

**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
ADA MATNEY)	DETERMINATION
)	
_____)	Water Right Claim 127

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 December 6, 1990, C. A. MATNEY¹ AND ADA R. MATNEY (Claimant) (14981 MATNEY RD, KLAMATH FALLS, OR 97603) timely submitted a Statement and Proof of Claim (Claim 127) 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 127 was submitted for a total 1.0 cubic feet per second (cfs) of water from Brown Spring, tributary to the Sprague River, for irrigation of 40 acres with a season of use "April through September." The claimed priority date is "1864."
3. CHARLES A. MATNEY AND ADA R. MATNEY signed Claim 127 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. The Claimant did not file a contest to the Preliminary Evaluation of Claim 127.
6. On May 8, 2000, the following parties, hereinafter collectively referred to as the "Klamath Project Water Users," filed Contest 3502: Klamath Irrigation District, Klamath Drainage District, Tulelake Irrigation District, Klamath Basin Improvement District, Ady

¹ Deceased March 2, 1995.

District Improvement Company, Enterprise Irrigation District, Klamath Hills District Improvement Co.², 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 Pritchard³, Don Vincent⁴, Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Van Brimmer Ditch Co., Plevna District Improvement Co., and Collins Products, LLC.

7. On May 8, 2000, the United States of America timely filed Contest 3768 to the Claim and/or Preliminary Evaluation of Claim 127.
8. On May 8, 2000, the Klamath Tribes timely filed Contest 4156 to the Claim and/or Preliminary Evaluation of Claim 127.
9. These matters were referred to the Office of Administrative Hearings for a contested case hearing which were designated as Case 234.
10. On October 29, 2003, the Claimant withdrew Claim 127 which thereby rendered all contests to Claim 127 moot. (*See* LETTER from Jeanette Humphrey dated Oct 29, 2003).
11. On November 10, 2003, the Adjudicator withdrew Case 234 from the Office of Administrative Hearings.

B. DETERMINATION

Based upon the file and record herein, including the withdrawal of Claim 127 by the Claimant, IT IS ORDERED that Claim 127 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

² Klamath Hills District Improvement Company voluntarily withdrew from Contest 3502 on January 16, 2004. *See* VOLUNTARY WITHDRAWAL OF CONTEST BY KLAMATH HILLS DISTRICT IMPROVEMENT COMPANY.

³ Berlva Pritchard voluntarily withdrew from Contest 3502 on June 24, 2002. *See* NOTICE OF WITHDRAWAL OF CLAIMANT.

⁴ Don Vincent voluntarily withdrew from Contest 3502 on November 29, 2000. *See* NOTICE OF WITHDRAWAL OF CLAIMANTS.