

**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
ALVIN R. AND PEGGY A. MARENCO	)	DETERMINATION
	)	
	)	
	)	Water Right Claim 27

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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 December 3, 1990, ALVIN R. AND PEGGY A. MARENCO (Claimants) timely submitted a Statement and Proof of Claim (Claim 27) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication, as non-Indian successors 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. Claim 27 was submitted for a total of 5.95 cfs of water from the Williamson River, tributary to Upper Klamath Lake, for irrigation of 238.2 acres. The claimed period of use is April 15 through October 31 for irrigation. The claimed priority date is October 14, 1864.
3. ALVIN R. MARENCO AND PEGGY A. MARENCO signed Claim 27 attesting that the information contained in the claim is true.
4. 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 denied because the required elements for a Walton right were not established.
5. On May 3, 2000, the Claimants timely filed Contest 3264 to the Preliminary Evaluation of Claim 27.
6. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3440: 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.<sup>1</sup>, 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<sup>2</sup>, Don Vincent<sup>3</sup>, Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.

7. On May 8, 2000, the United States of America timely filed Contest 3725 to the Claim and/or Preliminary Evaluation of Claim 27.
8. On May 8, 2000, the Klamath Tribes timely filed Contest 4084 to the Claim and/or Preliminary Evaluation of Claim 27.
9. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 172.
10. On July 23, 2004, the Claimants, OWRD, the Klamath Project Water Users, the United States of America, and the Klamath Tribes executed a STIPULATION TO RESOLVE CONTEST (Settlement Agreement) thereby resolving all contests to Claim 27.
11. On July 27, 2004, the Adjudicator withdrew Case 172 from the Office of Administrative Hearings.

## **B. DETERMINATION**

1. The Settlement Agreement executed between the Claimants, OWRD, the Klamath Project Water Users, the United States of America, and the Klamath Tribes 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. Because there is no evidence on the record to the contrary, the standard rate for irrigation, being 1/40 of one cubic foot per second per acre as outlined in the GENERAL FINDINGS OF FACT of the FINAL ORDER OF DETERMINATION will apply.
4. Based on the file and record herein, IT IS ORDERED that Claim 27 is approved as set forth in the following Water Right Claim Description.

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<sup>1</sup> Klamath Hills District Improvement Company voluntarily withdrew from Contest 3440 on January 16, 2004. *See* VOLUNTARY WITHDRAWAL OF CONTEST BY KLAMATH HILLS DISTRICT IMPROVEMENT COMPANY

<sup>2</sup> Berlva Pritchard voluntarily withdrew from Contest 3440 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

<sup>3</sup> Don Vincent voluntarily withdrew from Contest 3440 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

**CLAIM NO. 27**  
FOR A VESTED WATER RIGHT

**CLAIM MAP REFERENCE:** OWRD INVESTIGATION MAP – T 32 S, R 7 E

**CLAIMANT:** ALVIN R. AND PEGGY A. MARENCO  
8475 MARENCO RANCH DR  
RED BLUFF, CA 96080

**SOURCE OF WATER:** The WILLIAMSON RIVER, tributary to UPPER KLAMATH LAKE

**PURPOSE OR USE:** IRRIGATION OF 238.2 ACRES.

**RATE OF USE:**

5.95 CUBIC FEET PER SECOND 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:**

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

**PERIOD OF ALLOWED USE:** APRIL 15 - OCTOBER 31

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

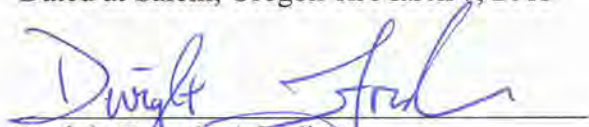
**THE POINT OF DIVERSION IS LOCATED AS FOLLOWS:**

Twp	Rng	Mer	Sec	Q-Q
32 S	7 E	WM	25	SW SE

**THE PLACE OF USE IS LOCATED AS FOLLOWS:**

Twp	Rng	Mer	Sec	Q-Q	Acres
32 S	7 E	WM	25	NE NE	32.3
32 S	7 E	WM	25	NW NE	38.3
32 S	7 E	WM	25	SW NE	30.3
32 S	7 E	WM	25	SE NE	37.8
32 S	7 E	WM	25	NE SE	37.8
32 S	7 E	WM	25	NW SE	22.2
32 S	7 E	WM	25	SW SE	22.4
32 S	7 E	WM	25	SE SE	17.1

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator  
Klamath Basin General Stream Adjudication