

**BEFORE THE STATE OF OREGON
WATER RESOURCES DEPARTMENT**

In the Matter of Klamath Adjudication)	SETTLEMENT AGREEMENT
Contest 19, in the name of Jessie L. Puckett,)	Case: 034
<i>Claimant and Contestant</i>)	Claim: 189
)	Contest: 19

The Oregon Water Resources Department and Jessie L. Puckett, Claimant and Contestant, do hereby agree and stipulate as follows:

Stipulated Facts

1. On October 15, 1990, Jessie L. Puckett (“Claimant”) submitted a statement and proof of claim (Claim 189) to the Oregon Water Resources Department (“Department”) for 50 gallons per minute from the Klamath River for irrigation of approximately 0.5 acres as part of the Klamath adjudication. Claimant claimed an 1873 priority date for this use.
2. On October 4, 1999, the Adjudicator preliminarily denied Claim 189 as part of the Department’s preliminary evaluation. The Adjudicator found that the record did not contain substantial evidence of use of water or construction of works prior to February 24, 1909, nor evidence of completion of works within a reasonable time after commencement of construction or use of water.
3. On April 19, 2000, the Claimant submitted to the Department a contest (Contest 19) to the preliminary evaluation of Claim 189, contesting denial of the claim, providing additional information about the use of water on the property and demanding a hearing. On May 8, 2000, Horsefly Irrigation District also *et al.* filed a contest (Contest 3179) to Claim 189, but subsequently withdrew that contest on December 20, 2001.

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4. Department staff reviewed the information submitted in Contest 19 and conclude that Claim 189, as supplemented by the information submitted in Contest 19, can be approved according to the following terms.

Terms of the Agreement

1 The Adjudication staff shall recommend to the Adjudicator that Claim 189 be approved as part of the findings of fact and order of determination as follows:

Point of Diversion Location: Governement Lot 1, Section 31, Township 39 South, Range 8 East, W.M. The point of diversion is located in Lot 4, Block 2, Riverside Addition.

Source: Klamath River, tributary to Pacific Ocean

Use: Irrigation of 0.7 acres

Amount of Water Beneficially Used: 0.02 cubic feet per second, measured at the point of diversion.

Period of Use: March 1 - October 31

Priority Date: December 31, 1873

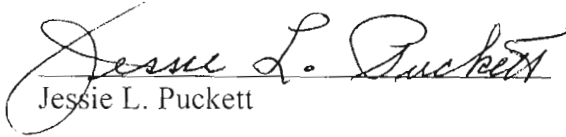
Place of Use: Lots 1 and 3 SW 1/4 SW 1/4 and SE 1/4 SW 1/4

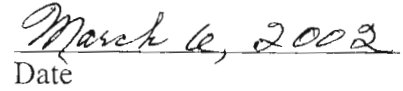
Section 31


Township 39 South, Range 8 East, W.M.

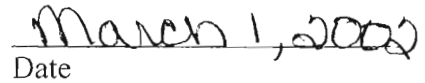
2. Claimant agrees that pursuant to this agreement, the issues raised in her contest to the preliminary evaluation of Claim 189 have been satisfactorily resolved and agrees that a hearing on contest 19 before the Hearing Officer is not required. Claimant, therefore,

withdraws her contest and request for hearing.


Jessie L. Puckett


Date


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


Date