

**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
MAZAMA PROPERTIES, LLC; AND	)	DETERMINATION
HARRY AND MELINDA CHILDERS	)	
_____	)	
	)	Water Right Claim 280

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 280 (Claimants: HARRY AND MELINDA CHILDERS, PO BOX 337, CHILOQUIN, OR 97624; and MAZAMA PROPERTIES, LLC, 36941 S CHILOQUIN RD, CHILOQUIN, OR 97624) and its associated contest (3559) were referred to the Office of Administrative Hearings for a contested case hearing which was designated as Case 79.
2. The Office of Administrative Hearings conducted contested case proceedings and ultimately issued an ORDER GRANTING KLAMATH PROJECT WATER USERS' MOTION FOR RULING ON LEGAL ISSUES; PROPOSED ORDER DENYING CLAIM on November 8, 2004 (Proposed Order).
3. No exceptions were filed to the Proposed Order.
4. The Proposed Order is adopted and incorporated in its entirety as if set forth fully herein, with two exceptions: (1) the case caption is adopted with modifications, as set forth in Section A.6, below, and (2) section titled the "Opinion" is adopted with modifications, as set forth in Section A.7, below.
5. **Caption.** In the case caption on page 1, HARRY AND MELINDA CHILDERS are added as claimants.

**Reason for Modification:** To correct an omission from the case caption so that the caption is consistent with the Proposed Order's Finding of Fact #2; although Randy S. and Cynthia L. Sparacino conveyed their interest to Mazama Properties, LLC, Harry B. and Melinda Childers retained their interest in their portion of the claimed property.

6. **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.

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

## **B. DETERMINATION**

1. The Proposed Order is adopted and incorporated in its entirety as if set forth fully herein, with two exceptions: (1) the case caption is adopted with modifications, as set forth in Section A.6, above, and (2) the section titled “Opinion” is adopted with modifications, as set forth in Section A.7, 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 280 is denied and is of no force or effect.

Dated at Salem, Oregon on March 7, 2013

  
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Dwight French, Adjudicator  
Klamath Basin General Stream Adjudication