



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

October 24, 2003

William D. Young
Administrative Law Judge
Office of Administrative Hearings
P.O. Box 14020
Salem, OR 97309-4020

Re: Claim 251 in the Klamath Adjudication

Dear Hearing Officer Young:

The Water Resources Department ("Department") referred Claim 251 in the Klamath Adjudication to the Hearing Officer Panel. On October 20, 2003, Langell Valley and Horsefly Irrigation Districts executed a Stipulated Agreement for Contest No. 3199 voluntarily withdrawing, without prejudice, their contest 3199. On September 30, 2003, Medford Irrigation District and Rogue River Valley Irrigation District voluntarily withdrew their contest 3199.

OAR 137-003-515(4) provides that "[a]fter a case has been referred to the Hearing Officer Panel, the agency may withdraw the case from the Hearing Officer Panel if the agency notifies the parties in writing that . . . all of the issues in the case have been resolved without the need to hold a hearing." OWRD sent the enclosed letter to all parties in this case notifying them that all issues in the case have been resolved without a hearing. Accordingly, I am now withdrawing this case from the Hearing Officer Panel.

Please contact Teri Hranac if you have any questions. Her telephone number is (503) 986-0826.

Sincerely,

Richard D. Bailey
Adjudicator

cc: James Uerlings
Steven Shropshire
Laura Schroeder
Walter Perry

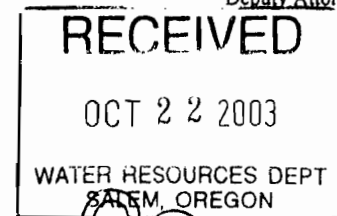
HARDY MYERS
Attorney General



DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

October 21, 2003

PETER D. SHEPHERD
Deputy Attorney General



COPY

Steven L. Shropshire
Jordan Schrader PC
PO Box 230669
Portland, OR 97281

James R. Uerlings
Boivin, Uerlings & DiIaconi, PC
803 Main Street, Suite 201
Klamath Falls, OR 97601

Laura A. Schroeder
Schroeder Law Offices
P.O. Box 12527
Portland, OR 97212

Re: Klamath Adjudication — Claim 251, Contest 3199

Dear Counsel:

On October 20, 2003, Langell Valley and Horsefly Irrigation Districts executed a Stipulated Agreement for Contest No. 3199 voluntarily withdrawing, without prejudice, their Contest 3199. On September 30, 2003, Medford Irrigation District and Rogue River Valley Irrigation District voluntarily withdrew their Contest 3199.

Since all of the issues in the case have been resolved by the filing of this document, there is no need to hold a hearing. Accordingly, the Oregon Water Resources Department will withdraw this case from the Hearing Officer Panel pursuant to OAR 137-003-0515(4).

If you have any questions, please call me at (503) 947-4500.

Sincerely,

A handwritten signature in black ink, appearing to read "Walter Perry".

Walter Perry
Assistant Attorney General
Natural Resources Section

WNP:tml/GENH1916

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OCT 21 2003

WATER RESOURCES DEPT
SALEM, OREGON

**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.

Klamath Allottee Water Users Association,
Horsefly Irrigation District, Langell Valley
Irrigation District, Rogue River Valley
Irrigation District, Medford Irrigation
District;

Contestants,

v.

Ray and Alice Hobbs;

Claimants.

**STIPULATED AGREEMENT FOR
DISMISSAL OF CONTEST NO. 3199**

Claim No. 251

Contest: 3199

STIPULATION FOR DISMISSAL OF CONTEST 3199

RECITALS

1. This Stipulation is entered by and between contestants Langell Valley Irrigation District (LVID) and Horsefly Irrigation District (HID), who have filed Contest No. 3199 against Claim No. 251 and Claimants under such claim.
2. The purpose of this Stipulation and any accompanying proposed orders is to provide a mechanism whereby LVID's and HID's contests can be dismissed while ensuring that rights, claims, and interests of LVID, HID and their patrons to water of Lost River are unaffected by this proceeding.
3. This proceeding has been noticed as an adjudication of rights to the use of water from the Klamath River and its tributaries, and not including Lost River or stored water sources in the Lost River system, specifically Clear Lake and Gerber Reservoir.
4. Claimants have filed claims in this proceeding for water rights identifying Klamath River as their source.
5. LVID and HID have contested claims filed by claimants on the grounds stated in Statement of Contest No. 3199.
6. The Claimants do not seek determination of rights to the use of Lost River, Clear Lake or Gerber Reservoir in this proceeding.



STIPULATION

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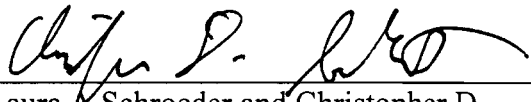
OCT 21 2003

WATER RESOURCES DEPT
SALEM, OREGON

The parties stipulate as follows:

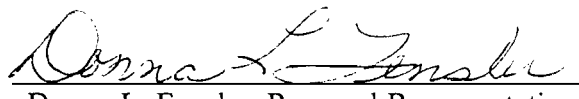
1. Claimants are not claiming Lost River, Clear Lake or Gerber Reservoir as its source of water. Claimant will not make a call against LVID or HID on the Lost River, Clear Lake or Gerber Reservoir in order to satisfy the rights claimed in this proceeding.
2. If and to the extent that during this proceeding Claimant changes its position with respect to paragraph # 1, or seeks determination of any issue concerning rights to the use of Lost River, Clear Lake or Gerber Reservoir, LVID and HID shall receive written notice of the same from Claimant and resume their participation in this proceeding.
3. To the extent of paragraph #2, LVID and HID withdraw their protest without prejudice.

DATED: October 20, 2003.



Laura A. Schroeder and Christopher D.
Schwindt, Schroeder Law Offices, P.C.,
Attorneys for Horsefly and Langell Valley
Irrigation Districts

DATED: Oct. 7, 2003.



Donna L. Fensler, Personal Representative
for the Estate of Alice M. Hobbs



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OCT 21 2003

CERTIFICATE OF SERVICE, CLAIM 251

WATER RESOURCES DEPT
SALEM, OREGON

I hereby certify that on October 20, 2003, I caused to be served the original copy of the following:
STIPULATED AGREEMENT FOR DISMISSAL OF CONTEST NO. 3199, upon the Administrative Law Judge by facsimile, electronic mail and U.S. mail by depositing the same in the U.S. Post Office, with first class postage prepaid thereon, and addressed to:

William D. Young
Administrative Law Judge
Hearings Officer Panel
P.O. Box 14020
Salem, OR 97309-4020
Fax: (503) 378-4067
Email: william.d.young@state.or.us
Email: klamath.adjudication@state.or.us

I further hereby certify that on October 20, 2003, I caused to be served a true copy of the following: ***STIPULATED AGREEMENT FOR DISMISSAL OF CONTEST NO. 3199***, upon the following persons by U.S. mail, addressed to and by email where indicated:

James R. Uerlings
803 Main Street, Suite 201
Klamath Falls, OR 97601-6070
Email: jruerlin@cdsnet.net

Jeff Eicher
Rogue River Valley Irrigation District
3139 Merriman Road
Medford, OR 97501
Email: rrvid@internetcds.com

Teri Hranac/Richard Bailey
Oregon Water Resources Department
Klamath Basin Adjudication
725 Summer Street N.E. Suite A
Salem, OR 97301-4172
Email: teri.k.hranac@wrđ.state.or.us
E-Mail: Richard.d.bailey@wrđ.state.or.us

Steven L. Shropshire
Jordan Schrader, P.C.
P.O. Box 230669
Portland, OR 97281
Email: steven.shropshire@jordanschrader.com



Laura A. Schroeder, OSB #87339
Christopher D. Schwindt, OSB #01410

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

Case No. 0

Claim: 251

Contests: 3199

VS.

Estate of Alice Hobbs;
Claimant.

VOLUNTARY WITHDRAWAL OF CONTESTS BY MEDFORD IRRIGATION DISTRICT AND ROGUE RIVER VALLEY IRRIGATION DISTRICT

Medford Irrigation District and Rogue River Valley Irrigation District, as respective trustees for each District's affected water rights patrons ("Districts") by and through its attorney Steven L. Shropshire voluntarily withdraw, with prejudice, their contests to claim no. 251.

Respectfully submitted this 29th of September, 2003.

JORDAN SCHRADER PC

By: /s/Steven L. Shropshire

Steven L. Shropshire, OSB #94437
steve.shropshire@jordanschrader.com

CERTIFICATE OF SERVICE

I certify that on September 29, 2003, I filed the original of **VOLUNTARY WITHDRAWAL OF CONTESTS BY MEDFORD IRRIGATION DISTRICT ROGUE RIVER VALLEY IRRIGATION DISTRICT** with William D. Young, Hearings Officer, Hearings Officer Panel, 725 Summer St NE Ste A, Salem Oregon 97301 by first-class mail and by e-mail to: william.d.young@state.or.us; and klamath.adjudication@state.or.us. I further certify that a true and correct copy was served via e-mail or where no e-mail address is listed via U.S. Mail, with sufficient first-class postage prepaid on September 29, 2003 where indicated to the following parties:

Laura A. Schroeder
Schroeder Law Offices, P.C.
PO Box 12527
Portland, OR 97212
las@water-law.com

Renee Moulun/Kimberly Grigsby
Oregon Water Resources Department
725 Summer St NE Ste A
Salem OR 97301
Renee.m.moulun@wrđ.state.or.us
Kimberly.j.grigsby@wrđ.state.or.us

Donna Fensler, Personal Representative
Estate of Alice Hobbs
PO Box 424
Merrill, OR 97633-0424

Walter Perry/Justin Wirth
Oregon Dept. of Justice
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justin.wirth@doj.state.or.us

Richard D. Bailey
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Teri Hranac
Oregon Water Resources Department
725 Summer St NE Ste A
Salem OR 97301
Teri.k.hranac@wrđ.state.or.us

DATED: September 29, 2003.

/s/Steven L. Shropshire
Steven L. Shropshire, OSB #94437
Attorneys for Contestant Medford Irrigation
District and Rogue River Valley Irrigation
District
steve.shropshire@jordanschrader.com