

001F00000039  
BEFORE THE HEARING OFFICER PANEL  
FOR THE STATE OF OREGON  
WATER RESOURCES DEPARTMENT

In the Matter of the Determination of the Relative Rights of the Waters of the Klamath River  
a Tributary of the Pacific Ocean

Waterwatch of Oregon, Inc.; Roger Nicholson;  
Roger Nicholson Cattle Co.; Lloyd Nicholson  
Trust; Dorothy Nicholson Trust; Richard  
Nicholson; Jim McAuliffe; McAuliffe Ranches;  
Maxine Kizer; Ambrose McAuliffe; Susan  
McAuliffe; Joe McAuliffe Company; Kenneth  
L. Tuttle and Karen L. Tuttle dba Double K.  
Ranch; Dave Wood; Kenneth Zamzow; Anita  
Nicholson; Wm. S. Nicholson; John B. Owens;  
Kenneth Owens; WM. L. Brewer; Mary Jane  
Danforth; Jane M. Barnes; Franklin Lockwood  
Barnes Jr.; Jacob D. Wood; Elmore E.  
Nicholson; Mary Ann Nicholson; Gerald H.  
Hawkins; Hawkins Cattle Co.; Owens &  
Hawkins; Harlowe Ranch; Terry M. Bengard;  
Tom Bengard; Dwight T. Mebane; Helen  
Mebane; Klamath Irrigation District; Klamath  
Drainage District; Tulelake Irrigation District;  
Klamath Basin Improvement District; Ady Ditch  
Improvement Company; Enterprise Irrigation  
District; Klamath Hills District Improvement  
Co.; Malin Irrigation District; Midland District  
Improvement Company; Pine Grove Irrigation  
District; Pioneer District Improvement  
Company; Poe Valley Improvement District;  
Shasta View Irrigation District; Sunny Side  
Irrigation District; Don Johnston & Son; Modoc  
Lumber Co.; Bradley S. Luscombe; Berlva  
Pritchard; Don Vincent; Randy Walthall; Inter-  
County Title Co.; Winema Hunting Lodge, Inc.;  
Reames Golf and Country Club; Van Brimmer  
Ditch Co.; Plevna District Improvement  
Company; Collins Products, LLC; Cynthia L.  
Barrett, Trustee; Elaine G. Kerns, Sydney K.  
Giacomini, E. Martin Kerns, as Initial Trustees  
of the Elaine G. Kerns 1992 Trust utu 1/24/92;  
Contestants,

**AMENDED PROPOSED ORDER**

Claim Nos. 602-611

Contest Nos. 2729, 2734, 3115, through  
3117, 3698 through 3737, 3935  
through 3955.

vs

United States of America,  
National Park Services, Claimant

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## HISTORY OF THE CASE:

This proceeding under the provisions of ORS Ch. 539 is a general stream adjudication to determine the relative water rights of the parties to various streams and reaches within the Klamath Basin. The United States of America, National Park Service (NPS) originally filed twenty-one claims on behalf of water rights claimed in and for Crater Lake National Park.<sup>1</sup> On October 1, 1999 the NPS filed amended claims for those same claimed water rights. On October 4, 1999, the Adjudicator for the Klamath Basin General Stream Adjudication, Richard D. Bailey (Adjudicator), published Preliminary Evaluations of Claim Nos. 602-611 which denied the claims based on information available as of August 11, 1999 and which did not evaluate the amended claims. The NPS filed contests to the Adjudicator's Preliminary Evaluations to the extent that they did not approve its claims as filed and as amended. The NPS appeared throughout this proceeding by its attorneys, Barbara Scott-Brier and Michael A. Gheleta. Other contests, described below, were filed against the Adjudicator's Preliminary Evaluations on or before May 8, 2000.

Contestants Klamath Drainage District, Klamath Basin Improvement District, Ady Ditch Improvement Company, Klamath Hills District Improvement Co., Midland District Improvement Company, Sunnyside Irrigation District, and Poe Valley Improvement District, and on behalf of Klamath Irrigation District, Tulalake Irrigation District, Pine Grove Irrigation District, Enterprise Irrigation District, Malin Irrigation District, Pioneer District Improvement Company, Shasta View Irrigation District, Don Johnston & Son, Modoc Lumber Co., Bradley S. Luscombe, Berlva Pritchard, Don Vincent, Randy Walthall, Inter-County Title Co., Winema Hunting Lodge, Inc., Van Brimmer Ditch Co., Plevna District Improvement Company and Collins Products LLC (Klamath Project Water Users or KPWU), filed contests regarding the adjudicator's initial determinations and appeared throughout this proceeding by their attorney, Richard Fairclo.

Contestants Roger Nicholson, Roger Nicholson Cattle Co., Lloyd Nicholson Trust, Dorothy Nicholson Trust, Richard Nicholson, Jim McAuliffe, McAuliffe Ranches, Maxine Kizer, Ambrose McAuliffe, Susan McAuliffe, Joe McAuliffe Company, Kenneth L. Tuttle and Karen L. Tuttle dba Double K Ranch, Dave Wood, Kenneth Zamzow, Anita Nicholson, Wm. S. Nicholson, John B. Owens, Kenneth Owens, Wm. L. Brewer, Mary Jane Danforth, Jane M. Barnes, Franklin Lockwood Barnes, Jr., Jacob D. Wood, Elmore E. Nicholson, Mary Ann Nicholson, Gerald H. Hawkins, Hawkins Cattle Co., Owens & Hawkins, Harlowe Ranch, Terry M. Bengard, Tom Bengard, Dwight T. Mebane, Helen Mebane (Roger Nicholson *et al.*) filed contests regarding the adjudicator's initial

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<sup>1</sup> On August 2, 2001, I issued an Order approving a Stipulation signed by attorneys for the National Park Service, the Oregon Water Resources Department, and the contestants regarding the National Park Service's instream and lake level claims (claim nos. 591 through 601). Under the Stipulation and Order the National Park Service agreed to accept a priority date of May 22, 1902, for those lands described in the Executive Order of February 1, 1886 and the Act of May 22, 1902; and two contestants to the National Park Service's instream and lake level claims (claim nos. 591 through 601), WaterWatch of Oregon, Inc. and Roger Nicholson, *et al.*, withdrew their contests to those claims. I ordered claim nos. 591 through 601 referred back to the Adjudicator for final disposition and no longer have jurisdiction over those matters. The remaining claims (Claim Nos. 602-611) concern only consumptive out-of-stream uses.

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determinations and appeared throughout this proceeding by their attorneys, Ben Lombard Jr. and Carol DeHaven Skerjanec.

Contestant Cynthia Barrett and contestants Elaine G. Kerns, Sydney K. Giacomini and E. Martin Kerns as initial Trustees of the Elaine G. Kerns 1992 Trust filed contests regarding Claim No. 602 and appeared throughout this proceeding by their attorney J. Anthony Giacomini. On February 16, 2001 these contestants filed a Motion to Bifurcate Claim No. 602 from other claims filed by the NPS in this proceeding.

Contestants Enterprise Irrigation District and Pine Grove Irrigation District appeared by their attorney, Michael P. Rudd. Contestant Tulelake Irrigation District appeared by their attorney, Paul S. Simmons. Contestant Shasta View Irrigation District appeared by their attorney, James R. Uerlings.

The Oregon Water Resources Department (OWRD) participated in the hearing to help develop the hearing record and appeared throughout this proceeding by its attorneys, Assistant Attorneys General Walter Perry and Justin Wirth.

#### **LEGAL RULINGS:**

I held a prehearing conference on March 22, 2001 at which time I denied contestants Barrett and Elaine G. Kerns 1992 Trust's Motion to Bifurcate Claim No. 602 from other claims in this proceeding. At the same time I allowed the NPS's Motion to Bifurcate Legal and Factual Issues and established a schedule for memoranda to be submitted. On August 13, 2001 I published an Order on Motion for Summary Disposition in which I made the following rulings:

1. The National Park Service has an implied federal reserved water right with a priority date of May 22, 1902<sup>2</sup> for Crater Lake National Park. The implied federal water right is for the amount of water necessary to fulfill reservation purposes, which include: preservation of natural objects within the park; timber protection; preservation of game and fish; prevention and extinguishment of forest fires; permitting tourism including hotels and restaurants; and adequate administration;
2. In order to fulfill the purposes of Crater Lake National Park, the National Park Service may make out-of-stream consumptive use of water for domestic and administrative purposes at Park facilities, for wildlife watering, and for fire protection;
3. The National Park Services' implied federal reserved water rights include past, present and future uses, which claims have been sufficiently described regarding claimed uses, amounts of water, and means of use, including uses that can reasonably be projected into the future, so that this matter may proceed to hearing.

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<sup>2</sup> The original order contained a typographical error corrected by interlineation to the correct date, May 22, 1902.

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4. The United States Reclamation Service's 1905 Notice of Intent regarding the Klamath Project and related documents did not, as a matter of law, establish an appropriation of all the waters of the Klamath Basin in Oregon or preclude recognition of the National Park Service's claimed federal reserved water rights with post-1905 priority dates; and

5. The Klamath River Basin Compact does not require the National Park Service to subordinate its federal reserved water rights to other domestic and irrigation uses.

**THE HEARING:**

On September 7, 2001 the participants, having previously been advised of their rights in a contested case were provided a Notice of Hearing by certified mail, informing them that the hearing would be held October 9-12, 2001 in Salem, Oregon. The NPS submitted written direct testimony supporting its claims in Claim Nos. 602 through 611 from two witnesses, Ronald R. Thomasson and Charles V. Lundy, together with exhibits. The Oregon Water Resources Department (OWRD) submitted written direct testimony from Gerald E. Clark transmitting an exhibit consisting of OWRD's Record in this matter.

Before the scheduled evidentiary hearing, all other participants in the contests to Claim Nos. 602 through 611 reported that they would not present any testimony and would not appear at the evidentiary hearing to cross-examine the witnesses for whom testimony had been submitted by the NPS and OWRD. As a result, I canceled the evidentiary hearing and determined that claim nos. 602 through 611 would be submitted on the Record as filed by the National Park Service and OWRD. I find that the contestants to claim nos. 602 through 611 have waived their right to cross-examine witnesses for the National Park Service and OWRD in this adjudication regarding these claims.

On October 2, 2001 OWRD filed an Unopposed Motion for Ruling on the Record as Submitted by the Parties and for Cancellation of the October 9-12, 2001 hearing. I granted that motion on October 3, 2001. I subsequently granted motions of the participants incorporating previously filed written direct testimony into the hearing record.

On November 14, 2001 the NPS filed its Suggested Proposed Order on National Park Service Out-of-stream Claims. On December 4, 2001 the OWRD filed its comments. Upon review of the Comments filed by the OWRD, the NPS requested an additional briefing period to reply to arguments found in OWRD's filing. I allowed that request, permitting the NPS until February 1, 2001 to file a revised Suggested Proposed Order, with additional time for responses by the OWRD. In its February 1, 2001 filing the NPS reported that it had conferred with the OWRD and resolved the technical and legal issues identified by OWRD in its Comments, and that the NPS had agreed to accept OWRD's legal conclusion that the priority date for the NPS's claims shall be the priority date associated with the reservation of land serving as the place of use, rather than the point of diversion. Consequently, there was no need for briefing that issue and I closed the comment period regarding the Motion for Summary Judgement on February 4, 2002, the date I reviewed the NPS's filing.

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**ISSUE:**

Does the National Park Service have federal reserved water rights in Claim Nos. 602-611 and, if so, to what amount of water is it entitled?

**FINDINGS OF FACT:**

Overview —

1. Crater Lake National Park was permanently established in 1902 by the Act of May 22, 1902 (32 Stat. 202). Additional reservations of land to Crater Lake National Park were made on May 14, 1932; December 5, 1940; January 30, 1942; December 19, 1980; and September 8, 1982.
2. Claim numbers 602 through 611 are for out-of-stream (consumptive) uses of water from ten streams, and any tributaries thereto, within the boundary of Crater Lake National Park within the Klamath Basin. The claims are for the waters of: Annie Creek and its tributaries (Claim No. 602); Bear Creek (Claim No. 603); Desert Creek (Claim No. 604); Pothole Creek (Claim No. 605); Sand Creek and its tributaries (Claim No. 606); Scott Creek (Claim No. 607); Silent Creek (Claim No. 608); Sun Creek and its tributaries (Claim No. 609); Unnamed Creek near Annie Creek (Claim No. 610); and an unnamed Creek in the northeast corner of the Park (Claim No. 611).<sup>3</sup>
3. The period of use for Claim Nos. 602 through 611 is January 1 through December 31 of each year.
4. Crater Lake National Park's out-of-stream uses in the Park's ten streams include both direct use of water from the ten streams, and use of water for the Park's developed water supply systems from two streams, Annie Creek and Lost Creek, a tributary of Sand Creek.
5. Crater Lake National Park's out-of-stream water uses include domestic, administrative, wildlife watering, and fire protection uses. Park domestic and administrative uses include water for drinking, personal needs, and grounds maintenance at Park facilities, including campgrounds, lodgings, restaurants, visitors centers, ranger stations, and administrative sites, among others. Park fire protection uses include the prevention and extinguishment of fires. In the event of wildfire or structural fire, water is diverted directly from the ten streams for firefighting purposes. The Park's out-of-stream use claims include both present and future uses from the Park's ten streams.
6. Crater Lake National Park's out-of-stream direct water uses from the Park's ten streams are back-country domestic and administrative uses, wildlife watering, and fire protection. The Park's present and reasonably projected future out-of-stream direct water use from each of

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<sup>3</sup> See Appendix "B."

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the Park's ten streams is: for domestic and administrative uses, 0.1 acre feet per year for each stream; and for fire protection use, a rate of 1.0 cfs for each stream.

7. Crater Lake National Park's out-of-stream uses from the developed water supply systems, the Annie Creek and Lost/Sand Creek water supply systems, are domestic and administrative uses, which are in addition to the direct out-of-stream uses for these two streams.
8. The existing places of use of Crater Lake National Park's out-of-stream use claims are referenced by legal description in Appendix B hereto, entitled "Elements of Water Rights." The future places of use of the out-of-stream claims will be located within that portion of Crater Lake National Park located within the Klamath Basin, as shown on the map attached hereto as Appendix A and entitled "Land Reservation Dates," with priority dates as of the associated dates of reservation as follows:
  - 8.1 The lands described in the legislation of May 22, 1902, 32 Stat. 202, 16 U.S.C. § 121. The tract of land bounded north by the parallel forty-three degrees four minutes ( $43^{\circ}4'$ ) north latitude, south by forty-two degrees forty-eight minutes ( $42^{\circ}48'$ ) north latitude, east by the meridian one hundred and twenty-two degrees ( $122^{\circ}$ ) west longitude, and west by the meridian one hundred and twenty-two degrees sixteen minutes ( $122^{\circ}16'$ ) west longitude, in the State of Oregon, and including Crater Lake.
  - 8.2 The lands described in the legislation of May 14, 1932, 47 Stat. 155, 16 U.S.C. § 121a. All of that certain tract described as follows: Beginning on the south boundary line of Crater Lake National Park at four mile post numbered 112; thence west along the south boundary line of said park four and twenty-six one-hundredths chains which is the northwest corner of this tract; thence south one hundred and fourteen and forty-two one-hundredths chains; thence south forty degrees fifty-nine minutes east, eighty-four and thirty-nine one-hundredths chains; thence east fifteen and thirteen one-hundredths chains to highway stake numbered 130; thence north eighty-nine degrees thirty minutes east, eighteen and six one-hundredths chains; thence north twenty and eighty-three one-hundredths chains; thence north nineteen degrees and forty minutes west, one hundred and twenty-six and four one-hundredths chains; thence north twenty-seven degrees fifty-two minutes west forty-three and fifty one-hundredths chains to the south boundary of Crater Lake National Park; thence west twenty-four chains following the south boundary of said park to the place of beginning, in the State of Oregon.
  - 8.3 The lands described in the C.C. Yawkey, et al. Land Order, December 5, 1940. Those certain tracts or parcels of land situate in Township Thirty-two (32) South, Range Seven and One-half ( $7\frac{1}{2}$ ) East, of the Willamette Meridian, in the County of Klamath, in the State of Oregon, and more particularly described as follows:

The NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , S $\frac{1}{2}$ , SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , Section 5. The SE $\frac{1}{4}$ , Section 6. The E $\frac{1}{2}$ , SE $\frac{1}{4}$  SW $\frac{1}{4}$ , and Lot 4, Section 7. All of Section 8. That part of the NW $\frac{1}{4}$ ,

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Section 16, within Crater Lake National Park. The N $\frac{1}{2}$  N $\frac{1}{2}$  Section 17. That part of the N  $\frac{1}{2}$ , Section 18, within Crater Lake National Park.

- 8.4 The lands described in the Gladstone Land and Timber Company, et al. Land Order, January 30, 1942. That land situated in the County of Klamath, in the State of Oregon, and more particularly described as follows:

That portion of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , that portion of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and that portion of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  in Section 16, Township 32 South, Range 7 $\frac{1}{2}$  East, Willamette Meridian, all lying within the exterior boundaries of Crater Lake National Park, which land is more particularly described as follows: Beginning at the quarter section corner common to Sections 9 and 16, Township 32 South, Range 7 $\frac{1}{2}$  East, Willamette Meridian; thence south 89 degrees 56 minutes East, along the northern boundary of Section 16, 24.63 chains to a point in the eastern boundary line of Crater Lake National Park; thence due South along the eastern boundary line of Crater Lake National Park 29.68 chains to the southeasterly corner of Crater Lake National Park, which point is boundary monument No.103; thence due West along the southern boundary line of Crater Lake National Park, 24.63 chains; thence due North, 29.88 chains to the point of beginning.

- 8.5 The lands described in the legislation of December 19, 1980, 94 Stat. 3255, Public Law 96-553. All those lands within the area generally depicted on the map entitled, "Crater Lake National Park, Oregon," numbered 106-80,001, and dated February 1980.
- 8.6 The lands described in the legislation of September 8, 1982, 96 Stat. 709, Public Law 97-250. All those lands within the area generally depicted on the map entitled, "Crater Lake National Park, Oregon," numbered 106-80-001-A, and dated March 1981.

Claim No. 602 – Annie Creek Out-of-Stream Uses

9. The Annie Creek water supply system presently serves the Rim Village, Mazama, and Headquarters areas of the Park for use by Park visitors, staff, contractors, and administrative uses. Future uses of Annie Creek include all water currently used for the Park by the Annie Creek water supply system, plus additional water needed from Annie Creek and its tributaries to meet the reasonably projected future needs of the Park. Future Annie Creek out-of-stream uses also include water used directly from the stream for back-country, wildlife, and firefighting uses.
10. Crater Lake National Park's out-of-stream use of water from Annie Creek for present and future uses totals 62.8 acre feet of water per year, plus 1.0 cfs for fire protection. That total includes 62.7 acre feet of water from Annie Creek's water supply system for use at Park facilities, 0.1 acre feet of direct water use from Annie Creek for back-country and wildlife uses, in addition to 1.0 cfs for fire protection use.

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11. Crater Lake National Park historically has used up to 41.3 acre feet of water per year from Annie Creek for domestic and administrative uses, including: up to 41.2 acre feet from the Annie Creek water supply system for use at the Rim Village, Mazama, and Headquarters areas in the Park, and up to 0.1 acre feet of direct water use from Annie Creek for back-country and wildlife uses. The historic/current water use from the Annie Creek water supply system was determined by totaling for each year the Park's daily water usage as reflected in meter readings between January 1, 1985 and December 31, 2000, and identifying that amount of water required to meet water need in any year of record.
12. The reasonably projected future annual water use for Crater Lake National Park from Annie Creek is 62.8 acre feet of water, in addition to 1.0 cfs for fire protection. The 62.8 acre feet total includes the current use of 41.3 acre feet plus 21.5 acre feet of water for additional future use. This reasonably projected future water use is a 50-year projection based upon historic Park visitation and water use data through the year 2000. Future Park visitation (889,000 visitors) was multiplied by the historic per capita water use rate (23.0 gallons per visitor) to project the future water use of 62.7 acre feet, which together with 0.1 acre feet for back-country and wildlife uses, results in total future use of 62.8 acre feet, in addition to the 1.0 cfs for fire protection. Although the National Park Service claimed 63.2 acre feet of water per year from Annie Creek, evidence produced by the NPS has updated and reduced the amount to 62.8 acre feet per year, plus 1.0 cfs for fire protection.

Claim No. 606 - Lost/Sand Creek Out-of-Stream Uses

13. The Lost Creek water supply system presently serves the Lost Creek campground. Future uses of Lost Creek (a tributary of Sand Creek) include all water currently used by the Lost Creek water supply system, plus additional water needed from Sand Creek and its tributaries to meet the reasonably projected future needs of the Park. Future Lost Creek out-of-stream uses also include water used directly from the stream for back-country, wildlife, and firefighting uses.
14. Crater Lake National Park's out-of-stream use of water from Lost Creek/Sand Creek for present and future needs totals 1.1 acre feet of water per year, in addition to 1.0 cfs for fire protection. That 1.1 acre feet total includes 1.0 acre feet of water from Lost/Sand Creek for use at campgrounds and 0.1 acre feet of water from Lost/Sand Creek for back-country and wildlife use.
15. Crater Lake National Park's current use of water from Lost/Sand Creek is 0.6 acre feet per year. The current water use was calculated by multiplying the average daily demand (1,287 gallons per day) by the potential duration of the period the campground would be open in a year (134 days), plus the amount needed for system flushing (19,000 gallons), plus back-country and wildlife use (0.1 acre feet).
16. The reasonably projected future annual water use for Crater Lake National Park from Lost/Sand Creek is 0.95 acre feet of water, including current use and direct stream use for

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back-country and wildlife use, in addition to 1.0 cfs for fire protection. This 0.95 acre feet use includes 10,000 gallons of storage with continuous refill for domestic, administrative, wildlife watering, and fire protection. Although National Park Service testimony has updated the claimed amount for Lost/Sand Creek future water needs from 0.95 acre feet per year to 1.1 acre feet per year, Crater Lake National Park is limited to the claimed amount of 0.95 acre feet, in addition to 1.0 cfs for fire protection.

### **CONCLUSIONS AND REASONS:**

The National Park Service has an implied federal reserved water right in Claim Nos. 602-611 in the amounts claimed in the Amended Claims except that the earliest priority date for any federal reserved water right is May 22, 1902 (rather than February 1, 1886 as claimed); and the amount of water for claim no. 602 is 62.8 acre feet for domestic and administrative uses (rather than 63.2 acre feet as claimed), plus 1.0 cfs for fire protection.

[W]hen the Federal Government withdraws its land from the public domain and reserves it for a federal purpose, the Government, by implication, reserves appurtenant water then unappropriated to the extent needed to accomplish the purpose of the reservation. In so doing the United States acquires a reserved right in unappropriated water which vests on the date of the reservation and is superior to the rights of future appropriators.

*Cappaert v. United States*, 426 U.S. 128, 138 (1976).

There being no evidence to the contrary, I relied entirely upon the direct testimony and exhibits received from the NPS and OWRD. On this record, the greater weight of the evidence establishes that the NPS has an implied federal reserved water right for Crater Lake National Park with priority dates of: May 22, 1902, for those lands included in the Park on May 22, 1902; May 14, 1932, for those lands included in the Park on May 14, 1932; December 5, 1940, for those lands included in the Park on December 5, 1940; January 30, 1942, for those lands included in the Park on January 30, 1942; December 19, 1980, for those lands included in the Park on December 19, 1980; and September 8, 1982, for those lands included in the Park on September 8, 1982.

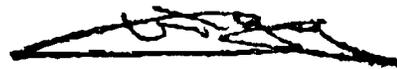
The implied reservation-of-water-rights doctrine, however, reserves only the amount of water necessary to fulfill the purpose of the reservation. *Arizona v. California*, 373 U.S. 546, 600-601 (1963). The greater weight of the evidence establishes that the amount claimed under the implied federal reserved water right is for the minimum amount of water necessary to fulfill reservation purposes, which include: preservation of natural objects within the park; timber protection; preservation of game and fish; prevention and extinguishment of forest fires; permitting tourism including hotels and restaurants; and adequate administration. The quantities approved represent the minimum amounts of water necessary to fulfill reservation purposes for each claim.

**PROPOSED ORDER:**

I recommend that the Adjudicator for the Klamath Basin General Stream Adjudication enter a Final order as follows:

Claims Nos. 602 through 611 are approved as amended with the following modifications: the earliest priority date for any federal reserved water right is May 22, 1902 (rather than February 1, 1886 as claimed); and the amount of water for claim no. 602 is 62.8 acre feet for domestic and administrative uses (rather than 63.2 acre feet as claimed), plus 1.0 cfs for fire protection. The approved claims are described in particular in Appendix "B", appended to and incorporated in this order as if set out fully herein.

To the extent that the Claims 602 through 611 include federal reserved water rights for future uses, those claims are approved and will be assigned priority dates associated with the federal reservation of the location at which the place of use is established. Upon notification of a future use by the NPS, OWRD will record and make the appropriate priority date part of its records for enforcement purposes.



William D. Young, Administrative Law Judge  
Hearing Officer Panel

Date: March 26, 2002

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**NOTICE TO THE PARTIES:** If you are not satisfied with this Order you may:

**EXCEPTIONS:** Parties may file exceptions to this Order with the Adjudicator within 30 days of service of this Order. OAR 137-003-0650.

Exceptions may be made to any proposed finding of fact, conclusions of law, summary of evidence, or recommendations of the Hearing Officer. A copy of the exceptions shall also be delivered or mailed to all participants in this contested case.

Exceptions must be in writing and must clearly and concisely identify the portions of this Order excepted to and cite to appropriate portions of the record to which modifications are sought. Parties opposing these exceptions may file written arguments in opposition to the exceptions within 45 days of service of the Proposed Order. Any exceptions or arguments in opposition must be filed with the Adjudicator at the following address:

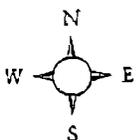
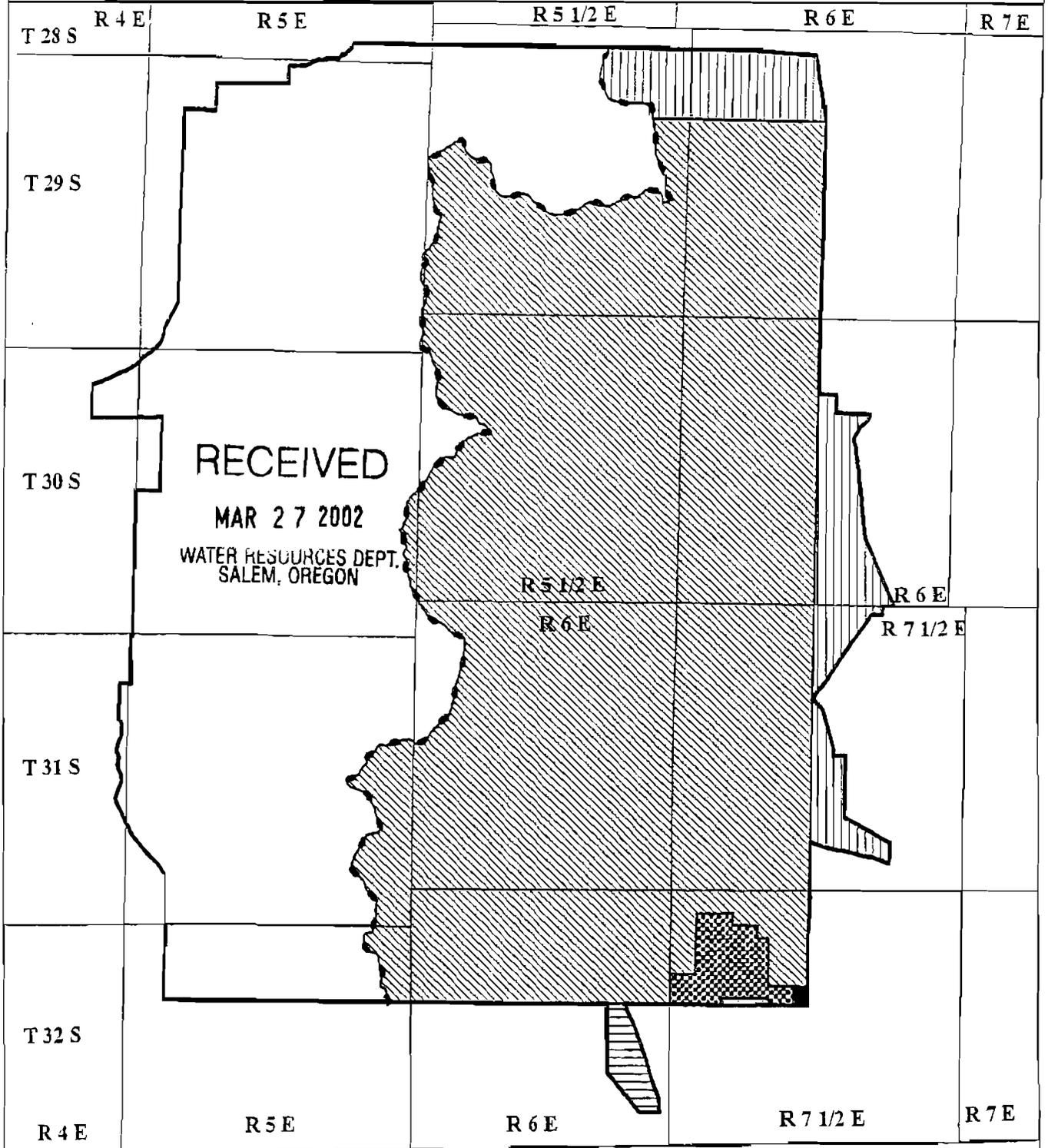
Dick Bailey  
Klamath Basin Adjudication  
Oregon Water Resources Dept  
158 12th Street NE  
Salem OR 97301

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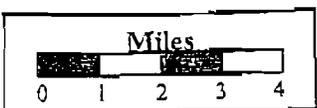
**Appendix A**  
**Crater Lake National Park**  
 Land Reservation Dates (Klamath Basin Only)



**Legend**

 1902 priority area	 1980 priority area
 1932 priority area	— Crater Lake NP Boundary
 1940 priority area	- - - Klamath Watershed Divide
 1942 priority area	

Prepared January, 2002 based on BLM Amended Protraction Diagrams (dated January 2, 1997) used in claim.



Appendix B  
Crater Lake National Park  
Elements of Water Rights

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**CLAIM 602**

1. **BASIS OF RIGHT:** Federal reserved water right.
2. **SOURCE:** Annie Creek and its tributaries within the boundary of Crater Lake National Park. Annie Creek is a tributary to the Wood River.
3. **USE:** Domestic, administrative, wildlife watering, and fire protection.
4. **QUANTITY:** 0.34 cfs, 62.8 acre feet per year for domestic, administrative, and wildlife watering;  
1.0 cfs for fire protection.
5. **PERIOD OF USE:** January 1 through December 31 of each year.
6. **PRIORITY DATE:** May 22, 1902, for all lands described in the Act of May 22, 1902; May 14, 1932, for all lands described in the Act of May 14, 1932; December 5, 1940, for all lands reserved on December 5, 1940; January 30, 1942, for all lands reserved on January 30, 1942; December 19, 1980, for all lands described in the Act of December 19, 1980; September 8, 1982, for all lands described in the Act of September 8, 1982.
7. **PLACE OF USE:** Includes existing and future place of use locations, as follows:

7.1 Existing Place of Use: The following places of use are based on the Amended Protraction Diagrams established by the U.S. Bureau of Land Management, dated November 15, 1996, and January 2, 1997:

Section <u>13</u> , Township <u>31S</u> , Range <u>5E</u> , Meridian	Willamette
Section <u>24</u> , Township <u>31S</u> , Range <u>5E</u> , Meridian	Willamette
Section <u>5</u> , Township <u>31S</u> , Range <u>6E</u> , Meridian	Willamette
Section <u>8</u> , Township <u>31S</u> , Range <u>6E</u> , Meridian	Willamette
Section <u>9</u> , Township <u>31S</u> , Range <u>6E</u> , Meridian	Willamette
Section <u>17</u> , Township <u>31S</u> , Range <u>6E</u> , Meridian	Willamette
Section <u>19</u> , Township <u>31S</u> , Range <u>6E</u> , Meridian	Willamette
Section <u>30</u> , Township <u>31S</u> , Range <u>6E</u> , Meridian	Willamette

These existing places of use are located within that portion of Crater Lake National Park within the Klamath Basin as described in the Act of May 22, 1902. (See Findings of Fact Item 8.1 of the Proposed Order).

7.2 Future Place of Use Existing places of use and anywhere within that portion of Crater Lake National Park located within the Klamath Basin, as further described in Findings of Fact Item 8 of the Proposed Order, and in accordance with Appendix A.

8. **Point(s) of Diversion:** Includes existing and future points of diversion, as follows:

8.1 Existing Point of Diversion: The following point of diversion is located within the following section, which is a protraction based on the Amended Protraction Diagrams established by the U.S. Bureau of Land Management, dated November 15, 1996, and January 2, 1997:

Section 13, Township 31S, Range 5E, Meridian Willamette

This point of diversion is located on a bearing of S 60°19' 24" W and approximately 35,447 feet from the NW corner of Section 6, T.31 S., R. 7.5 E., Willamette Meridian.

8.2 Future Points of Diversion: Any points along Annie Creek or its tributaries within Crater Lake National Park as shown on the map "Klamath Drainage Basin, Oregon", State Water Resources Board, 1971, Map Number 14.6.

Future points of diversion will be located within the following reaches (the river miles reported below for Annie Creek are measured upstream relative to the point where Annie Creek exits Crater Lake National Park (park boundary = river mile 0.0):

8.2.1 Mainstem of Annie Creek, tributary to the Wood River. A reach beginning at an upstream location defined by the headwaters of Annie Creek (at Annie Springs, near river mile 11.4), and ending at a downstream location defined by the point where it exits Crater Lake National Park (near river mile 0.0), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad	River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad
11.4	30430.2' S86°40'36"W from NW corner S. 19, T31S,R7.5E	S.13,T31S,R5E (Projected)	42°52'20"N 122°10'04"W	Union Peak, OR	0.0	2302.4' N38°10'26"W from NW corner S. 31, T32S,R7.5E	PB.58,T32S, R6E (Projected)	42°46'04"N 122°03'34"W	Maklaks Crater, OR

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

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8.2.2 Unnamed Tributary "Annie-1", tributary to Annie Creek. A reach beginning at an upstream location defined by the headwaters of "Annie-1" (at approximately river mile 0.6 above its confluence with Annie Creek), and ending at a downstream location defined by its confluence with Annie Creek (near river mile 4.9 on Annie Creek), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/Bearing	Legal Description	Latitude/Longitude	USGS 7.5' Quad	River Mile*	Distance/Bearing	Legal Description	Latitude/Longitude	USGS 7.5' Quad
0.6	15066.5' N87°40'06"W from NW corner S. 7, T32S,R7.5E	S.3,T32S, R6E (Projected)	42°49'18"N 122°06'38"W	Maklaks Crater, OR	0.0	12942.4' S83°31'54"W from NW corner S. 7, T32S,R7.5E	S.10,T32S,R6E (Projected)	42°48'58"N 122°06'08"W	Maklaks Crater, OR

\*River miles are measured upstream from the confluence of Annie-1 with Annie Creek.

8.2.3 East Fork of Annie Creek, tributary to Annie Creek. A reach beginning at an upstream location defined by the headwaters of the East Fork (at approximately river mile 4.9 above its confluence with Annie Creek), and ending at a downstream location defined by its confluence with Annie Creek (near river mile 6.6 on Annie Creek), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/Bearing	Legal Description	Latitude/Longitude	USGS 7.5' Quad	River Mile*	Distance/Bearing	Legal Description	Latitude/Longitude	USGS 7.5' Quad
4.9	14226.7' S87°23'36"W from NW corner S. 18, T31S,R7.5E	S.15,T31S, R6E (Projected)	42°53'27"N 122°06'27"W	Crater Lake East, OR	0.0	17885.3' S84°50'54"W from NW corner S. 6, T32S,R7.5E	S.4,T32S,R6E (Projected)	42°49'48"N 122°07'14"W	Maklaks Crater, OR

\*River miles are measured upstream from the confluence of the East Fork with Annie Creek.

8.2.4 Unnamed Tributary "Annie-2", tributary to the East Fork of Annie Creek. A reach beginning at an upstream location defined by the headwaters of "Annie-2" (at approximately river mile 1.0 above its confluence with the East Fork), and ending at a downstream location defined by its confluence with the East Fork (at approximately river mile 2.0 above the East Fork confluence with Annie Creek), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/Bearing	Legal Description	Latitude/Longitude	USGS 7.5' Quad	River Mile*	Distance/Bearing	Legal Description	Latitude/Longitude	USGS 7.5' Quad
1.0	12679.0' S89°58'22"W from NW corner S. 30, T31S,R7.5E	S.27,T31S, R6E (Projected)	42°51'49"N 122°06'07"W	Maklaks Crater, OR	0.0	16725.3' N80°11'45"W from NW corner S. 31, T31S,R7.5E	S.28,T31S,R6E (Projected)	42°51'24"N 122°06'58"W	Maklaks Crater, OR

\*River miles are measured upstream from the confluence of Annie-2 with the East Fork.

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8.2.5 Unnamed Tributary "Annie-3", tributary to the East Fork Annie Creek. A reach beginning at an upstream location defined by the headwaters of "Annie-3" (at approximately river mile 1.9 above its confluence with the East Fork), and ending at a downstream location defined by its confluence with the East Fork (at approximately river mile 2.3 above the East Fork confluence with Annie Creek), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad	River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad
1.9	14962.1' N79°36'55"W from NW corner S. 19, T31S,R7.5E	S.15,T31S, R6E (Projected)	42°53'07"N 122°06'35"W	Crater Lake East, OR	0.0	16703.7' S86°08'55"W from NW corner S. 30, T31S,R7.5E	S.28,T31S,R6E (Projected)	42°51'37"N 122°06'60"W	Maklaks Crater, OR

\*River miles are measured upstream from the confluence of Annie-3 with the East Fork.

8.2.6 Unnamed Tributary "Annie-4", tributary to Annie Creek. A reach beginning at an upstream location defined by the headwaters of "Annie-4" (at approximately river mile 3.3 above its confluence with Annie Creek), and ending at a downstream location defined by its confluence with Annie Creek (near river mile 6.9 on Annie Creek), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad	River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad
3.3	30887.3' N86°13'00"W from NW corner S. 18, T32S,R7.5E	S.1,T32S, R5E (Projected)	42°48'37"N 122°10'10"W	Union Peak, OR	0.0	18251.4' S89°38'09"W from NW corner S. 6, T32S,R7.5E	S.4,T32S,R6E (Projected)	42°50'02"N 122°07'20"W	Maklaks Crater, OR

\*River miles are measured upstream from the confluence of Annie-4 with Annie Creek.

8.2.7 Middle Fork of Annie Creek, tributary to Annie Creek. A reach beginning at an upstream location defined by the headwaters of the Middle Fork (at approximately river mile 2.7 above its confluence with Annie Creek), and ending at a downstream location defined by its confluence with Annie Creek (near river mile 7.8 on Annie Creek), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad	River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad
2.7	20619.7' S86°58'41"W from NW corner S. 19, T31S,R7.5E	S.21,T31S, R6E (Projected)	42°52'29"N 122°07'53"W	Union Peak, OR	0.0	20635.5' N84°20'36"W from NW corner S. 6, T32S,R7.5E	S.33,T31S,R6E (Projected)	42°50'23"N 122°07'52"W	Union Peak, OR

\*River miles are measured upstream from the confluence of the Middle Fork with Annie Creek.

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8.2.8 Unnamed Tributary "Annie-5", tributary to the Middle Fork of Annie Creek. A reach beginning at an upstream location defined by the headwaters of "Annie-5" (at approximately river mile 0.6 above its confluence with the Middle Fork), and ending at a downstream location defined by its confluence with the Middle Fork (at approximately river mile 1.6 above the Middle Fork confluence with Annie Creek), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/Bearing	Legal Description	Latitude/Longitude	USGS 7.5' Quad	River Mile*	Distance/Bearing	Legal Description	Latitude/Longitude	USGS 7.5' Quad
0.6	21773.7' N85°17'04"W from NW corner S. 30, T31S,R7.5E	S.20,T31S, R6E (Projected)	42°52'05"N 122°08'08"W	Union Peak, OR	0.0	20976.6' S87°24'06"W from NW corner S. 30, T31S,R7.5E	S.28,T31S,R6E (Projected)	42°51'38"N 122°07'57"W	Union Peak, OR

\*River miles are measured upstream from the confluence of Annie-5 with the Middle Fork.

8.2.9 Pole Bridge Creek, tributary to Annie Creek. A reach beginning at an upstream location defined by the headwaters of Pole Bridge Creek (at approximately river mile 1.9 above its confluence with Annie Creek), and ending at a downstream location defined by its confluence with Annie Creek (near river mile 8.6 on Annie Creek), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/Bearing	Legal Description	Latitude/Longitude	USGS 7.5' Quad	River Mile*	Distance/Bearing	Legal Description	Latitude/Longitude	USGS 7.5' Quad
1.9	31502.9' N86°58'26"W from NW corner S. 6, T32S,R7.5E	S.36,T31S, R5E (Projected)	42°50'17"N 122°10'18"W	Union Peak, OR	0.0	23098.9' S87°05'12"W from NW corner S. 31, T31S,R7.5E	S.32,T31S,R6E (Projected)	42°50'43"N 122°08'25"W	Union Peak, OR

\*River miles are measured upstream from the confluence of Pole Bridge Creek with Annie Creek.

8.2.10 Munson Creek, tributary to Annie Creek. A reach beginning at an upstream location defined by the headwaters of Munson Creek (at Munson Springs, which is located at approximately river mile 4.3 above the confluence of Munson Creek with Annie Creek), and ending at a downstream location defined by its confluence with Annie Creek (near river mile 9.9 on Annie Creek), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/Bearing	Legal Description	Latitude/Longitude	USGS 7.5' Quad	River Mile*	Distance/Bearing	Legal Description	Latitude/Longitude	USGS 7.5' Quad
4.3	21690.3' S89°22'36"W from NW corner S. 7, T31S,R7.5E	S.8,T31S, R6E (Projected)	42°54'22"N 122°08'07"W	Crater Lake West, OR	0.0	26103.9' S87°18'05"W from NW corner S. 30, T31S,R7.5E	S.29,T31S,R6E (Projected)	42°51'34"N 122°09'06"W	Union Peak, OR

\*River miles are measured upstream from the confluence of Munson Creek with Annie Creek.

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8.2.11 Unnamed Tributary "Annie-6", tributary to Munson Cree. A reach beginning at an upstream location defined by the headwaters of "Annie-6" (at unnamed springs, which are located at approximately river mile 0.9 above the confluence of "Annie-6" with Munson Creek), and ending at a downstream location defined by its confluence with Munson Creek (at approximately river mile 2.4 above the Munson Creek confluence with Annie Creek), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad	River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad
0.9	20278.3' N88°57'37"W from NW corner S. 18, T31S,R7.5E	S.9,T31S, R6E (Projected)	42°53'36"N 122°07'49"W	Crater Lake West, OR	0.0	21476.5' N85°46'13"W from NW corner S. 19, T31S,R7.5E	S.17,T31S,R6E (Projected)	42°52'55"N 122°08'05"W	Crater Lake West, OR

\*River miles are measured upstream from the confluence of Annie-6 with Munson Creek.

8.2.12 Goodbye Creek, tributary to Annie Creek. A reach beginning at an upstream location defined by the headwaters of Goodbye Creek (at approximately river mile 1.4 above its confluence with Annie Creek), and ending at a downstream location defined by its confluence with Annie Creek (near river mile 10.2 on Annie Creek), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad	River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad
1.4	25513.0' N87°40'30"W from NW corner S. 19, T31S,R7.5E	S.17,T31S, R6E (Projected)	42°52'49"N 122°08'59"W	Crater Lake West, OR	0.0	26690.2' S89°28'03"W from NW corner S. 30, T31S,R7.5E	S.30,T31S,R6E (Projected)	42°51'44"N 122°09'15"W	Union Peak, OR

\*River miles are measured upstream from the confluence of Goodbye Creek with Annie Creek.

8.2.13 Unnamed Tributary "Annie-7", tributary to Goodbye Creek. A reach beginning at an upstream location defined by the headwaters of "Annie-7" (at approximately river mile 1.2 above its confluence with Goodbye Creek), and ending at a downstream location defined by its confluence with Goodbye Creek (at approximately river mile 0.1 above the Goodbye Creek confluence with Annie Creek), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad	River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad
1.2	23828.9' S87°26'01"W from NW corner S. 19, T31S,R7.5E	S.20,T31S, R6E (Projected)	42°52'29"N 122°08'36"W	Union Peak, OR	0.0	26845.5' N89°23'07"W from NW corner S. 30, T31S,R7.5E	S.30,T31S,R6E (Projected)	42°51'49"N 122°09'17"W	Union Peak, OR

\*River miles are measured upstream from the confluence of Annie-7 with Goodbye Creek.

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WATER RESOURCES DEPT.  
SALEM, OREGON

**CLAIM 603**

1. **BASIS OF RIGHT:** Federal reserved water right.
2. **SOURCE:** Bear Creek within the boundary of Crater Lake National Park. Bear Creek is a tributary to the Williamson River.
3. **USE:** Domestic, administrative, wildlife watering, and fire protection.
4. **QUANTITY:** 0.1 acre feet per year for domestic, administrative, and wildlife watering; 1.0 cfs for fire protection.
5. **PERIOD OF USE:** January 1 through December 31 of each year.
6. **PRIORITY DATE:** May 22, 1902, for all lands described in the Act of May 22, 1902; May 14, 1932, for all lands described in the Act of May 14, 1932; December 5, 1940, for all lands reserved on December 5, 1940; January 30, 1942, for all lands reserved on January 30, 1942; December 19, 1980, for all lands described in the Act of December 19, 1980; September 8, 1982, for all lands described in the Act of September 8, 1982.
7. **PLACE OF USE:** Anywhere within that portion of Crater Lake National Park located within the Klamath Basin, as further described in Findings of Fact Item 8 of the Proposed Order, and in accordance with Appendix A.
8. **POINT(S) OF DIVERSION:** Any points along Bear Creek within Crater Lake National Park as shown on the map "Klamath Drainage Basin, Oregon", State Water Resources Board, 1971, Map Number 14.6. The river miles reported below for Bear Creek are measured upstream relative to the point where Bear Creek exits Crater Lake National Park (park boundary = river mile 0.0). Points of diversion will be located within the following reach:

8.1 Mainstem of Bear Creek, tributary to the Williamson River. A reach beginning at an upstream location defined by the headwaters of Bear Creek (at approximately river mile 4.2), and ending at a downstream location defined by the point where it exits Crater Lake National Park (river mile 0.0), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad	River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad
4.2	9521.0' N14°38'15"E from NW corner S. 6, T31S,R7.5E	S.30,T30S, R6E (Projected)	42°56'51"N 122°02'45"W	Crater Lake East, OR	0.0	15289.2' S45°36'44"W from SW corner S. 31, T29S,R7E	S.15,T30S,R6E (Projected)	42°58'43"N 121°58'58"W	Pothole Butte, Or

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

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**WATER RESOURCES DEPT.  
SALEM, OREGON**

# CLAIM 604

1. **BASIS OF RIGHT:** Federal reserved water right.
2. **SOURCE:** Desert Creek within the boundary of Crater Lake National Park. Desert Creek is a tributary to the Williamson River.
3. **USE:** Domestic, administrative, wildlife watering, and fire protection.
4. **QUANTITY:** 0.1 acre feet per year for domestic, administrative, and wildlife watering; 1.0 cfs for fire protection.
5. **PERIOD OF USE:** January 1 through December 31 of each year.
6. **PRIORITY DATE:** May 22, 1902, for all lands described in the Act of May 22, 1902; May 14, 1932, for all lands described in the Act of May 14, 1932; December 5, 1940, for all lands reserved on December 5, 1940; January 30, 1942, for all lands reserved on January 30, 1942; December 19, 1980, for all lands described in the Act of December 19, 1980; September 8, 1982, for all lands described in the Act of September 8, 1982.
7. **PLACE OF USE:** Anywhere within that portion of Crater Lake National Park located within the Klamath Basin, as further described in Item 17 of the Proposed Order, and in accordance with Appendix A.
8. **POINT(S) OF DIVERSION:** Any points along Desert Creek within Crater Lake National Park as shown on the map "Klamath Drainage Basin, Oregon", State Water Resources Board, 1971, Map Number 14.6. The river miles reported below for Desert Creek are measured upstream relative to the point where Desert Creek exits Crater Lake National Park (park boundary = river mile 0.0). Points of diversion will be located within the following reach:

8.1 Mainstem of Desert Creek, tributary to the Williamson River. A reach beginning at an upstream location defined by the headwaters of Desert Creek (at approximately river mile 1.5), and ending at a downstream location defined by the point where it exits Crater Lake National Park (river mile 0.0), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad	River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad
1.5	22740.0' S84°45'43"W from NW corner S. 31, T29S,R7E	S.32,T29S, R6E (Projected)	43°00'58"N 122°01'37"W	Pumice Desert East, OR	0.0	15127.5' S85°24'30"W from NW corner S. 31, T29S,R7E	PB.53,T29S, R6E (Projected)	43°01'08"N 121°59'56"W	Welch Butte, OR

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

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**CLAIM 605**

1. **BASIS OF RIGHT:** Federal reserved water right.
2. **SOURCE:** Pothole Creek within the boundary of Crater Lake National Park. Pothole Creek is a tributary to the Williamson River.
3. **USE:** Domestic, administrative, wildlife watering, and fire protection.
4. **QUANTITY:** 0.1 acre feet per year for domestic, administrative, and wildlife watering; 1.0 cfs for fire protection.
5. **PERIOD OF USE:** January 1 through December 31 of each year.
6. **PRIORITY DATE:** May 22, 1902, for all lands described in the Act of May 22, 1902; May 14, 1932, for all lands described in the Act of May 14, 1932; December 5, 1940, for all lands reserved on December 5, 1940; January 30, 1942, for all lands reserved on January 30, 1942; December 19, 1980, for all lands described in the Act of December 19, 1980; September 8, 1982, for all lands described in the Act of September 8, 1982.
7. **PLACE OF USE:** Anywhere within that portion of Crater Lake National Park located within the Klamath Basin, as further described in Findings of Fact Item 8 of the Proposed Order, and in accordance with Appendix A.
8. **POINT(S) OF DIVERSION:** Any points along Pothole Creek within Crater Lake National Park as shown on the map "Klamath Drainage Basin, Oregon", State Water Resources Board, 1971, Map Number 14.6. The river miles reported below for Pothole Creek are measured upstream relative to the point where Pothole Creek exits Crater Lake National Park (park boundary = river mile 0.0). Points of diversion will be located within the following reach:

8.1 Mainstem of Pothole Creek, tributary to the Williamson River. A reach beginning at an upstream location defined by the headwaters of Pothole Creek (at Pothole Spring, at approximately river mile 1.1), and ending at a downstream location defined by the point where it exits Crater Lake National Park (river mile 0.0), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad	River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad
1.1	S823.3° N08°46'53"W from NW corner S. 3, T31S,R7.5E	S.27,T30S, R6E (Projected)	42°56'16"N 121°59'52"W	Pothole Butte, OR	0.0	7525.6° N09°08'40"W from NW corner S. 2, T31S,R7.5E	S.26,T30S,R6E (Projected)	42°56'32"N 121°58'47"W	Pothole Butte, OR

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

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SALEM, OREGON**

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WATER RESOURCES DEPT.  
SALEM, OREGON

**CLAIM 606**

1. **BASIS OF RIGHT:** Federal reserved water right.
2. **SOURCE:** Sand Creek and its tributaries within the boundary of Crater Lake National Park. Sand Creek is a tributary to the Williamson River.
3. **USE:** Domestic, administrative, wildlife watering, and fire protection.
4. **QUANTITY:** 0.06 cfs, 0.95 acre feet per year for domestic, administrative, and wildlife watering;  
1.0 cfs for fire protection; 10,000 gallons of storage with continuous refill for domestic, administrative, wildlife watering, and fire protection.
5. **PERIOD OF USE:** January 1 through December 31 of each year.
6. **PRIORITY DATE:** May 22, 1902, for all lands described in the Act of May 22, 1902; May 14, 1932, for all lands described in the Act of May 14, 1932; December 5, 1940, for all lands reserved on December 5, 1940; January 30, 1942, for all lands reserved on January 30, 1942; December 19, 1980, for all lands described in the Act of December 19, 1980; September 8, 1982, for all lands described in the Act of September 8, 1982.

7. **PLACE OF USE:** Includes existing and future place of use locations, as follows:

7.1 Existing Place of Use: The following place of use is a projection based on USGS quadrangle map "Crater Lake National Park and Vicinity", dated 1988, map number 42122-H2-PF-625:

Quarter/Quarter SE/SE Section 18, Township 31S, Range 7.5E,  
Meridian Willamette

This existing place of use is located within that portion of Crater Lake National Park within the Klamath Basin as described in the Act of May 22, 1902. (See Findings of Fact Item 8.1 of the Proposed Order).

7.2 Future Place of Use: Existing place of use and anywhere within that portion of Crater Lake National Park located within the Klamath Basin, as further described in Findings of Fact Item 8 of the Proposed Order, and in accordance with Appendix A.

8. **POINT(S) OF DIVERSION:** Includes existing and future points of diversion, as follows:

8.1 Existing Point of Diversion: The following point of diversion is located within the following quarter-quarter section, which is a projection based on USGS quadrangle map "Crater Lake National Park and Vicinity," dated 1988, map number 42122-H2-PF-625:

Quarter/Quarter NE/SW Section 18, Township 31S, Range 7.5E,  
Meridian Willamette

This point of diversion is located approximately 2,310 feet North and approximately 1,596 feet East of the southwest corner of the above-referenced quarter-quarter section.

8.2 Future Points of Diversion: The existing point of diversion and any points along Sand Creek or its tributaries within Crater Lake National Park as shown on the map "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971, Map Number 14.6. The river miles reported below for Sand Creek are measured upstream relative to the point where Sand Creek exits Crater Lake National Park (park boundary = river mile 0.0). Future points of diversion will be located within the following reaches:

8.2.1 Mainstem of Sand Creek, tributary to the Williamson River. A reach beginning at an upstream location defined by the headwaters of Sand Creek (at approximately river mile 9.0), and ending at a downstream location defined by the point where it exits Crater Lake National Park (river mile 0.0), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad	River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad
9.0	2538.3' N25°39'23"E from NW corner S. 5, T31S,R7.5E	PB.43,T30S, R6E (Projected)	42°55'42"N 122°01'47"W	Crater Lake East, OR	0.0	3068.3' S56°14'33"E from NW corner S. 35, T31S,R7.5E	SE1/4,NW1/4, S.35,T31S, R7.5E	42°50'44"N 121°57'55"W	Sun Pass, OR

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

8.2.2 Cavern Creek, tributary to Sand Creek. A reach beginning at an upstream location defined by the headwaters of Cavern Creek (at approximately river mile 5.2 above its confluence with Sand Creek), and ending at a downstream location defined by its confluence with Sand Creek (near river mile 0.8 on Sand Creek), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad	River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad
5.2	2325.2' S69°55'43"W from NW corner S. 9, T31S,R7.5E	NW1/4,NE1/4, S.8,T31S, R7.5E	42°54'21"N 122°01'21"W	Crater Lake East, OR	0.0	1475.2' S64°32'48"W from NW corner S. 35, T31S,R7.5E	NW1/4,NE1/4, S.34,T31S, R7.5E	42°50'53"N 121°58'48"W	Sun Pass, OR

\*River miles are measured upstream from the confluence of Cavern Creek with Sand Creek.

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8.2.3 Unnamed Tributary "Sand-1", tributary to Cavern Creek. A reach beginning at an upstream location defined by the point where "Sand-1" enters the park (at approximately river mile 0.8 above its confluence with Cavern Creek), and ending at a downstream location defined by its confluence with Cavern Creek (at approximately river mile 1.5 above the Cavern Creek confluence with Sand Creek), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad	River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad
0.8	2772.9' S69°18'13"W from NW corner S. 23, T31S,R7.5E	NW1/4,NE1/4, S.22,T31S, R7.5E	42°52'34"N 121°59'04"W	Pothole Butte, OR	0.0	1042.1' N68°33'21"E from NW corner S. 27, T31S,R7.5E	SW1/4,SW1/4, S. 22,T31S, R7.5E	42°51'56"N 121°59'28"W	Sun Pass, OR

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

8.2.4 Wheeler Creek, tributary to Sand Creek. A reach beginning at an upstream location defined by the headwaters of Wheeler Creek (at approximately river mile 6.4 above its confluence with Sand Creek), and ending at a downstream location defined by its confluence with Sand Creek (near river mile 1.7 on Sand Creek), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad	River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad
6.4	7350.1' N81°54'46"W from NW corner S. 18, T31S,R7.5E	S.11,T31S, R6E (Projected)	42°53'45"N 122°04'54"W	Crater Lake East, OR	0.0	148.4' N20°30'39"W from NW corner S. 34, T31S,R7.5E	SE1/4,SE1/4, S.28,T31S, R7.5E	42°51'01"N 121°59'41"W	Sun Pass, OR

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

8.2.5 Lost Creek, tributary to Wheeler Creek. A reach beginning at an upstream location defined by the headwaters of Lost Creek (at approximately river mile 0.9 above its confluence with Wheeler Creek), and ending at a downstream location defined by its confluence with Wheeler Creek (at approximately river mile 3.0 above the Wheeler Creek confluence with Sand Creek), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad	River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad
0.9	2149.6' N48°18'00"W from NW corner S. 20, T31S,R7.5E	NW1/4,SE1/4, S.18,T31S, R7.5E	42°52'58"N 122°02'25"W	Crater Lake East, OR	0.0	2279.1' N03°26'46"E from NW corner S 29, T31S,R7.5E	NW1/4,SW1/4, S.20,T31S, R7.5E	42°52'14"N 122°02'02"W	Maklaks Crater, OR

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

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8.2.6 Unnamed Tributary "Sand-2", tributary to Sand Creek. A reach beginning at an upstream location defined by the headwaters of "Sand-2" (at approximately river mile 2.5 above its confluence with Sand Creek), and ending at a downstream location defined by its confluence with Sand Creek (near river mile 4.3 on Sand Creek), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad	River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad
2.5	638.4' N79°09'55"E from NW corner S. 8, T31S,R7.5E	SW1/4,SW1/4, S.5,T31S, R7.5E	42°54'30"N 122°01'54"W	Crater Lake East, OR	0.0	1729.6' S47°50'08"E from NW corner S. 20, T31S,R7.5E	NW1/4,NW1/4, S.20,T31S, R7.5E	42°52'33"N 122°01'46"W	Crater Lake East, OR

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

8.2.7 Unnamed Tributary "Sand-3", tributary to Sand Creek. A reach beginning at an upstream location defined by the headwaters of "Sand-3" (at approximately river mile 0.8 above its confluence with Sand Creek), and ending at a downstream location defined by its confluence with Sand Creek (near river mile 7.4 on Sand Creek), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad	River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad
0.8	1391.3' N80°41'36"E from NW corner S. 6, T31S,R7.5E	PB.42,T30S, R6E (Projected)	42°55'22"N 122°02'57"W	Crater Lake East, OR	0.0	2286.6' N41°17'40"E from NW corner S. 7, T31S,R7.5E	NW1/4,SW1/4, S.6,T31S, R7.5E	42°54'46"N 122°02'56"W	Crater Lake East, OR

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

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# CLAIM 607

1. **BASIS OF RIGHT:** Federal reserved water right.
2. **SOURCE:** Scott Creek within the boundary of Crater Lake National Park. Scott Creek is a tributary to the Williamson River.
3. **USE:** Domestic, administrative, wildlife watering, and fire protection.
4. **QUANTITY:** 0.1 acre feet per year for domestic, administrative, and wildlife watering; 1.0 cfs for fire protection.
5. **PERIOD OF USE:** January 1 through December 31 of each year.
6. **PRIORITY DATE:** May 22, 1902, for all lands described in the Act of May 22, 1902; May 14, 1932, for all lands described in the Act of May 14, 1932; December 5, 1940, for all lands reserved on December 5, 1940; January 30, 1942, for all lands reserved on January 30, 1942; December 19, 1980, for all lands described in the Act of December 19, 1980; September 8, 1982, for all lands described in the Act of September 8, 1982.
7. **PLACE OF USE:** Anywhere within that portion of Crater Lake National Park located within the Klamath Basin, as further described in Findings of Fact Item 8 of the Proposed Order, and in accordance with Appendix A.
8. **POINT(S) OF DIVERSION:** Any points along Scott Creek within Crater Lake National Park as shown on the map "Klamath Drainage Basin, Oregon", State Water Resources Board, 1971, Map Number 14.6. The river miles reported below for Scott Creek are measured upstream relative to the point where Scott Creek exits Crater Lake National Park (park boundary = river mile 0.0). Points of diversion will be located within the following reach:

8.1 Mainstem of Scott Creek, tributary to the Williamson River. A reach beginning at an upstream location defined by the headwaters of Scott Creek (at approximately river mile 0.7), and ending at a downstream location defined by the point where it exits Crater Lake National Park (river mile 0.0), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad	River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad
0.7	1550.4' N74°05'25"W from NW corner S. 10, T31S,R7.5E	SW1/4,SE1/4, S.4,T31S, R7.5E	42°54'33"N 122°00'00"W	Pothole Butte, OR	0.0	2187.4' S42°43'16"E from NW corner S. 10, T31S,R7.5E	SE1/4,NW1/4, S.10,T31S, R7.5E	42°54'14"N 121°59'20"W	Pothole Butte, OR

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

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# CLAIM 608

1. **BASIS OF RIGHT:** Federal reserved water right.
2. **SOURCE:** Silent Creek within the boundary of Crater Lake National Park. Silent Creek is a tributary to the Williamson River.
3. **USE:** Domestic, administrative, wildlife watering, and fire protection.
4. **QUANTITY:** 0.1 acre feet per year for domestic, administrative, and wildlife watering; 1.0 cfs for fire protection.
5. **PERIOD OF USE:** January 1 through December 31 of each year.
6. **PRIORITY DATE:** May 22, 1902, for all lands described in the Act of May 22, 1902; May 14, 1932, for all lands described in the Act of May 14, 1932; December 5, 1940, for all lands reserved on December 5, 1940; January 30, 1942, for all lands reserved on January 30, 1942; December 19, 1980, for all lands described in the Act of December 19, 1980; September 8, 1982, for all lands described in the Act of September 8, 1982.
7. **PLACE OF USE:** Anywhere within that portion of Crater Lake National Park located within the Klamath Basin, as further described in Findings of Fact Item 8 of the Proposed Order, and in accordance with Appendix A.
8. **POINT(S) OF DIVERSION:** Any points along Silent Creek within Crater Lake National Park as shown on the map "Klamath Drainage Basin, Oregon", State Water Resources Board, 1971, Map Number 14.6. The river miles reported below for Silent Creek are measured upstream relative to the point where Silent Creek exits Crater Lake National Park (park boundary = river mile 0.0). Points of diversion will be located within the following reach:

8.1 Mainstem of Silent Creek, tributary to the Williamson River. A reach beginning at an upstream location defined by the headwaters of Silent Creek (at approximately river mile 2.2), and ending at a downstream location defined by the point where it exits Crater Lake National Park (river mile 0.0), as described in following table:

Upstream Location					Downstream Location				
River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad	River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad
2.2	18712.3' N08°40'48"E from NW corner S. 5, T31S,R7.5E	S.17,T30S,R6E (Projected)	42°58'23"N 122°01'28"W	Crater Lake East, OR	0.0	15550.9' S75°51'49"W from SW corner S. 31, T29S,R7E	PB.39,T30S, R6E (Projected)	42°59'50"N 121°59'55"W	Pothole Butte, OR

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

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# CLAIM 609

1. **BASIS OF RIGHT:** Federal reserved water right.
2. **SOURCE:** Sun Creek and its tributaries within the boundary of Crater Lake National Park. Sun Creek is a tributary to the Wood River.
3. **USE:** Domestic, administrative, wildlife watering, and fire protection.
4. **QUANTITY:** 0.1 acre feet per year for domestic, administrative, and wildlife watering; 1.0 cfs for fire protection.
5. **PERIOD OF USE:** January 1 through December 31 of each year.
6. **PRIORITY DATE:** May 22, 1902, for all lands described in the Act of May 22, 1902; May 14, 1932, for all lands described in the Act of May 14, 1932; December 5, 1940, for all lands reserved on December 5, 1940; January 30, 1942, for all lands reserved on January 30, 1942; December 19, 1980, for all lands described in the Act of December 19, 1980; September 8, 1982, for all lands described in the Act of September 8, 1982.
7. **PLACE OF USE:** Anywhere within that portion of Crater Lake National Park located within the Klamath Basin, as further described in Findings of Fact Item 8 of the Proposed Order, and in accordance with Appendix A.
8. **POINT(S) OF DIVERSION:** Any points along Sun Creek and its tributaries within Crater Lake National Park as shown on the map "Klamath Drainage Basin, Oregon," State Water Resources Board, 1971, Map Number 14.6. The river miles reported below for Sun Creek are measured upstream relative to the point where Sun Creek exits Crater Lake National Park (park boundary = river mile 0.0). Points of diversion will be located within the following reaches:

8.1 Mainstem of Sun Creek, tributary to the Wood River. A reach beginning at an upstream location defined by the headwaters of Sun Creek (at approximately river mile 9.1), and ending at a downstream location defined by the point where it exits Crater Lake National Park (river mile 0.0), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad	River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad
9.1	11267.1' N81°10'59"W from NW corner S. 18, T31S,R7.5E	S.10,T31S,R6E (Projected)	42°53'51"N 122°05'46"W	Crater Lake East, OR	0.0	2473.8' S34°14'33"E from NW corner S. 17, T32S,R7.5E	SE1/4,NW1/4, S.17,T32S, R7.5E	42°48'04"N 122°01'45"W	Makiaks Crater, OR

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

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8.2 Vidae Creek, tributary to Sun Creek. A reach beginning at an upstream location defined by the headwaters of Vidae Creek (at approximately river mile 0.7 above its confluence with Sun Creek), and ending at a downstream location defined by its confluence with Sun Creek (near river mile 7.5 on Sun Creek), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad	River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad
0.7	12466.7' S80°32'07"W from NW corner S. 18, T31S,R7.5E	S.15,T31S,R6E (Projected)	42°53'14"N 122°06'01"W	Crater Lake East, OR	0.0	11934.5' S88°49'25"W from NW corner S. 19, T31S,R7.5E	S.22,T31S,R6E (Projected)	42°52'39"N 122°05'57"W	Crater Lake East, OR

\*River miles are measured upstream from the confluence of Vidae Creek with Sun Creek.

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# CLAIM 610

1. **BASIS OF RIGHT:** Federal reserved water right.
2. **SOURCE:** Unnamed Creek near Annie Creek within the boundary of Crater Lake National Park. Unnamed Creek near Annie Creek is a tributary to the Wood River.
3. **USE:** Domestic, administrative, wildlife watering, and fire protection.
4. **QUANTITY:** 0.1 acre feet per year for domestic, administrative, and wildlife watering; 1.0 cfs for fire protection.
5. **PERIOD OF USE:** January 1 through December 31 of each year.
6. **PRIORITY DATE:** May 22, 1902, for all lands described in the Act of May 22, 1902; May 14, 1932, for all lands described in the Act of May 14, 1932; December 5, 1940, for all lands reserved on December 5, 1940; January 30, 1942, for all lands reserved on January 30, 1942; December 19, 1980, for all lands described in the Act of December 19, 1980; September 8, 1982, for all lands described in the Act of September 8, 1982.
7. **PLACE OF USE:** Anywhere within that portion of Crater Lake National Park located within the Klamath Basin, as further described in Findings of Fact Item 8 of the Proposed Order, and in accordance with Appendix A.
8. **POINT(S) OF DIVERSION:** Any points along the Unnamed Creek (near Annie Creek) within Crater Lake National Park as shown on the map "Klamath Drainage Basin, Oregon", State Water Resources Board, 1971, Map Number 14.6. The river miles reported below for the Unnamed Creek are measured upstream relative to the point where the unnamed creek exits Crater Lake National Park (park boundary = river mile 0.0). Points of diversion will be located within the following reach:

8.1 Mainstem of Unnamed Creek (near Annie Creek), tributary to the Wood River. A reach beginning at an upstream location defined by the headwaters of the unnamed creek (at approximately river mile 3.2), and ending at a downstream location defined by the point where it exits Crater Lake National Park (river mile 0.0), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad	River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad
3.2	8189.9' N84°08'03"W from NW corner S. 6, T32S,R7.5E	S.35,T31S, R6E (Projected)	42°50'13"N 122°05'05"W	Maklaks Crater, OR	0.0	2347.1' S36°17'02"W from NW corner S. 18, T32S,R7.5E	PB.39,T32S, R6E (Projected)	42°48'03"N 122°03'34"W	Maklaks Crater, OR

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

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**CLAIM 611**

1. **BASIS OF RIGHT:** Federal reserved water right.
2. **SOURCE:** Unnamed Creek in the northeast corner of Crater Lake National Park within the boundary of Crater Lake National Park. Unnamed Creek in the northeast corner of Crater Lake National Park within the boundary of Crater Lake National Park is tributary to the Williamson River.
3. **USE:** Domestic, administrative, wildlife watering, and fire protection.
4. **QUANTITY:** 0.1 acre feet per year for domestic, administrative, and wildlife watering; 1.0 cfs for fire protection.
5. **PERIOD OF USE:** January 1 through December 31 of each year.
6. **PRIORITY DATE:** May 22, 1902, for all lands described in the Act of May 22, 1902; May 14, 1932, for all lands described in the Act of May 14, 1932; December 5, 1940, for all lands reserved on December 5, 1940; January 30, 1942, for all lands reserved on January 30, 1942; December 19, 1980, for all lands described in the Act of December 19, 1980; September 8, 1982, for all lands described in the Act of September 8, 1982.
7. **PLACE OF USE:** Anywhere within that portion of Crater Lake National Park located within the Klamath Basin, as further described in Findings of Fact Item 8 of the Proposed Order, and in accordance with Appendix A.
8. **POINT(S) OF DIVERSION:** Any points along the Unnamed Creek (in the northeast corner of the Park) within Crater Lake National Park as shown on the map "Klamath Drainage Basin, Oregon", State Water Resources Board, 1971, Map Number 14.6. The river miles reported below for the Unnamed Creek are measured upstream relative to the point where the unnamed creek exits Crater Lake National Park (park boundary = river mile 0.0). Points of diversion will be located within the following reach:

8.1 Mainstem of Unnamed Creek (in the northeast corner of the Park), tributary to the Williamson River. A reach beginning at an upstream location defined by the headwaters of the unnamed creek (at approximately river mile 2.2), and ending at a downstream location defined by the point where it exits Crater Lake National Park (river mile 0.0), as described in the following table:

Upstream Location					Downstream Location				
River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad	River Mile*	Distance/ Bearing	Legal Description	Latitude/ Longitude	USGS 7.5' Quad
2.2	27346.5' S85°31'20"W from NW corner S. 6, T29S,R7E	S.6,T29S, R6E (Projected)	43°05'18"N 122°02'39"W	Pumice Desert East, OR	0.0	16345.4' N84°38'35"W from NW corner S. 7, T29S,R7E	S.4,T29S,R6E (Projected)	43°05'03"N 122°00'11"W	Pumice Desert East, OR

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

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CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2002, I mailed a true copy of the following: **AMENDED PROPOSED ORDER**, by depositing the same in the U.S. Post Office, Salem, Oregon 97309, with first class postage prepaid thereon, and addressed to:

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