# BEFORE THE DIRECTOR OF THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

# KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of	)	PARTIAL ORDER OF
STAFFORD RANCHES, INC.	)	DETERMINATION
	)	
	)	Water Right Claim 5

The GENERAL FINDINGS OF FACT of the FINAL ORDER OF DETERMINATION is incorporated as if set forth fully herein.

#### A. FINDINGS OF FACT

- 1. On January 24, 1991, CHARLOTTE M. MATHIS, SURVIVING JOINT TRUSTEE, ON BEHALF OF MATHIS FAMILY TRUST UTA 8/11/87 timely submitted a Statement and Proof of Claim (Claim 5) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication, as a non-Indian successor to allotted Klamath Reservation lands, claiming a vested Indian reserved water right (Walton claim) under the Treaty of October 14, 1864, 16 Stat. 707.
- 2. In a August 26, 1998 letter, OWRD requested clarification of Claim 5, in part, as follows: "Because the law [OAR 690-028-0025(2)] requires that a separate claim must be filed for each non-contiguous property, this claim must be separated into two different claims--one for parcels 1 & 2 [Claim A], and another for parcels 3 through 6 [Claim B]."
- 3. On June 29, 1999, in response to OWRD's request, CHARLOTTE M. MATHIS, SURVIVING JOINT TRUSTEE, ON BEHALF OF MATHIS FAMILY TRUST UTA 8/11/87 divided Claim 5 by timely submitting additional Statements and Proof of Claim that separated Claim 5 into two parts, being "Claim A" and "Claim B". OWRD retained "Claim A" (Parcels 1 and 2) as Claim 5 and labeled "Claim B" (Parcels 3 6) as Claim 708.
- 4. Claim 5 was submitted for a total of 19.82 cfs of water, being 11.0 cfs from Big Springs Creek, a tributary of the Williamson River, for irrigation of 1543.8 acres; and 8.82 cfs from an unnamed stream (Lenz Creek), a tributary of the Williamson River, for irrigation of 296.8 acres. The duty and rate claimed are 3.0 acre-feet per acre per year and 1/40 of one cubic foot per second per acre, respectively. For instream livestock watering of 2500 head, an additional 0.25 cfs was claimed from each source. The claimed period of use is

CLAIM 5 Page 1 of 5

- year-round for livestock watering, and April 15 through September 15 for irrigation. The claimed priority date is October 14, 1864.
- 5. J. ANTHONY GIACOMINI, an authorized agent of CHARLOTTE M. MATHIS, MATHIS FAMILY TRUST UTA 8/11/87, signed the original Claim 5 attesting that the information contained in the claim is true. CHARLOTTE M. MATHIS signed the amendments (Claim 5 and Claim 708) attesting that the information contained in the each claim is true.
- 6. The claim was transferred to STAFFORD RANCHES, INC. (Claimant). See WARRANTY DEED, COUNTY OF KLAMATH, VOL. M00, PAGE 1948 (Jan. 18, 2000), and CHANGE OF OWNERSHIP FORM (Feb. 2, 2000) (Claim # 5, Pages 284-296).
- 7. On October 4, 1999, following investigation of the evidence submitted, the Adjudicator issued a Summary and Preliminary Evaluation of Claims (Preliminary Evaluation) stating the claim was approved for livestock watering and irrigation, but for a larger quantity of water and with a longer irrigation season than claimed.
- 8. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3431: Klamath Irrigation District, Klamath Drainage District, Tulelake Irrigation District, Klamath Basin Improvement District, Ady District Improvement Company, Enterprise Irrigation District, Klamath Hills District Improvement Co. 1, Malin Irrigation District, Midland District Improvement Company, Pine Grove Irrigation District, Pioneer District Improvement Company, Poe Valley Improvement District, Shasta View Irrigation District, Sunnyside Irrigation District, Don Johnston & Son, Bradley S. Luscombe, Berlva Pritchard 2, Don Vincent 3, Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.
- 9. On May 8, 2000, the United States of America timely filed Contest 3711 to the Claim and/or Preliminary Evaluation of Claim 5.
- 10. On May 8, 2000, the Klamath Tribes timely filed Contest 4067 to the Claim and/or Preliminary Evaluation of Claim 5.
- 11. On May 8, 2000, WaterWatch of Oregon, Inc. filed Contest 2814 to the Claim and/or Preliminary Evaluation of Claim 5.
- 12. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 158.

CLAIM 5 Page 2 of 5

Klamath Hills District Improvement Company voluntarily withdrew from Contest 3431 on January 16, 2004. See Voluntary Withdrawal of Contest by Klamath Hills District Improvement Company

Berlva Pritchard voluntarily withdrew from Contest 3431 on June 24, 2002. See NOTICE OF WITHDRAWAL OF CLAIMANT.

Don Vincent voluntarily withdrew from Contest 3431 on November 29, 2000. See NOTICE OF WITHDRAWAL OF CLAIMANTS.

- 13. On February 18, 2003, WaterWatch of Oregon, Inc. withdrew Contest 2814. *See* WATERWATCH'S VOLUNTARY WITHDRAWAL OF CONTEST No. 2814 (Feb. 18, 2003).
- 14. On October 11, 2004, Stafford Ranches, Inc., OWRD, the United States of America, the Klamath Tribes, and the Klamath Project Water Users executed a STIPULATION TO RESOLVE CONTESTS (Settlement Agreement) thereby resolving all remaining contests to Claim 5.
- 15. On October 18, 2004, the Adjudicator withdrew Case 158 from the Office of Administrative Hearings.
- 16. OWRD finds a rate for irrigation of 1/40 of one cubic foot per second per acre, as claimed.

#### **B. DETERMINATION**

- 1. The Settlement Agreement executed between Stafford Ranches, Inc., OWRD, the United States of America, the Klamath Tribes, and the Klamath Project Water Users is adopted and incorporated as if set forth fully herein.
- 2. The elements of a Walton claim are established. The GENERAL CONCLUSIONS OF LAW CONCERNING WALTON CLAIMS is incorporated as if set forth fully herein.
- 3. The rate for irrigation is 1/40 of one cubic foot per second per acre as claimed.
- 4. Based on the file and record herein, IT IS ORDERED that Claim 5 is approved as set forth in the following Water Right Claim Description.

#### CLAIM NO. 5

FOR A VESTED WATER RIGHT

CLAIM MAP REFERENCE: CLAIM # 5 SETTLEMENT MAP (Oct. 13, 2004)

**CLAIMANT: STAFFORD RANCHES, INC** 

1110 NE LAUGHLIN ROAD PRINEVILLE, OR 97754

# **SOURCE OF WATER:**

An UNNAMED STREAM (LENZ CREEK), tributary to BIG SPRINGS CREEK

## **PURPOSE OR USE:**

IRRIGATION OF 711.6 ACRES WITH INCIDENTAL LIVESTOCK WATERING OF 2500 HEAD.

# RATE OF USE:

17.8 CUBIC FEET PER SECOND (CFS) MEASURED AT THE POINT OF DIVERSION.

THE RATE OF USE FOR IRRIGATION MAY NOT EXCEED 1/40 OF ONE CUBIC FOOT PER SECOND PER ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR.

#### **DUTY:**

2.19 ACRE-FEET PER ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR.

PERIOD OF ALLOWED USE: APRIL 15 - SEPTEMBER 15

**DATE OF PRIORITY:** OCTOBER 14, 1864

#### THE POINT OF DIVERSION IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	8 E	WM	15	SW SE	NORTH 4 DEGREES 10 MINUTES EAST, 6546 FEET FROM S¼ CORNER, SECTION 22

# THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION WITH INCIDENTAL LIVESTOCK WATERING							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	
30 S	8 E	WM	24	NE NE	2	13.0	
30 S	8 E	WM	24	NE NE	3	0.1	
30 S	8 E	WM	24	NW NE	1	8.8	
30 S	8 E	WM	24	NW NE	4	13.0	
30 S	8 E	WM	24	SW NE		39.9	
30 S	8 E	WM	24	SE NE	2	17.5	
30 S	8 E	WM	24	SE NE	3	22.4	
30 S	8 E	WM	24	NE NW	1	0.7	
30 S	8 E	WM	24	NE NW	5	26.7	

INCIDENTAL LIVESTOCK WATERING							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	
30 S	8 E	WM	24	NW NW	6	10.9	
30 S	8 E	WM	24	SW NW		39.7	
30 S	8 E	WM	24	SE NW	1	39.9	
30 S	8 E	WM	24	NE SW		39.9	
30 S	8 E	WM	24	NW SW		39.9	
30 S	8 E	WM	24	SW SW		39.9	
30 S	8 E	WM	24	SE SW		39.9	
30 S	8 E	WM	24	NE SE		39.9	
30 S	8 E	WM	24	NW SE		39.9	
30 S	8 E	WM	24	SW SE		39.9	
30 S	8 E	WM	24	SE SE		39.9	
30 S	8 E	WM	25	NE NE	11 - 1	39.8	
30 S	8 E	WM	25	NW NE		40.0	
30 S	8 E	WM	25	NE NW		40,0	
30 S	8 E	WM	25	NWNW		40.0	

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013

Dwight French, Adjudicator

Klamath Basin General Stream Adjudication