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 PETER BOURDET	))))	PARTIAL ORDER OF DETERMINATION Water Right Claim 82

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 December 7, 1990, LLOYD LEE AND BONNIE KAY HALL timely submitted a Statement and Proof of Claim (Claim 82) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication, as successors to allotted Klamath Reservation lands, claiming a vested Indian reserved water right (Walton claim) under the Treaty of October 14, 1864, 16 Stat. 707.

2. Claim 82 was submitted for a total of 1.67 cubic feet per second (cfs) of water from the Sprague River, a tributary of the Williamson River, for irrigation of 53.5 acres with a season of use "Mar. 1 thru Nov. 1." The claimed priority date is October 14, 1864.

3. LLOYD LEE HALL and BONNIE KAY HALL signed Claim 82 attesting that the information contained in the claim is true.

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 approved, but for a smaller quantity of water than claimed.

5. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3472: 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

[1] Klamath Hills District Improvement Company voluntarily withdrew from Contest 3472 on January 16, 2004. *See* VOLUNTARY WITHDRAWAL OF CONTEST BY KLAMATH HILLS DISTRICT IMPROVEMENT COMPANY

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., 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 3734 to the Claim and/or Preliminary Evaluation of Claim 82.

7. On May 8, 2000, the Klamath Tribes timely filed Contest 4128 to the Claim and/or Preliminary Evaluation of Claim 82.

8. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 207.

9. The claim was transferred to the PETER BOURDET (Claimant) (PO BOX 803, CHILOQUIN, OR 97624). *See* WARRANTY DEED, COUNTY OF KLAMATH, VOL. M02, PAGE 5689 (Jan. 23, 2002), and CHANGE OF OWNERSHIP FORM (Oct. 21, 2004).

10. On April 8, 2004, the Klamath Project Water Users withdrew Contest 3472. *See* NOTICE OF WITHDRAWAL OF CONTEST NO. 3472 (April 8, 2004).

11. On June 8, 2004, the Klamath Tribes withdrew without prejudice Contest 4128. *See* NOTICE OF WITHDRAWAL OF CONTEST NO. 3472 (June 8, 2004).

12. On October 28, 2004, the Claimant, OWRD, United States of America, Klamath Project Water Users, and the Klamath Tribes executed a STIPULATION TO VOLUNTARILY WITHDRAWAL CLAIM 82 (Settlement Agreement) thereby resolving the remaining contest (Contest 3472) to Claim 82.

13. On November 2, 2004, the Adjudicator withdrew Case 207 from the Office of Administrative Hearings.

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[2] Berlva Pritchard voluntarily withdrew from Contest 3472 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

[3] Don Vincent voluntarily withdrew from Contest 3472 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

B. DETERMINATION

1. The Settlement Agreement executed between Claimant, OWRD, United States of America, Klamath Project Water Users, and the Klamath Tribes is adopted and incorporated as if set forth fully herein.

2. Based upon the file and record herein, including the voluntary withdrawal of Claim 82 by the Claimants, IT IS ORDERED that Claim 82 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