

BEFORE THE HEARINGS OFFICER PANEL
STATE OF OREGON
for the
WATER RESOURCES DEPARTMENT

RECEIVED
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WATER RESOURCES DEPT.
SALEM, OREGON

**In the Matter of the Determination of the Relative Rights of the Waters of the Klamath
River,
a Tributary of the Pacific Ocean**

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.; 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 Prichard; Don
Vincent; Randy Walthall; Inter-County Title
Co.; Winema Hunting Lodge, Inc.; Reames
Golf and Country Club; Van Brimmer Ditch
Co.; Plevna District Improvement Company;
and Collins Products, LLC;

Contestant(s)

STIPULATION TO RESOLVE
CONTEST 3522 AS TO CLAIM 680

Claim: 680

Contest(s): 3522

vs.

Priscella Bettles, Bettles Family of Oregon,
LTD,

Claimant(s)

Klamath Irrigation District; Klamath Drainage District; Tulelake Irrigation District;
Klamath Basin Improvement District; Ady District Improvement Company; Enterprise Irrigation
District; Klamath Hills District Improvement Company; Malin Irrigation District; Midland
District Improvement District; Pine Grove Irrigation District; Pioneer District Improvement

STIPULATION TO RESOLVE CONTEST 3522

PAGE 1

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Company; Poe Valley Improvement District; Shasta View Irrigation District; Sunnyside Irrigation District; Don Johnston & Son; Modoc Lumber Co.; Bradley S. Luscombe; Berlva Pritchard; Don Vincent; Randy Walthall; Inter-County Title Co.; Winema Hunting Lodge, Inc.; Reames Golf and Country Club; Van Brimmer Ditch Co.; Plevna District Improvement Company; Collins Products, LLC, (hereafter collectively referred to as Contestants) and the Oregon Water Resources Department (OWRD), do hereby agree and stipulate as follows:

A. STIPULATED FACTS

1. On January 24, 1992, Priscella Bettles submitted a Statement and Proof of Claim for two parcels of property. The OWRD numbered the claim as Allottee Claims 231 and 680, assigning one claim number to each parcel of property.
2. On February 17, 1999, the Oregon Water Resources Department combined the two claims into a single claim (Claim 231).
3. On October 4, 1999, the Adjudicator issued his Preliminary Evaluation of Claim 680, containing a single statement: "This claim was combined with claim number 231."
4. On May 8, 2000, Contestants filed Contest 3522 to Claims 231 and 680, and demanded a hearing.

B. TERMS OF THE AGREEMENT

1. OWRD adjudication staff agrees to recommend to the Adjudicator that Claim 680 be denied in the Final Order of Determination issued by the Adjudicator on the basis that Claim 680 had been subsumed into Claim 231 and that the right claimed in 680 will be addressed as part of 231.

2. OWRD and the Contestants agree that pursuant to the terms of this Agreement, Contest 3522 has been satisfactorily resolved only as it pertains to Claim 680, and a hearing as to Claim 680 before the Hearing Officer is not required. Under these circumstances, the Contestants waive their right to a contested case hearing before the Hearing Officer Panel for Contest 3522 only as it pertains to Claim 680, but explicitly reserve the right to participate in any other future proceedings as to Claim 680, as authorized by law. This stipulation in no way affects Contestants' contest to Claim 231, and Contest 3522 remains in full effect as to that claim.

3. The Contestants reserve the right to file exceptions to the Final Order of Determination as to Claim 680 in the Circuit Court for Klamath County if the Final Order of Determination issued by the Adjudicator for Claim 680 does not follow the recommendation of OWRD adjudication staff as indicated in paragraph B1, above.


On Behalf of Contestants

5/15/02
Date


On Behalf of Claimants

4/17/03
Date

Kimberly Grigsby, Agency Representative
On Behalf of the
Oregon Water Resources Department

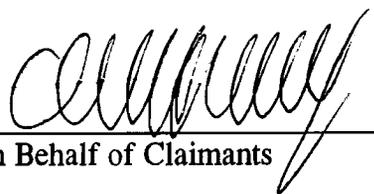
Date

2. OWRD and the Contestants agree that pursuant to the terms of this Agreement, Contest 3522 has been satisfactorily resolved only as it pertains to Claim 680, and a hearing as to Claim 680 before the Hearing Officer is not required. Under these circumstances, the Contestants waive their right to a contested case hearing before the Hearing Officer Panel for Contest 3522 only as it pertains to Claim 680, but explicitly reserve the right to participate in any other future proceedings as to Claim 680, as authorized by law. This stipulation in no way affects Contestants' contest to Claim 231, and Contest 3522 remains in full effect as to that claim.

3. The Contestants reserve the right to file exceptions to the Final Order of Determination as to Claim 680 in the Circuit Court for Klamath County if the Final Order of Determination issued by the Adjudicator for Claim 680 does not follow the recommendation of OWRD adjudication staff as indicated in paragraph B1, above.

On Behalf of Contestants

Date



On Behalf of Claimants

4/17/03
Date


Kimberly Grigsby, Agency Representative
On Behalf of the
Oregon Water Resources Department

May 14, 2003
Date