

**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
SPRINGCREEK PROPERTIES, INC.)	DETERMINATION
)	
_____)	Water Right Claim 52

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

A. FINDINGS OF FACT

1. Claim 52 and its associated contests (3391 and 4107) were referred to the Office of Administrative Hearings for a contested case hearing which was designated as Case 111.
2. The Office of Administrative Hearings conducted contested case proceedings and ultimately issued a PROPOSED ORDER (Proposed Order) on April 25, 2003, denying Claim 52.
3. No exceptions were filed to the Proposed Order within the exceptions filing deadline.
4. The Proposed Order is adopted and incorporated in its entirety as if set forth fully herein, with the exception that the portion of the "Opinion" is adopted with modifications, as set forth in Section A.5, below.
5. **Opinion.** Within the section titled "Opinion" of the Proposed Order, the following sentence (shown in "underline" text) is added to the first paragraph:

One exception to these elements is that where the claim is based on natural overflow, the appropriation may be established by evidence that the "proprietor of the land accepts the gift made by nature and garners the produce of the irrigation by harvesting or utilizing the crops grown on the land***." *In re Silvie's River*, 115 Or 27, 66 (1925).

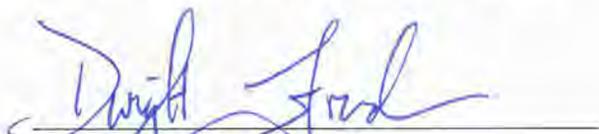
Reason for Modification: To clarify beneficial use of water by the method of natural overflow for a Pre-1909 water right

6. The property appurtenant to Claim 52 was transferred to SPRINGCREEK PROPERTIES, INC. (Claimant) (39641 S CHILOQUIN RD, CHILOQUIN, OR 97624) from the original claimants, DONALD R. AND PATRICIA A. HOLM. (WARRANTY DEED, COUNTY OF KLAMATH, VOL. M99, PAGES 48244 AND 48245). *See* Tr., Vol. I, p. 22, LI. 1 - 3.

B. DETERMINATION

1. The Proposed Order is adopted and incorporated in its entirety as if set forth fully herein, with the exception that the portion of the "Opinion" is adopted with modifications, as set forth in Section A.5, above.
2. Based on the file and record herein, IT IS ORDERED that Claim 52 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