

**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
WINSTON H. AND LOUISE PATTERSON)	DETERMINATION
JAMES C. AND MARILYN J. ROSS)	
)	
)	Water Right Claim 224

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 30, 1990, WINSTON H. AND LOUISE PATTERSON, and JAMES C. AND MARILYN J. ROSS (Claimants) timely submitted a Statement and Proof of Claim (Claim 224) 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 224 was submitted for a total 5.0 cubic feet per second (cfs) of water from Bear Creek, a tributary of the Klamath River, for irrigation of 232 acres with a season of use "late April thru August." The claimed priority date is May 13, 1899.
3. WINSTON H. PATTERSON, LOUISE PATTERSON, JAMES C. ROSS AND MARILYN J. ROSS signed the Statement and Proof of Claim for Claim 224 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, but with a longer season of use than claimed.
5. On May 8, 2000, Horsefly Irrigation District, Langell Valley Irrigation District, Rogue River Valley Irrigation District, and Medford Irrigation District filed Contest 3198 to the Claim and/or Preliminary Evaluation of Claim 224.
6. On May 8, 2000, the United States of America timely filed Contest 3857 to the Claim and/or Preliminary Evaluation of Claim 224.
7. On May 8, 2000, the Klamath Tribes timely filed Contest 4199 to the Claim and/or Preliminary Evaluation of Claim 224.

8. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 147.
9. On January 23, 2004, the Klamath Tribes voluntarily withdrew Contest 4199. *See* KLAMATH TRIBES' VOLUNTARY WITHDRAWAL OF CONTEST (Jan. 23, 2004).
10. On March 2, 2004, Medford Irrigation District, and Rogue River Valley Irrigation District voluntarily withdrew from Contest 3198. *See* VOLUNTARY WITHDRAWAL OF CONTEST NO. 3198 BY MEDFORD IRRIGATION DISTRICT AND ROGUE RIVER VALLEY IRRIGATION DISTRICT (Mar. 2, 2004).
11. On March 15, 2004, Langell Valley Irrigation District and Horsefly Irrigation District voluntarily withdrew Contest 3198. *See* VOLUNTARY WITHDRAWAL OF CONTEST BY LANGELL VALLEY, AND HORSEFLY IRRIGATION DISTRICTS (Mar. 15, 2004).
12. On March 21, 2005, OWRD, the Claimants, and the United States of America executed a STIPULATION TO RESOLVE CONTESTS (Settlement Agreement) thereby resolving the remaining contest (Contest 3857) to Claim 224.
13. On March 23, 2005, the Adjudicator withdrew Case 147 from the Office of Administrative Hearings.

B. DETERMINATION

1. The Settlement Agreement executed between OWRD, the Claimants, and the United States of America is adopted and incorporated as if set forth fully herein.
2. 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.
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 224 is approved as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 224

CLAIM MAP REFERENCE: CLAIM # 224 SETTLEMENT MAP (Feb. 11, 2005)

CLAIMANT: WINSTON H. AND LOUISE PATTERSON
 JAMES C. AND MARILYN J. ROSS
 20792 KENO WORDEN RD
 KLAMATH FALLS OR 97603

SOURCE OF WATER: BEAR CREEK, tributary to KLAMATH RIVER

PURPOSE or USE: SUPPLEMENTAL IRRIGATION OF 146.2 ACRES.

RATE OF USE:

2.9 CUBIC FEET 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:

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

PERIOD OF ALLOWED USE: APRIL 15 - AUGUST 31

DATE OF PRIORITY: MAY 13, 1899

THE POINT OF DIVERSION IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	8 E	WM	4	NW NW	730.5 FEET EAST FROM NW CORNER, SECTION 4

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
41 S	8 E	WM	4	SW NE		16.3
41 S	8 E	WM	4	NE NW		7.9
41 S	8 E	WM	4	NW NW		16.9
41 S	8 E	WM	4	SW NW		13.3
41 S	8 E	WM	4	SE NW		35.4
41 S	8 E	WM	4	NE SW	3	27.7
41 S	8 E	WM	4	NW SW	4	0.7
41 S	8 E	WM	4	NW SE	2	28.0

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013


Dwight French, Adjudicator
Klamath Basin General Stream Adjudication