

**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
OSKIE ANDERSON AND	)	DETERMINATION
RICHARD DEAN YASANA	)	
_____	)	Water Right Claim 228

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, OSCAR (O. T.) ANDERSON timely submitted a Statement and Proof of Claim (Claim 228) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication, as an Indian allottee on the former Klamath Reservation, claiming an inchoate Indian reserved water right (Allottee claim) under the Treaty of October 14, 1864, 16 Stat. 707.
2. Claim 228 was submitted for 72.7 acre-feet per year of water from the Sprague River, a tributary of the Williamson River, for irrigation of 23.5 practicably irrigable acres, with a season of use "March 1 through October 16." The duty claimed for practicably irrigable acres is 3.1 acre-feet per acre. The duty claimed for practicably irrigable acres is 3.1 acre-feet per acre. The claimed priority date is October 14, 1864.
3. Counsel signed Claim 228 attesting that the information contained in the claim is true.
4. The claim was transferred to the OSKIE ANDERSON AND RICHARD DEAN YASANA (Claimants).
5. 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 denied because the elements for a practicably irrigable acreage right were not established.
6. On May 3, 2000, the Claimants timely filed Contest 1715 to the Preliminary Evaluation of Claim 228.

7. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3519: Klamath Irrigation District, Klamath Drainage District, Tulelake Irrigation District, Klamath Basin Improvement District, Ady District Improvement Company, Enterprise Irrigation District, Klamath Hills District Improvement Co.<sup>1</sup>, Malin Irrigation District, Midland District Improvement Company, Pine Grove Irrigation District, Pioneer District Improvement Company, Poe Valley Improvement District, Shasta View Irrigation District, Sunnyside Irrigation District, Don Johnston & Son, Bradley S. Luscombe, Berlva Pritchard<sup>2</sup>, Don Vincent<sup>3</sup>, Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Reames Golf and Country Club, Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.
8. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 44.
9. On April 7, 2005, the Klamath Project Water Users withdrew Contest 3519. *See* NOTICE OF WITHDRAWAL OF CONTEST NO. 3519 (Apr. 7, 2005).
10. On July 7, 2005, OWRD and the Claimants executed a STIPULATION TO RESOLVE CONTEST 1715 (Settlement Agreement) thereby resolving the remaining contest to Claim 228.
11. On July 8, 2005, the Adjudicator withdrew Case 44 from the Office of Administrative Hearings.

## **B. DETERMINATION**

1. The Settlement Agreement executed between OWRD, and the Claimants is adopted and incorporated as if set forth fully herein.
2. The elements of an Allottee claim are established. The GENERAL CONCLUSIONS OF LAW CONCERNING ALLOTTEE 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 228 is approved as set forth in the following Water Right Claim Description.

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<sup>1</sup> Klamath Hills District Improvement Company voluntarily withdrew from Contest 3519 on January 16, 2004. *See* VOLUNTARY WITHDRAWAL OF CONTEST BY KLAMATH HILLS DISTRICT IMPROVEMENT COMPANY

<sup>2</sup> Berlva Pritchard voluntarily withdrew from Contest 3519 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

<sup>3</sup> Don Vincent voluntarily withdrew from Contest 3519 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

**CLAIM NO. 228**  
FOR AN INCHOATE WATER RIGHT

**CLAIM MAP REFERENCE:** CLAIM # 228, PAGE 117

**CLAIMANT:** OSKIE ANDERSON  
RICHARD DEAN YASANA  
62185 CROWN POINT ROAD  
COOS BAY, OR 97420

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

**PURPOSE or USE:** IRRIGATION OF 23.5 PRACTICABLY IRRIGABLE ACRES FROM POD A.

**RATE OF USE:**

0.42 CUBIC FOOT PER SECOND FROM POD A, 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:**

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

**PERIOD OF ALLOWED USE:** MARCH 1 - OCTOBER 16

**DATE OF PRIORITY:** OCTOBER 14, 1864

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


POD Name	Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
POD A	36 S	12 E	WM	14	SE NW	14	990 FEET NORTH FROM C¼ CORNER, SECTION 14

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

PRACTICABLY IRRIGABLE ACREAGE							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Authorized POD
36 S	12 E	WM	14	SE NW	11	23.5	POD A
36 S	12 E	WM	14	SE NW	14		

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013



Dwight French, Adjudicator  
Klamath Basin General Stream Adjudication