

258F00020001
BEFORE THE HEARING OFFICER PANEL
STATE OF OREGON
for the
WATER RESOURCES DEPARTMENT

In the Matter of the Determination of the Relative rights of the Waters of the Klamath River,
a Tributary of the Pacific Ocean

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 Co.; 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; Randy Walthall; Inter-County Title Company; Winema Hunting Lodge, Inc.; Van Brimmer Ditch Company; Plevna District Improvement Company; Collins Products, LLC,
Contestants,

**STIPULATION TO RESOLVE
CONTEST 3454**

Case No. 258

Claim No. 55

Contest 3454

v.

Kenneth L. Tuttle and Karen L. Tuttle, dba
Double K Ranch,
Claimant.

The Oregon Water Resources Department (OWRD), Claimants Kenneth L. Tuttle and Karen L. Tuttle dba Double K Ranch (Claimants), and Contestants Klamath Project Water Users (KPWU) (Contestants) hereby agree and stipulate as follows:

A. STIPULATED FACTS

1. On January 29, 1991, Claimants Kenneth L. Tuttle and Karen L. Tuttle, dba Double K Ranch, filed Claim 55 in the Klamath Adjudication.

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2. On October 4, 1999, the Adjudicator issued his Preliminary Evaluation of Claim 55 preliminarily approving Claim 55, but for a smaller quantity of water than was claimed.

3. On May 8, 2000, the KPWU filed Contest 3454 to Claim 55 and indicated in said contest that the KPWU accepted the Adjudicator's Preliminary Evaluation of Claim 55. No other contests were filed to Claim 55 or the Preliminary Evaluation for that claim.

4. OWRD, Claimants, and Contestants agree that Contest 3454 can be resolved without the need for a hearing pursuant to the terms outlined below.

B. TERMS OF THE AGREEMENT

1. OWRD, Claimants, and Contestants agree that Claim 55 should be approved by the Adjudicator according to the terms of the Adjudicator's October 4, 1999 Preliminary Evaluation for this claim, as follows:

- a. 1. POINT OF DIVERSION LOCATION: NW ¼ NE ¼, Section 9, Township 34 South, Range 7 East, W.M.
2. SOURCE: Spring Creek, tributary to Williamson River
3. USE: irrigation of 142.3 acres
4. AMOUNT ACTUALLY BENEFICIALLY USED: 3.56 cubic feet per second, measured at the point of diversion
5. PERIOD OF USE: March 1 - October 31
6. PRIORITY DATE: October 14, 1864
7. PLACE OF USE:

NW ¼ SW ¼	36.6 ACRES IRRIGATION
SW ¼ SW ¼	20.4 ACRES IRRIGATION
LOT 3 NW ¼ NW ¼	5.7 ACRES IRRIGATION
LOT 4 SW ¼ NW ¼	17.8 ACRES IRRIGATION
LOT 7 NE ¼ SW ¼	0.7 ACRES IRRIGATION

LOT 8 SE ¼ SW ¼ 10.3 ACRES IRRIGATION
SECTION 15
TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

NE ¼ NE ¼ 11.5 ACRES IRRIGATION
SE ¼ NE ¼ 10.2 ACRES IRRIGATION
NE ¼ SE ¼ 0.4 ACRES IRRIGATION
SECTION 16
TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

NW ¼ NW ¼ 13.1 ACRES IRRIGATION
SW ¼ NW ¼ 0.1 ACRES IRRIGATION
LOT 2 NE ¼ NW ¼ 14.4 ACRES IRRIGATION
LOT 3 SE ¼ NW ¼ 1.1 ACRES IRRIGATION
SECTION 22
TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

- b. 1. POINT OF DIVERSION LOCATION: SW ¼ SW ¼, Section 11, Township 34 South, Range 7 East, W.M.
2. SOURCE: Spring #2, tributary to Williamson River
3. USE: irrigation of 117.5 acres
4. AMOUNT ACTUALLY BENEFICIALLY USED: 2.94 cubic feet per second, measured at the point of diversion
5. PERIOD OF USE: March 1 - October 31
6. PRIORITY DATE: October 14, 1864
7. PLACE OF USE:

NW ¼ SW ¼ 17.7 ACRES IRRIGATION
SW ¼ SW ¼ 1.0 ACRES IRRIGATION
SECTION 14
TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.
NE ¼ SW ¼ 1.9 ACRES IRRIGATION
SE ¼ SW ¼ 8.0 ACRES IRRIGATION
NE ¼ SE ¼ 19.8 ACRES IRRIGATION
NW ¼ SE ¼ 19.4 ACRES IRRIGATION
SW ¼ SE ¼ 27.0 ACRES IRRIGATION
SE ¼ SE ¼ 19.0 ACRES IRRIGATION
SECTION 15
TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

NW ¼ NE ¼ 0.7 ACRES IRRIGATION
NE ¼ NW ¼ 3.0 ACRES IRRIGATION

SECTION 22

TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

- c. 1. POINT OF DIVERSION LOCATION: Spring #1 - SW ¼ SW ¼, Section 14, Township 34 South, Range 7 East, W.M. and Spring #2 - SW ¼ SW ¼, Section 11, Township 34 South, Range 7 East, W.M.
2. SOURCE: commingled waters of Spring #1 and Spring #2, tributaries to Williamson River
3. USE: irrigation of 59.1 acres
4. AMOUNT ACTUALLY BENEFICIALLY USED: 1.48 cubic feet per second, measured at the point of diversion
5. PERIOD OF USE: March 1 - October 31
6. PRIORITY DATE: October 14, 1864
7. PLACE OF USE:

SE ¼ SW ¼ 1.0 ACRES IRRIGATION
SW ¼ SE ¼ 0.8 ACRES IRRIGATION
SE ¼ SE ¼ 4.9 ACRES IRRIGATION

SECTION 15

TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

NE ¼ NE ¼ 5.8 ACRES IRRIGATION
NW ¼ NE ¼ 31.0 ACRES IRRIGATION
LOT 2 NE ¼ NW ¼ 15.6 ACRES IRRIGATION

SECTION 22

TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

2. OWRD, Claimants, and Contestants agree that pursuant to the terms of this Agreement, Contest 3454 has been satisfactorily resolved, and such resolution vitiates the need for a hearing before the Hearing Officer on the contest to Claim 55.
3. Based upon the agreement of OWRD, Claimants, and Contestants that Claim 55, and the contest thereto can be resolved without the need for a hearing, OWRD

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adjudication staff hereby recommends to the Adjudicator that Claim 55 be approved in the Final Order of Determination issued by the Adjudicator in accordance with the terms of paragraph B.1., above.

4. If the Final Order of Determination issued by the Adjudicator for Claim 55 does not follow the terms listed in paragraph B.1. above, Claimants and Contestants reserve any rights they may have to file exceptions to the Final Order of Determination as to Claim 55 in the Circuit Court for Klamath County, and reserve any rights they may have to participate in any future proceedings authorized by law.

Claimants, Kenneth L. Tuttle and Karen L. Tuttle, dba Double K Ranch

Kenneth L. Tuttle M.D. 4-18-03
Kenneth L. Tuttle Date

Karen L. Tuttle 4/18/03
Karen L. Tuttle Date

DBA Double K Ranch

For the Oregon Water Resources Department

HARDY MEYERS
Attorney General

Justin Wirth 5/5/03
Justin Wirth, #00426 Date
Walter Perry, III, #83361
Assistant Attorneys General

Kimberly Grigsby 5/5/03
Kimberly Grigsby, Agency Representative Date
Oregon Water Resources Department

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For Contestants, Klamath Project Water Users



Andrew M. Hitchings, Esq.
Pro Hac Vice; Cal. Bar No. 154554
Of Attorneys for Tulelake Irrigation District,
And on behalf of Klamath Project Water Users

4/28/03
Date

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