

**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
DARYL KOLLMAN	)	DETERMINATION
	)	
_____	)	Water Right Claim 48

The GENERAL FINDINGS OF FACT of the FINAL ORDER OF DETERMINATION is incorporated as if set forth fully herein.

**A. FINDINGS OF FACT AND DESCRIPTION OF MODIFICATIONS  
TO THE PROPOSED ORDER**

1. Claim 48 and its associated contests (2737, 2751, 2782, 3451, 3793, and 4103) were referred to the Office of Administrative Hearings for a contested case hearing which was designated as Case 183.
2. The property appurtenant to Claim 48 was ultimately transferred to DARYL KOLLMAN (Claimant) (5534 SOUTH SIXTH ST 225, KLAMATH FALLS, OR 97601) from original claimants RANDY S. SPARACINO, CYNTHIA L. SPARACINO, BRADFORD J. ASPELL, DELLA-ROSE ASPELL, RICHARD ASPELL, AND ANADROMOUS, INC.
3. On May 6, 2003, Claim 48 was consolidated with Case 900 “for the sole purpose of determining whether [this and other] claims for rights to water from the Wood River system . . . which have been previously adjudicated, bar the Claimants from participation in this adjudication.” *See* ORDER GRANTING MOTION TO CONSOLIDATE AND SCHEDULING PREHEARING CONFERENCE (May 6, 2003) at 3.
4. On April 20, 2004, an ORDER AMENDING RULINGS ON MOTIONS FOR RULING ON LEGAL ISSUES (April 20, 2004) was issued in Case 900, and is adopted and incorporated in its entirety as if set forth fully herein.
5. On May 27, 2004, the consolidation of claims and cases in Case 900 was reversed; the law of the case in each case is set out in the ORDER AMENDING RULINGS ON MOTIONS FOR RULING ON LEGAL ISSUES (referenced in Finding 4, above). *See* ORDER VACATING ORDER TO CONSOLIDATE (May 27, 2004).

6. The Office of Administrative Hearings conducted contested case proceedings and ultimately issued an ORDER GRANTING MOTION FOR RULING ON LEGAL ISSUES; PROPOSED ORDER DENYING CLAIM on September 7, 2005 (Proposed Order).
7. No exceptions were filed to the Proposed Order.
8. The Proposed Order is adopted and incorporated as if set forth fully herein, with the exception that the section titled "Opinion" is adopted with modifications, as set forth in Section A.9, below.
9. **Order.** Within the section titled "Opinion" of the Proposed Order, OWRD removed the ALJ's discussion regarding the elements of a *Walton* Claim. In its place, OWRD incorporates into the Opinion section the GENERAL CONCLUSIONS OF LAW CONCERNING WALTON CLAIMS.

**Reason for Modification:** To correct and clarify the elements of a Walton water right.

## B. DETERMINATION

1. The Proposed Order is adopted and incorporated as if set forth fully herein, with the exception that the section titled "Opinion" is adopted with modifications, as set forth in Section A.9, above.
2. The elements of a Walton claim are not established. The GENERAL CONCLUSIONS OF LAW CONCERNING WALTON CLAIMS is incorporated as if set forth fully herein.
3. Based on the file and record herein, IT IS ORDERED that Claim 48 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