

**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
JAMES L. CHAPMAN)	DETERMINATION
)	
_____)	Water Right Claim 29

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 November 28, 1990, JAMES L. CHAPMAN (Claimant) timely submitted a Statement and Proof of Claim (Claim 29) 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. Claim 29 was submitted for instream livestock watering of 300 head for a total 4500 gallons per day of water from the Williamson River, a tributary of the Klamath River, with a season of use "April – December." The claimed priority date is 1864.
3. JAMES L. CHAPMAN signed the Statement and Proof of Claim for Claim 29 attesting that the information contained in the claim is true.
4. On April 23, 1999, the Claimant supplemented information to Claim 29 by providing a signed statement, stating in pertinent part: "My father, Jack R. Chapman purchased the property on the Upper Klamath Marsh, on 12 June 1957 from . . . Klamath Allottee N. 161 and . . . Klamath Allottee No. 162. . . . Members of the Klamath Tribe had used that area of the Klamath Marsh to raise cattle. . . . The only water available for cattle drinking water was the Williamson River. I purchased the property from my father on 11 Jan. 1971. We have run cattle on the property every year since we purchased it in 1957 and they have watered out the Williamson River." (Claim # 29, Page 009).
5. In 1981, an OWRD field inspection report was prepared, describing the present use of water on the property substantially as stated in Claim 29 (Claim # 29, WIP, Page 00014).

6. 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, but for a smaller quantity of water and with a longer season of use than claimed.
7. No contests were filed to the Claim and/or Preliminary Evaluation of Claim 29.
8. Based on the sworn statements in Claim 29, along with the field inspection report, the following findings are made:
 - a. The claimed water use is on former Klamath Indian Reservation Land.
 - b. The claimed water use is on land that was transferred from Indian ownership.
 - c. Beneficial use of water for the claimed purpose was established prior to transfer from Indian ownership.

B. DETERMINATION

1. The elements of a Walton claim are established. The GENERAL CONCLUSIONS OF LAW CONCERNING WALTON CLAIMS is incorporated as if set forth fully herein.
2. Because there is no evidence on the record to the contrary, the standard rate of 12 gallons of water per head of livestock per day, measured at the place of use, as outlined in the GENERAL FINDINGS OF FACT of the FINAL ORDER OF DETERMINATION will apply.
3. The total rate of water for livestock use is based on 300 head, the number of head claimed by the Claimant.
4. Based on the file and record herein, IT IS ORDERED that Claim 29 is approved as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 29

CLAIM MAP REFERENCE: OWRD INVESTIGATION MAP – T 32 S, R 8 E

CLAIMANT: JAMES L CHAPMAN
18552 N POE VALLEY RD.
KLAMATH FALLS OR 97603

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

PURPOSE or USE: INSTREAM LIVESTOCK WATERING FOR 300 HEAD

RATE OF USE:

0.006 CUBIC FOOT PER SECOND MEASURED AT THE PLACE OF USE, NOT TO EXCEED 3600 GALLONS PER DAY.

PERIOD OF ALLOWED USE: APRIL 1 – DECEMBER 31

DATE OF PRIORITY: OCTOBER 14, 1864

THE POINT OF DIVERSION IS LOCATED AS FOLLOWS:


Twp	Rng	Mer	Sec	Q-Q	Instream Livestock Watering
32 S	8 E	WM	7	NE SE	No specific point of diversion - livestock drink directly from the Williamson River

THE PLACE OF USE IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q
32 S	8 E	WM	7	NE SE

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication