

**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
TRUST #14, J. WONG, TRUSTEE; and	)	DETERMINATION
#24 QUI-NCY TRUST,	)	
BONG-GAT-WONG, TRUSTEE	)	
_____	)	Water Right Claim 191

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 17, 1990, RICHARD EDWARD PUCKETT timely submitted a Statement and Proof of Claim (Claim 191) 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 191 was submitted for 72 gallons per minute of water from the Klamath River, tributary to the Pacific Ocean, for irrigation of 1.3 acres with a season of use “May – Oct.” The claimed priority date is 1873.
3. Item 4 of the Statement and Proof of Claim includes the statement: “Land was purchased for farming Oct 26, 1872 with continuous use of farmland and irrigation ever sence [sic].” (Claim # 191, Page 001).
4. Item 13 of the Statement and Proof of Claim incorporates “Exhibit A,” a copy of a deed from the State of Oregon to Jesse D. Walker, “DEED, BOOK 1, PAGE 24 (Oct. 26, 1872) (Claim # 191, Page 006).
5. Item 14 of the Statement and Proof of Claim incorporates “Exhibit D,” a statement signed by Esther Kerns Johnston which states in pertinent part: “To the best of my knowledge there has been continuous irrigation of Riverside Addition from Klamath River since late 1800.” (Claim # 191, Page 012).
6. RICHARD E. PUCKETT signed the Statement and Proof of Claim for Claim 191 attesting that the information contained in the claim is true.

7. In 1986, an OWRD field inspection report was prepared, describing the present use of water on the property substantially as stated in Claim 191 (Claim 191, WIP Pages 00010-00011).
8. On February 13, 1998, the title to property associated with Claim 191, located in Lot 5, Block 2, Riverside Addition to Keno, was transferred to TRUST # 14, J. WONG, TRUSTEE. *See* TRUSTEE'S QUIT CLAIM DEED, COUNTY OF KLAMATH, VOL. M98, PAGE 6306.
9. On February 13, 1998, the title to property also associated with Claim 191, located in Lot 6, and the E ½ Lot 7, Block 2, Riverside Addition to Keno, was transferred to the #24 QUI-NCY TRUST, BONG-GAT-WONG, TRUSTEE (Claimant). *See* QUIT CLAIM DEED TO TRUSTEE, COUNTY OF KLAMATH, VOL. M98, PAGE 5325.
10. OWRD understands TRUST #14, J. WONG, TRUSTEE and #24 QUI-NCY TRUST, BONG-GAT-WONG, TRUSTEE to be Co-Claimants in Claim 191.
11. 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.
12. On May 8, 2000, Horsefly Irrigation District, Langell Valley Irrigation District, Rogue River Valley Irrigation District, and Medford Irrigation District filed Contest 3181 to the Claim and/or Preliminary Evaluation of Claim 191.
13. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 36.
14. On January 8, 2002, Horsefly Irrigation District, Langell Valley Irrigation District, Rogue River Valley Irrigation District, and Medford Irrigation District voluntarily withdrew Contest 3181. *See* VOLUNTARY WITHDRAWAL OF CONTEST BY LANGELL VALLEY, HORSEFLY, MEDFORD AND ROGUE RIVER VALLEY IRRIGATION DISTRICTS (Jan. 8, 2002).
15. On February 12, 2002, Contest 3181 was dismissed from the Office of Administrative Hearings. *See* AMENDED ORDER DISMISSING CONTEST AND REFERRAL TO ADJUDICATOR (Feb. 12, 2002).
16. Based on the sworn statements in Claim 191, along with the field inspection report, the following findings are made:
  - a. The Co-Claimants demonstrated intent to apply water to beneficial use prior to February 4, 1909.
  - b. The Co-Claimants created a diversion, where necessary, to divert water from its natural source.

- c. The Co-Claimants applied water to beneficial use within a reasonable time.
17. Based on the OWRD Investigation Map (T 39 S, R 8 E, Insert C), 1.0 acre is irrigated within Lots 3, 4 and 5 in Block 1 of the Riverside Addition to Keno. Because Lots 3, 4 and 5 appear to be identical in size, OWRD finds 0.3 acre irrigated in Lot 5.

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

[Beginning of Water Right Claim Description]

**CLAIM NO.** 191

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

**CLAIMANTS:** TRUST #14, J. WONG, TRUSTEE; and  
#24 QUI-NCY TRUST, BONG-GAT-WONG, TRUSTEE  
5150 MAE ANNE AVE, SUITE 213-213  
RENO, NV 89523

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

**PURPOSE or USE:**

IRRIGATION OF 1.3 ACRES WITHIN LOTS 5, 6, THE E ½ LOT 7, IN BLOCK 2 OF THE RIVERSIDE ADDITION OF KENO.

**RATE OF USE:**

0.03 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:

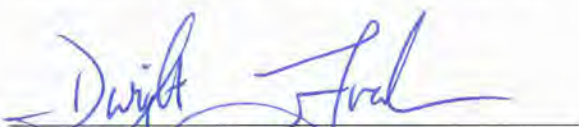
Twp	Rng	Mer	Sec	Q-Q	Remarks
39 S	8 E	WM	31	SW SW	Lot 6 in Block 2 of Riverside Addition to Keno

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	SW SW	3400	0.3	Lot 5 in Block 2 of Riverside Addition to Keno
39 S	8 E	WM	31	SE SW			
39 S	8 E	WM	31	NE SW	3500	1.0	Lot 6 and E ½ Lot 7 in Block 2 of Riverside Addition to Keno
39 S	8 E	WM	31	NW SW			
39 S	8 E	WM	31	SW SW			
39 S	8 E	WM	31	SE SW			

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013

  
Dwight French, Adjudicator  
Klamath Basin General Stream Adjudication