

**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
LITITIA KIRK	)	DETERMINATION
	)	
_____	)	Water Right Claim 83

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

**A. FINDINGS OF FACT**

1. Claim 83 (Claimant: LITITIA KIRK) and its associated contests (3218, 3277, 3514, 3877, and 4001) were referred to the Office of Administrative Hearings for a contested case hearing which was designated as Case 208.
2. The Office of Administrative Hearings conducted contested case proceedings and ultimately issued a PROPOSED ORDER (Proposed Order) for Claim 83 on February 20, 2007. No exceptions were filed to the Proposed Order within the exceptions filing deadline.
3. The Adjudicator issued an AMENDED PROPOSED ORDER (Amended Proposed Order) for Claim 83 on July 1, 2009, to address a 2.23 acre computation error in the total number of acres to be considered under Claim 83. The Amended Proposed Order replaces the 2007 Proposed Order in its entirety.
4. No exceptions were filed to the Amended Proposed Order within the exceptions filing deadline.
5. The Amended Proposed Order is adopted and incorporated in its entirety as if set forth fully herein.

**B. DETERMINATION**

1. The Amended Proposed Order is adopted and incorporated in its entirety as if set forth fully herein.
2. The elements of an Allottee claim are established. The GENERAL CONCLUSIONS OF LAW CONCERNING ALLOTTEE CLAIMS is incorporated as if set forth fully herein.
3. Based on the file and record herein, IT IS ORDERED that Claim 83 is approved as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

**CLAIM NO. 83**  
FOR AN INCHOATE WATER RIGHT

**CLAIM MAP REFERENCE:** CLAIM # 83, NCRE REPORT MAP (May 5, 2004)

**CLAIMANT:** LITITIA KIRK  
PO BOX 69622  
PORTLAND, OR 97201

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

**PURPOSE OR USE:** IRRIGATION OF 56.39 PRACTICABLY IRRIGABLE ACRES

**RATE OF USE:**  
1.12 CUBIC FEET PER SECOND (CFS) MEASURED AT THE POINT OF DIVERSION.

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:**  
3.1 ACRE-FEET PER ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR

**PERIOD OF ALLOWED USE:** MARCH 15 – OCTOBER 15

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

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

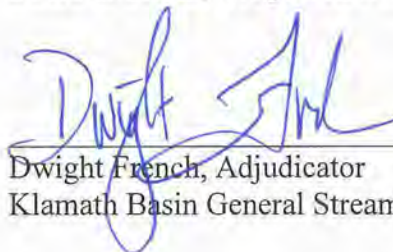
Twp	Rng	Mer	Sec	Q-Q	Measured Distances
35 S	7 E	WM	16	NE NE	312 FEET EAST AND 25 FEET SOUTH FROM N¼ CORNER, SECTION 16

THE PLACE OF USE IS LOCATED AS FOLLOWS:

PRACTICALLY IRRIGABLE ACREAGE						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
35 S	7 E	WM	16	NE NE	2	2.23
35 S	7 E	WM	16	NE NE	9	1.55
35 S	7 E	WM	16	NW NE	3	9.89
35 S	7 E	WM	16	NW NE	8	10.48
35 S	7 E	WM	16	SW NE	13	11.06
35 S	7 E	WM	16	SW NE	18	11.16
35 S	7 E	WM	16	SE NE	19	6.06
35 S	7 E	WM	16	SE NE	12	3.96

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013

  
Dwight French, Adjudicator  
Klamath Basin General Stream Adjudication