

**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
THOMAS WALL GRIFFITH,)	DETERMINATION
LISA GAYE GRIFFITH,)	
DOUGLAS EUGENE PARKER, AND)	
JUDY ANN PARKER)	Water Right Claim 108
_____)	
)	

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 January 30, 1991, STEVEN N. BECK timely submitted a Statement and Proof of Claim (Claim 108) 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 108 was submitted for a total of 11.0 cfs of water from the Sprague River, a tributary of the Williamson River for irrigation of 440.0 acres with incidental livestock watering of 350 head. The claimed period of use is May 1 to October 1. The claimed priority date is "1864."
3. STEVEN N. BECK signed Claim 108 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 but for a smaller quantity of water and fewer acres than claimed, and with a longer season of use than claimed.
5. The property appurtenant to Claim 108 was ultimately transferred to THOMAS WALL GRIFFITH, LISA GAYE GRIFFITH, DOUGLAS EUGENE PARKER, AND JUDY ANN PARKER (Claimants). *See* WARRANTY DEED, COUNTY OF KLAMATH RECORDS, VOL. M98, PAGE 13305 (April 20, 1998) (Claim # 108, Page 96).

6. On May 8, 2000, the Claimants timely filed Contest 3105 to the Preliminary Evaluation of Claim 108.
7. On May 8, 2000, the following parties, hereinafter collectively referred to as the “Klamath Project Water Users,” filed Contest 3486: Klamath Irrigation District, Klamath Drainage District, Tulalake 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 3753 to the Claim and Preliminary Evaluation of Claim 108.
9. On May 8, 2000, the Klamath Tribes timely filed Contest 4140 to the Claim and Preliminary Evaluation of Claim 108.
10. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 220.
11. On November 17, 2005, the Claimants, OWRD, the United States of America, the Klamath Tribes and the Klamath Project Water Users executed a STIPULATION TO RESOLVE CONTESTS (Settlement Agreement) thereby resolving all contests to Claim 108.
12. On November 21, 2005, the Adjudicator withdrew Case 220 from the Office of Administrative Hearings.

B. DETERMINATION

1. The Settlement Agreement executed between the Claimants, OWRD, the United States of America, the Klamath Tribes 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.

¹ Klamath Hills District Improvement Company voluntarily withdrew from Contest 3486 on January 16, 2004. *See* VOLUNTARY WITHDRAWAL OF CONTEST BY KLAMATH HILLS DISTRICT IMPROVEMENT COMPANY

² Berlva Pritchard voluntarily withdrew from Contest 3486 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

³ Don Vincent voluntarily withdrew from Contest 3486 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

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 108 is approved as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 108
FOR A VESTED WATER RIGHT

CLAIM MAP REFERENCE: CLAIM # 108 SETTLEMENT MAP (Nov. 14, 2005)

CLAIMANT: THOMAS WALL GRIFFITH
LISA GAYE GRIFFITH
DOUGLAS EUGENE PARKER
JUDY ANN PARKER
4582 FRESHWATER RD
WILLIAMS, CA 95987

SOURCE OF WATER:
A SLOUGH on the SPRAGUE RIVER, a tributary of the WILLIAMSON RIVER

PURPOSE OR USE: IRRIGATION OF 150.0 ACRES.

RATE OF USE:
3.75 CUBIC FEET PER SECOND (CFS) FOR IRRIGATION 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 1

DATE OF PRIORITY: OCTOBER 14, 1864

THE POINT OF DIVERSION IS LOCATED AS FOLLOWS:

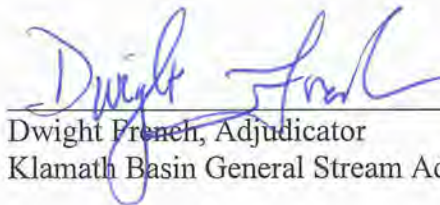
Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	10 E	WM	3	SW SE	1060 FEET NORTH AND 2200 FEET WEST FROM SE CORNER, SECTION 3

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	10 E	WM	2	SW NW	24.8
36 S	10 E	WM	2	SE NW	17.4
36 S	10 E	WM	2	NE SW	31.4
36 S	10 E	WM	2	NW SW	40.0
36 S	10 E	WM	2	SW SW	10.4
36 S	10 E	WM	3	SE SE	26.0

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator
Klamath Basin General Stream Adjudication