

**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 P. AND BERYL REIS)	DETERMINATION
)	
_____)	Water Right Claim 86

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 October 29, 1990, JAMES P. AND BERYL REIS (Claimants) timely submitted a Statement and Proof of Claim (Claim 86) 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 86 was submitted for a total 20 gallons per minute of water from the Williamson River, a tributary of Klamath Lake, for irrigation of 0.3 acres with a season of use "May – October." The claimed priority date is 1864.
3. Item 13 of the Statement and Proof of Claim incorporates "Attachment B" which is a deed showing transfer of ownership from Wade Crawford and Ida M. Crawford to James P. Reis and Beryl Ries on July 20, 1966 (*See* WARRANTY DEED, COUNTY OF KLAMATH, VOL. M-70, PAGE 5441 in Claim # 86, Page 07). Wade Crawford and Ida Crawford (Miller) are both listed on the NOVEMBER 21, 1957 FEDERAL REGISTER FOR MEMBERS OF KLAMATH TRIBE OF INDIANS, Page 9307.
4. JAMES P. AND BERYL REIS signed the Statement and Proof of Claim for Claim 86 attesting that the information contained in the claim is true.
5. In 1986, an OWRD field inspection report was prepared, describing the present use of water on the property substantially as stated in Claim 86 (Claim # 86, WIP, Page 00010).
6. On June 1, 1999, the Claimant supplemented information to Claim 86 by providing a statement signed by Coralie Crawford Nelson, daughter of Wade and Ida M. Crawford,

stating in pertinent part: “Henry Wilson was the original allottee. The land was purchased by Wade Crawford about 1946. Wilson irrigated with gasoline pumps. Wade Crawford irrigated with gasoline pumps until he put in the waterwheel. The waterwheel irrigated 650 gallons per minute.” (Claim # 86, Page 42).

7. 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.
8. No contests were filed to the Claim and/or Preliminary Evaluation of Claim 86.
9. Based on the sworn statements in Claim 86, 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 duty for irrigation, being 3.5 acre-feet per acre, and 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.
3. Based on the file and record herein, IT IS ORDERED that Claim 86 is approved as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 86

CLAIM MAP REFERENCE: OWRD INVESTIGATION MAP – T 35 S, R 7 E

CLAIMANTS: JAMES P. AND BERYL REIS
5500 MILLER AVE.
KLAMATH FALLS OR 97603

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

PURPOSE or USE: IRRIGATION OF 0.3 ACRES.

RATE OF USE:

.01 CUBIC FOOT 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: MAY 1 - OCTOBER 31

DATE OF PRIORITY: OCTOBER 14, 1864

THE POINT OF DIVERSION IS LOCATED AS FOLLOWS:

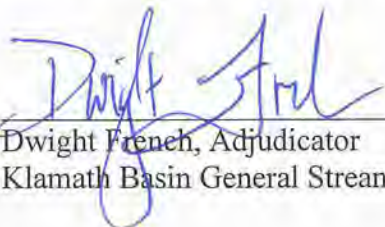
Twp	Rng	Mer	Sec	Q-Q	GLot
35 S	7 E	WM	21	SE NW	19

THE PLACE OF USE IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
35 S	7 E	WM	21	SE NW	15	0.30
35 S	7 E	WM	21	SE NW	19	

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013



 Dwight French, Adjudicator
 Klamath Basin General Stream Adjudication