

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

In the Matter of the Determination of Water Right
Claim Number 244

**STIPULATION TO RESOLVE
CONTEST 1726**

Case No. 041

Marilyn Hall,
Claimant/Contestant.

Claim No. 244

Contest No. 1726

The Oregon Water Resources Department (OWRD) and Claimant/Contestant
Marilyn Hall (Claimant/Contestant) hereby agree and stipulate as follows:

A. STIPULATED FACTS

1. Claimant Marilyn Hall filed Claim 244 in the Klamath Adjudication. Pursuant to an agreement between OWRD and the Klamath Allottees Water Users Association (KAWUA), acting on behalf of Claimant/Contestant, this claim was filed in three steps, with deadlines of February 1, 1991, September 1, 1991, and November 2, 1992.

Claimant/Contestant submitted additional information supporting the claim which was received by OWRD on October 1, 1999 and October 12, 1999.

2. On October 4, 1999, the Adjudicator issued his Preliminary Evaluation of Claim 244 preliminarily denying Claim 244. The Preliminary Evaluation only took into consideration information available to OWRD as of August 17, 1999.

3. On May 3, 2000, Claimant/Contestant filed Contest 1726 to Claim 244 which contested the Adjudicator's Preliminary Evaluation of Claim 244. No other contests were filed to Claim 244 or the Preliminary Evaluation for that claim.

4. OWRD and Claimant/Contestant agree that Contest 1726 can be resolved without the need for a hearing pursuant to the terms outlined below.

B. TERMS OF THE AGREEMENT

1. OWRD and Claimant/Contestant agree that Claim 244 should be approved for current uses as follows:

- a. POINT OF DIVERSION: SE ¼ SE ¼, Section 27, Township 34S, Range 7 East, W.M.
- b. SOURCE: Williamson River, tributary to Upper Klamath Lake.
- c. USE: Domestic to irrigate 0.5 acres of yard and garden around home structure.
- d. AMOUNT ACTUALLY BENEFICIALLY USED: Total water duty shall not exceed 1.5 acre feet per year.
- e. PERIOD OF USE: January 1 through December 31.
- f. PRIORITY DATE: October 14, 1864.
- g. PLACE OF USE:
SW ¼ SE ¼ 0.5 ACRES DOMESTIC LAWN AND GARDEN
SECTION 27, TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

2. OWRD and Claimant/Contestant agree that Claim 244 should be approved for future irrigation use on Practically Irrigable Acreage (PIA) by the Adjudicator as follows:

- a. POINT OF DIVERSION: SE ¼, SE ¼, Section 27, Township 34S, Range 7 East, W.M.
- b. SOURCE: Williamson River, tributary to Upper Klamath Lake.

c. USE: Irrigation of 2.3 acres.

d. AMOUNT TO BE BENEFICIALLY USED: 0.04 cubic feet per second (cfs), measured at the point of diversion. Total duty of water for the entire place of use shall not exceed 7.1 acre feet per year.

e. PERIOD OF USE: March 1 through October 31.

f. PRIORITY DATE: October 14, 1864.

g. PLACE OF USE:

SW ¼ SE ¼ 2.3 ACRES IRRIGATION

SECTION 27, TOWNSHIP 34 SOUTH, RANGE 7 EAST, W.M.

3. OWRD and Claimant/Contestant agree that pursuant to the terms of this Agreement, Contest 1726 has been satisfactorily resolved, and such resolution vitiates the need for a hearing before the Administrative Law Judge on Contest 1726.

4. Based upon the agreement of OWRD and Claimant/Contestant that Claim 244, and the contest thereto can be resolved without the need for a hearing, OWRD adjudication staff hereby recommends to the Adjudicator that Claim 244 be approved in the Final Order of Determination issued by the Adjudicator in accordance with the terms of paragraph B.1., above.

5. If the Final Order of Determination issued by the Adjudicator for Claim 244 does not follow the terms listed in paragraph B.1. and B.2. above, Claimant/Contestant reserves any rights she may have to file exceptions to the Final Order of Determination as to Claim 244 in the Circuit Court for Klamath County, and reserve any rights she may have to participate in any future proceedings authorized by law.

7. This Stipulation to Resolve Contest 1749 may be executed in multiple, original counterparts, each of which constitutes and serves as the original hereof. Signatures by facsimile are acceptable.

For the Oregon Water Resources Department

HARDY MYERS
Attorney General

Justin Wirth, #00426
Walter Perry, III, #33361
Assistant Attorneys General

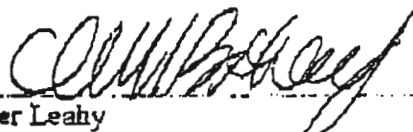
Date

Renee Moulun, Agency Representative
Oregon Water Resources Department

Date

For Klamath Allottee Water Users Association Member Claimant/Contestant Elwood Miller

FREDRICKS, PELCYGER & HESTER



Christopher Leahy
Pro Hac Vice; Colorado Bar No. 23612
Attorneys for Klamath Allottee Water Users Association Member Claimant/Contestant
Elwood Miller

6/27/03
Date

6. This Stipulation to Resolve Contest 1726 may be executed in multiple, original counterparts, each of which constitutes and serves as the original hereof. Signatures by facsimile are acceptable.


For the Oregon Water Resources Department

HARDY MYERS
Attorney General



Justin Wirth, #00426
Walter Perry, III, #83361
Assistant Attorneys General

July 1, 2003
Date



Renee Moulun, Agency Representative
Oregon Water Resources Department

7/1/03
Date

For Klamath Allottee Water Users Association Member Claimant/Contestant Marilyn Hall

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Marilyn Hall

Date