



8. 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 a longer season of use than claimed.
9. On May 8, 2000, Horsefly Irrigation District, Langell Valley Irrigation District, Rogue River Valley Irrigation District, and Medford Irrigation District filed Contest 3174 to the Claim and/or Preliminary Evaluation of Claim 184.
10. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 31.
11. On January 7, 2002, Horsefly Irrigation District, Langell Valley Irrigation District, Rogue River Valley Irrigation District, and Medford Irrigation District voluntarily withdrew Contest 3174. *See VOLUNTARY WITHDRAWAL OF CONTEST BY LANGELL VALLEY, HORSEFLY, MEDFORD AND ROGUE RIVER VALLEY IRRIGATION DISTRICTS (Jan. 7, 2002).*
12. On April 29, 2002, Contest 3174 was dismissed from the Office of Administrative Hearings. *See AMENDED ORDER DISMISSING CONTEST AND REFERRAL TO ADJUDICATOR (Apr. 29, 2002).*
13. Based on the sworn statements in Claim 184, along with the field inspection report, the following findings are made:
  - a. The Claimant demonstrated intent to apply water to beneficial use prior to February 4, 1909.
  - b. The Claimant created a diversion, where necessary, to divert water from its natural source.
  - c. The Claimant applied water to beneficial use within a reasonable time.
14. OWRD finds the priority date to be 1873 as claimed.

## **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 184 is approved as set forth in the following Water Right Claim Description.

**CLAIM NO.** 184

**CLAIM MAP REFERENCE:** OWRD INVESTIGATION MAP – T 39 S, R 8 E, INSERT C

**CLAIMANT:** SHARON L. PAPPAS  
70 THROCKMORTON  
MILL VALLEY, OR 94941

**SOURCE OF WATER:** The KLAMATH RIVER, tributary to the PACIFIC OCEAN

**PURPOSE or USE:**  
IRRIGATION OF 0.3 ACRE WITHIN LOTS 1 AND 2 IN BLOCK 2 OF RIVERSIDE ADDITION TO KENO.

**RATE OF USE:**  
0.01 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:** MAY 1 - OCTOBER 31

**DATE OF PRIORITY:** DECEMBER 31, 1873

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

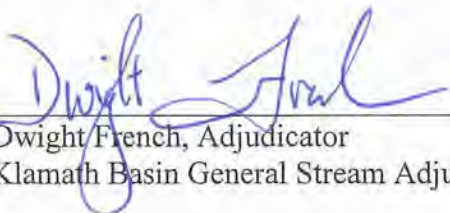
Twp	Rng	Mer	Sec	Q-Q	Remarks
39 S	8 E	WM	31	SW SW	Lot 4 in Block 2 of Riverside Addition to Keno

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

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Remarks
39 S	8 E	WM	31	SE SW	3200	0.3	Lots 1 and 2 in Block 2 of Riverside Addition to Keno

[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