

**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
LAWRENCE HALL, AND)	DETERMINATION
ANN HALL)	
_____)	
)	Water Right Claim 58

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 58 and its associated contest (3456) were referred to the Office of Administrative Hearings for a contested case hearing which was designated as Case 259.
2. The property appurtenant to Claim 58 was transferred to LAWRENCE HALL AND ANN HALL (Claimants) (PO BOX 552, FORT KLAMATH, OR 97626) from the original claimants, HARRY O. AND ALMA M. ELLIOTT. *See* WARRANTY DEED, COUNTY OF KLAMATH, VOL. M92, PAGE 25670 (Sept. 4, 1997), (Claim # 59, Page 39).
3. On May 6, 2003, Claim 58 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 (Proposed Order) on March 29, 2005.
7. No exceptions were filed to the Proposed Order.
8. The Proposed Order is adopted and incorporated in its entirety as if set forth fully herein, with the exceptions that the sections titled “Conclusions of Law” and “Opinion” are adopted with modifications, as set forth in Sections A.9, and A.10, below.
9. **Conclusions of Law.** OWRD has modified Conclusion of Law #2 as follows (additions are shown in underlined text):
 - (2) Claimants’ deemed admissions establish that Claim 58 fails to meet the basic elements of a *Walton* claim and, therefore, should be denied. In addition, Claimants’ deemed admissions establish that the place of use claimed in Claim 58 was lawfully embraced in the Wood River Adjudication, and the place of use claimed in Claim 58 is therefore precluded from being claimed in the Klamath Basin General Stream Adjudication as a matter of law.
10. **Opinion.** Within the subsection titled “Walton Water Right Claim,” 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.

In addition, OWRD has modified the final paragraph of the Opinion section as follows (additions are shown in “underline” text):

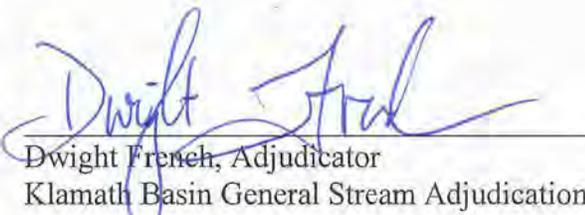
Claimants are deemed to have admitted, among other things, that they cannot establish the elements of a *Walton* right. Therefore, Claimants in Claim 58 have failed to prove the basic elements of a *Walton* water right and, consequently, Claim 58 should be denied. In addition, Claimants’ deemed admissions establish that the place of use claimed in Claim 58 was lawfully embraced in the Wood River Adjudication, and the place of use claimed in Claim 58 is therefore precluded from being claimed in the Klamath Basin General Stream Adjudication as a matter of law.

Reason for Modifications: To correct and clarify the elements of a Walton water right; to provide additional detail concerning the bases for denial of the claim.

B. DETERMINATION

1. The Proposed Order is adopted and incorporated in its entirety as if set forth fully herein, with the exceptions that the sections titled "Conclusions of Law" and "Opinion" are adopted with modifications, as set forth in Sections A.9, and A.10, 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 58 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