

**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
TILLIE L. GOOLD TRUST;)	DETERMINATION
JAMES R. GOOLD, TRUSTEE)	
_____)	
)	Water Right Claim 98

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 December 7, 1990, DELL PARKS AS TRUSTEE for the TILLIE L. GOOLD TRUST (Claimant) timely submitted a Statement and Proof of Claim (Claim 98) 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 98 was submitted for a total of 6.44 cfs of water from the Sprague River, a tributary of the Williamson River, for irrigation of 617.39 acres and livestock watering of 300 head. The claimed period of use is May 1 through October 15 for irrigation and livestock watering. The claimed priority date is "1864."
3. DELL PARKS signed Claim 98 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 for irrigation with incidental livestock watering, but for fewer acres than claimed and with a longer irrigation season than claimed.
5. JAMES GOOLD AS TRUSTEE ultimately succeeded DEL PARKS AS TRUSTEE for the TILLIE L. GOOLD TRUST. See LETTER (May 10, 2000) (Claim# 98, Page 154).
6. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3479: Klamath Irrigation District, Klamath Drainage District, Tulelake Irrigation District, Klamath Basin Improvement District, Ady District Improvement Company, Enterprise Irrigation District, Klamath Hills District

Improvement Co.¹, Malin Irrigation District, Midland District Improvement Company, Pine Grove Irrigation District, Pioneer District Improvement Company, Poe Valley Improvement District, Shasta View Irrigation District, Sunnyside Irrigation District, Don Johnston & Son, Bradley S. Luscombe, Berlva Pritchard², Don Vincent³, Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.

7. On May 8, 2000, the United States of America timely filed Contest 3748 to the Claim and/or Preliminary Evaluation of Claim 98.
8. On May 8, 2000, the Klamath Tribes timely filed Contest 4133 to the Claim and/or Preliminary Evaluation of Claim 98.
9. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 213.
10. On January 28, 2005, the Klamath Tribes withdrew Contest 4133. *See* KLAMATH TRIBES' VOLUNTARY WITHDRAWAL OF CONTEST (Jan. 28, 2005).
11. On September 29, 2005, the Claimant, OWRD, the United States of America, and the Klamath Project Water Users executed a STIPULATION TO RESOLVE CONTESTS (Settlement Agreement) thereby resolving the remaining contests to Claim 98.
12. On October 10, 2005, the Adjudicator withdrew Case 213 from the Office of Administrative Hearings.

B. DETERMINATION

1. The Settlement Agreement executed between the Claimant, OWRD, the United States of America, and the Klamath Project Water Users 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 98 is approved as set forth in the following Water Right Claim Description.

¹ Klamath Hills District Improvement Company voluntarily withdrew from Contest 3479 on January 16, 2004. *See* VOLUNTARY WITHDRAWAL OF CONTEST BY KLAMATH HILLS DISTRICT IMPROVEMENT COMPANY

² Berlva Pritchard voluntarily withdrew from Contest 3479 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

³ Don Vincent voluntarily withdrew from Contest 3479 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

[Beginning of Water Right Claim Description]

CLAIM NO. 98
FOR A VESTED WATER RIGHT

CLAIM MAP REFERENCE: CLAIM # 98 SETTLEMENT MAP (Sept. 28, 2005)

CLAIMANT: TILLIE L. GOOLD TRUST
JAMES R. GOOLD, TRUSTEE
PO BOX 89
SPRAGUE RIVER, OR 97639

SOURCE OF WATER: The SPRAGUE RIVER, tributary to the WILLIAMSON RIVER

PURPOSE OR USE: IRRIGATION OF 165.0 ACRES.

RATE OF USE:
4.13 CUBIC FEET PER SECOND (CFS) 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:
3.0 ACRE-FEET PER ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR.

PERIOD OF ALLOWED USE: MAY 1 - OCTOBER 15

DATE OF PRIORITY: OCTOBER 14, 1864

THE POINT OF DIVERSION IS LOCATED AS FOLLOWS:

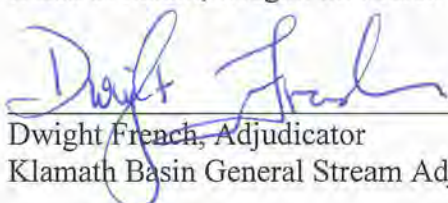
Twp	Rng	Mer	Sec	Q-Q	Measured Distances
35 S	9 E	WM	36	NW NE	702 FEET SOUTH AND 2475 FEET WEST FROM NE CORNER, SECTION 36

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
35 S	9 E	WM	25	SE SE		18.9
35 S	10 E	WM	30	SW SW	4	37.7
35 S	10 E	WM	30	SE SW		40.0
35 S	10 E	WM	30	SW SE		40.0
35 S	10 E	WM	30	SE SE		28.4

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013


 Dwight French, Adjudicator
 Klamath Basin General Stream Adjudication