

**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
RIVER SPRINGS RANCH CO.)	DETERMINATION
)	
_____)	Water Right Claim 130

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 31, 1991, RIVER SPRINGS RANCH CO. (Claimant) timely submitted a Statement and Proof of Claim (Claim 130) 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 130 was submitted for a total of “3.5 acre-feet” [per acre] of water from the Sprague River, a tributary of the Williamson River for irrigation of 424 acres with incidental livestock watering of 500 cow-calf pairs and incidental wildlife use. The claimed period of use is April 15 to November 15. The claimed priority date is October 14, 1864.
3. PIERRE A. KERN as president of RIVER SPRINGS RANCH CO. signed Claim 130 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 longer irrigation season than claimed.
5. On May 8, 2000, the Claimant timely filed Contest 3109 to the Preliminary Evaluation of Claim 130.

6. On May 8, 2000, the United States of America timely filed Contest 3771 to the Claim and Preliminary Evaluation of Claim 130.
7. On May 8, 2000, the Klamath Tribes timely filed Contest 4159 to the Claim and Preliminary Evaluation of Claim 130.
8. On May 8, 2000, WaterWatch of Oregon, Inc. filed Contest 2847 to the Claim and/or Preliminary Evaluation of Claim 130.
9. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 237.
10. On May 20, 2003, WaterWatch's Contest 2847 was dismissed. *See* ORDER DISMISSING WATERWATCH OF OREGON INC.'S CONTESTS NOS. 2820, *ET AL.* (May 20, 2003).
11. On March 24, 2005, the Klamath Tribes withdrew Contest 4159. *See* KLAMATH TRIBES' VOLUNTARY WITHDRAWAL OF CONTEST (Mar. 24, 2005).
12. On September 29, 2005, the Claimant, OWRD, and the United States of America executed a STIPULATION TO RESOLVE CONTESTS (Settlement Agreement) thereby resolving the remaining contests to Claim 130.
13. On October 10, 2005, the Adjudicator withdrew Case 237 from the Office of Administrative Hearings.

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

CLAIM NO. 130
FOR A VESTED WATER RIGHT

CLAIM MAP REFERENCE: CLAIM # 130 SETTLEMENT MAP (Sept. 28, 2005)

CLAIMANT: RIVER SPRINGS RANCH CO.
2730 AVENIDA CABALLO
SANTA YNEZ, CA 93460

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

PURPOSE OR USE:
IRRIGATION OF 336.5 ACRES, BEING 124.5 ACRES FROM POD 1 AND 212.0 ACRES FROM POD 2.

RATE OF USE:
8.41 CUBIC FEET PER SECOND (CFS) MEASURED AT THE POINTS OF DIVERSION, BEING 3.11 CFS FROM POD 1 AND 5.3 CFS FROM POD 2.

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 - NOVEMBER 15

DATE OF PRIORITY: OCTOBER 14, 1864

THE POINTS OF DIVERSION ARE LOCATED AS FOLLOWS:

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	36 S	13 E	WM	22	NE NW	25 FEET SOUTH AND 3930 FEET WEST FROM NE CORNER, SECTION 22
POD 2	36 S	13 E	WM	14	SE SW	650 FEET NORTH AND 2250 FEET EAST FROM SW CORNER, SECTION 14


THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Authorized POD
36 S	13 E	WM	15	NE SW	9.6	POD 1
36 S	13 E	WM	15	SE SW	13.9	
36 S	13 E	WM	15	NE SE	1.2	
36 S	13 E	WM	15	NW SE	11.2	
36 S	13 E	WM	15	SW SE	36.7	
36 S	13 E	WM	15	SE SE	30.5	
36 S	13 E	WM	22	NE NE	5.2	
36 S	13 E	WM	22	NW NE	10.1	
36 S	13 E	WM	22	NE NW	6.1	

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Authorized POD
36 S	13 E	WM	14	SW SW	30.7	POD 2
36 S	13 E	WM	14	SE SW	19.0	
36 S	13 E	WM	14	SW SE	11.9	
36 S	13 E	WM	14	SE SE	20.5	
36 S	13 E	WM	15	SE SE	3.5	
36 S	13 E	WM	22	NE NE	3.7	
36 S	13 E	WM	23	NE NE	37.0	
36 S	13 E	WM	23	NW NE	22.9	
36 S	13 E	WM	23	NE NW	31.3	
36 S	13 E	WM	23	NW NW	31.5	

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013



 Dwight French, Adjudicator
 Klamath Basin General Stream Adjudication