

**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
DEAN AND GERALDINE SCHNECK)	DETERMINATION
_____)	Water Right Claim 87

The GENERAL FINDINGS OF FACT of the FINAL ORDER OF DETERMINATION is incorporated as if set forth fully herein.

A. FINDINGS OF FACT

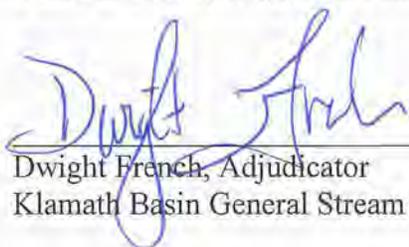
1. On January 31, 1991, ROBERT H. AND ANGELIQUE G. SHACKELFORD (Claimant) timely submitted a Statement and Proof of Claim (Claim 87) to the Oregon Water Resources Department (OWRD) pursuant to ORS Chapter 539 in the Klamath Basin Adjudication, as non-Indian successors to allotted Klamath Reservation lands, claiming a vested Indian reserved water right (Walton claim) under the Treaty of October 14, 1864, 16 Stat. 707.
2. Claim 87 was submitted for a total of 0.5 cfs of water from Agency Lake, tributary to Upper Klamath Lake, for irrigation of 1.0 acre. The claimed period of use is “start in May – end in Oct.” The claimed priority date is “1864.”
3. ROBERT H. SHACKELFORD AND ANGELIQUE G. SHACKELFORD signed Claim 87 attesting that the information contained in the claim is true.
4. The property appurtenant to Claim 87 was ultimately transferred to DEAN R. SCHNECK AND GERALDINE D. SCHNECK (Claimants) (36588 MODOC POINT ROAD, CHILOQUIN, OR 97624) on March 24, 1999. *See* WARRANTY DEED, COUNTY OF KLAMATH, VOL. M99, PAGES 11034, Mar. 24, 1999 (Claim # 87, Page 43).
5. 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.

6. On May 9, 2000, the Claimants untimely filed Contest 5654 to the Preliminary Evaluation of Claim 87; it was filed one day past the May 8, 2000 deadline.
7. On June 19, 2000, the Claimants untimely submitted additional information to support Claim 87 (Claim # 87, Pages 31 through 37); it was received after the period of Open Inspection (from Oct. 4, 1999 to March 31, 2000).
8. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 262.
9. On January 6, 2003, the Adjudicator withdrew Case 262 from the Office of Administrative Hearings because without a timely contest, there was no valid request for a hearing.

B. DETERMINATION

1. 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.
2. The June 19, 2000 additional information referenced in Finding 7, above, is not considered in this determination.
3. Based on the file and record herein, IT IS ORDERED that Claim 87 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