

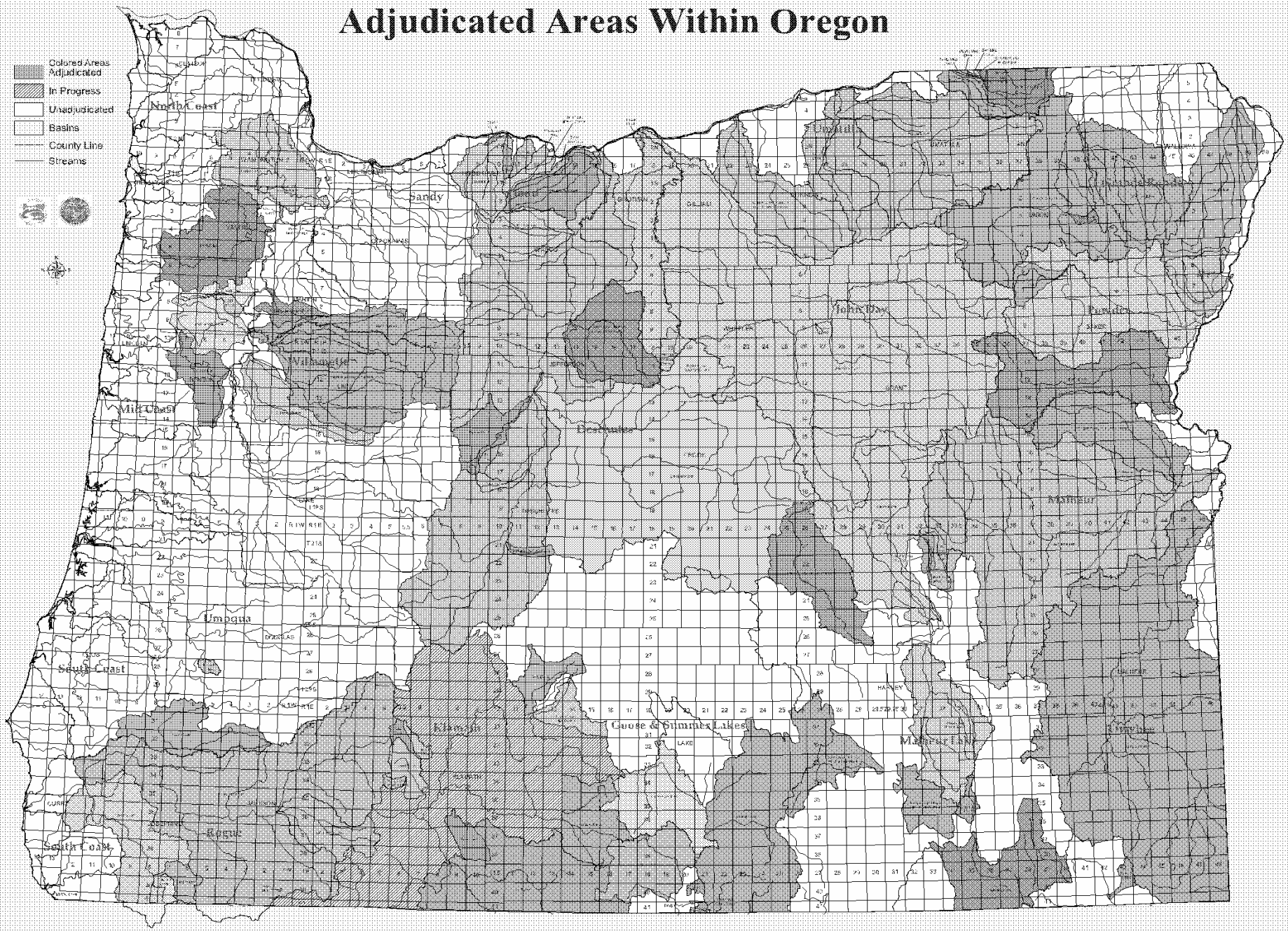
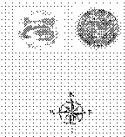
Oregon Adjudication News

Western States Adjudications
Conference

The background of the slide is a solid blue color. In the lower right quadrant, there are several faint, concentric circular ripples, resembling water droplets or raindrops, which add a subtle decorative element to the design.

Adjudicated Areas Within Oregon

- Colored Areas Adjudicated
- In Progress
- Unadjudicated Basins
- County Line
- Streams



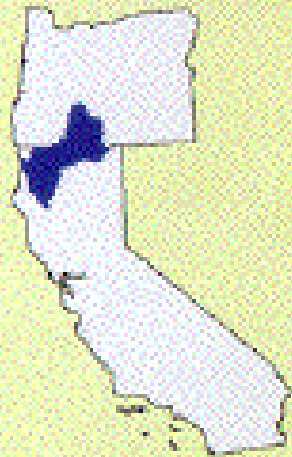
Fast Facts from Oregon Water Resources Department

Oregon Surface Water Code Adopted
February 24, 1909

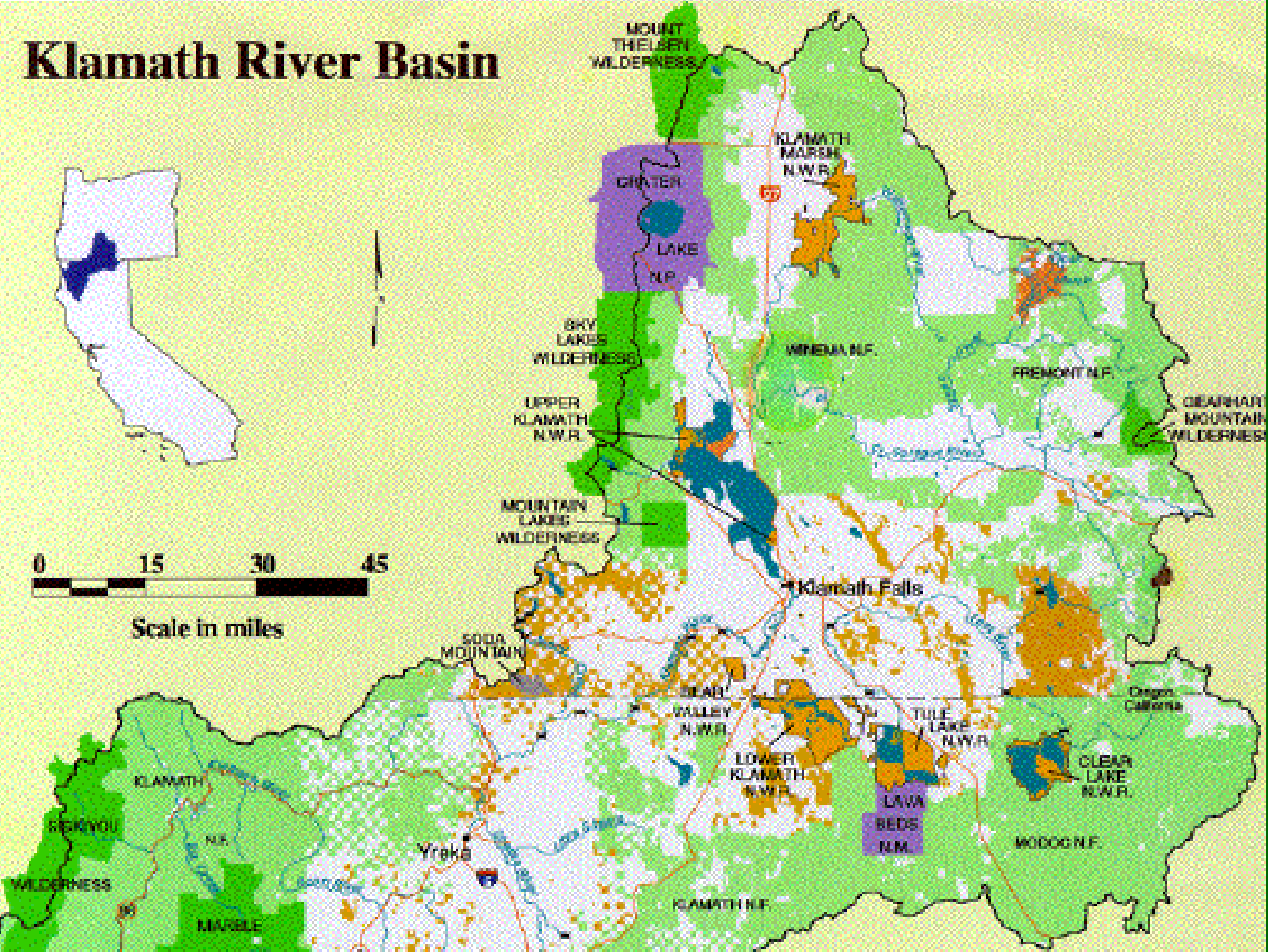
Ground Water Code Adopted 1955



Klamath River Basin



Scale in miles



Klamath Basin Adjudication Update

Began in 1975 with notice to all landowners

Approximately 1200 “Statements of Claim File” (“I may file a claim”)

Hydrographic surveys began – all potential claimants visited

Federal lawsuits begin: Adair line of cases

- Feds should determine the Tribal water rights and all water rights on the Williamson River

Notice to potential claimants regarding claim filing period

Claims filed in early 1990’s (Feds and Tribes did not file)

Lawsuits settled by court led to Feds and Tribes filing claims by ’97

Total = 730 Claims filed

Klamath Basin Adjudication Update

Decision Point: Our Director, Martha Pagel, had an idea.

ADR process – settlement discussion, led by Pagel and including the claimants, could result in lesser litigation and a faster overall timeframe.

Department issued Preliminary Evaluation (PE) October 4, 1999, with an opportunity to file contests. The PE would be a starting point for settlement discussions.

Administrator of Water Rights and Adjudications Division became “Adjudicator.” Director led the ADR side of the Adjudication.

Discussion took place. Progress was made but no settlements occurred.

Klamath Basin Adjudication Update

Office of Administrative Hearings began scheduling and holding hearings (2001).

No delays allowed (with a few minor exceptions) after first two years.

With prospect of hearings on the horizon, settlements occurred between claimants and contestants. Settlements become a recommendation to the Adjudicator.

Although not global, settlement was offered as a option. A settlement judge was even used by WRD/OAH.

Klamath Basin Adjudication Update

Budget implications: 2005 legislature, WRD identifies Klamath Adjudication as #1 budget priority

Legislature cuts funding and redirects spending for one of two staff.

WRD developed budget for DOJ, OAH and WRD. All parties understood and agreed. Three agencies involved. DOJ and OAH send monthly bills.

Bills from OAR and DOJ came in less than expected. Second position filled last month.



Klamath Basin Adjudication Update

Current Status:

Of 730 claims, 80% have been resolved through hearing or settlement.

~5700 contest were filed. 92% have been resolved.

Remainder of hearings scheduled to be concluded by the end of 2007.

Goal is to have the OD to the Klamath County Circuit Court end of 2008.

Department can begin to regulate based on the OD. KEY!! Until OD is filed with court we can not regulate for or against a claim.

Exceptions can be filed at the court. WRD/DOJ will defend OD.

Klamath Basin Adjudication Update

Current Status - Continued:

Gearing up for Tribal cases involving hunting, fishing and gathering rights. Hearing held in June. “Is the tribe entitled to instream flows off tribal lands. Treaty suggests “on reservation.” Waiting for order. Next hearing will address quantification of the rights.

Waiting for ALJ to issue order on ownership of water rights within Klamath Project. Interim orders suggest that the BOR holds the WR. 213,000 acres – WRD has stipulated with the districts and the BOR regarding the place of use.

Klamath Basin = PERFECT STORM

Adjudication (certainty of water rights coming)

ESA

Hydro-Relicensing

Interstate Issues

Tribal claims to be adjudicated with other claims (for first time)

Occasional drought



Klamath Basin Adjudication

www.wrd.state.or.us

dwight.w.french@wrđ.state.or.us

