

**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
LARRY ORVILLE JAMES AND	)	DETERMINATION
GEORGIA LYNN SIEBENLIST	)	
_____	)	Water Right Claim 175

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 29, 1990, WINIFRED JOY JAMES timely submitted a Statement and Proof of Claim (Claim 175) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication based upon use of water beginning prior to February 24, 1909 (pre-1909 claim).
2. Claim 175 was submitted for a total 0.25 cubic feet per second (cfs) of water from Spencer Creek, a tributary of the Klamath River, for irrigation of 9.6 acres, with a season of use “June 1 – Sept. 30.” The claimed priority date is 1896.
3. WINIFRED JOY JAMES signed the Statement and Proof of Claim for Claim 175 attesting that the information contained in the claim is true.
4. In 1978, an OWRD field inspection report was prepared, describing the present use of water on the property substantially as stated in Claim 175. The report also includes the statement: “Met with Jerry Anderson at the ranch and he said that it was the original Lynn Anderson homestead. The water use began at that time, 1886 and has been used for irrigating the pasture and stock water.” (Claim 175, WIP Page 0005).
5. The property appurtenant to Claim 175 was transferred to LARRY ORVILLE JAMES AND GEORGIA LYNN SIEBENLIST (Claimants) from WINIFRED JAMES. *See* BARGAIN AND SALE DEED, COUNTY OF KLAMATH, VOL. M 93, PAGE 4456 (Mar. 3, 1993), (Claim # 175, Page 020).
6. On May 24, 1999 the Claimants supplemented information to Claim 175 by providing a copy of a deed from the State of Oregon to C.E. Nininger, “DEED, STATE OF OREGON, BOOK OF DEEDS, VOL. 4, PAGE 387 (Mar. 19, 1889),” (Claim # 175, page 029).

7. 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, but for a smaller quantity of water than claimed and an earlier priority date than claimed.
8. On May 8, 2000, Horsefly Irrigation District, Langell Valley Irrigation District, Rogue River Valley Irrigation District, and Medford Irrigation District filed Contest 3165 to the Claim and/or Preliminary Evaluation of Claim 175.
9. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 26.
10. On January 8, 2002, Horsefly Irrigation District, Langell Valley Irrigation District, Rogue River Valley Irrigation District, and Medford Irrigation District voluntarily withdrew Contest 3165. *See* VOLUNTARY WITHDRAWAL OF CONTEST BY LANGELL VALLEY, HORSEFLY, MEDFORD AND ROGUE RIVER VALLEY IRRIGATION DISTRICTS (Jan. 8, 2002).
11. On February 13, 2002, Contest 3165 was dismissed from the Office of Administrative Hearings. *See* SECOND AMENDED ORDER DISMISSING CONTEST AND REFERRAL TO ADJUDICATOR (Feb. 13, 2002).
12. OWRD finds the priority date to be 1896, as claimed.
13. Based on the sworn statements in Claim 175, along with the field inspection report, the following findings are made:
  - a. The Claimants demonstrated intent to apply water to beneficial use prior to February 4, 1909.
  - b. The Claimants created a diversion, where necessary, to divert water from its natural source.
  - c. The Claimants applied water to beneficial use within a reasonable time.

## **B. DETERMINATION**

1. The elements of a pre-1909 claim are established. The GENERAL CONCLUSIONS OF LAW CONCERNING PRE-1909 CLAIMS is incorporated as if set forth fully herein.
2. Because there is no evidence on the record to the contrary, the standard duty for irrigation, being 3.5 acre-feet per acre, and 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.
3. Based on the file and record herein, IT IS ORDERED that Claim 175 is approved as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

**CLAIM NO.** 175

**CLAIM MAP REFERENCE:** OWRD INVESTIGATION MAP – T 39 S, R 7 E

**CLAIMANT:** LARRY ORVILLE JAMES  
GEORGIA LYNN SIEBENLIST  
1564 WHITMAN  
MEDFORD, OR 97501

**SOURCE OF WATER:** SPENCER CREEK, tributary to the KLAMATH RIVER

**PURPOSE or USE:** IRRIGATION OF 9.6 ACRES.

**RATE OF USE:**

0.24 CUBIC FOOT PER SECOND 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:**

3.5 ACRE-FEET PER ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR.

**PERIOD OF ALLOWED USE:** JUNE 1 - SEPTMEBER 30

**DATE OF PRIORITY:** DECEMBER 31, 1896

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


Twp	Rng	Mer	Sec	Q-Q
39 S	7 E	WM	19	SW NW

**THE PLACE OF USE IS LOCATED AS FOLLOWS:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	7 E	WM	19	SE NW	9.6

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013

  
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Dwight French, Adjudicator  
Klamath Basin General Stream Adjudication