

**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
ALVIN R. MARENCO, AND)	DETERMINATION
PEGGY A. MARENCO)	
_____)	
)	Water Right Claim 30

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 3, 1990, ALVIN R. MARENCO AND PEGGY A. MARENCO (Claimants) (8475 MARENCO RANCH DR, RED BLUFF, CA 96080) timely submitted a Statement and Proof of Claim (Claim 30) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication, as non-Indian successors 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 30 was submitted for a total 10.7 cubic feet per second (cfs) of water from the Williamson River, tributary to Upper Klamath Lake, for irrigation of 857.6 acres with a season of use "April 15 to October 31st." The claimed priority date is October 14, 1864.
3. ALVIN R. MARENCO and PEGGY A. MARENCO signed Claim 30 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 3, 2000, the Claimants timely filed Contest 3265 to the Preliminary Evaluation of Claim 30.

6. On May 8, 2000, the following parties, hereinafter collectively referred to as the “Klamath Project Water Users,” filed Contest 3442: 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.¹, 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 Pritchard², Don Vincent³, 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 3727 to the Claim and/or Preliminary Evaluation of Claim 30.
8. On May 8, 2000, the Klamath Tribes timely filed Contest 4086 to the Claim and/or Preliminary Evaluation of Claim 30.
9. On May 8, 2000, WaterWatch of Oregon, Inc. filed Contest 2822 to the Claim and/or Preliminary Evaluation of Claim 30.
10. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 174.
11. On March 19, 2003, WaterWatch of Oregon, Inc. voluntarily withdrew Contest 2822. *See* WATERWATCH’S VOLUNTARY WITHDRAWAL OF CONTEST (Mar. 19, 2003).
12. On July 23, 2004, the Claimants, OWRD, United States of America, Klamath Project Water Users, and the Klamath Tribes executed a STIPULATION TO VOLUNTARY WITHDRAWAL OF CLAIM 30 (Settlement Agreement) thereby resolving the remaining contests to Claim 30.
13. On July 27, 2004, the Adjudicator withdrew Case 174 from the Office of Administrative Hearings.

¹ Klamath Hills District Improvement Company voluntarily withdrew from Contest 3442 on January 16, 2004. *See* VOLUNTARY WITHDRAWAL OF CONTEST BY KLAMATH HILLS DISTRICT IMPROVEMENT COMPANY

² Berlva Pritchard voluntarily withdrew from Contest 3442 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

³ Don Vincent voluntarily withdrew from Contest 3442 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.

B. DETERMINATION

1. The Settlement Agreement executed between the Claimants, OWRD, United States of America, Klamath Project Water Users, and the Klamath Tribes is adopted and incorporated as if set forth fully herein.
2. Based upon the file and record herein, including the voluntary withdrawal of Claim 30 by the Claimants, IT IS ORDERED that Claim 30 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