

**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
SARAH A. DEXTER,	)	DETERMINATION
ALTA M. VAN SICKLE, AND	)	
LLOYD D. VAN SICKLE	)	
_____	)	Water Right Claim 112

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 30, 1990, SARAH A. DEXTER, ALTA M. VAN SICKLE, AND LLOYD D. VAN SICKLE (Claimants) timely submitted a Statement and Proof of Claim (Claim 112) 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 112 was submitted for 2.76 cfs of water from the Sprague River, a tributary of the Williamson River, for irrigation of 110.4 acres, plus 900 gallons per day for livestock watering of 58 head. The claimed period of use is year-round for livestock watering, and May 1 to October 1 for irrigation. The claimed priority date is "1864."
3. SARAH A. DEXTER and ALTA M. VAN SICKLE signed Claim 112 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 for livestock watering and irrigation was approved, but for a smaller quantity of water than claimed and with a longer irrigation season than claimed.
5. On May 8, 2000, the United States of America timely filed Contest 3756 to the Claim and Preliminary Evaluation of Claim 112.
6. On May 8, 2000, the Klamath Tribes timely filed Contest 4143 to the Claim and Preliminary Evaluation of Claim 112.

7. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 223.
8. On July 19, 2004, the Claimants, OWRD, the United States of America, and the Klamath Tribes executed a STIPULATION TO RESOLVE CONTESTS (Settlement Agreement) thereby resolving all contests to Claim 112.
9. On July 27, 2004, the Adjudicator withdrew Case 223 from the Office of Administrative Hearings.
10. OWRD finds that livestock watering is limited to 58 head, the number originally claimed.

## **B. DETERMINATION**

1. The Settlement Agreement executed between the Claimants, OWRD, the United States of America, and the Klamath Tribes is adopted and incorporated as if set forth fully herein exception of paragraph B.2.; this paragraph is not pertinent to the determination of a water right claim.
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. Livestock watering is limited to 58 head as described in Finding 10, above. Diversion of stock water to the place of use is limited to that which has been historically diverted for beneficial use and is reasonably necessary to transport the water and to prevent the watercourse from being completely frozen when transporting water outside of the irrigation season.
4. 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.
5. Based on the file and record herein, IT IS ORDERED that Claim 112 is approved as set forth in the following Water Right Claim Description.

**CLAIM NO. 112**  
FOR A VESTED WATER RIGHT

**CLAIM MAP REFERENCE:** CLAIM # 112, PAGE 8

**CLAIMANT:** SARAH A. DEXTER  
ALTA M. VAN SICKLE  
LLOYD D. VAN SICKLE  
PO BOX 375  
SPRAGUE RIVER OR 97639

**SOURCE OF WATER:**  
A SLOUGH on the SPRAGUE RIVER, tributary to the WILLIAMSON RIVER

**PURPOSE OR USE:**  
IRRIGATION OF 110.4 ACRES AND LIVESTOCK WATERING OF 58 HEAD.

**RATE OF USE:**  
2.7614 CUBIC FEET PER SECOND (CFS) AS FOLLOWS:  
  
2.76 CFS FOR IRRIGATION MEASURED AT THE POINT OF DIVERSION, AND  
  
0.0014 CFS FOR LIVESTOCK WATERING MEASURED AT THE PLACE OF USE, NOT TO EXCEED 900 GALLONS PER DAY.

DIVERSION OF STOCK WATER TO THE PLACE OF USE IS LIMITED TO THAT WHICH HAS BEEN HISTORICALLY DIVERTED FOR BENEFICIAL USE AND IS REASONABLY NECESSARY TO TRANSPORT THE WATER, AND TO PREVENT THE WATERCOURSE FROM BEING COMPLETELY FROZEN WHEN TRANSPORTING WATER OUTSIDE OF THE IRRIGATION SEASON.

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:**  
3.2 ACRE-FEET PER ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR.

**PERIOD OF ALLOWED USE:**

Use	Period
Irrigation	May 1 - October 1
Livestock Watering	January 1 - December 31

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

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

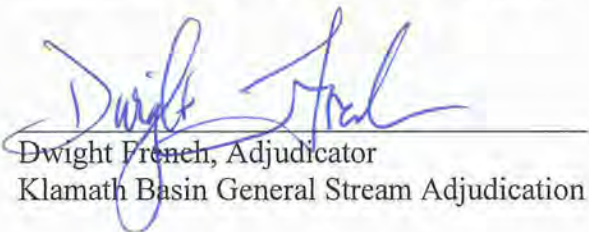
Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	10 E	WM	3	SW SE	1580 FEET SOUTH AND 2200 FEET WEST FROM EAST 1/4 CORNER, SECTION 3

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION and LIVESTOCK WATERING					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	10 E	WM	3	SW NE	19.7
36 S	10 E	WM	3	SE NE	40.0
36 S	10 E	WM	3	NE SE	16.4
36 S	10 E	WM	3	NW SE	26.3
36 S	10 E	WM	3	SW SE	8.0

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013

  
Dwight French, Adjudicator  
Klamath Basin General Stream Adjudication