

**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
DOROTHY BUCHANAN;)	DETERMINATION
GLENDA BUCHANAN;)	
ROBERT BUCHANAN; AND)	
RUTH HAGELSTEIN)	
_____)	Water Right Claim 69
)	

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 November 13, 1990, DOROTHY BUCHANAN, GLENDA BUCHANAN, ROBERT BUCHANAN, AND RUTH HAGELSTEIN (Claimants) (13851 ALGOMA ROAD, KLAMATH FALLS, OR 97601) timely submitted a Statement and Proof of Claim (Claim 69) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication, as non-Indian successors 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 69 was submitted for a total 1.61 cubic feet per second (cfs) of water from unnamed springs, tributary to the Sprague River, being 1.6 cfs for irrigation of 61.5 acres, and .01 cfs for livestock watering of 100 head. The claimed season of use is "April 1 to Nov. 1." The claimed priority date is October 14, 1864.
3. DOROTHY BUCHANAN as an authorized agent for herself, GLENDA BUCHANAN, ROBERT BUCHANAN, and RUTH HAGELSTEIN, signed Claim 69 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 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3465: Klamath Irrigation District, Klamath

Drainage District, Tulalake 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 Pritchard², Don Vincent³, Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.

6. On May 8, 2000, the United States of America timely filed Contest 3740 to the Claim and/or Preliminary Evaluation of Claim 69.
7. On May 8, 2000, the Klamath Tribes timely filed Contest 4121 to the Claim and/or Preliminary Evaluation of Claim 69.
8. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 200.
9. On November 3, 2003, the Claimants withdrew Claim 69 which thereby rendered all contests to Claim 69 moot. *See* NOTICE OF WITHDRAWAL OF CLAIM (Nov. 3, 2003).
10. On November 10, 2003, the Adjudicator withdrew Case 200 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 69 by the Claimants, IT IS ORDERED that Claim 69 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

¹ Klamath Hills District Improvement Company voluntarily withdrew from Contest 3465 on January 16, 2004. *See* VOLUNTARY WITHDRAWAL OF CONTEST BY KLAMATH HILLS DISTRICT IMPROVEMENT COMPANY

² Berlva Pritchard voluntarily withdrew from Contest 3465 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

³ Don Vincent voluntarily withdrew from Contest 3465 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.