

**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
JOSEPH MCKEE;	)	DETERMINATION
DARLY L. AND JACQUELINE ORTIS;	)	
EDWARD AND ROSEANN CLEVELAND	)	
_____	)	Water Right Claim 282

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 AMENDED PROPOSED ORDER**

1. Claim 282 (Claimants: JOSEPH MCKEE, PO BOX 116, BEATTY, OR 97621; DARLY L. AND JACQUELINE ORTIS, PO BOX 701, CHILOQUIN, OR 97624; and EDWARD AND ROSEANN CLEVELAND, 19560 SPRAGUE RIVER RD, SPRAGUE RIVER, OR 97639) was submitted on November 4, 1991, nine months past the February 1, 1991 deadline for submitting claims.
2. Claim 282 and its associated contests (1574 and 3561) were referred to the Office of Administrative Hearings for a contested case hearing which was designated as Case 81.
3. The Office of Administrative Hearings conducted contested case proceedings and ultimately issued an AMENDED PROPOSED ORDER (Amended Proposed Order) on July 22, 2008, denying Claim 282.
4. No exceptions were filed to the Amended Proposed Order.
5. The Amended Proposed Order is adopted and incorporated into this Partial Order of Determination in its entirety, except as it incorporates the Proposed Order issued in Case 81 on February 22, 2007. 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 in its entirety.
  - b. The "Evidentiary Rulings" is adopted in its entirety.
  - c. The "Issues" 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.6, below.
- g. The "Order" is adopted in its entirety.

6. **Opinion.** Within the section titled "Opinion" of the Proposed Order, the following modifications are made:

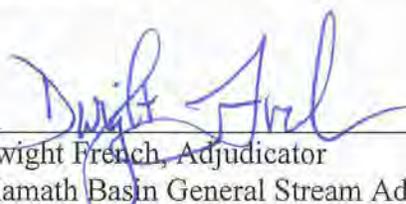
The subsection titled "*Walton Claims*" is deleted in its entirety. The remainder of the "Opinion" section is adopted without modification.

**Reason for Modification:** The failure to timely file Claim 282 is a sufficient basis for denial of the claim. It is unnecessary to reach the issues addressed in the "*Walton Claims*" subsection of the "Opinion" section.

## B. DETERMINATION

1. The Amended Proposed Order is adopted and incorporated into this Partial Order of Determination in its entirety, except as it incorporates the Proposed Order issued in Case 81 on February 22, 2007. 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 in its entirety.
  - b. The "Evidentiary Rulings" is adopted in its entirety.
  - c. The "Issues" 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.6, above.
  - g. The "Order" is adopted in its entirety.
2. Based on the file and record herein, including the Claimants' failure to submit the claim on or before the required deadline, IT IS ORDERED that Claim 282 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