

**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
OREGON DEPARTMENT OF	)	DETERMINATION
FISH AND WILDLIFE	)	
_____	)	
	)	Water Right Claim 287

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 April 30, 1997, OREGON DEPARTMENT OF FISH AND WILDLIFE (Claimant) (1850 MILLER ISLAND RD W, KLAMATH FALLS, OR 97603) timely submitted a Statement and Proof of Claim (Claim 287) 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 287 was submitted for a total 0.5 cubic feet per second (cfs) of water from the Klamath River, a tributary of the Pacific Ocean, for domestic use and irrigation of 10 acres with a season of use "April 1 – Oct. 1." The claimed priority date is 1905.
3. 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 denied.
4. On May 5, 2000, Newman Enterprise (Douglas Newman) timely filed Contest 2256 to the Claim and/or Preliminary Evaluation of Claim 287.
5. On May 5, 2000, Francis Loving Trust, Hilda Francis Trustee timely filed Contest 2492 to the Claim and/or Preliminary Evaluation of Claim 287.
6. On May 8, 2000, Robert Bartell timely filed Contest 2761 to the Claim and/or Preliminary Evaluation of Claim 287.
7. On May 8, 2000, Horsefly Irrigation District, Langell Valley Irrigation District, Rogue River Valley Irrigation District, and Medford Irrigation District filed Contest 3210 to the Claim and/or Preliminary Evaluation of Claim 287.

8. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3426: 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.<sup>1</sup>, 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 Pritchard<sup>2</sup>, Don Vincent<sup>3</sup>, 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.
9. On May 8, 2000, the United States of America timely filed Contest 3860 to the Claim and/or Preliminary Evaluation of Claim 287.
10. On May 8, 2000, the Klamath Tribes timely filed Contest 4212 to the Claim and/or Preliminary Evaluation of Claim 287.
11. On May 8, 2000, Thomas William Mallams filed Contest 4952 to the Claim and/or Preliminary Evaluation of Claim 287.
12. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 149.
13. On September 26, 2003, the Claimant withdrew Claim 287 which thereby rendered all contests moot. *See* NOTICE OF WITHDRAWAL OF CLAIM (Sept. 26, 2003).
14. On October 13, 2003, the Adjudicator withdrew Case 149 from the Office of Administrative Hearings.

## B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 287 by the Claimant, IT IS ORDERED that Claim 287 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013

  
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Dwight French, Adjudicator  
Klamath Basin General Stream Adjudication

<sup>1</sup> Klamath Hills District Improvement Company voluntarily withdrew from Contest 3426 on January 16, 2004. *See* VOLUNTARY WITHDRAWAL OF CONTEST BY KLAMATH HILLS DISTRICT IMPROVEMENT COMPANY

<sup>2</sup> Berlva Pritchard voluntarily withdrew from Contest 3426 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

<sup>3</sup> Don Vincent voluntarily withdrew from Contest 3426 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.