

**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
WILLIAM E. DOMES, PRESIDENT,	)	DETERMINATION
SAVANAH LAND CO.	)	
_____	)	Water Right Claim 20

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 January 18, 1991, WILLIAM E. DOMES, PRESIDENT, SAVANAH LAND CO. (Claimant) (7000 FARMER RD, RICKEALL, OR 97371) timely submitted a Statement and Proof of Claim (Claim 20) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication, as a non-Indian successor to allotted Klamath Reservation lands, claiming a vested Indian reserved water right (Walton claim) under the Treaty of October 14, 1864, 16 Stat. 707.
2. Claim 20 was submitted for a total of 2 acre-feet of water from natural overflow and flooding from Big Springs Creek and the Williamson River, tributaries of the Klamath River, for wildlife use on 311 acres. The claimed period of use is year-round. The claimed priority date is "1864."
3. WILLIAM E. DOMES, PRESIDENT OF SAVANAH LAND CO., signed Claim 20 attesting that the information contained in the claim is true.
4. 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 required elements for a Walton right were not established.
5. On May 5, 2000, the Claimant timely filed Contest 2727 to the Preliminary Evaluation of Claim 20.
6. On May 8, 2000, the United States of America timely filed Contest 3722 to the Claim and/or Preliminary Evaluation of Claim 20.

7. On May 8, 2000, the Klamath Tribes timely filed Contest 4078 to the Claim and/or Preliminary Evaluation of Claim 20.
8. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 167.
9. On June 28, 2004, the Claimant, OWRD, the United States of America, and the Klamath Tribes, executed a STIPULATION TO RESOLVE CONTESTS (Settlement Agreement) thereby resolving all contests to Claim 20.
10. On June 30, 2004, the Adjudicator withdrew Case 167 from the Office of Administrative Hearings.

**B. DETERMINATION**

1. The Settlement Agreement executed between the Claimant, OWRD, the United States of America, and the Klamath Tribes, is adopted and incorporated as if set forth fully herein.
2. As stipulated in the Settlement Agreement, the use of water is a privilege only, and is limited to the acceptance of natural overflow, sub-irrigation, and /or flooding for wildlife use on 311 acres.
3. The claimed place of use is subject to natural overflow, sub-irrigation, and /or flooding from Big Springs Creek and the Williamson River. The Settlement Agreement states that the privilege to use water as described herein does not constitute a water right. OWRD will not issue a certificate for this portion of Claim 20 subject to natural overflow, sub-irrigation, and /or flooding. This privilege cannot be insisted upon if it interferes with the appropriation of the waters for beneficial use by others, and no priority date, season of use, rate or duty shall attach to such privilege. This privilege may not be transferred to any other property, and may not be altered by the use of any physical means to modify the manner in which natural overflow, sub-irrigation, and /or flooding occurs, to contain or further distribute water or to increase in any other way the consumption which takes place from natural overflow, sub-irrigation, and /or flooding. Any such alteration shall require the filing with OWRD of an application for a permit to appropriate water under ORS.537.150. The stipulated place of use for acceptance of natural overflow, sub-irrigation, and /or flooding is located as follows:

<b>NATURAL OVERFLOW, SUB-IRRIGATION, AND/OR FLOODING FOR WILDLIFE</b>						
<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>GLot</b>	<b>Acres</b>
31 S	8 E	WM	1	NE NE	10	36.8
31 S	8 E	WM	1	NW NE	11	17.2
31 S	8 E	WM	1	NW NE	1	19.3
31 S	8 E	WM	1	SW NE	4	30.3
31 S	8 E	WM	1	SW NE	9	9.6
31 S	8 E	WM	1	SE NE	9	40.0

NATURAL OVERFLOW, SUB-IRRIGATION, AND/OR FLOODING FOR WILDLIFE						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
31 S	8 E	WM	1	NE SE	8	39.5
31 S	8 E	WM	1	NE SE	5	0.5
31 S	8 E	WM	1	NW SE	8	4.6
31 S	8 E	WM	1	NW SE	5	34.5
31 S	8 E	WM	1	SW SE	7	8.3
31 S	8 E	WM	1	SW SE	6	30.8
31 S	8 E	WM	1	SE SE	7	39.2
31 S	8 E	WM	1	SE SE	6	0.4

See OWRD INVESTIGATION MAP – T 31 S, R 8 E

4. Based on the file and record herein, IT IS ORDERED that Claim 20 is acknowledged only as a privilege.

Dated at Salem, Oregon on March 7, 2013

  
 Dwight French, Adjudicator  
 Klamath Basin General Stream Adjudication