

**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
BERNARD L. SIMONSEN;	)	DETERMINATION
ROCKING AC RANCH	)	
_____	)	
	)	Water Right Claim 202

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 4, 1990, A.L. BRUNER timely submitted a Statement and Proof of Claim (Claim 202) 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 202 was submitted for “6 [inches] each 14 Days” of water for irrigation of 1,149.8 acres, and 0.03 cubic foot per second for livestock watering of 1500 head from the Klamath River, a tributary to the Pacific Ocean, with a season of use “March 1<sup>st</sup> – Jan 15<sup>th</sup>.” The claimed priority date is prior to 1905.
3. The property appurtenant to Claim 202 was subsequently acquired by BERNARD L. SIMONSEN; ROCKING AC RANCH (Claimant) (9390 HWY 140E, KLAMATH FALLS, OR 97603) (Claim # 202, Pages 41 and 42).
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 fewer acres than claimed.
5. On May 8, 2000, the United States of America timely filed Contest 3844 to the Claim and/or Preliminary Evaluation of Claim 202.
6. On May 8, 2000, the Klamath Tribes timely filed Contest 4186 to the Claim and/or Preliminary Evaluation of Claim 202.

7. On May 8, 2000, Horsefly Irrigation District, Langell Valley Irrigation District, Rogue River Valley Irrigation District, and Medford Irrigation District filed Contest 3188 to the Claim and/or Preliminary Evaluation of Claim 202.
8. On May 8, 2000, WaterWatch of Oregon, Inc. filed Contest 2855 to the Claim and/or Preliminary Evaluation of Claim 202.
9. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 135.
10. On February 21, 2003, Rogue River Valley Irrigation District, and Medford Irrigation District voluntarily withdrew from Contest 3188. *See* VOLUNTARY WITHDRAWAL OF CONTEST BY MEDFORD AND ROGUE RIVER VALLEY IRRIGATION DISTRICTS (Feb. 21, 2003).
11. On March 2, 2004, the Claimant withdrew Claim 202 which thereby rendered all contests moot. *See* NOTICE OF WITHDRAWAL OF CLAIM (Mar. 2, 2004).
12. On March 8, 2004, the Adjudicator withdrew Case 135 from the Office of Administrative Hearings.

#### **B. DETERMINATION**

Based upon the file and record herein, including the withdrawal of Claim 202 by the Claimant, IT IS ORDERED that Claim 202 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