

**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
JOHN KRONENBERGER)	DETERMINATION
)	
_____)	Water Right Claim 103

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 9, 1990, RUSSELL J. WALSH AND EDITH WALSH timely submitted a Statement and Proof of Claim (Claim 103) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication, as a 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 103 was submitted for a total of 6.0 cfs of water from the Sycan River, a tributary of the Sprague River for irrigation of 240 acres. The claimed period of use is April 15 through September 30. The claimed priority date is "1864."
3. RUSSELL J. WALSH and EDITH WALSH signed Claim 103 attesting that the information contained in the claim is true.
4. On May 12, 1998, the Claim 103 was amended to (1) increase the quantity of water claimed, (2) increase the number of acres claimed, and (3) include Brown Creek as an additional source of water, and (4) add an additional point of diversion at the Sycan River.
5. The property appurtenant to Claim 103 was ultimately transferred to JOHN KRONENBERGER (Claimant). See REQUEST FOR ASSIGNMENT (May 12, 1998) (Claim # 103, Page 00036).
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 for was approved as amended on May 12, 1998, but with a longer season of use than claimed.

7. On May 8, 2000, the following parties, hereinafter collectively referred to as the “Klamath Project Water Users,” filed Contest 3483: 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.
8. On May 8, 2000, the United States of America timely filed Contest 3809 to the Claim and/or Preliminary Evaluation of Claim 103.
9. On May 8, 2000, the Klamath Tribes timely filed Contest 4137 to the Claim and/or Preliminary Evaluation of Claim 103.
10. On May 8, 2000, WaterWatch of Oregon, Inc. filed Contest 2842 to the Claim and/or Preliminary Evaluation of Claim 103.
11. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 217.
12. On May 20, 2003, WaterWatch’s Contest 2842 was dismissed. *See* ORDER DISMISSING WATERWATCH OF OREGON INC.’S CONTESTS NOS. 2820, *ET AL.* (May 20, 2003).
13. On April 8, 2004, the Klamath Project Water Users withdrew Contest 3483. *See* NOTICE OF WITHDRAWAL OF CONTEST NO. 3483 (Apr. 8, 2004).
14. On March 4, 2005, the Klamath Tribes withdrew Contest 4137. *See* KLAMATH TRIBES’ VOLUNTARY WITHDRAWAL OF CONTEST (March 4, 2005).
15. On July 21, 2005, the Claimant, OWRD, and the United States of America executed a STIPULATION TO RESOLVE CONTEST (Settlement Agreement) thereby resolving the remaining contest to Claim 103.
16. On July 21, 2005, the Adjudicator withdrew Case 217 from the Office of Administrative Hearings.

¹ Klamath Hills District Improvement Company voluntarily withdrew from Contest 3483 on January 16, 2004. *See* VOLUNTARY WITHDRAWAL OF CONTEST BY KLAMATH HILLS DISTRICT IMPROVEMENT COMPANY

² Berlva Pritchard voluntarily withdrew from Contest 3483 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

³ Don Vincent voluntarily withdrew from Contest 3483 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

B. DETERMINATION

1. The Settlement Agreement executed between the Claimant, OWRD, and the United States of America 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. Based on the file and record herein, IT IS ORDERED that Claim 103 is approved as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 103
FOR A VESTED WATER RIGHT

CLAIM MAP REFERENCE: CLAIM # 103 SETTLEMENT MAP (July 21, 2005)

CLAIMANT: JOHN KRONENBERGER
13673 SPRAGUE RIVER RD
CHILOQUIN OR 97624

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

PURPOSE OR USE: IRRIGATION OF 71.4 ACRES.

RATE OF USE:
1.79 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: APRIL 15 - SEPTEMBER 30

DATE OF PRIORITY: OCTOBER 14, 1864

THE POINT OF DIVERSION IS LOCATED AS FOLLOWS:


Twp	Rng	Mer	Sec	Q-Q	Measured Distances
35 S	12 E	WM	28	SE SE	800 FEET WEST AND 25 FEET NORTH FROM SE CORNER, SECTION 28

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
35 S	12 E	WM	28	SE SE	16.0
35 S	12 E	WM	34	NW NW	38.2
35 S	12 E	WM	34	SW NW	17.2

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication