

**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
PACIFICORP, DBA PACIFIC POWER)	DETERMINATION
AND LIGHT CO.)	
)	
_____)	Water Right Claim 221

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 January 31, 1991, PACIFICORP, DBA PACIFIC POWER AND LIGHT CO. (Claimant) timely submitted a Statement and Proof of Claim (Claim 221) 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 221 was submitted for a total of 12.5 cubic feet per second (cfs) of water from the Klamath River for irrigation of 31.0 acres, with a season of use April 15 to October 31. The claimed priority date is 1874.
3. An authorized agent of PACIFICORP, DBA PACIFIC POWER AND LIGHT CO. signed the Statement and Proof of Claim for Claim 221 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 fewer acres and a smaller quantity of water than claimed, and with a longer season of use than claimed.
5. On May 5, 2000, the Claimant timely filed Contest 2059 to the Preliminary Evaluation of Claim 221.
6. On May 8, 2000, Horsefly Irrigation District, Langell Valley Irrigation District, Rogue River Valley Irrigation District, and Medford Irrigation District filed Contest 3204 to the Claim and/or Preliminary Evaluation of Claim 221.

7. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3422: 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 Improvement District, Shasta View Irrigation District, Sunnyside Irrigation District, Don Johnston & Son, Bradley S. Luscombe, Berlva Pritchard², Don Vincent³, Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Reames Golf and Country Club, Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.
8. On May 8, 2000, the United States of America timely filed Contest 3855 to the Claim and/or Preliminary Evaluation of Claim 221.
9. On May 8, 2000, the Klamath Tribes timely filed Contest 4197 to the Claim and/or Preliminary Evaluation of Claim 221.
10. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 145.
11. On December 19, 2003, the Klamath Tribes voluntarily withdrew Contest 4197. *See* KLAMATH TRIBES' VOLUNTARY WITHDRAWAL OF CONTEST (Dec. 19, 2003).
12. On March 21, 2005, OWRD, the Claimants, Horsefly Irrigation District, Langell Valley Irrigation District, Rogue River Valley Irrigation District, Medford Irrigation District, Klamath Project Water Users, and the United States of America executed a STIPULATION TO RESOLVE CONTESTS 2059, 3204, 3422, 3855, 2060, 3205, 3423, AND 3856 (Settlement Agreement) thereby resolving all remaining contests to Claim 221.
13. On March 23, 2005, the Adjudicator withdrew Case 145 from the Office of Administrative Hearings.

B. DETERMINATION

1. The Settlement Agreement executed between OWRD, the Claimants, Horsefly Irrigation District, Langell Valley Irrigation District, Rogue River Valley Irrigation District, Medford Irrigation District, Klamath Project Water Users, and the United States of America is adopted and incorporated as if set forth fully herein.
2. The elements of a pre-1909 claim are established. The GENERAL CONCLUSIONS OF LAW CONCERNING PRE-1909 CLAIMS is incorporated as if set forth fully herein.

¹ Klamath Hills District Improvement Company voluntarily withdrew from Contest 3422 on January 16, 2004. *See* VOLUNTARY WITHDRAWAL OF CONTEST BY KLAMATH HILLS DISTRICT IMPROVEMENT COMPANY

² Berlva Pritchard voluntarily withdrew from Contest 3422 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

³ Don Vincent voluntarily withdrew from Contest 3422 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

3. Based on the file and record herein, IT IS ORDERED that Claim 221 is approved as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 221

CLAIM MAP REFERENCE:

OWRD INVESTIGATION MAP – T 41 S, R 5 E, W.M. & T 48 N, R 3 W, M.D.M

CLAIMANT: PACIFICORP, DBA PACIFIC POWER AND LIGHT CO.
825 NE MULTNOMAH, SUITE 1700
PORTLAND OR, 97232

SOURCE OF WATER: The KLAMATH RIVER, tributary to the PACIFIC OCEAN

PURPOSE or USE: IRRIGATION OF 29.4 ACRES

RATE OF USE:

1.51 CUBIC FEET PER SECOND MEASURED AT THE POINT OF DIVERSION

THE RATE OF USE FOR IRRIGATION MAY NOT EXCEED 1/20 OF ONE CUBIC FOOT PER SECOND PER ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR.

DUTY:

3.25 ACRE-FEET PER ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR

PERIOD OF ALLOWED USE: APRIL 15 - OCTOBER 31

DATE OF PRIORITY: APRIL 30, 1876

THE POINT OF DIVERSION IS LOCATED AS FOLLOWS:

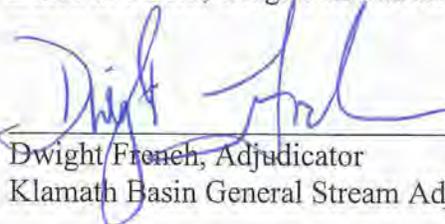
Twp	Rng	Mer	Sec	Q-Q	GLot
41 S	5 E	WM	12	SW SE	3

THE PLACE OF USE IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	Acres
48 N	3 W	MDM	15	NE SE	6.7
48 N	3 W	MDM	15	SE SE	9.1
48 N	3 W	MDM	22	NE NE	4.3
48 N	3 W	MDM	22	SE NE	1.0
48 N	3 W	MDM	22	NE SE	3.7
48 N	3 W	MDM	23	NW SW	4.6

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013


Dwight French, Adjudicator
Klamath Basin General Stream Adjudication