HARDY MYERS
Attorney General

PETER D. SHEPHERD
Deputy Attorney General

DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

December 14, 2006

TO ALL PARTIES

Re: Klamath Adjudication – Case No. 283; Claim Nos. 613, 617, 618, 619, 620, 621, 729, and 730; Contest Nos. 2062, 3017, 3120, 3128, 3227, 3250, 3315, 3319, 3320, 3321, 3322, 3323, 3514, 3645, 3649, 3650, 3651, 3652, 3653, 3877, 3878, 3879, 3880, 3881, 3882, 4001, 4003, 4007, 4008, 4009, 4010, and 4011
DOJ File No. 690-600-GN0571-03

Dear All Parties:

Enclosed for your records is a fully executed copy of the Stipulation to Resolve Contests, Exhibits and Certificate of Service in the above-entitled matter. This agreement resolves all the remaining issues in this case. Accordingly, the Oregon Water Resources Department will withdraw this case from the Office of Administrative Hearings, pursuant to OAR 137-033-0515(4).

Thank you very much for your courtesies and cooperation in resolving this matter.

Sincerely,

Jesse D. Ratcliffe
Assistant Attorney General
Natural Resources Section

JDR:tmc/GENS1504
Enclosure
c: Service List

1162 Court Street NE, Salem, OR 97301-4096 Telephone: (503) 947-4500 Fax: (503) 378-3802 TTY: (503) 378-5938

BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
WATER RESOURCES DEPARTMENT

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

Pacificorp; ~~John M. Mosby; Marilyn Mosby~~, Boyd P. Braren and Boyd Braren Trust; Roger Nicholson; Richard Nicholson; Agri Water, LLC; Maxine Kizer; Ambrose McAuliffe; Susan McAuliffe; Kenneth L. Tuttle and Karen L. Tuttle dba Double K Ranch; ~~Dave Wood~~; ~~Kenneth Zamzow~~; Nicholson Investments; William S. Nicholson; John B. Owens; Kenneth Owens; William L. Brewer; Mary Jane Danforth; Jane M. Barnes; Franklin Lockwood Barnes, Jr.; Jacob D. Wood; Elmore E. Nicholson; Mary Ann Nicholson; Gerald H. Hawkins, Hawkins Cattle Co.; Owens & Hawkins; Harlow Ranch; Terry M. Bengard; Tom Bengard; Dwight T. Mebane; Helen Mebane; Sevenmile Creek Ranch, LLC; James	**STIPULATION TO RESOLVE CONTESTS** **Case No. 283** Claims: 613, 617, 618, 619, 620, 621, 729, and 730 Contests: 2062, ~~3017~~[1], ~~3120~~[2], ~~3128~~[3], ~~3250~~[4], 3315, 3319, 3320, 3321, 3322, 3323[5], ~~3514, 3645, 3649, 3650, 3651, 3652, 3653~~[6], 3877, 3878, 3879, 3880, 3881, 3882, 4001, 4003, 4007, 4008, 4009, 4010, and 4011

[1] WaterWatch of Oregon, Inc.'s Contest 3017 was dismissed. ORDER DISMISSING WATERWATCH OF OREGON, INC.'S CONTESTS, May 20,2003.

[2] John and Marilyn Mosby voluntarily withdrew Contest 3120 on July 22, 2003.

[3] Horsefly Irrigation District and Langell Valley Irrigation District voluntarily withdrew from Contest 3128 on June 30, 2003. Medford Irrigation District voluntarily withdrew from Contest 3128 on June 30, 2003. Rogue River Valley Irrigation District voluntarily withdrew from Contest 3128 on July 30, 2003.

[4] Medford Irrigation District voluntarily withdrew from Contest 3250 on August 6, 2003. Rogue River Valley Irrigation District voluntarily withdrew from Contest 3250 on August 13, 2003. Horsefly Irrigation District and Langell Valley Irrigation District voluntarily withdrew from Contest 3250 on March 16, 2005.

[5] William Bryant voluntarily withdrew from Contests 3315, 3319-3323 on October 31, 2003. Dave Wood voluntarily withdrew from Contests 3315 and 3319-3323 on October 26, 2004. Change of Title Interest for Contests 3315, and 3319-3323 from Roger Nicholson Cattle Co. to AgriWater, LLC (2/4/05). Change of Title Interest for Contests 3315 and 3319-3323 from Dorothy Nicholson Trust and Lloyd Nicholson Trust to Roger and Richard Nicholson (2/4/05). Change of Title Interest for Contests 3315 and 3319-3323 from Kenneth Hufford, Leslie Hufford, and Hart Estate Investments to Jerry and Linda Neff (2/11/05). Change of Title Interest for Contests 3315 and 3319-3323 from William and Ethel Rust to David Cowan (3/9/05). Change of Title Interest for Contests 3315 and 3319-3323 from Walter Seput to Wayne James, Jr. (5/2/05). Change of Title Interest for Contests 3315 and 3319-3323 from Jim McAuliffe, McAuliffe Ranches, and Joe McAuliffe Co. to Dwight and Helen Mebane (7/8/05). Change of Title Interest for Contests 3315 and 3319-3323 from Anita Nicholson to Nicholson Investments, LLC (7/8/05). Change of portion of Title Interest for Contests 3315 and 3319-3323 from Dwight and Helen Mebane to Sevenmile Creek Ranch, LLC (8/15/05). Kenneth Zamzow voluntarily withdrew from Contests 3315 and 3319-3323 on September 2, 2005.

[6] Klamath Project Water Users voluntarily withdrew/dismissed Contests 3514, 3645, 3649, 3650, 3651, 3652, and 3653 on October 6, 2002. *See* APPROVAL AND ORDER OF HEARING OFFICER dated December 6, 2002 (*nunc pro tunc*); and CONTEST DISMISSAL AGREEMENT AND STIPULATION BETWEEN KLAMATH PROJECT WATER USERS, THE KLAMATH TRIBES, AND THE UNITED SATES; [PROPOSED] ORDER OF THE HEARING OFFICER IN CASE 003 dated December 6, 2002.

KBA_ACFFOD_06943

Wayne, Jr.; Clifford Rabe; Tom Griffith; William Gallagher; Thomas William Mallams; River Springs Ranch; Pierre A. Kern Trust; William V. Hill; Lillian M. Hill; Carolyn Obenchain; Lon Brooks Newman Enterprise; William C. Knudtsen; Wayne Jacobs; Margaret Jacobs; Robert Bartell; Rodney Z. James; Hilda Francis for Francis Loving Trust; David M. Cowan; James R. Goold for Tillie Goold Trust; Duane F. Martin; Modoc Point Irrigation District; Peter M. Bourdet; Vincent Briggs; J.T. Ranch Co.; Tom Bentley; Thomas Stephens; John Briggs; ~~William Bryant~~; Peggy Marenco; Jerry L. and Linda R. Neff;
Contestants

vs.

United States of America (Bureau of Indian Affairs) as Trustee on Behalf of the Klamath Tribes;
Claimant/Contestant, and

The Klamath Tribes;
Claimant/Contestant.

This Stipulation is entered into among the Claimants (the United States of America through the Bureau of Indian Affairs, and the Klamath Tribes) and the following named Contestants who are believed by all parties hereto to comprise all Contestants remaining in this case:

PacifiCorp; Boyd P. Braren and Boyd Braren Trust; Roger Nicholson; Richard Nicholson; Agri Water, LLC; Maxine Kizer; Ambrose McAuliffe; Susan McAuliffe; Kenneth L. Tuttle and Karen L. Tuttle dba Double K Ranch; Nicholson Investments; William S. Nicholson; John B. Owens; Kenneth Owens; William L. Brewer; Mary Jane Danforth; Jane M. Barnes; Franklin Lockwood Barnes, Jr.; Jacob D. Wood; Elmore E. Nicholson; Mary Ann Nicholson; Gerald H. Hawkins, Hawkins Cattle Co.; Owens & Hawkins; Harlow Ranch; Terry M. Bengard; Tom Bengard; Dwight T. Mebane; Helen

KBA_ACFFOD_06944

Mebane; Sevenmile Creek Ranch, LLC; James Wayne, Jr.; Clifford Rabe; Tom Griffith; William Gallagher; Thomas William Mallams; River Springs Ranch; Pierre A. Kern Trust; William V. Hill; Lillian M. Hill; Carolyn Obenchain; Lon Brooks Newman Enterprise; William C. Knudtsen; Wayne Jacobs; Margaret Jacobs; Robert Bartell; Rodney Z. James; Hilda Francis for Francis Loving Trust; David M. Cowan; James R. Goold for Tillie Goold Trust; Duane F. Martin; Modoc Point Irrigation District; Peter M. Bourdet; Vincent Briggs; J.T. Ranch Co.; Tom Bentley; Thomas Stephens; John Briggs; Peggy Marenco; Jerry L. and Linda R. Neff;

and the Oregon Water Resources Department ("OWRD").

Claimants, Contestants, and OWRD agree that Claims 613, 617, 618, 619, 620, 621, 729, and 730 should be approved by the Adjudicator to the extent described below.

1. The rate, quantity or duty, season of use, priority date, source of the water, type of use, place of use and point of diversion of the Claimants' rights will be as follows.

Claim 613 (Tribes' composite claim): The composite rates, quantities, seasons of use, priorities, sources, type of use, places of use and points of diversion as set out individually herein for claims 617-621 and 729-730.

Claim 617 (Braymill):

IRRIGATION USE

Use: irrigation

Point of Diversion: NE ¼ SW ¼, Section 19, T 34 S, R 8 E, W.M.

Place of Use:

NE ¼ SW ¼ 12.8 acres
Section 19
Township 34 South, Range 8 East, W.M.

Source: Sprague River

Rate: 0.15 cubic feet per second ("cfs"), measured at the point of diversion

KBA_ACFFOD_06945

Duty: 1.88 acre-feet/acre

Period of Use: April 1 through October 31

Priority Date: May 8, 1992

FISH HATCHERY AND AQUACULTURE USE

Use: Fish hatchery and aquaculture (a nonconsumptive use except for evaporation)

Point of Diversion: NE ¼ SW ¼, Section 19, T 34 S, R 8 E, W.M.

Place of Use: NE ¼ SW ¼, Section 19, T 34 S, R 8 E, W.M.

Source: Sprague River

Rate: 0.50 cfs, measured at the point of diversion

Duty: 376 AF/year

Period of Use: January 1 through December 31

Priority Date: May 8, 1992

Claim 618 (Brown Cemetery):

Use: irrigation

Point of Diversion: NE ¼ SE ¼, Section 13, T 36 S, R 12 E, W.M.; Being 430 feet south of the NW corner of the NE ¼ SE ¼, Section 13, T 36 S, Range 12 E, W.M.

Place of Use:

Lot 32 in the SW ¼ NE ¼ and SE ¼ NE ¼ 3.17 acres
Section 13
Township 36 South, Range 12 East, W.M.

Source: Sprague River

Rate: 0.08 cfs, measured at the point of diversion

Duty: 2.27 acre-feet/acre

Period of Use: April 1 through October 31

Priority Date: October 14, 1864

KBA_ACFFOD_06946

Claim 619 (Hill Cemetery):

Use: irrigation

Point of Diversion: SE ¼ SE ¼, Section 3, T 35 S, R 7 E, W.M.; Being 125 feet East of the NW corner of the SE ¼ SE ¼, Section 3, T 35 S, R 7 E, W.M.

Place of Use:

Lots 3 and 6 (NE ¼ NW ¼) 7.5 acres
Section 32
Township 36 South, Range 12 East, W.M.

Source: Sprague River

Rate: 0.19 cfs, measured at the point of diversion

Duty: 2 acre-feet/acre

Period of Use: April 1 through October 31

Priority Date: October 14, 1864

Claim 620 (Modoc Pump parcel):

Use: irrigation

Point of Diversion: Lot 22 (SW ¼ NE ¼), Section 21, T 35 S, R 7 E., W.M.; Being 250 feet East and 165 feet South of the NW corner of the SW ¼ NE ¼, Section 21, T 35 S, R 7 E., W.M.

Place of Use:

Lot 22 (SW ¼ NE ¼) 4.8 acres
Section 21
Township 35 South, Range 7 East, W.M.

Source: Williamson River

Rate: 0.06 cfs, measured at the point of diversion

Duty: 1.83 acre-feet/acre

Period of Use: April 1 through October 31

Priority Date: December 5, 1988

KBA_ACFFOD_06947

Claim 621 (Casino):

Use: commercial use for maintenance of fire suppression system

Point of Diversion: (Lot 22) NE ¼ SE ¼, Section 16, T 35 S, R 7 E., W.M.; Being 500 feet South and 405 feet West of the NE corner of the NE ¼ SE ¼, Section 16, T 35 S, R 7 E., W.M.

Place of Use: Lot 22 (NE ¼ SE ¼); Lots 23 and 28 (NW ¼ SE ¼); and Lot 33 (SW ¼ SE ¼), Section 16, T 35 S, R 7 E, W.M.

Source: Williamson River

Rate: 0.27 cfs, measured at the point of diversion

Duty: 3.7 AF/year

Period of Use: January 1 through December 31

Priority Date: September 30, 1996

Claim 729 (Kirk acquisition I):

Use: irrigation

Point of Diversion: (Lot 9) NE ¼, NE ¼, Section 16, T35 S, R 7 E, W.M.; Being 660 feet south and 1214 feet west of the NE corner, Section 16, T35 S, R 7 E, W.M.

Place of Use:

Lot 8 (NW ¼ NE ¼)	6.3 acres
Lot 13 (SW ¼ NE ¼)	5.6 acres
Lot 18 (SW ¼ NE ¼)	5.0 acres

Section 16
Township 35 South, Range 7 East, W.M.

Source: Williamson River

Rate: 0.20 cfs, measured at the point of diversion

Duty: 1.84 acre-feet/acre

Period of Use: April 1 through October 31

Priority Date: September 8, 1995

///
///

KBA_ACFFOD_06948

Claim 730 (Kirk acquisition II):

Use: irrigation

Point of Diversion: (Lot 9) NE ¼, NE ¼, Section 16, T35 S, R 7 E, W.M.; Being 660 feet south and 1214 feet west of the NE corner, Section 16, T35 S, R 7 E, W.M.

Place of Use:

Lot 3 (NW ¼ NE ¼) 6.94 acres
in that portion of Government Lot 3 lying west of Highway 97
Section 16
Township 35 South, Range 7 East, W.M.

Source: Williamson River

Rate: 0.08 cfs, measured at the point of diversion

Duty: 1.84 acre-feet/acre

Period of Use: April 1 through October 31

Priority Date: September 8, 2004

Claimants agree that these rights will not and cannot be changed to instream uses. Claimants further agree that these rights shall be administered pursuant to Oregon state law. These rights are all inchoate. There is one water right for each claim 617-621, 729-730; claim 613 is subsumed within each of those claims. The water right for each claim 617-621, 729-730 should be in the name of the Klamath Tribes and the United States of America, as trustee on behalf of the Tribes.

2. Claimants, Contestants and OWRD agree that pursuant to the terms of this Stipulation, Contests 2062, 3315, 3319, 3320, 3321, 3322, 3323, 3877, 3878, 3879, 3880, 3881, 3882, 4001, 4003, 4007, 4008, 4009, 4010, and 4011 have been satisfactorily resolved, and such resolution ends the need for a hearing before the Administrative Law Judge on these Contests to Case 283.

KBA_ACFFOD_06949

3. Based on the Stipulation of Claimants, Contestants and OWRD that Case 283 and the contests thereto can be resolved without the need for a hearing, OWRD adjudication staff hereby recommends to the Adjudicator that Case 283 be withdrawn from the Office of Administrative Hearings. OWRD adjudication staff further recommends that Case 283 be approved in the Finding of Fact and Order of Determination issued by the Adjudicator in accordance with the terms of paragraph 1, above.

4. If the Finding of Fact and Order of Determination issued by the Adjudicator for Case 283 does not conform to the terms set forth in paragraph 1, above, Claimants and Contestants reserve any rights they may have to file exceptions to the Finding of Fact and Order of Determination as to Case 283 in the Circuit Court for Klamath County, and reserve any rights they may have to participate in any future proceedings authorized by law concerning Case 283.

5. Claimants and Contestants agree not to oppose or object to this Stipulation or any of its terms, provisions, conditions, or covenants and to support this Stipulation if it is challenged in the administrative or judicial phases of the Adjudication or any appeals thereof.

6. This Stipulation is entered into for the purpose of resolving a disputed claim. The signatories to this Stipulation agree that the Stipulation shall not be offered as evidence or treated signatories to this Stipulation agree that the Stipulation shall not be offered as evidence or treated as an admission regarding any matter herein and may not be used in proceedings on any other claim or contest whatsoever, except that the Stipulation may be used in any future proceeding to interpret and/or enforce the terms of this Stipulation. Further, the signatories to this Stipulation agree that neither the Stipulation nor any of its terms shall be used to establish precedent with respect to any other claim or contest in the Klamath Basin Water Rights Adjudication or any other proceeding.

7. This Stipulation shall be binding upon and shall inure to the benefit of the

signatories and their respective heirs, executors, administrators, trustors, trustees, beneficiaries, predecessors, successors, affiliated and relate entities, officers, directors, principals, agents, employees, assigns, representatives and all persons, firms, associations, and/or corporations connected with them.

8. Each signatory to this Stipulation represents, warrants, and agrees that the person who executed this Stipulation on its behalf has the full right and authority to enter into this Stipulation on behalf of that signatory and bind that signatory to the terms of the Stipulation.

9. The terms, provisions, conditions, and covenants of this Stipulation are not severable, except, if any term, provision, condition, or covenant of this Stipulation is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the terms, provisions, conditions, and covenants shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

10. This Stipulation may be executed in several counterparts and all documents so executed shall constitute one Stipulation, binding on the signatories, notwithstanding that the signatories did not sign the same original or the same counterparts. Delivery of an executed signature page to this Stipulation by facsimile transmission shall be as effective as delivery of an original signed counterpart of this Stipulation.

11. The signatories agree and acknowledge that this Stipulation has been drafted and reviewed through their joint efforts after full and arms-length negotiations; therefore, the usual rule of contractual construction that all ambiguities shall be construed against the drafting party shall not apply to the interpretation of this Stipulation.

12. This Stipulation shall be effective as of the date of the last signature hereto.

Stipulated, agreed and approved by:

KBA_ACFFOD_06951

Date 5/15/06

Carl Ullman, OSB #89156
Klamath Water Project
Box 957
Chiloquin, OR 97624
Phone 541.783 3081
Fax 541.783 2609
bullman3@earthlink.net

ATTORNEY FOR THE
KLAMATH TRIBES

KBA_ACFFOD_06952

Date April 3, 2006

Sue Ellen Wooldridge
Assistant Attorney General

David W. Harder, Trial Attorney
Indian Resources Section
Environment & Natural Resources
999 - 18th Street, Suite 945
Denver, CO 80202-2449
Telephone: 303.312.7328
Telefax: 303.312.7379
david.harder@usdoj.gov

Barbara Scott-Brier
Office of the Regional Solicitor
Pacific NW Region
Portland, Oregon

ATTORNEYS FOR THE
UNITED STATES

KBA_ACFFOD_06953

Date 12/11/06

Greg D. Corbin
Attorney for PacifiCorp

KBA_ACFFOD_06954

Date 6-29-06

Modoc Point Irrigation District

Date 7/5/2006

Schroeder Law Offices, P.C.

For the Oregon Water Resources Department:

HARDY MEYERS
Attorney General

Date: 11/28/06

JESSE D. RATCLIFFE
Assistant Attorney General
Oregon Department of Justice
1162 Court Street NE
Salem, Oregon 97301-4096
Telephone: (503) 947-4500
Telefax: (503) 378-3802
e-mail: *jesse.d.ratcliffe@doj.state.or.us*

ATTORNEYS FOR OREGON WATER RESOURCES DEPARTMENT

Date: 11-29-06

MICHAEL J. REYNOLDS
Oregon Water Resources Department
725 Summer Street, NE, Suite A
Salem, Oregon 97301-1217
Telephone: (503) 986-0820
Telefax: (503) 986-0901
e-mail: mike.j.reynolds@wrd.state.or.us

AGENCY REPRESENTATIVE FOR OREGON WATER RESOURCES DEPARTMENT

KBA_ACFFOD_06956

Date 6/7/06

TPC

by Robert M Cook

TPC, LLC

Date 6/8/06

Robert M Cook

Robert Cook

Date 6/30/2006

Schroeder Law Offices, P.C.

Date May 15, 2006

Roger Nicholson

KBA_ACFFOD_06958

Date 5 - 13-06

Richard Nicholson

KBA_ACFFOD_06959

Date June 15, 2006

agri water, LLC c

Agri Water, LLC

KBA_ACFFOD_06960

Date May 10, 2006

Maxine Kizer

KBA_ACFFOD_06961

Date 19 May 06

Ambrose McAuliffe

Date 19 May 06

Susan McAuliffe

KBA_ACFFOD_06962

Date 5-14-06

Kenneth L. Tuttle

Kenneth L. Tuttle

Date 5-14-06

Karen L. Tuttle

Karen L. Tuttle

dba Double K Ranch

KBA_ACFFOD_06963

Date 5-12-06

William S. Nicholson

KBA_ACFFOD_06964

Date 5-17-06

John B. Owens

KBA_ACFFOD_06965

Date 5-17-06

Kenneth Owens

KBA_ACFFOD_06966

Date 5/10/06

William L. Brewer

KBA_ACFFOD_06967

Date 5/31/06

Mary Jane Danforth

Mary Jane Danforth

KBA_ACFFOD_06968

Date May 12, 06

Jane M. Barnes

KBA_ACFFOD_06969

Date May 12 2008

Franklin Lockwood Barnes, Jr.

KBA_ACFFOD_06970

Date 6-7-06

Jacob D. Wood

KBA_ACFFOD_06971

Date MAY 10, 2006

Elmore E. Nicholson
Elmore E. Nicholson by MAW.

Date May 10, 2006

Mary Ann Nicholson

KBA_ACFFOD_06973

Date 5/15/06

Gerald H. Hawkins
Gerald H. Hawkins

Date 5/15/06

Hawkins Cattle Co.
by Gerald H. Hawkins
Hawkins Cattle Co.

Date 5/15/06

Owens & Hawkins
by Gerald H. Hawkins
Owens & Hawkins

KBA_ACFFOD_06974

Date 5/15/06

Harlowe Ranch
by Gerald A. Hawkins
Harlow Ranch

KBA_ACFFOD_06975

Date 5/24/06

Terry M. Bengard

Terry M. Bengard

Date 5/24/06

Tom Bengard

Tom Bengard

KBA_ACFFOD_06976

Date 5/16/2006

James Wayne, Jr.

KBA_ACFFOD_06977

Date 5/26/06

Clifford Rabe

KBA_ACFFOD_06978

Date May 19, 2006

Tom Griffith

Tom Griffith

KBA_ACFFOD_06979

Date 6-28-2006

William Gallagher

KBA_ACFFOD_06980

Date 10 June 2006

Thomas William Mallams

Thomas William Mallams

KBA_ACFFOD_06981

Date 5-20-06

River Springs Ranch

Date 5-20-06

Pierre A. Kern Trust

KBA_ACFFOD_06982

Date _____

Deceased
William V. Hill

Date 5/15/06

Lillian M. Hill
Lillian M. Hill

KBA_ACFFOD_06983

Date 7/1/05

Carolyn Obenchain

KBA_ACFFOD_06984

Date: 5/16/06

Lon Brooks

KBA_ACFFOD_06985

Date: 6-29-06

Newman Enterprises By Ray Newman
Newman Enterprises

KBA_ACFFOD_06986

Date 5-23-06

Wayne Jacobs

Date 5-23-06

Margaret Jacobs

KBA_ACFFOD_06987

Date May 19, 2006

Robert Bartell

KBA_ACFFOD_06988

Date 5-22-06

Rodney Z. James

KBA_ACFFOD_06989

Date June 22, 06

Hilda Francis
Hilda Francis for Francis Loving Trust

KBA_ACFFOD_06990

Date 5/16/06

David M. Cowan

KBA_ACFFOD_06991

Date 5-18-06

James R. Goold for Tillie Goold Trust

KBA_ACFFOD_06992

Date: 7/14/06

Duane F. Martin

RECEIVED
JUL 21 2006
WATER RESOURCES DEPT
SALEM, OREGON

KBA_ACFFOD_06993

Date 7-14-06

Jeff Neff

Date 7-14-06

Linda Neff

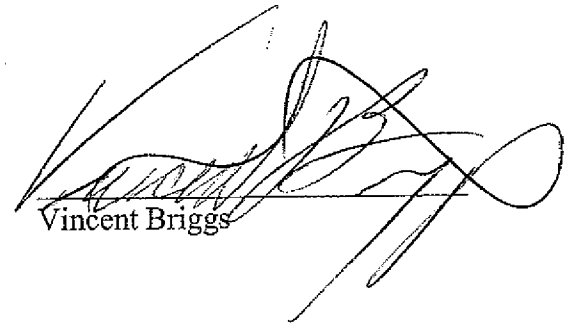
KBA_ACFFOD_06994

Date 5-17-06

Peter M. Bourdet

KBA_ACFFOD_06995

Date 5/17/06



Vincent Briggs

KBA_ACFFOD_06996

Date May 15, 2006

J.T. Ranch Co.

Thomas H Bentley

KBA_ACFFOD_06997

Date May 15, 2006

Thomas A. Bentley
Tom Bentley

KBA_ACFFOD_06998

Date August 2006

Thomas Stephens

This document references the May 24 - 2006 letter To me from the Water Resources Department signed by TERI Hranac + cc to Jesse Ratcliffe Asst Attorney General

KBA_ACFFOD_06999

Date 8-3-06

John Briggs

KBA_ACFFOD_07000

Date 6-7-06

Peggy Marenco

Peggy Marenco

KBA_ACFFOD_07001

Date: 6/15/06 Dwight Mebane

Date: 6/15/06 Helen Mebane

KBA_ACFFOD_07002

Date: 5-12-06

Nicholson Investments
by [signature], mgr
Nicholson Investments

KBA_ACFFOD_07003

Date: 5-31-06

Sevenmile Creek Ranch, LLC

KBA_ACFFOD_07004

TOWNSHIP 34 SOUTH, RANGE 8 EAST, W. M.

Braymill - Reyes Parcel

12.8 ac. Irrigable Acreage
NE 1/4 SW 1/4
Sec. 19, T34S, R8E

Point of Diversion
250' North and 165' West of
the SE corner of the SE 1/4 NE 1/4
SW 1/4 sec. 19
T34S R8E

Fish Rearing Ponds
NE 1/4 SW 1/4 Sec. 19
T34S, R8E

Scale: 1" = 1320'

United States / Klamath Tribes
Claim No: 617
KL2

SPRAGUE RIVER DIV. PT.

WILLIAMSON RIVER

SPRAGUE RIVER DIV. PT.

D.M. BUCHANAN & R.E. HAGELSTEIN

D.M. BUCHANAN & R.E. HAGELSTEIN

D.M. BUCHANAN & R.E. HAGELSTEIN

STOCK TANK

PUMPS SPRING HOUSE (D

DAM HG

DAM HG

DRAIN

ROAD

C.H. HIGH

RIVER

HWY

RECEIVED
APR 20 1999
WATER RESOURCES DEPT.
SALEM, OREGON

15 16 19 20 21 22 27 28 29 30

KBA_ACFFOD_07005

J. J. PRAGGASTIS

J. J. PRAGGASTIS

J. J. PRAGGASTIS

J. J PRAGGASTIS

DIV. PT.

HOUSE

B.C.

DEBORAH ANDERSON

H. R. WAGGONER

BROWN CEMETERY ASSOC.

Lot 32

DEBORAH ANDERSON

O. T. ANDERSON, JR.

N. M. ANDERSON

GODOWA

16

15

14

13

R. H. FRANCIS

J. L. KIRK, JR.

DEBORAH ANDERSON

BEATTY

N. M. ANDERSON

BROWN DITCH

PUMP

C., N., & J. FLYNN

CO. ROAD

HOUSE

BARN

B. E. TUPPER (STOCK USE)

SPRING

STATE ROAD

ROYLE NEWTON KOEHLER

O. C. & E. RAILROAD

RIVER

SPRAGUE

HIGHWAY 140

Point of Diversion 430' South of the NW corner of the NE 1/4 SE 1/4 Sec. 13 T36S R12E

Brown Cemetery
Lot 32 SW 1/4 NE 1/4
SE 1/4 NE 1/4
Sec. 13 T36S R12E
3.17 acres

E. DAVIS

KAREN CONLEY (FRANCIS)

STOCK POND

SPRING

W. F. & N. F. GALLAGHER

WELL

P. H. FAIRCLO

22

Scale: 1" = 1320'

R. E. BONNEY

BROWN DITCH

SPRING CREEK

HOUSE

DIV. PT.

RESERVOIR

BARN

23

J. F. ROYLE
H. W. NEWTON
F. W. KOEHLER

24

J. F. ROYLE
H. W. NEWTON
F. W. KOEHLER

INERAL CREEK

SEE ALSO T36S, R13E

REGISTERED PROFESSIONAL ENGINEER
PAUL WISHEROPP
No. C 044393
Exp. 6/30/07
CIVIL
STATE OF CALIFORNIA

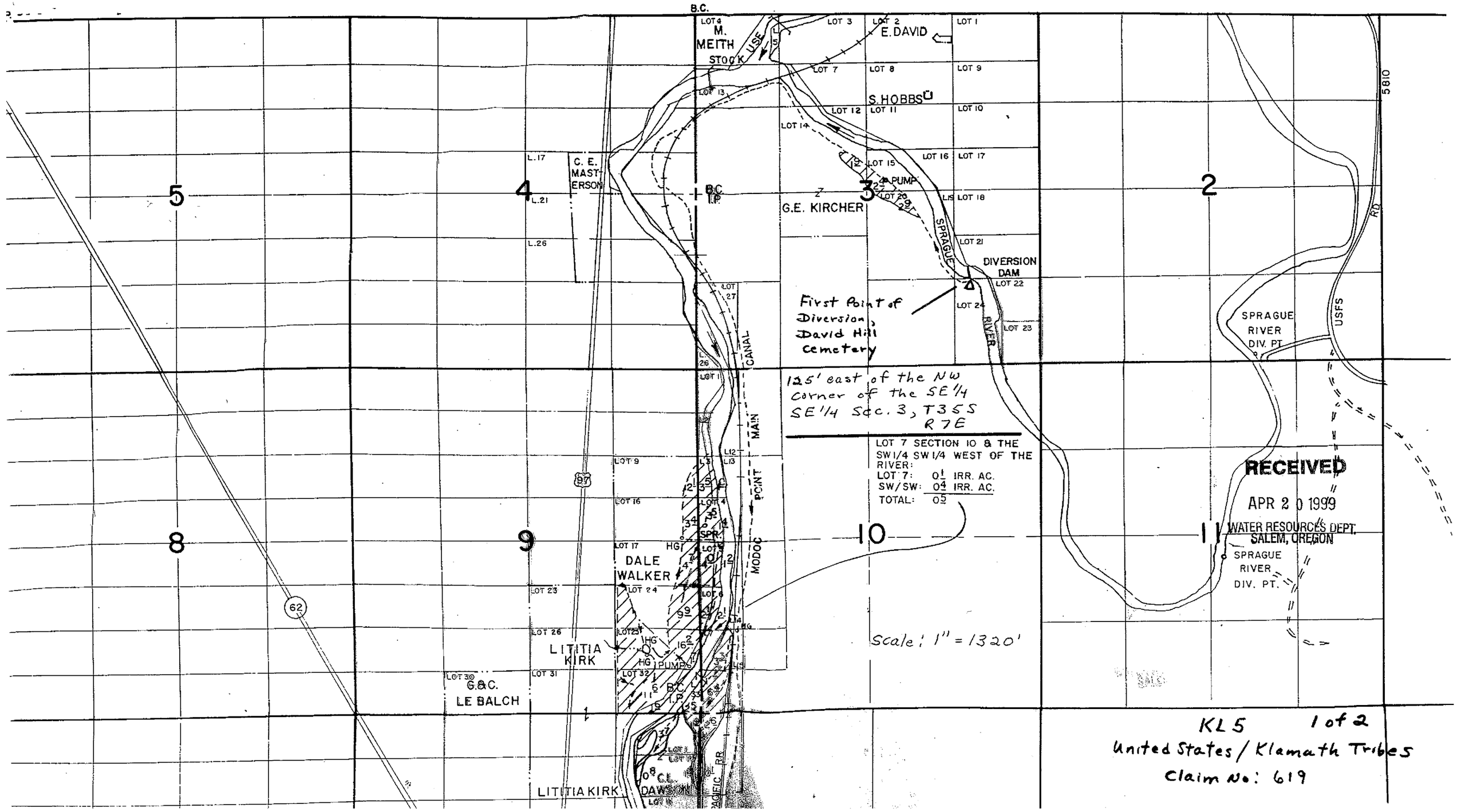
United States/Klamath Tribes
Claim No: 618
KL 3

TOWNSHIP 36 SOUTH, RANGE 12 EAST, W. M.

KBA_ACFFOD_07006

TOWNSHIP 35 SOUTH, RANGE 7 EAST, W. M.

619 0005



RECEIVED
APR 20 1999
WATER RESOURCES DEPT.
SALEM, OREGON

KL5 1 of 2
United States / Klamath Tribes
Claim No: 619

TOWNSHIP 35 SOUTH, RANGE 7 EAST, W. M.

MEDFORD CORP.

E. BLODGETT

W. CRIM

WOLFF RANCH INC.

MARY JANE SHEPPARD

R. LEONARD

GARRISON

J.B. WIEST

WOLFF RANCH INC.

W.B. HESCOCK

J. ERICKSON

L.R. BARNEY

B.S. McCLELLAN

O.G. KIRK

B. HICKEY

J.D. KNAPP

E.P. CHILOQUIN

R.A. HANEY

M.E. WILSON

E. WERNER

WOLFF RANCH INC.

J. ERICKSON

F.D. GOTT

E. LANG

L.L. MYERS

S.D. HESS

BLANKENSHIP

H.F. JARRARD

D. BARRY

W.H.

F. ETCHEVERS

J. SAY

GOOSE BAY FARMS

G.R. LECKLIDER

M.F. SHEPPARD

S.L. LANG

L.H. WINN

WILLIAMSON RIVER

DAY SCHOOL ROAD

DIV. PT. 27

DRAIN

PUMP

I.P.

B.C.

LAT.

250' South and 250' West of the NE corner of the NE 1/4 ... Sec. 32 T35S R7E

Second Point of Diversion David Hill Cemetery

David Hill Cemetery
7.5 ac. in the NE1/4 NW1/4
Sec. 32, T35S, R7E

RECEIVED
APR 20 1999
WATER RESOURCES DEPT.
SALEM, OREGON

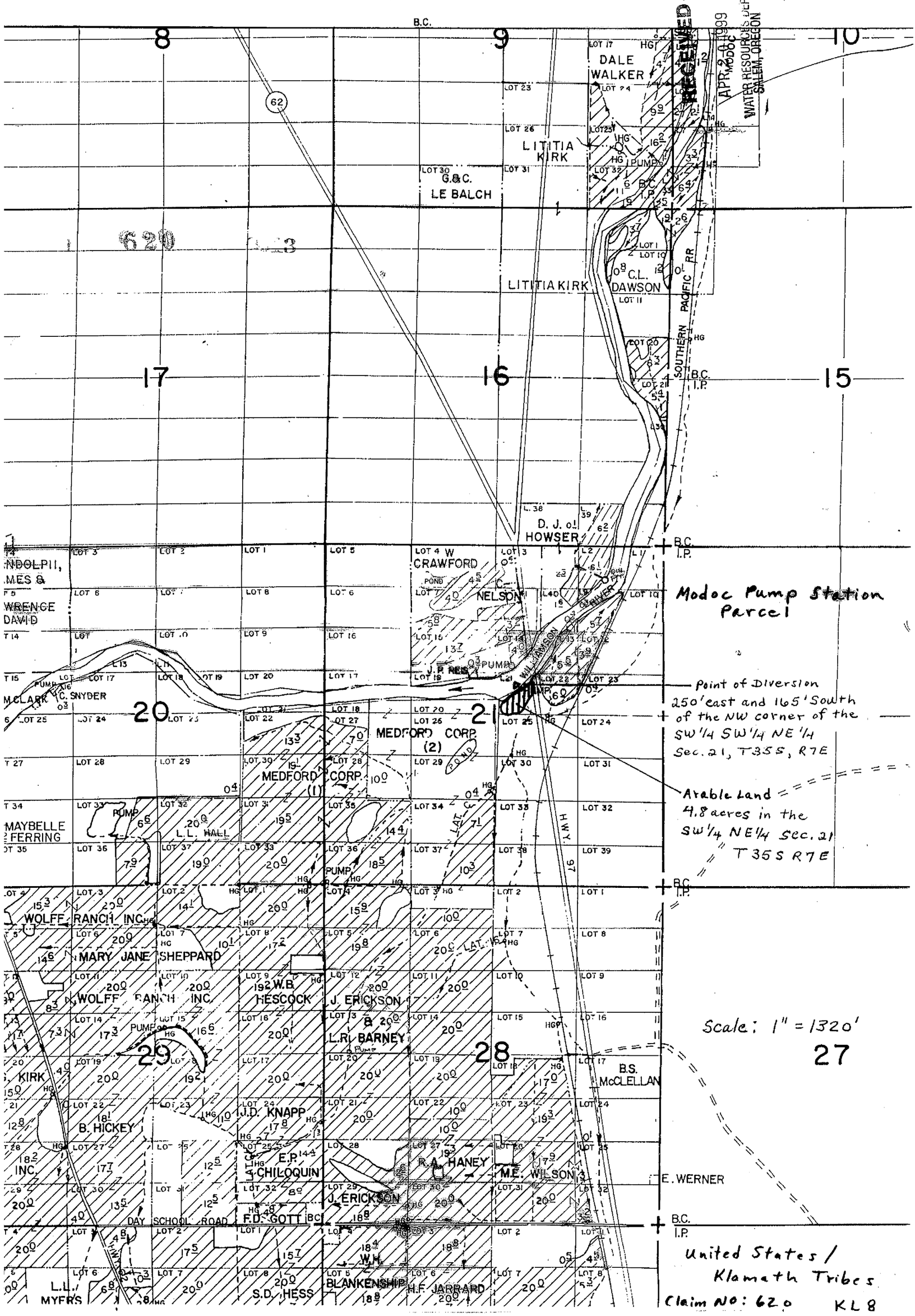
State / Klamath Tribes

Claim No: 619 2 of 2

KLS

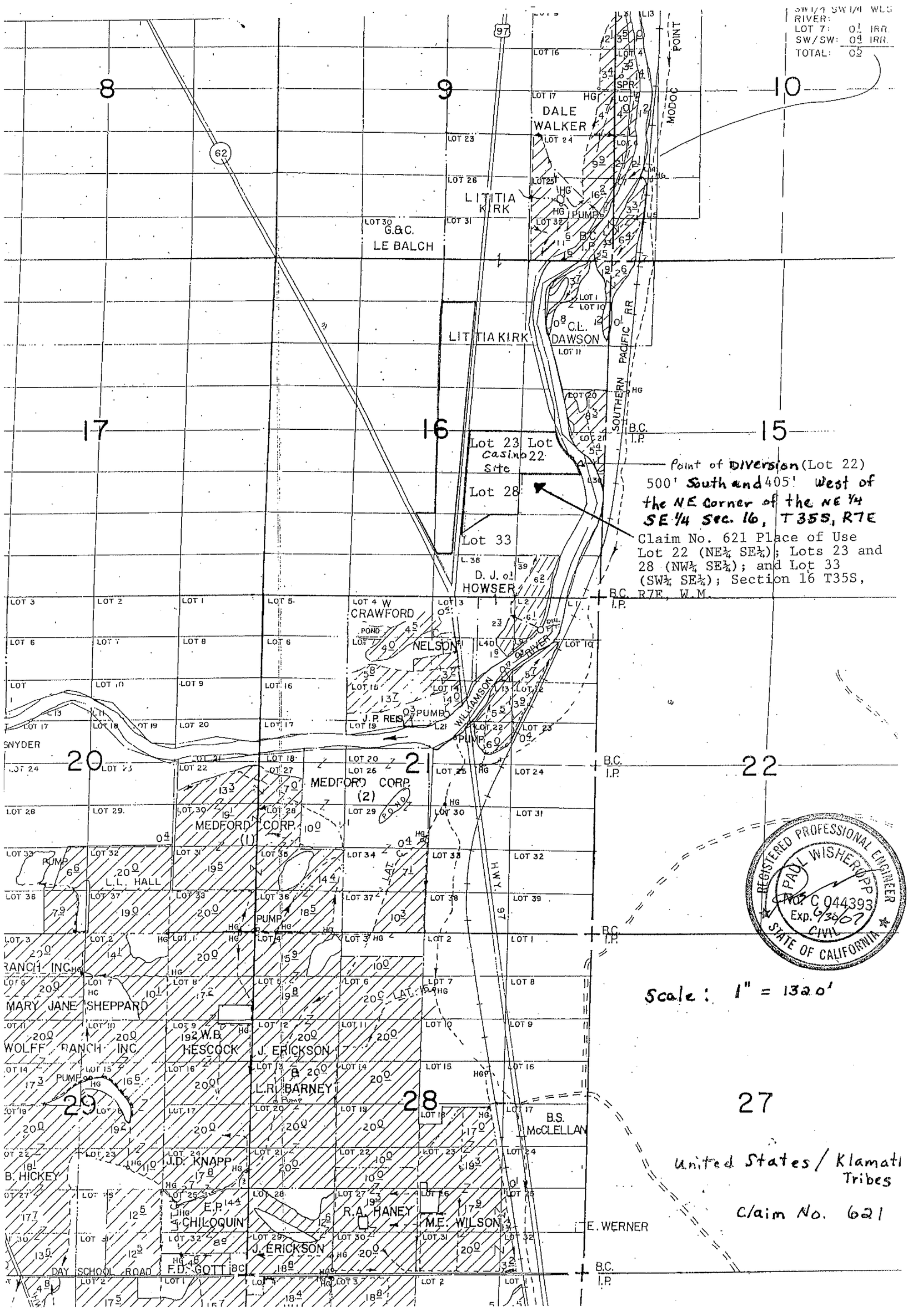
KBA_ACFFOD_07008

TOWNSHIP 35 SOUTH, RANGE 7 EAST, W. M.



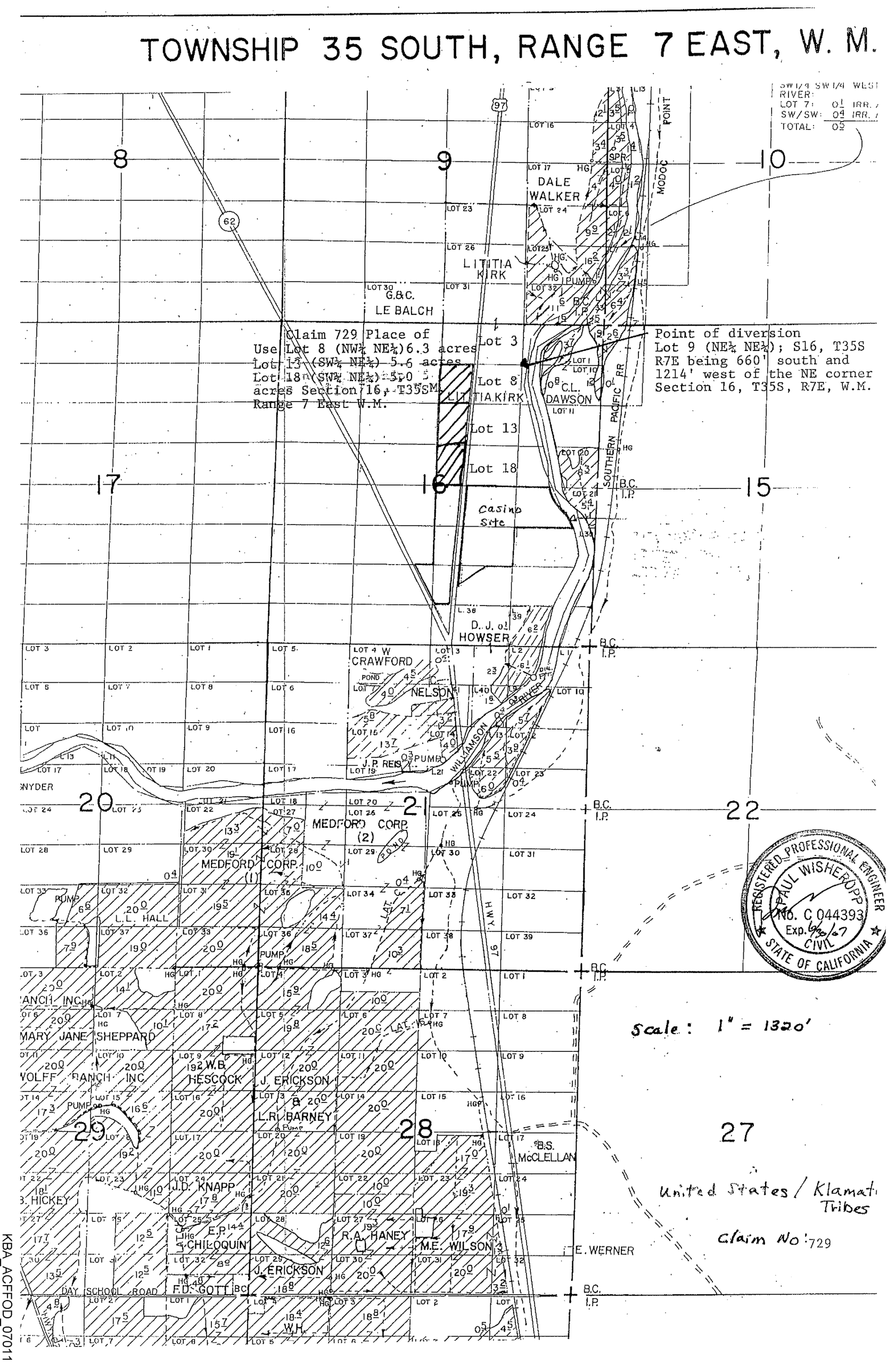
KBA_ACFFOD_07009

TOWNSHIP 35 SOUTH, RANGE 7 EAST, W. M.



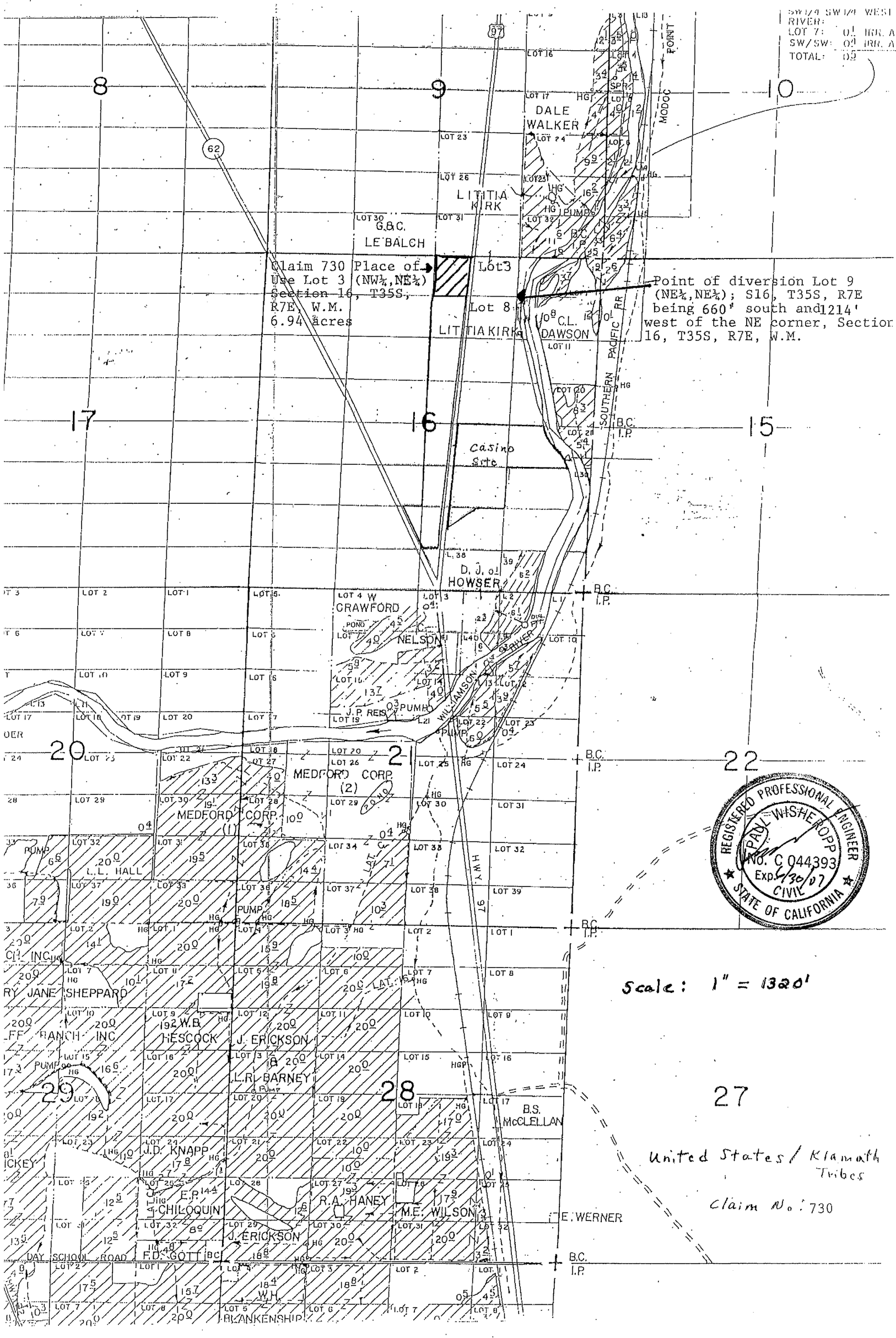
KBA_ACFFOD_07010

TOWNSHIP 35 SOUTH, RANGE 7 EAST, W. M.



KBA_ACFFOD_07011

TOWNSHIP 35 SOUTH, RANGE 7 EAST, W. M.



KBA_ACFFOD_07012

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of December 2006, I served the within STIPULATION TO RESOLVE CONTESTS on the parties hereto by regular first-class mail and by e-mail if an e-mail address is listed below), a true, exact and full copy thereof to:

VIA STATE SHUTTLE MAIL
Dwight W. French / Teri Hranac
Oregon Water Resources Dept.
725 Summer Street NE, Suite A
Salem, OR 97301-1271
dwight.w.french@state.or.us
teri.k.hranac@wrd.state.or.us

Greg D. Corbin / Peter D. Mostow
Stoel Rives, LLP
900 SW Fifth Avenue, Suite 2600
Portland, OR 97230
gdcorbin@stoel.com
pdmostow@stoel.com

Carl V. Ullman
Water Adjudication Project
The Klamath Tribes
P.O. Box 957
Chiloquin, OR 97624
bullman3@earthlink.net

Walter Echo-Hawk
Native American Rights Fund
1506 Broadway
Boulder, CO 80302
wechohwk@narf.org

David Harder
U.S. Department of Justice
Environment and Natural Resources Div.
1961 Stout Street – 8th Floor
Denver, CO 80294
david.harder@usdoj.gov

Barbara Scott-Brier
Office of the Regional Solicitor
U.S. Department of the Interior
500 NE Multnomah, Suite 607
Portland, OR 97232

Laura A. Schroeder
Cortney D. Duke
Lynn L. Steyaert
Schroeder Law Office PC
P.O. Box 12527
Portland, OR 97212-0527
counsel@water-law.com

Kenneth L. Tuttle
Karen L. Tuttle
dba Double K. Ranch
1976 Cove Point Road
Klamath Falls, OR 97626

Patricia Jill Givan Switzler
Charles W. Switzler
6274 Climax Ave.
Klamath Falls, OR 97603

Maxine Kizer
P.O. Box 512
Fort Klamath, OR 97626

Gerald H. Hawkins, for
Owens & Hawkins, Hawkins Cattle Co.
Harlowe Ranch
P.O. Box 426
Fort Klamath, OR 97626

Roger Nicholson
Richard Nicholson
P.O. Box 458
Fort Klamath, OR 97626

Lon Brooks
P.O. Box 342
Bly, OR 97622

John B. Owens
Kenneth Owens
13815 Trinity A
Red Bluff, CA 96080

Terry Bengard
Tom Bengard
P.O. Box 80090
Salinas, CA 93912-0090

Tom Griffith
4583 King Road
Williams, CA 95987

William & Lillian Hill
4028 Monrovia Way
Klamath Falls, OR 97603

River Springs Ranch
(Pierre A Kern)
Pierre A. Kern Trust
2730 Avendida Caballo
Santa Ynez, CA 93460

Rodney Z. James
P.O. Box 373
Bly, OR 97622

Jane M. Barnes
Franklin Lockwood Barnes Jr.
P.O. Box 1570
Julian, CA 92036

TPC LLC
c/o Bob Cook
32041 Cartney Drive
Harrisburg, OR 97446

William Gallagher
P.O. Box 309
Beatty, OR 97621

Elmore E. Nicholson
Mary Ann Nicholson
P.O. Box 455
Fort Klamath, OR 97626

William Lyle Brewer
5305 Walton Drive
Klamath Falls, OR 97626

Mary Jane Danforth
P.O. Box 425
Fort Klamath, OR 97603

Newman Enterprise
(Douglas D. Newman)
P.O. Box 594
Bly, OR 97622

Thomas William Mallams
PO Box 249
Beatty, OR 97621

Helen & Dwight Mebane
P.O. Box 310
Woody, CA 93287

Linda Long
Modoc Point Irrigation District
33550 Hwy. 97 N.
Chiloquin, OR 97624
crterlk@aol.com

Tom & Jackie Bentley AND
J.T. Ranch Co.
32505 Modoc Point Road
Chiloquin, OR 97624

Tom & Althia Stephens
P. O. Box 1251
Chiloquin, OR 97624

Peter M. Bourdet
P.O. Box 803
Chiloquin, OR 97624

Linda Long
Crater Lake Realty
P. O. Box 545
Chiloquin, OR 97624

Vincent Lee Briggs
P.O. Box 683
Chiloquin, OR 97624

John Briggs
P.O. Box 620
Chiloquin, OR 97624

Duane Martin
2021 Hwy 88
Ione, CA 95640

Hilda Francis, Trustee
Francis Loving Trust
P.O. Box 213
Chiloquin, OR 97624

Carolyn Obenchain
PO Box 611
Bly, OR 97622

Clifford C. Rabe
c/o Chad C. Rabe
22539 Hwy. 140 E
Dairy, OR 97625
andrea@rabeconsulting.com

James G. Wayne, Jr.
7200 Hazeltine Blvd.
Excelsior, MN 55331
jimwayne64@aol.com

Wayne & Margaret Jacobs
PO Box 62
Bly, OR 97622

Robert Bartell
30474 Sprague River Road
Sprague River, OR 97639

David M. Cowan
7647 Libby Road NE
Olympia, WA 98506

James R. Goold
PO Box 89
Sprague River, OR 97639

Alvin & Peggy Marenco
8475 Marenco Ranch Drive
Red Bluff, CA 96080

Jacob D. Wood
11161 Table Rock Road
Central Point, OR 97502

Douglas W. MacDougal
Schwabe, Williamson & Wyatt
Pacwest Center, Suite 1900
1211 S.W. 5th Avenue
Portland, OR 97204
dmacdougal@schwabe.com

Jesse D. Ratcliffe, #04394
Assistant Attorney General

KBA_ACFFOD_07016