

**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
JOHN MILLS AND LILLIAN MILLS	)	DETERMINATION
	)	
_____	)	Water Right Claim 679

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 679 and its associated contests (3564, 3776, and 4238) were referred to the Office of Administrative Hearings for a contested case hearing which was designated as Case 249.
2. The property appurtenant to Claim 268 was ultimately transferred to JOHN MILLS AND LILLIAN MILLS (Claimants) (PO BOX 212, BEATTY, OR 97621) from the original claimant OSCAR T. ANDERSON (Claim # 679, Page 40).
3. The Office of Administrative Hearings conducted contested case proceedings and ultimately issued an ORDER GRANTING MOTION FOR LEGAL RULING AND PROPOSED ORDER DENYING CLAIM on October 18, 2004 (Proposed Order).
4. No exceptions were filed to the Proposed Order.
5. The Proposed Order is adopted and incorporated in its entirety as if set forth fully herein, with the exception that the section titled "Opinion" is adopted with modifications, as set forth in Section A.6, below.
6. **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.

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 have not provided sufficient title information regarding Indian ownership of the claimed place of use and/or transfer of the property to non-Indian, that the claimed place of use was not irrigated by the last Indian owner or any Indian predecessor in interest, that the claimed place of use was not developed for irrigation by the first non-Indian owner within a reasonable period of time, that there has not been diligent development of the claimed place of use since the land was first transferred from Indian ownership, and that the claimed place of use has not been continually irrigated since it was first owned by a non-Indian. Therefore, Claimants in Claim 679 have failed to prove the basic elements of a *Walton* water right.

**Reason for Modifications:** To correct and clarify the elements of a Walton water right; to provide additional details 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 exception that the section titled "Opinion" is adopted with modifications, as set forth in Section A.6, 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 679 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