

**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 |
| TAYLOR HYDE AND |) | DETERMINATION |
| BECKY HATFIELD-HYDE |) | |
| _____ |) | Water Right Claim 123 |

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 October 19, 1990, CHARLES A. GUNN timely submitted a Statement and Proof of Claim (Claim 123) 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 123 was submitted for a total of 8.7 cfs of water from the Sycan River, a tributary of the Sprague River for irrigation of 415 acres. The claimed period of use is April 1 through October 1. The claimed priority date is "1864."
3. CHARLES A. GUNN signed Claim 123 attesting that the information contained in the claim is true.
4. The property appurtenant to Claim 123 was transferred to JOHN KRONENBERGER from CHARLES A. GUNN. *See* STATUTORY WARRANTY DEED, COUNTY OF KLAMATH RECORDS, VOL. M94, PAGE 5813 (Feb. 22, 1994) (Claim # 123, Pages 33 – 34).
5. 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 denied because the required elements for a Walton right were not established.
6. On May 4, 2000, John Kronenberger timely filed Contest 1788 to the Preliminary Evaluation of Claim 123.

7. On May 8, 2000, the following parties, hereinafter collectively referred to as the “Klamath Project Water Users,” filed Contest 3499: 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 3810 to the Claim and Preliminary Evaluation of Claim 123.
9. On May 8, 2000, the Klamath Tribes timely filed Contest 4153 to the Claim and Preliminary Evaluation of Claim 123.
10. On May 8, 2000, WaterWatch of Oregon, Inc. filed Contest 2844 to the Claim and/or Preliminary Evaluation of Claim 123.
11. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 231.
12. The property appurtenant to Claim 123 was transferred to TAYLOR HYDE AND BECKY HATFIELD-HYDE (Claimants) from JOHN S. KRONENBERGER AND WALTER H. KRONENBERGER. *See* WARRANTY DEED, COUNTY OF KLAMATH RECORDS, VOL. M03, PAGE 18332 (April 26, 2003) and CHANGE OF OWNERSHIP FORM (Aug. 4, 2003).
13. On May 20, 2003, WaterWatch’s Contest 2844 was dismissed. *See* ORDER DISMISSING WATERWATCH OF OREGON INC.’S CONTESTS NOS. 2820, *ET AL.* (May 20, 2003).
14. On April 8, 2004, the Klamath Project Water Users withdrew Contest 3499. *See* NOTICE OF WITHDRAWAL OF CONTEST NO. 3499 (Apr. 8, 2004).
15. On March 13, 2007, the Claimants, OWRD, the United States of America, and the Klamath Tribes executed a STIPULATION TO RESOLVE CONTESTS (Settlement Agreement) thereby resolving the remaining contests to Claim 123.
16. On March 14, 2007, the Adjudicator withdrew Case 231 from the Office of Administrative Hearings.

¹ Klamath Hills District Improvement Company voluntarily withdrew from Contest 3499 on January 16, 2004. *See* VOLUNTARY WITHDRAWAL OF CONTEST BY KLAMATH HILLS DISTRICT IMPROVEMENT COMPANY

² Berlva Pritchard voluntarily withdrew from Contest 3499 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

³ Don Vincent voluntarily withdrew from Contest 3499 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

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

[Beginning of Water Right Claim Description]

CLAIM NO. 123
FOR A VESTED WATER RIGHT

CLAIM MAP REFERENCE: CLAIM # 123 SETTLEMENT MAP (Dec. 27, 2006)

CLAIMANT: TAYLOR HYDE AND BECKY HATFIELD-HYDE
PO BOX 894
CHILOQUIN, OR 97624

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

PURPOSE OR USE:
IRRIGATION OF 277.06 ACRES, BEING 22.89 ACRES FROM POD 1, 45.84 ACRES FROM POD 2, 23.53 ACRES FROM POD 3, 86.47 ACRES FROM POD 4, AND 98.33 ACRES FROM POD 5.

RATE OF USE:
6.93 CUBIC FEET PER SECOND (CFS) MEASURED AT THE POINT OF DIVERSION, BEING 0.57 CFS FROM POD 1, 1.15 CFS FROM POD 2, 0.59 CFS FROM POD 3, 2.16 CFS FROM POD 4, AND 2.46 CFS FROM POD 5.

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 1 - OCTOBER 1

DATE OF PRIORITY: OCTOBER 14, 1864

THE POINTS OF DIVERSION ARE LOCATED AS FOLLOWS:

| POD Name | Twp | Rng | Mer | Sec | Q-Q | GLot | Measured Distances |
|--------------------|------|------|-----|-----|-------|------|--|
| POD 1 | 36 S | 12 E | WM | 3 | NW NE | 2 | SOUTH 73 DEGREES 6 MINUTES 18 SECONDS WEST, 2048.7 FEET FROM NE CORNER, SECTION 3 |
| POD 2 | 36 S | 12 E | WM | 3 | SE SE | | SOUTH 17 DEGREES 15 MINUTES 53 SECONDS WEST, 4397.2 FEET FROM NE CORNER, SECTION 3 |
| POD 3 ^a | 36 S | 12 E | WM | 3 | NE NE | 1 | SOUTH 65 DEGREES 47 MINUTES 51 DEGREES WEST, 1408.7 FEET FROM NE CORNER, SECTION 3 |
| POD 4 ^a | 36 S | 12 E | WM | 3 | NE NE | 1 | SOUTH 65 DEGREES 47 MINUTES 51 DEGREES WEST, 1408.7 FEET FROM NE CORNER, SECTION 3 |
| POD 5 | 36 S | 12 E | WM | 10 | NE NE | 1 | SOUTH 4 DEGREES 1 MINUTES 20 DEGREES WEST, 5909.6FEET FROM NE CORNER, SECTION 3 |

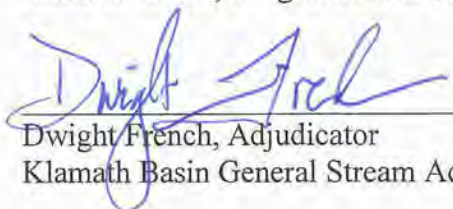
^a POD 3 and POD 4 are adjacent to each other

THE PLACE OF USE IS LOCATED AS FOLLOWS:

| IRRIGATION | | | | | | | |
|------------|------|-----|-----|-------|------|-------|----------------|
| Twp | Rng | Mer | Sec | Q-Q | GLot | Acres | Authorized POD |
| 36 S | 12 E | WM | 3 | NE NE | 1 | 9.54 | POD 4 |
| 36 S | 12 E | WM | 3 | NE NE | 1 | 23.53 | POD 3 |
| 36 S | 12 E | WM | 3 | NW NE | 2 | 6.95 | POD 4 |
| 36 S | 12 E | WM | 3 | NW NE | 2 | 11.96 | POD 1 |
| 36 S | 12 E | WM | 3 | SW NE | | 0.15 | POD 4 |
| 36 S | 12 E | WM | 3 | SW NE | | 10.93 | POD 1 |
| 36 S | 12 E | WM | 3 | SE NE | | 31.54 | POD 4 |
| 36 S | 12 E | WM | 3 | NE SE | | 4.50 | POD 2 |
| 36 S | 12 E | WM | 3 | NE SE | | 24.30 | POD 4 |
| 36 S | 12 E | WM | 3 | NW SE | | 2.14 | POD 2 |
| 36 S | 12 E | WM | 3 | SW SE | | 3.10 | POD 2 |
| 36 S | 12 E | WM | 3 | SE SE | | 14.35 | POD 2 |
| 36 S | 12 E | WM | 3 | SE SE | | 13.99 | POD 4 |
| 36 S | 12 E | WM | 10 | NE NE | 8 | 13.15 | POD 5 |
| 36 S | 12 E | WM | 10 | NE NE | 1 | 12.67 | POD 2 |
| 36 S | 12 E | WM | 10 | NE NE | 1 | 1.20 | POD 5 |
| 36 S | 12 E | WM | 10 | NW NE | 2 | 9.08 | POD 2 |
| 36 S | 12 E | WM | 10 | NW NE | 7 | 10.07 | POD 5 |
| 36 S | 12 E | WM | 10 | SW NE | 15 | 16.11 | POD 5 |
| 36 S | 12 E | WM | 10 | SW NE | 10 | 19.50 | POD 5 |
| 36 S | 12 E | WM | 10 | SE NE | 16 | 19.70 | POD 5 |
| 36 S | 12 E | WM | 10 | SE NE | 9 | 18.60 | POD 5 |

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013


 Dwight French, Adjudicator
 Klamath Basin General Stream Adjudication