

**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 the KLAMATH TRIBES)	CORRECTED PARTIAL ORDER OF DETERMINATION
)	
)	
_____)	Water Right Claim 612

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

A. FINDINGS OF FACT

1. Claims 612, 625-640 (pertaining to the Williamson River), 641-657 (pertaining to the Sprague River), 658-667 (pertaining to the Sycan River), 668-670 (pertaining to the Wood River), and 671-673 (pertaining to the Klamath River) (Claimants: THE KLAMATH TRIBES; AND THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS AS TRUSTEE ON BEHALF OF THE KLAMATH TRIBES (BIA)) and their associated contests¹ were referred to the Office of Administrative Hearings for contested case hearings which were designated as Cases 277 (Claims 625-640), 279 (Claims 658-667), 280 (Claims 641-657), 281 (668-670), and 282 (671-673).

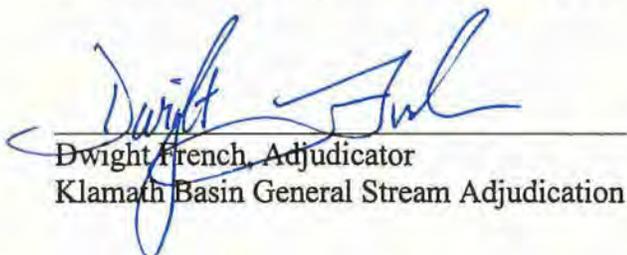
¹ Claim 612: 28, 1773, 2062, 2730, 2735, 2738, 2739, 2740, 2769, 2786, 2802, 3016, 3119, 3249, 3314, 3644, 4002; Claim 625: 2807, 3024, 3125, 3327, 3886, 4015; Claim 626: 1776, 3025, 3328, 3887, 4016; Claim 627: 1777, 3026, 3329, 3888, 4017; Claim 628: 1778, 3027, 3330, 3889, 4018; Claim 629: 1779, 3028, 3331, 3890, 4019; Claim 630: 1780, 3029, 3332, 3891, 4020; Claim 631: 1781, 3030, 3333, 3892, 4021; Claim 632: 1782, 3031, 3334, 3893, 4022; Claim 633: 1783, 3032, 3335, 3894, 4023; Claim 634: 3033, 3336, 3895, 4024; Claim 635: 3034, 3126, 3337, 3896, 4025; Claim 636: 3035, 3127, 3338, 3897, 4026; Claim 637: 3036, 3339, 3898, 4027; Claim 638: 3037, 3340, 3899, 4028; Claim 639: 3038, 3341, 3900, 4029; Claim 640: 2786, 3039, 3342, 3901, 4030; Claim 641: 21, 2808, 3040, 3343, 3902, 4031; Claim 642: 22, 3041, 3344, 3903, 4032; Claim 643: 23, 3042, 3345, 3904, 4033; Claim 644: 24, 3043, 3346, 3905, 4034; Claim 645: 25, 3044, 3347, 3906, 4035; Claim 646: 26, 3045, 3348, 3907, 4036; Claim 647: 27, 3046, 3349, 3908, 4037; Claim 648: 3047, 3350, 3909, 4038; Claim 649: 3048, 3351, 3910, 4039; Claim 650: 3049, 3352, 3911, 4040; Claim 651: 3050, 3353, 3912, 4041; Claim 652: 3051, 3354, 3913, 4042; Claim 653: 3052, 3355, 3914, 4043; Claim 654: 3053, 3356, 3915, 4044; Claim 655: 3054, 3357, 3916, 4045; Claim 656: 3055, 3358, 3917, 4046; Claim 657: 3056, 3359, 3918, 4047; Claim 658: 2809, 3057, 3360, 3919, 4048; Claim 659: 3058, 3361, 3920, 4049; Claim 660: 3059, 3362, 3921, 4050; Claim 661: 3060, 3363, 3922, 4051; Claim 662: 2810, 3061, 3364, 3923, 4052; Claim 663: 2766, 2811, 3062, 3365, 3924, 4053; Claim 664: 3063, 3366, 3925, 4054; Claim 665: 2767, 2812, 3064, 3367, 3926, 4055; Claim 666: 3065, 3368, 3927, 4056; Claim 667: 2768, 2813, 3066, 3369, 3928, 4057; Claim 668: 2733, 2736, 2743, 3067, 3370, 3929, 4058; Claim 669: 2744, 3068, 3371, 3930, 4059; Claim 670: 2745, 3069, 3372, 3931, 4060; Claim 671: 2064, 3070, 3257, 3373, 3657, 3932, 4061; Claim 672: 2065, 3071, 3258, 3374, 3658, 3933, 4062; Claim 673: 2066, 3072, 3259, 3375, 3659, 3934, 4063.

2. Claim 612 was filed by the Klamath Tribes. It is a composite claim incorporating by reference BIA Claims 625-673 based on the hunting, trapping, fishing, and gathering purposes of the Klamath Treaty of 1864.
3. The Office of Administrative Hearings conducted contested case proceedings and ultimately issued PROPOSED ORDERS for Cases 277, 279, 280, and 281 on December 1, 2011, and a PROPOSED ORDER for Case 282 on April 16, 2012.
4. For administrative convenience, OWRD has addressed Claims 625-673 in five separate Partial Orders of Determination (one for each group of claims). Section B.1 of this Partial Order of Determination makes a legal conclusion about the relationship between Claim 612 and the United States' claims 625-673, and the ownership of the water rights that are recognized in these claims.

B. DETERMINATION

1. Both the United States and the Klamath Tribes filed claims based on the hunting, trapping, fishing and gathering purposes of the Klamath Treaty of 1864. The Klamath Tribes' Claim 612 incorporates the United States' Claims 625-673 by reference. The Klamath Tribes' claim is duplicative of the United States' claims, not additive. The United States holds the rights recognized herein in trust for the Klamath Tribes. *Colorado River Water Conservation Dist. v. United States*, 424 US 800, 810 (1976). The United States' Claims 625-673 are determined in five separate Partial Orders of Determination. Claim 612 is denied in this Partial Order of Determination for Claim 612.
2. Based on the file and record herein, IT IS ORDERED that Claim 612 is denied and is of no force or effect.

Dated at Salem, Oregon on February 28, 2014


Dwight French, Adjudicator
Klamath Basin General Stream Adjudication