

**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
ANNA MAE SISSON	)	DETERMINATION
	)	
_____	)	Water Right Claim 89

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 26, 1990, ANNA MAE SISSON (Claimant) timely submitted a Statement and Proof of Claim (Claim 89) 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 89 was submitted for a total 3 gallons per minute of water from an Unnamed Spring, tributary to Agency Lake, for irrigation of “less than an acre” with a season of use “April through October.” The claimed priority date is 1864.
3. ANNA MAE SISSON signed the Statement and Proof of Claim for Claim 89 attesting that the information contained in the claim is true.
4. In 1991, a field inspection report was prepared by a private engineer or surveyor, describing the present use of water on the property substantially as stated in the Claim 89, but for irrigation of 0.54 acres (Claim # 89, Page 07).
5. On May 5, 1999, the Claimant supplemented information to Claim 89 by providing a signed statement, stating in pertinent part: “Enclosed is a copy of the deed to my property [recorded June 25, 1973, COUNTY OF KLAMATH, VOL. M73 OF DEEDS ON PAGE 7996]. . . . This land was purchased from the Robert Summers istate[sic]. Robert Summers . . . was a Klamath tribal member. . . . There is a small spring on the property that I am applying for the water rights on. We purchased this place in 1973 and in 1975 we had it boxed in for yard and garden use. Robert Summers had never developed the spring.” (Claim # 89, Page 024).

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 for irrigation of 0.54 acres and with a longer season of use than claimed.
7. No contests were filed to the Claim and/or Preliminary Evaluation of Claim 89.
8. Based on the Claimant's map submitted on June 13, 1991, OWRD finds a total of 0.54 irrigated acres for Claim 89 (Claim # 89, Page 07).
9. Based on the sworn statements in Claim 89, 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 not made prior to transfer from Indian ownership.
  - d. Beneficial use of water for the claimed purpose has been made with reasonable diligence following the 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 89 is approved as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

**CLAIM NO. 89**

**CLAIM MAP REFERENCE: CLAIM # 89, PAGE 33**

**CLAIMANT: ANNA MAE SISSON**  
34343 MODOC POINT ROAD  
CHILOQUIN OR 97624

**SOURCE OF WATER:** UNNAMED SPRING, tributary to AGENCY LAKE

**PURPOSE or USE:** IRRIGATION OF 0.54 ACRES.

**RATE OF USE:**

0.007 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:** APRIL 1 - OCTOBER 31

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

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

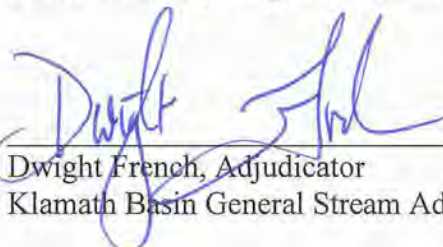
Twp	Rng	Mer	Sec	Q-Q	GLot
35 S	7 E	WM	18	NE SW	19

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

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
35 S	7 E	WM	18	NE SW	19	0.54

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013

  
Dwight French, Adjudicator  
Klamath Basin General Stream Adjudication