

**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 UNITED)
STATES DEPARTMENT OF INTERIOR,)
U.S. NATIONAL PARK SERVICE)

CORRECTED PARTIAL ORDER OF
DETERMINATION

Water Right Claim 606

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

A. FINDINGS OF FACT

1. Claim 606 (Claimant: UNITED STATES DEPARTMENT OF INTERIOR, NATIONAL PARK SERVICE) and its associated contests (3702, 3950) were referred to the Office of Administrative Hearings for a contested case hearing which was designated as Case 001.
2. The Office of Administrative Hearings conducted contested case proceedings and ultimately issued an AMENDED PROPOSED ORDER for Claim 606 on March 26, 2002. A NOTICE OF *EX PARTE* CONTACT AND ORDER AMENDING PROPOSED ORDER was issued on April 17, 2002 to correct an error in Item 7, Appendix B at 8 (Claim 604). The AMENDED PROPOSED ORDER in conjunction with the NOTICE OF *EX PARTE* CONTACT AND ORDER AMENDING PROPOSED ORDER is herein referred to as the "Proposed Order."
3. No exceptions were filed to the Proposed Order within the exceptions filing deadline.
4. The Proposed Order is adopted and incorporated in its entirety as if set forth fully herein. In addition, a Water Right Claim Description in a format standardized by OWRD is set forth in Section B this Partial Order of Determination for Claim 606; the outcome of the Order is without modification.

B. DETERMINATION

1. The Proposed Order is adopted and incorporated in its entirety as if set forth fully herein.
2. The instream flows recognized pursuant to this claim are not additive to any other instream flows based on other water rights, permits or claims within the same stream reach or a portion of the same stream reach.

3. The combination of the ACT OF MAY 22, 1902, CH. 820, §1, 32 STAT. 202; the ACT OF AUG. 25, 1916, CH. 408, §2, 39 STAT. 535; PUB. L. NO. 96-553, 94 STAT. 3255 (Dec. 19, 1980 and PUB. L. NO. 97-250, 96 STAT. 709 (Sept. 8, 1982) are valid bases for this federal reserved water right claim, including the claimed purposes of use. The GENERAL CONCLUSIONS OF LAW CONCERNING FEDERAL RESERVED WATER RIGHTS are incorporated as if set forth fully herein.
4. The GENERAL CONCLUSIONS OF LAW CONCERNING ACQUIRED LANDS are incorporated as if set forth fully herein.
5. Claim 606 is approved for future points of diversions where the source of water is Sand Creek and its tributaries within the boundary of Crater Lake National Park; however, the overall rate of water approved in this claim may not be increased. The location of any new point of diversion must be within the reaches as described in March 26, 2002 Proposed Order, Appendix B.
6. Claim 606 is approved for future places of use for the purpose of domestic, administrative, wildlife watering, and/or fire protection uses within the boundaries of Crater Lake National Park as delineated in Appendix A Map (LAND RESERVATION DATES) of the March 26, 2002 Proposed Order. The priority date(s) for water use will be the priority date associated with the federal reservation of land serving as the place of use, being May 22, 1902; May 14, 1932; December 5, 1940; January 30, 1942; or December 19, 1980.
7. If new points of diversion or places of use are developed in the future, the National Park Service is required to submit a map(s) to OWRD showing the location(s) of any new point of diversion and or place of use by township, range, section and quarter-quarter. In addition, measured distances or coordinates must be provided on the map(s) for new point(s) of diversion. OWRD will record the new point(s) of diversion and/or places(s) of use and its associated priority date.
8. Based on the file and record herein, IT IS ORDERED that Claim 606 is approved as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 606

CLAIM MAP REFERENCE:

CLAIM # 606 MYLAR MAP (Oct. 1, 1999)

CLAIMANT: UNITED STATES DEPARTMENT OF INTERIOR
U.S. NATIONAL PARK SERVICE
1201 OAKRIDGE DR, SUITE 250
FORT COLLINS, CO 80525

SOURCE OF WATER:

SAND CREEK AND ITS TRIBUTARIES WITHIN THE BOUNDARY OF CRATER LAKE NATIONAL PARK, tributary to the WILLIAMSON RIVER

PURPOSE OR USE:

DOMESTIC, ADMINISTRATIVE, WILDLIFE WATERING, AND FIRE PROTECTION

RATE OF USE:

1.06 CUBIC FEET PER SECOND (CFS) AS FOLLOWS:

1.0 CUBIC FOOT PER SECOND FOR FIRE PROTECTION, AND

0.06 CFS FOR DOMESTIC, ADMINISTRATIVE AND WILDLIFE WATERING UP TO 0.95 ACRE-FEET PER YEAR, ALSO INCLUDING 10,000 GALLONS OF STORAGE WITH CONTINUOUS REFILL FOR THE ABOVE USES.

PERIOD OF ALLOWED USE: JANUARY 1 – DECEMBER 31

DATE OF PRIORITY: MAY 22, 1902

THE EXISTING POINT OF DIVERSION IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
31 S	7.5 E	WM	18	NE SW	2310 FEET NORTH AND 1596 FEET EAST OF SW CORNER OF SECTION 18
LOST CREEK WATER SUPPLY SYSTEM					

THE EXISTING PLACE OF USE IS LOCATED AS FOLLOWS:

DOMESTIC, ADMINISTRATIVE, WILDLIFE WATERING, FIRE PROTECTION				
Twp	Rng	Mer	Sec	Q-Q
31 S	7.5 E	WM	18	SESE
LOST CREEK CAMPGROUND				

FUTURE POINT(S) OF DIVERSION AND/OR FUTURE PLACE(S) OF USE:

THE SOURCE OF WATER MUST BE SAND CREEK AND ITS TRIBUTARIES WITHIN THE BOUNDARY OF CRATER LAKE NATIONAL PARK.

THE RATE FOR CURRENT AND FUTURE USES MAY NOT EXCEED 1.06 CUBIC FEET PER SECOND (CFS) AS FOLLOWS:

1.0 CUBIC FOOT PER SECOND FOR FIRE PROTECTION, AND

0.06 CFS FOR DOMESTIC, ADMINISTRATIVE AND WILDLIFE WATERING UP TO 0.95 ACRE-FEET PER YEAR, ALSO INCLUDING 10,000 GALLONS OF STORAGE WITH CONTINUOUS REFILL FOR THE ABOVE USES.

THE LOCATION OF ANY NEW POINT OF DIVERSION MUST BE WITHIN THE REACHES AS DESCRIBED IN MARCH 26, 2002 PROPOSED ORDER, APPENDIX B CLAIM 602, SECTION 8.2:

Subsection 8.2.1

MAINSTEM SAND CREEK						
	Twp	Rng	Mer	Sec	Q-Q	Approx River Mile*
Upper Reach Boundary	30 S	6 E	WM	32		PB 43 9.0
Lower Reach Boundary	31S	7.5 E	WM	35	SEW	0.0

*River miles are measured upstream from the Crater Lake National Park boundary.

Subsection 8.2.2

CAVERN CREEK						
	Twp	Rng	Mer	Sec	Q-Q	Approx River Mile*
Upper Reach Boundary	31S	7.5 E	WM	8	NWNE	5.2
Lower Reach Boundary	31S	7.5 E	WM	34	NWNE	0.0

*River miles are measured upstream from the confluence OF Cavern Creek with Sand Creek

Subsection 8.2.3

UNNAMED TRIBUTARY "SAND-1," TRIBUTARY TO CAVERN CREEK						
	Twp	Rng	Mer	Sec	Q-Q	Approx River Mile*
Upper Reach Boundary	31S	7.5 E	WM	22	NWNE	At the point where "Sand-1" enters the Park 0.8
Lower Reach Boundary	31S	7.5 E	WM	22	SWSW	0.0

*River miles are measured upstream from the confluence of Sand-1 with Cavern Creek

Subsection 8.2.4

WHEELER CREEK						
	Twp	Rng	Mer	Sec	Q-Q	Approx River Mile*
Upper Reach Boundary	31 S	6 E	WM	11		6.4
Lower Reach Boundary	31 S	7.5 E	WM	28	SESE	0.0

*River miles are measured upstream from the confluence of Wheeler Creek with Sand Creek

Subsection 8.2.5

LOST CREEK, TRIBUTARY TO WHEELER CREEK						
	Twp	Rng	Mer	Sec	Q-Q	Approx River Mile*
Upper Reach Boundary	31 S	7.5 E	WM	18	NWSE	0.9
Lower Reach Boundary	31 S	7.5 E	WM	20	NWSW	0.0

*River miles are measured upstream from the confluence of Lost Creek with Wheeler Creek

Subsection 8.2.6

UNNAMED TRIBUTARY "SAND 2," TRIBUTARY TO SAND CREEK						
	Twp	Rng	Mer	Sec	Q-Q	Approx River Mile*
Upper Reach Boundary	31 S	7.5 E	WM	5	SWSW	2.5
Lower Reach Boundary	31 S	7.5 E	WM	20	NWNW	0.0

*River miles are measured upstream from the confluence of Sand-2 with Sand Creek

Subsection 8.2.7

UNNAMED TRIBUTARY "SAND 3," TRIBUTARY TO SAND CREEK						
	Twp	Rng	Mer	Sec	Q-Q	Approx River Mile*
Upper Reach Boundary	30 S	6 E	WM	31		PB 42 0.8
Lower Reach Boundary	31 S	7.5 E	WM	6	NWSW	0.0

*River miles are measured upstream from the confluence of Sand-3 with Sand Creek

THE PLACE(S) OF USE MUST BE WITHIN THE BOUNDARIES OF CRATER LAKE NATIONAL PARK AS DELINEATED IN APPENDIX A OF THE MARCH 26, 2002 PROPOSED ORDER.

THE PRIORITY DATE(S) FOR WATER USE WILL BE THE PRIORITY DATE ASSOCIATED WITH THE FEDERAL RESERVATION OF LAND SERVING AS THE PLACE OF USE, BEING MAY 22, 1902; MAY 14, 1932; DECEMBER 5, 1940; JANUARY 30, 1942; OR DECEMBER 19, 1980.

THE NATIONAL PARK SERVICE IS REQUIRED TO SUBMIT A MAP(S) TO OWRD SHOWING THE LOCATION(S) OF ANY NEW POINT OF DIVERSION AND OR PLACE OF USE BY TOWNSHIP, RANGE, SECTION AND QUARTER-QUARTER. IN ADDITION, MEASURED DISTANCES OR COORDINATES MUST BE PROVIDED ON THE MAP(S) FOR NEW POINT(S) OF DIVERSION. OWRD WILL RECORD THE NEW POINT(S) OF DIVERSION AND/OR PLACES(S) OF USE AND ITS ASSOCIATED PRIORITY DATE.

[End of Water Right Claim Description]

Dated at Salem, Oregon on February 28, 2014



 Dwight French, Adjudicator
 Klamath Basin General Stream Adjudication