richard Nicholson, and the Dorothy Nicholson Trust.

7. The exceptions filed to the Proposed Order have been reviewed and considered in conjunction with the entire record for Claim 45, and are found to be unpersuasive. Accordingly, changes were not made to the Proposed Order to accommodate any exceptions.
8. The Proposed Order is adopted and incorporated in its entirety as if set forth fully herein.
9. The property appurtenant to Claim 46 was ultimately transferred to NBCC, LLC (PO BOX 458, FORT KLAMATH, OR 97626) (Claimant). *See* STATUTORY WARRANTY DEED, COUNTY OF KLAMATH RECORDS, VOL. M04, PAGE 26211 (April 30, 2004) and CHANGE OF OWNERSHIP FORM (April 7, 2006).

### **B. DETERMINATION**

1. The Proposed Order is adopted and incorporated in its entirety as if set forth fully herein.
2. Based on the file and record herein, IT IS ORDERED that Claim 45 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