

**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
OWENS AND HAWKINS,	)	DETERMINATION
C/O JERRY HAWKINS	)	
_____	)	
	)	Water Right Claim 64

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

**A. FINDINGS OF FACT AND DESCRIPTION OF MODIFICATIONS  
TO THE PROPOSED ORDER**

1. Claim 64 (Claimant: OWENS AND HAWKINS, C/O JERRY HAWKINS) and its associated contests (2755, 2836, 3102, 3462, 3804, AND 4117) were referred to the Office of Administrative Hearings for a contested case hearing which was designated as Case 196.
2. On May 6, 2003, Claim 64 was consolidated with Case 900 “for the sole purpose of determining whether [this and other] claims for rights to water from the Wood River system . . . which have been previously adjudicated, bar the Claimants from participation in this adjudication.” *See* ORDER GRANTING MOTION TO CONSOLIDATE AND SCHEDULING PREHEARING CONFERENCE (May 6, 2003) at 3.
3. On April 20, 2004, an ORDER AMENDING RULINGS ON MOTIONS FOR RULING ON LEGAL ISSUES (April 20, 2004) was issued in Case 900, and is adopted and incorporated in its entirety as if set forth fully herein.
4. On May 27, 2004, the consolidation of claims and cases in Case 900 was reversed; the law of the case in each case is set out in the ORDER AMENDING RULINGS ON MOTIONS FOR RULING ON LEGAL ISSUES (referenced in Finding 3, above). *See* ORDER VACATING ORDER TO CONSOLIDATE (May 27, 2004).
5. The Office of Administrative Hearings conducted contested case proceedings and ultimately issued a PROPOSED ORDER (Proposed Order) for Claim 64 on February 1, 2007.

6. Exceptions were filed to the Proposed Order within the exception filing deadline by Owens and Hawkins.
7. The exceptions filed to the Proposed Order have been reviewed and considered in conjunction with the entire record for Claim 64, and are found to be unpersuasive. Accordingly, changes were not made to the Proposed Order to accommodate any exceptions.
8. The Proposed Order is adopted and incorporated in its entirety as if set forth fully herein, with two exceptions: (1) the section titled “Opinion” is adopted with modifications, as set forth in Section A.9, below, and (2) the section titled “Order” is replaced in its entirety by the Water Right Claim Description as set forth in Section B of this Partial Order of Determination for Claim 64. The outcome of the Order is without modification; it is presented in a format standardized by OWRD.
9. **Opinion.** Within the section titled “Opinion” of the Proposed Order, OWRD removed the ALJ’s discussion regarding the elements of a *Walton* Claim. In its place, OWRD incorporates into the Opinion section the GENERAL CONCLUSIONS OF LAW CONCERNING WALTON CLAIMS.

**Reason for Modifications:** To correct and clarify the elements of a Walton water right.

## **B. DETERMINATION**

1. The Proposed Order is adopted and incorporated in its entirety as if set forth fully herein, with two exceptions: (1) the section titled “Opinion” is adopted with modifications, as set forth in Section A.9, above, and (2) the section titled “Order” is replaced in its entirety by the Water Right Claim Description as set forth in Section B of this Partial Order of Determination for Claim 64. The outcome of the Order is without modification; it is presented in a format standardized by OWRD.
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. Based on the file and record herein, IT IS ORDERED that Claim 64 is approved as set forth in the following Water Right Claim Description.

**CLAIM NO. 64**

**CLAIM MAP REFERENCE:** CLAIM # 64 MAP (Nov. 18, 1998)

**CLAIMANT:** OWENS AND HAWKINS  
 C/O JERRY HAWKINS  
 2200 LOS VIBORAS RD  
 HOLLISTER, CA 95023

**SOURCE OF WATER:**

The WOOD RIVER, tributary to UPPER KLAMATH LAKE, and FORT CREEK, tributary to the WOOD RIVER

**PURPOSE OR USE:**

IRRIGATION OF 259 ACRES, BEING 133.8 ACRES FROM WOOD RIVER POD, AND 125.2 ACRES FROM THE FORT CREEK POD.

**RATE OF USE:**

5.18 CUBIC FEET PER SECOND (CFS) MEASURED AT THE POINT OF DIVERSION, BEING 2.68 CFS FROM THE WOOD RIVER POD AND 2.50 CFS FROM THE FORT CREEK POD.

THE RATE OF USE FOR IRRIGATION MAY NOT EXCEED 1/50 OF ONE CUBIC FOOT PER SECOND PER ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR.

**DUTY:**

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

**PERIOD OF ALLOWED USE:** APRIL 1 - OCTOBER 1

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

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

POD Name	Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
Wood River POD	34 S	7.5 E	WM	3	SE NW	10	3090 FEET NORTH AND 8760 FEET WEST FROM SE CORNER, SECTION 2
Fort Creek POD	33 S	7.5 E	WM	26	NW NW		940 FEET SOUTH AND 960 FEET EAST FROM NW CORNER, SECTION 26

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

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Authorized POD
34 S	7.5 E	WM	10	SW NE		39.00	Wood River POD
34 S	7.5 E	WM	10	SE NE		38.80	
34 S	7.5 E	WM	10	NE SW	6	2.60	
34 S	7.5 E	WM	10	NE SE	7	34.40	
34 S	7.5 E	WM	10	NW SE	6	16.40	
34 S	7.5 E	WM	10	SE SE	7	2.60	

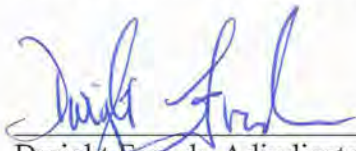
IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Authorized POD
34 S	7.5 E	WM	11	NE NE		39.60	Fort Creek POD
34 S	7.5 E	WM	11	NW NE		8.00	
34 S	7.5 E	WM	11	SW NE		6.70	
34 S	7.5 E	WM	11	SE NE		40.40	
34 S	7.5 E	WM	12	NW NW <sup>a</sup>		20.35	
34 S	7.5 E	WM	12	SW NW <sup>b</sup>		10.15	

<sup>a</sup> S $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$

<sup>b</sup> N $\frac{1}{2}$  N $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator  
Klamath Basin General Stream Adjudication