

**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
ROYAL CROWN CATTLE CO.; BRUCE	)	DETERMINATION
EMERY, PRESIDENT	)	
_____	)	
	)	Water Right Claim 8

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 December 6, 1990, BRUCE EMERY AS PRESIDENT OF ROYAL CROWN CATTLE CO. (Claimant) (PO BOX 57, SILVER LAKE, OR 97638) timely submitted a Statement and Proof of Claim (Claim 8) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication, as a non-Indian successor to allotted Klamath Reservation lands, claiming a vested Indian reserved water right (Walton claim) under the Treaty of October 14, 1864, 16 Stat. 707.
2. Claim 8 was submitted for a total 1.0 cubic feet per second (cfs) of water from three springs, tributary to the Williamson River, for livestock watering of 450 head with a season of use "March to September." The claimed priority date is "1864."
3. BRUCE EMERY AS PRESIDENT OF ROYAL CROWN CATTLE CO. signed Claim 8 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 denied because the required elements for a Walton right were not established.
5. On May 4, 2000, the Claimant timely filed Contest 1784 to the Preliminary Evaluation of Claim 8.
6. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3432: Klamath Irrigation District, Klamath

Drainage District, Tulelake Irrigation District, Klamath Basin Improvement District, Ady District Improvement Company<sup>1</sup>, Enterprise Irrigation District, Klamath Hills District Improvement Co., 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, Don Vincent, Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.

7. On May 8, 2000, the United States of America timely filed Contest 3714 to the Claim and/or Preliminary Evaluation of Claim 8.
8. On May 8, 2000, the Klamath Tribes timely filed Contest 4070 to the Claim and/or Preliminary Evaluation of Claim 8.
9. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 159.
10. On February 14, 2003, the Claimant withdrew Claim 8 which thereby rendered all contests moot. *See* NOTICE OF WITHDRAWAL OF CLAIM (Feb. 14, 2003).
11. On February 21, 2003, the Adjudicator withdrew Case 159 from the Office of Administrative Hearings.

## **B. DETERMINATION**

Based upon the file and record herein, including the withdrawal of Claim 8 by the Claimant, IT IS ORDERED that Claim 8 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013

  
\_\_\_\_\_  
Dwight French, Adjudicator  
Klamath Basin General Stream Adjudication

<sup>1</sup> Klamath Hills District Improvement Company voluntarily withdrew from Contest 3432 on January 16, 2004. *See* VOLUNTARY WITHDRAWAL OF CONTEST BY KLAMATH HILLS DISTRICT IMPROVEMENT COMPANY