

**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 615

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

**A. FINDINGS OF FACT**

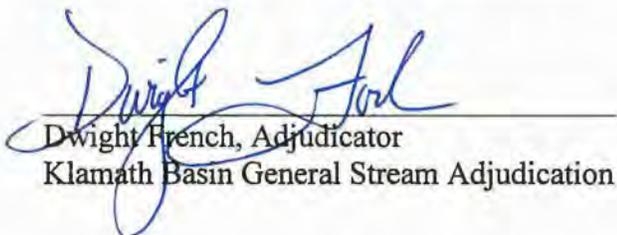
1. Claims 615 and 623, pertaining to the Klamath Marsh, (Claimants: THE KLAMATH TRIBES; AND THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS AS TRUSTEE ON BEHALF OF THE KLAMATH TRIBES (BIA)) and their associated contests<sup>1</sup> were referred to the Office of Administrative Hearings for a contested case hearing which was designated as Case 284.
2. Claim 615 was filed by the Klamath Tribes. It incorporates by reference the United States Bureau of Indian Affairs' claim 623 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 a PROPOSED ORDER (Proposed Order) for Claims 615 and 623 on December 1, 2011.
4. For administrative convenience, OWRD has addressed Claim 623 in a separate Partial Order of Determination for Claim 623. Section B.1 of this Partial Order of Determination makes a legal conclusion about the relationship between Claim 615 and the United States' Claim 623, and the ownership of the water rights that are recognized in these claims.

<sup>1</sup> Claim 615: 1774, 2062, 3019, 3122, 3252, 3317, 3647, 4005; Claim 623: 1775, 3022, 3124, 3255, 3325, 3655, 3884, 4013.

## 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 615 incorporates the United States' Claim 623 by reference. The Klamath Tribes' claim is duplicative of the United States' claim, 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' Claim 623 is determined in a separate Partial Order of Determination for Claim 623. Claim 615 is denied in this Partial Order of Determination for Claim 615.
2. Based on the file and record herein, IT IS ORDERED that Claim 615 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