



7. The exceptions filed to the Proposed Order along with responses to the exceptions have been reviewed and considered in conjunction with the entire record for Claim 59. Except for the items addressed in Sections A.9, A.10, and A.12, below, the exceptions filed to the Proposed Order for Claim 59 are found to be unpersuasive.
8. The Proposed Order is adopted and incorporated, with modifications, into this Partial Order of Determination as follows:
  - a. The “History of the Case” is adopted with modifications, as set forth in Section A.9, below.
  - b. The “Evidentiary Rulings” is adopted with modifications, as set forth in Section A.10, below.
  - c. The “Issue” is adopted in its entirety.
  - d. The “Findings of Fact” is adopted in its entirety.
  - e. The “Conclusions of Law” is adopted in its entirety.
  - f. The “Opinion” is adopted with modifications, as set forth in Section A.11, below.
  - g. The “Order” is replaced in its entirety by the Water Right Claim Description as set forth in Section B of this Partial Order of Determination for Claim 59. Except as identified in Section A.12, below, the outcome of the Order is without modification; it is presented in a format standardized by OWRD.

9. **History of the Case.** Within the section titled “History of the Case” of the Proposed Order, the second sentence within the first paragraph is modified as follows (additions are shown in “underline” text, deletions are shown in “~~striketrough~~” text):

As modified by stipulation, this Walton claim is for 1/50 cubic foot per second (cfs) of water per acre and ~~five~~ four acre-feet of water per acre for irrigation of approximately 77.5 acres of land.”

**Reason for Modification:** To correct a scrivener’s error, an issue raised in exceptions.

10. **Evidentiary Rulings.** Within the section titled “Evidentiary Rulings” of the Proposed Order, the first paragraph is modified as follows:

The STIPULATION TO RESOLVE CONTESTS dated January 31, 2006, is added to the list of “exhibits, written testimony and affidavits [that] were admitted into the record.”

**Reason for Modification:** To correct an omission from the list of Evidentiary Rulings, an issue raised in exceptions.

11. **Opinion.** 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 Modifications:** To correct and clarify the elements of a Walton water right.

12. **Order.** Within the section titled “Order” of the Proposed Order, the points of diversion are more fully described as follows:
  - a. The Crooked Creek point of diversion is located South 10 Degrees 45 Minutes 20 Seconds East, 1274.4 Feet from the N¼ Corner of Section 26. (OWRD Ex.1 at 6.)
  - b. The Fort Creek point of diversion is located 960 Feet South and 1050 Feet East from the NW¼ Corner of Section 26. (OWRD Ex.1 at 6.)

**Reason for Modifications:** To clarify the location of the points of diversion, an issue raised in exceptions.

## **B. DETERMINATION**

1. The Proposed Order is adopted and incorporated, with modifications, into this Partial Order of Determination as follows:
  - a. The “History of the Case” is adopted with modifications, as set forth in Section A.9, above.
  - b. The “Evidentiary Rulings” is adopted with modifications, as set forth in Section A.10, above.
  - c. The “Issue” is adopted in its entirety.
  - d. The “Findings of Fact” is adopted in its entirety.
  - e. The “Conclusions of Law” is adopted in its entirety.
  - f. The “Opinion” is adopted with modifications, as set forth in Section A.11, above.
  - g. The “Order” is replaced in its entirety by the Water Right Claim Description as set forth in Section B of this Partial Order of Determination for Claim 59. Except as identified in Section A.12, above, the outcome of the Order is without modification; it is presented in a format standardized by OWRD.
2. The elements of a Walton claim are 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 59 is approved as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

**CLAIM NO. 59**

**CLAIM MAP REFERENCE:** CLAIM # 59, PAGE 60

**CLAIMANT:** JACK OWENS RANCH  
2200 LOS VIBORAS RD  
HOLLISTER, CA 95023

**SOURCE OF WATER:**

CROOKED CREEK, tributary to the WOOD RIVER, and  
FORT CREEK, tributary to the WOOD RIVER

**PURPOSE OR USE:**

IRRIGATION OF 77.5 ACRES, BEING 46.5 ACRES FROM CROOKED CREEK POD, AND  
31.0 ACRES FROM FORT CREEK POD.

**RATE OF USE:**

1.55 CUBIC FEET PER SECOND (CFS) FOR IRRIGATION MEASURED AT THE POINTS  
OF DIVERSION, BEING 0.93 CFS FROM CROOKED CREEK POD, AND 0.62 CFS FROM  
FORT CREEK POD.

THE RATE OF USE FOR IRRIGATION MAY NOT EXCEED 1/50 OF ONE CUBIC FOOT  
PER SECOND PER ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH  
YEAR.

**DUTY:**

4.0 ACRE-FEET PER ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH  
YEAR

**PERIOD OF ALLOWED USE:** APRIL 1 - OCTOBER 1

**DATE OF PRIORITY:** OCTOBER 14, 1864

**THE POINTS OF DIVERSION ARE LOCATED AS FOLLOWS:**

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Crooked Creek POD	33 S	7.5 E	WM	26	NW NE	SOUTH 10 DEGREES 45 MINUTES 20 SECONDS EAST, 1274.4 FEET FROM N¼ CORNER, SECTION 26
Fort Creek POD	33 S	7.5 E	WM	26	NW NW	960 FEET SOUTH AND 1050 FEET EAST FROM NW CORNER, SECTION 26

**THE PLACE OF USE IS LOCATED AS FOLLOWS:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Authorized POD
34 S	7.5 E	WM	2	NE NE	39.8	Crooked Creek POD
34 S	7.5 E	WM	2	NW NE	6.7	
34 S	7.5 E	WM	2	NW NE	31.0	Fort Creek POD

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013



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Dwight French, Adjudicator  
Klamath Basin General Stream Adjudication