

**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
THE MORGANA HUNTER LOVING)	DETERMINATION
TRUST)	
_____)	
)	Water Right Claim 125

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, BETTIE L. HUNTER timely submitted a Statement and Proof of Claim (Claim 125) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication, as an Indian allottee on the former Klamath Reservation, claiming an inchoate Indian reserved water right (Allottee claim) under the Treaty of October 14, 1864, 16 Stat. 707.
2. Claim 125 was submitted for a total of 450 gallons per minute from the Sprague River, a tributary of the Williamson River, for irrigation of 37 practicably irrigable acres. The claimed period of use is "normal irrigation season." The claimed priority date is "1864."
3. BETTIE L. HUNTER signed Claim 125 attesting that the information contained in the claim is true.
4. The property appurtenant to Claim 125 was subsequently transferred to the MORGANA HUNTER LOVING TRUST (Claimant) (PO BOX 1907, NEWPORT, OR 97365) (Claim # 125, Page 23).
5. 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 elements for a practicably irrigable acreage right were not established.

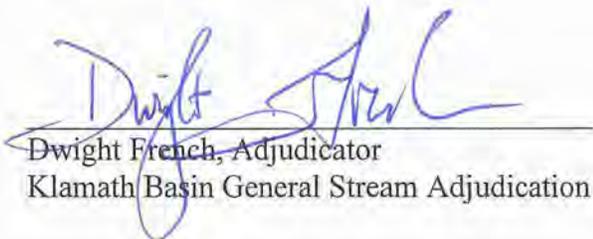
6. The Claimant did not file a contest to the Preliminary Evaluation of Claim 125.
7. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3516: Klamath Irrigation District, Klamath Drainage District, Tulelake Irrigation District, 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 Pritchard, Don Vincent, Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Reames Golf and Country Club, Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.
8. On May 8, 2000, Horsefly Irrigation District, Langell Valley Irrigation District, Rogue River Valley Irrigation District, and Medford Irrigation District filed Contest 3130 to the Claim and/or Preliminary Evaluation of Claim 125.
9. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 267.
10. On February 3, 2003, Horsefly Irrigation District, Langell Valley Irrigation District, Rogue River Valley Irrigation District, and Medford Irrigation District voluntarily withdrew Contest 3130. *See* VOLUNTARY WITHDRAWAL OF CONTEST BY LANGELL VALLEY, HORSEFLY, MEDFORD AND ROGUE RIVER VALLEY IRRIGATION DISTRICTS (Feb. 3, 2003).
11. On April 24, 2003, OWRD and the Klamath Project Water Users executed a STIPULATION TO RESOLVE CONTEST 3516 (Settlement Agreement) thereby resolving the remaining contest to Claim 125.
12. On April 28, 2003, the Adjudicator withdrew Case 267 from the Office of Administrative Hearings.

¹ Klamath Hills District Improvement Company voluntarily withdrew from Contest 3516 on January 16, 2004. *See* VOLUNTARY WITHDRAWAL OF CONTEST BY KLAMATH HILLS DISTRICT IMPROVEMENT COMPANY

B. DETERMINATION

1. The Settlement Agreement executed between OWRD and the Klamath Project Water Users is adopted and incorporated as if set forth fully herein.
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 125 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