

HARDY MYERS  
Attorney General



PETER D. SHEPHERD  
Deputy Attorney General

DEPARTMENT OF JUSTICE  
GENERAL COUNSEL DIVISION

February 6, 2003

Mark B. Comstock  
Attorney at Law  
Garrett Hemann Robertson et al  
PO Box 749  
Salem, OR 97308

RE: Klamath Adjudication – Case 261, Claim 80, Contest 2783

Dear Mr. Comstock:

Enclosed please find a signed original Stipulation to Resolve Contest 2783. This agreement resolves all the remaining issues in this case.

Since all of the issues in the case have been resolved, there is no need to hold a hearing. Accordingly, the Oregon Water Resources Department will withdraw this case from the Hearing Officer Panel pursuant to OAR 137-003-0515(4).

If you have any questions, please call me at (503) 378-4409.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Wirth", with a long horizontal flourish extending to the right.

Justin Wirth  
Assistant Attorney General  
Natural Resources Section

JW:tm1/GENE5552  
Enclosure

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

In the Matter of the Determination of  
Water Right Claim No. 80

**STIPULATION TO RESOLVE  
CONTEST 2783**

v.

Case No. 261

James M. Severin,  
Claimant/Contestant.

Claim No. 80

Contest(s) 2783

The Oregon Water Resources (OWRD) and Claimant/Contestant James M.

Severin hereby agree and stipulate as follows:

**A. STIPULATED FACTS**

1. On January 29, 1991, Mary E. Fike filed this claim (Claim 80). The property which is the subject of Claim 80 was purchased by James M. Severin and Teri L. Maiden on September 25, 1995. Claim 80 is made in the amount of 0.01 cfs for irrigation of approximately 3.4 acres of land, with a claimed period of use from April through October.

2. On October 4, 1999, the Adjudicator issued his Preliminary Evaluation of Claim 80 preliminarily denying the claim.

3. On May 8, 2000, James M. Severin filed Contest 2783 to the Preliminary Evaluation. Contest 2783 contains additional information supporting the elements of the claim. No other contests to Claim 80 were filed.

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4. OWRD and James M. Severin agree that Contest 2783 is resolved pursuant to the terms outlined below.

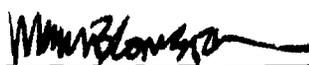
**B. TERMS OF THE AGREEMENT**

1. OWRD adjudication staff agrees to recommend to the Adjudicator that Claim 80 be approved in the Final Order of Determination issued by the Adjudicator as Claim 80 was filed.

2. OWRD and James M. Severin agree that pursuant to the terms of this Agreement, Contest 2783 has been satisfactorily resolved, and a hearing before the Hearing Officer is not required. Under these circumstances, James M. Severin waives the right to a contested case hearing before the Hearing Officer Panel for Contest 2783, but explicitly reserves the right to participate in any other future proceedings authorized by law.

3. James M. Severin reserves the right to file exceptions to the Final Order of Determination as to Claim 80 in the Circuit Court for Klamath County if the Final Order of Determination issued by the Adjudicator for Claim 80 does not follow the recommendation of OWRD adjudication staff as indicated in paragraph B1, above.

For James M. Severin

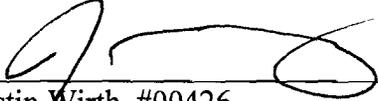
  
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Mark Comstock, #81193  
Garrett Hemann Robertson et al  
P.O. Box 749  
Salem, OR 97308  
Attorney for James M. Severin, Claimant/Contestant

2/4/03  
Date

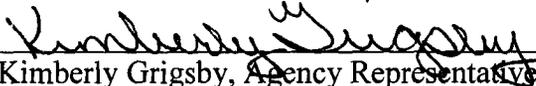
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For the Oregon Water Resources Department

HARDY MEYERS  
Attorney General

  
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Justin Wirth, #00426  
Walter Perry, III, #83361  
Assistant Attorneys General

2/6/03  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Kimberly Grigsby, Agency Representative  
Oregon Water Resources Department

Feb. 6, 2003  
\_\_\_\_\_  
Date