



U.S. Department of Justice

Environment and Natural Resources Division

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December 30, 2002

via Federal Express

William D. Young  
Hearing Officer  
Hearing Officer Panel  
3420 Cherry Ave., Suite 140  
Salem, OR 97303-4924



Re: In the Matter of the Determination of the Relative Rights of the Waters of the Klamath River a Tributary of the Pacific Ocean, Subcase 004

Dear Mr. Young:

Enclosed please find for filing the "UNITES STATES' NOTICE OF WITHDRAWL OF CLAIMS."

If you have any questions, please do not hesitate to contact me at (303) 312-7343.

Sincerely,

Lori Montano  
Legal Support Assistant

Enclosure

cc: Certificate of Service

**Reference No. 004 F 000 10004**  
**BEFORE THE HEARING OFFICER PANEL**  
**FOR THE STATE OF OREGON**  
**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**

WaterWatch of Oregon, Inc.; Klamath Irrigation District; Klamath Drainage District; Tulelake Irrigation District; Klamath Basin Improvement District; Ady District Improvement Co.; Enterprise Irrigation District; Klamath Hills District Improvement Co.; Malin Irrigation District; Midland District Improvement District; Pine Grove Irrigation District; Pioneer District Improvement Co.; 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 Walthal and Inter-County Title Co.; Winema Hunting Lodge, Inc.; Van Brimmer Ditch Co.; Plevna District Improvement Co.; Collins Products, LLC; Horsefly Irrigation District; Langell Valley Irrigation District; Rogue River Valley Irrigation District; Medford Irrigation District; David Cowan; Leonard Baio; Duane F. Martin; Gary Strong; Flynn Brothers; Robert Bartell; Margaret Jacobs; Carolyn Obenchain; Rodney Z. James; Newman Enterprise, Douglas Newman; Francis Loving Trust, Hilda Francis, Trustee; John Briggs; Peter M. Bourdet; Vincent Lee Briggs; Thomas William Mallams; Thomas H. Bentley; Thomas E. Stephens; Theodore Springer; Patricia Springer, Jerry K. Hines; Jean M. Hines; JR Simplot as Trustee of the JR Simplot Self Declaration of Revocable Trust; The Nature Conservancy; Ambrose W. McAuliffe; Roger Nicholson,  
Contestants

**UNITED STATES' NOTICE OF  
WITHDRAWAL OF CLAIMS**

Subcase 004

Claim No. 381, 394 through 468,  
473, 475, 477, 482,  
486, 489, 492, 498,  
499, 505, 508, 511,  
514, 517, 520, 523,  
526, 531, 534, 537,  
540, 543, 546, 551,  
554, 556, 559, 562,  
567, 570, 573, 576,  
581, 584, 587, 590,  
711, 714, 717, 720,  
723, 728

Contests, *et al.*

vs.

United States, Department of Agriculture, Forest  
Service,  
Claimant

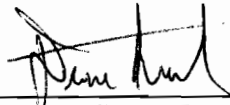
**UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS**

COMES NOW, the United States of America, Department of Agriculture, Forest Service ("United States") and notifies the Hearing Officer Panel of the withdrawal of its claims in the above captioned subcase.

The United States is the current claimant of water right claims 381, 394 through 468, 473, 475, 477, 482, 486, 489, 492, 498, 499, 505, 508, 511, 514, 517, 520, 523, 526, 531, 534, 537, 540, 543, 546, 551, 554, 556, 559, 562, 567, 570, 573, 576, 581, 584, 587, 590, 711, 714, 717, 720, 723, 728. The United States has entered into a Memorandum of Agreement with the Oregon Water Resources Department. As a result the United States is voluntarily withdrawing these claims.

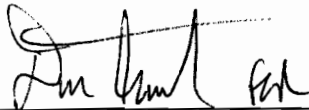
Dated this 30<sup>th</sup> day of December, 2002.

Respectfully submitted,



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DAVID GEHLERT  
General Litigation Section  
Environment & Natural Resources Division  
U.S. Department of Justice  
999 - 18th Street, Suite 945  
Denver, CO 80202  
Telephone: 303/312-7352  
Telefax: 303/312-7379



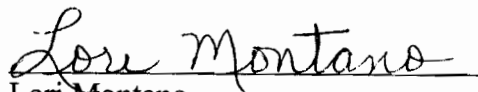
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HOLLY R. McLEAN (OSB # 84292)  
Office of the General Counsel  
U.S. Department of Agriculture  
1734 Federal Building  
1220 S. W. Third Avenue  
Portland, Oregon 97204  
Telephone: 503/326-3446  
Telefax: 503/326-3807

ATTORNEYS FOR THE UNITED STATES  
DEPT. OF AGRICULTURE, FOREST SERVICE

## CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of December, 2002 I sent a true copy of "UNITED STATES' NOTICE OF WITHDRAWAL OF CLAIMS," is subcase No. 004, by method as indicated next to name and address below:

  
 Lori Montano

<p>William D. Young          Hearing Officer Panel          3420 Cherry Ave., Ste. 140          Salem, OR 97303-4924          Phone: 503-373-0340          Fax: 503-378-4067          email: <a href="mailto:klamath.adjudication@state.or.us">klamath.adjudication@state.or.us</a></p>	<p> <input checked="" type="checkbox"/> Via Federal Express  <input type="checkbox"/> Via First Class U.S. Mail, postage prepaid  <input type="checkbox"/> Via Facsimile  <input type="checkbox"/> Via Email         </p>
<p>Renee Moulun          Kimberly Grigsby          Dick Bailey          Klamath Basin Adjudication          Oregon Water Resources Department          158 12<sup>th</sup> Street N.E.          Salem, OR 97301          Phone: 503-378-8455          Fax: 503-378-6203          email: <a href="mailto:renee.m.moulun@wrđ.state.or.us">renee.m.moulun@wrđ.state.or.us</a>          email: <a href="mailto:kimberly.l.grigsby@wrđ.state.or.us">kimberly.l.grigsby@wrđ.state.or.us</a>          email: <a href="mailto:richard.d.bailey@wrđ.state.or.us">richard.d.bailey@wrđ.state.or.us</a></p>	<p> <input checked="" type="checkbox"/> Via Federal Express  <input type="checkbox"/> Via First Class U.S. Mail, postage prepaid  <input type="checkbox"/> Via Facsimile  <input type="checkbox"/> Via Email         </p>
<p>Walter Perry          Justin Wirth          Assistant Attorney General          Oregon Department of Justice          1162 Court Street          Salem, OR 97310          Phone: 503-378-4009          Fax: 503-378-3802          email: <a href="mailto:walter.perry@doj.state.or.us">walter.perry@doj.state.or.us</a>          email: <a href="mailto:justin.wirth@doj.state.or.us">justin.wirth@doj.state.or.us</a></p>	<p> <input type="checkbox"/> Via Federal Express  <input checked="" type="checkbox"/> Via First Class U.S. Mail, postage prepaid  <input type="checkbox"/> Via Facsimile  <input type="checkbox"/> Via Email         </p>
<p>Robert G. Hunter          WaterWatch          27 North Ivy          Medford, OR 97501          Phone: 541-772-6116          Fax: 541-779-0791          email: <a href="mailto:bob@waterwatch.org">bob@waterwatch.org</a></p>	<p> <input type="checkbox"/> Via Federal Express  <input checked="" type="checkbox"/> Via First Class U.S. Mail, postage prepaid  <input type="checkbox"/> Via Facsimile  <input type="checkbox"/> Via Email         </p>

<p>David E. Filippi  David E. Van't Hoff  Krista Born  Stoel Rives, LLP  for JR Simplot  900 S.W. Fifth Avenue, Suite 2600  Portland, OR 97204-1268  Phone: 503-224-3380  Fax: 503-220-2480  email: <a href="mailto:defilippi@stoel.com">defilippi@stoel.com</a>  email: <a href="mailto:devanthof@stoel.com">devanthof@stoel.com</a>  email: <a href="mailto:kborn@stoel.com">kborn@stoel.com</a></p>	<p><input type="checkbox"/> Via Federal Express  <input checked="" type="checkbox"/> Via First Class U.S. Mail, postage prepaid  <input type="checkbox"/> Via Facsimile  <input type="checkbox"/> Via Email</p>
<p>Richard Glick  Nanci Klinger  Davis, Wright, Tremaine  for Plevna Dist. Improvement Co.  1300 SW Fifth Ave., Suite 2300  Portland, OR 97201  Phone: 503-778-5210  Fax: 503-778-5299  email: <a href="mailto:rickglick@dwt.com">rickglick@dwt.com</a></p>	<p><input type="checkbox"/> Via Federal Express  <input checked="" type="checkbox"/> Via First Class U.S. Mail, postage prepaid  <input type="checkbox"/> Via Facsimile  <input type="checkbox"/> Via Email</p>
<p>Laura A. Schroeder  Schroeder Law Offices. P.C.  for Horsefly Irrigation Dist.  P. O. Box 12527  Portland, OR 97212  Phone: 503-281-4100  Fax: 503-281-4600  email: <a href="mailto:las@water-law.com">las@water-law.com</a></p>	<p><input type="checkbox"/> Via Federal Express  <input checked="" type="checkbox"/> Via First Class U.S. Mail, postage prepaid  <input type="checkbox"/> Via Facsimile  <input type="checkbox"/> Via Email</p>
<p>Michael Ratliff  Ratliff &amp; Whitney-Smith  for Van Brimmer Ditch Co.  905 Main Street, Suite 200  Klamath Falls, OR 97601  Phone: 541-882-6331  Fax: 202-305-0506  email: <a href="mailto:dmratlif@aol.com">dmratlif@aol.com</a></p>	<p><input type="checkbox"/> Via Federal Express  <input checked="" type="checkbox"/> Via First Class U.S. Mail, postage prepaid  <input type="checkbox"/> Via Facsimile  <input type="checkbox"/> Via Email</p>
<p>Richard S. Fairclo  Law Offices  for Klamath Irrigation Dist.  280 Main Street  Klamath Falls, OR 97601  Phone: 541-882-4436  Fax: 541-882-4437  email: <a href="mailto:rfair@cdsnet.net">rfair@cdsnet.net</a></p>	<p><input type="checkbox"/> Via Federal Express  <input checked="" type="checkbox"/> Via First Class U.S. Mail, postage prepaid  <input type="checkbox"/> Via Facsimile  <input type="checkbox"/> Via Email</p>

<p>Paul S. Simmons  Somach, Simmons &amp; Dunn  for Klamath Irrigation Dist.  813 Sixth Street, Third Floor  Sacramento, CA 95814  Phone: 916-446-7979  Fax: 916-446-8199  email: <a href="mailto:psimmons@lawssd.com">psimmons@lawssd.com</a></p>	<p><input type="checkbox"/> Via Federal Express  <input checked="" type="checkbox"/> Via First Class U.S. Mail, postage prepaid  <input type="checkbox"/> Via Facsimile  <input type="checkbox"/> Via Email</p>
<p>B.J. Matzen  Attorney at Law  435 Oak Street  Klamath Falls, OR 97601  Phone: 541-850-9284  Fax: 541-882-2029  email: <a href="mailto:bjmatzen@msn.com">bjmatzen@msn.com</a></p>	<p><input type="checkbox"/> Via Federal Express  <input checked="" type="checkbox"/> Via First Class U.S. Mail, postage prepaid  <input type="checkbox"/> Via Facsimile  <input type="checkbox"/> Via Email</p>
<p>Michael Rudd  Brandsness, Brandsness &amp; Rudd PC  411 Pine Street  Klamath Falls, OR 97601  Phone: 541-882-6616  Fax: 541-882-8819  email: <a href="mailto:mike@brandsnessrudd.com">mike@brandsnessrudd.com</a></p>	<p><input type="checkbox"/> Via Federal Express  <input checked="" type="checkbox"/> Via First Class U.S. Mail, postage prepaid  <input type="checkbox"/> Via Facsimile  <input type="checkbox"/> Via Email</p>
<p>James R. Uerlings  Boivin, Uerlings &amp; DiIaconi, P.C.  803 Main Street., Suite 201  Klamath Falls, OR 97601  Phone: 541-884-8101  Fax: 541-884-8498  email: <a href="mailto:jruerlin@cdsnet.net">jruerlin@cdsnet.net</a></p>	<p><input type="checkbox"/> Via Federal Express  <input checked="" type="checkbox"/> Via First Class U.S. Mail, postage prepaid  <input type="checkbox"/> Via Facsimile  <input type="checkbox"/> Via Email</p>
<p>Scott L. Shapiro  Downey, Brand, Seymour &amp; Richard, LLP.  555 Capitol Mall, 10<sup>th</sup> Floor  Sacramento, CA 95814-4686  Phone: 916-447-0131  Fax: 916-447-4021  email: <a href="mailto:sshapiro@dbsr.com">sshapiro@dbsr.com</a></p>	<p><input type="checkbox"/> Via Federal Express  <input checked="" type="checkbox"/> Via First Class U.S. Mail, postage prepaid  <input type="checkbox"/> Via Facsimile  <input type="checkbox"/> Via Email</p>
<p>Ben Lombard Jr.  Lombard, Knudsen &amp; Holtey, LLP  for Duane F. Martin  P.O. Box 1090  Ashland, OR 97520  Phone: 541-482-8491  Fax: 541-488-3239  email: <a href="mailto:blombard@mind.net">blombard@mind.net</a></p>	<p><input type="checkbox"/> Via Federal Express  <input checked="" type="checkbox"/> Via First Class U.S. Mail, postage prepaid  <input type="checkbox"/> Via Facsimile  <input type="checkbox"/> Via Email</p>

<p>Ronald S. Yockim  Attorney at Law  348 SE Jackson, Suite 7  P.O. Box 2456  Roseburg, OR 97470  Phone: 541-957-5900  Fax: 541-957-5923  email: <a href="mailto:ryockim@mcsi.net">ryockim@mcsi.net</a></p>	<p><input checked="" type="checkbox"/> Via Federal Express  <input type="checkbox"/> Via First Class U.S. Mail, postage prepaid  <input type="checkbox"/> Via Facsimile  <input type="checkbox"/> Via Email</p>
<p>Ronald N. Graves  JR Simplot Revocable Trust  P.O. Box 27  Boise, ID 83707</p>	<p><input type="checkbox"/> Via Federal Express  <input checked="" type="checkbox"/> Via First Class U.S. Mail, postage prepaid  <input type="checkbox"/> Via Facsimile  <input type="checkbox"/> Via Email</p>
<p>Holly McLean  Attorney for the US Forest Service  USDA Office of General Counsel  1734 Federal Building  1220 S. W. 3<sup>rd</sup> Avenue  Portland, OR 97204  Phone: 503-326-3664  Fax: 503-326-3807  email: <a href="mailto:holly.mclean@usda.gov">holly.mclean@usda.gov</a></p>	<p><input type="checkbox"/> Via Federal Express  <input checked="" type="checkbox"/> Via First Class U.S. Mail, postage prepaid  <input type="checkbox"/> Via Facsimile  <input type="checkbox"/> Via Email</p>