

**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 |
| ROBERT M. WAMPLER |) | DETERMINATION |
| _____ |) | |
| |) | Water Right Claim 56 |

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 27, 1990, ROBERT M. WAMPLER (Claimant) timely submitted a Statement and Proof of Claim (Claim 56) 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 56 was submitted for a total of 0.63 cfs of water from the Williamson River, tributary to Upper Klamath Lake for irrigation of 25.3 acres. The claimed period of use is May 1 to September 15. The claimed priority date is October 14, 1864.
3. ROBERT M. WAMPLER signed Claim 56 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 approved, but for a smaller quantity of water than claimed and with a longer season of use than claimed.
5. On May 8, 2000, the United States of America timely filed Contest 3732 to the Claim and/or Preliminary Evaluation of Claim 56.
6. On May 8, 2000, the Klamath Tribes timely filed Contest 4110 to the Claim and/or Preliminary Evaluation of Claim 56.

7. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 189.
8. On June 8, 2004, the Klamath Tribes voluntarily withdrew Contest 4110. *See* KLAMATH TRIBES' VOLUNTARY WITHDRAWAL OF CONTEST (June 8, 2004).
9. On October 25, 2004, Claimant, OWRD, and the United States of America executed a STIPULATION TO RESOLVE CONTESTS (Settlement Agreement) thereby resolving the remaining contest to Claim 56.
10. On October 28, 2004, the Adjudicator withdrew Case 189 from the Office of Administrative Hearings.

B. DETERMINATION

1. The Settlement Agreement executed between the Claimant, OWRD, and the United States of America 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 56 is approved as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 56
FOR A VESTED WATER RIGHT

CLAIM MAP REFERENCE: CLAIM # 56 SETTLEMENT MAP (Oct. 25, 2004)

CLAIMANT: ROBERT M. WAMPLER
PO BOX 285
CHILOQUIN OR 97624

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

PURPOSE OR USE: IRRIGATION OF 23.3 ACRES.

RATE OF USE:
0.58 CUBIC FOOT PER SECOND (CFS).

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:

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

PERIOD OF ALLOWED USE: MAY 1 - SEPTEMBER 15

DATE OF PRIORITY: OCTOBER 14, 1864

THE POINT OF DIVERSION IS LOCATED AS FOLLOWS:


| Twp | Rng | Mer | Sec | Q-Q | GLot | Measured Distances |
|------|-----|-----|-----|-------|------|---|
| 34 S | 7 E | WM | 34 | SE NE | 17 | NORTH 52 DEGREES 56 MINUTES 26 SECONDS WEST, 1479 FEET FROM SE CORNER, SECTION 34 |

THE PLACE OF USE IS LOCATED AS FOLLOWS:

| IRRIGATION | | | | | | |
|------------|-----|-----|-----|-------|------|-------|
| Twp | Rng | Mer | Sec | Q-Q | GLot | Acres |
| 34 S | 7 E | WM | 34 | SW NE | 19 | 11.2 |
| 34 S | 7 E | WM | 34 | SW NE | 17 | 10.1 |
| 34 S | 7 E | WM | 34 | SE NE | 17 | 2.0 |

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013



 Dwight French, Adjudicator
 Klamath Basin General Stream Adjudication